

is no requirement in the statute that the charge retaliated against must be made “against his employer.” The Court illustrated its point by stating that, if the District Court were correct, an employer would be able to negate any liability under Title VII by simply creating a holding company to hire its employees. To prevent that form of abuse, the Court of Appeals held that “no employer may retaliate against someone who makes or supports a charge of discrimination against any employer.” The Court then questioned, but did not answer, whether the CPS could have been considered his employer under the borrowed-servant doctrine.

What does this mean for our clients? First, never retaliate against an employee who makes a claim to the EEOC, even if you are not the target of the complaint. Second, if you use temporary workers or other types of “borrowed servants” they may be able to file claims with the EEOC against you, even if you are not their employer.

### **NEW STATE REQUIREMENT FOR EMPLOYMENT APPLICATIONS**

The Juvenile Court Act of 1987, as amended by the Illinois General Assembly, now prevents employers from asking applicants if they had a juvenile arrest record. The amended law now places a duty on employers to have their applications contain specific language stating that the applicant is not obligated to disclose expunged juvenile records of arrest or conviction.

### **ALL CDB PROJECTS MUST FOLLOW THE ASHRAE 90.1 STANDARD**

The Capital Development Board now requires all projects that receive any state funding to comply with the new CDB Energy Code. This mandate includes all new construction, repairs or renovations to existing buildings. The CDB Energy Code requires compliance with the 2001 edition of the American Society of Heating, Refrigerating and Air-Conditioning Engineers’

Standard 90.1: Energy Standards for Buildings, Except Low-Rise Residential Buildings, as well as all addenda and modifications adopted by CDB.

The CDB is responsible for enforcing compliance with the energy code. Architects and engineers working on state-funded projects are required to submit compliance documentation that the ASHRAE 90.1 standards are being met to CDB at both the 50 percent and 100 percent design submittals. The CDB Energy Code can be found in the Illinois Administrative Code, Title 71, Part 600. The Administrative Code can be accessed on-line at [www.illinois.gov](http://www.illinois.gov). To find out more information about the ASHRAE 90.1 Standard, visit the American Society of Heating, Refrigerating and Air-Conditioning Engineers’ webpage at [www.ashare.org](http://www.ashare.org)

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