

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 7-109.1, 7A-102, 7B-102, 8-101, 8-102,
6 8-103, 8-110, 8A-103, and 8B-103 as follows:

7 (775 ILCS 5/7-109.1) (from Ch. 68, par. 7-109.1)

8 Sec. 7-109.1. Administrative dismissal of charges Federal
9 or State Court Proceedings. For charges filed under this Act,
10 if the charging party has initiated litigation for the purpose
11 of seeking final relief in a State or federal court or before
12 an administrative law judge or hearing officer in an
13 administrative proceeding before a local government
14 administrative agency, and if a final decision on the merits in
15 that litigation or administrative hearing would preclude the
16 charging party from bringing another action based on the
17 pending charge, the Department shall cease its investigation
18 and dismiss the pending charge by order of the Director, who
19 shall provide the charging party notice of his or her right to
20 commence a civil action in the appropriate circuit court or
21 other appropriate court of competent jurisdiction. The
22 Director shall also provide the charging party notice of his or
23 her right to seek review of the dismissal order before the

1 Commission. Any review by the Commission of the dismissal shall
2 be limited to the question of whether the charge was properly
3 dismissed pursuant to this Section. Nothing in this Section
4 shall preclude the Department from continuing to investigate an
5 allegation in a charge that is unique to this Act or otherwise
6 could not have been included in the litigation or
7 administrative proceeding. ~~The Department may administratively~~
8 ~~close a charge pending before the Department if the issues~~
9 ~~which are the basis of the charge are being litigated in a~~
10 ~~State or federal court proceeding.~~

11 (Source: P.A. 86-1343.)

12 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

13 Sec. 7A-102. Procedures.

14 (A) Charge.

15 (1) Within 300 calendar ~~180~~ days after the date that a
16 civil rights violation allegedly has been committed, a
17 charge in writing under oath or affirmation may be filed
18 with the Department by an aggrieved party or issued by the
19 Department itself under the signature of the Director.

20 (2) The charge shall be in such detail as to
21 substantially apprise any party properly concerned as to
22 the time, place, and facts surrounding the alleged civil
23 rights violation.

24 (3) Charges deemed filed with the Department pursuant
25 to subsection (A-1) of this Section shall be deemed to be

1 in compliance with this subsection.

2 (A-1) Equal Employment Opportunity Commission Charges.

3 (1) If a charge is filed with the Equal Employment
4 Opportunity Commission (EEOC) within 300 calendar ~~180~~ days
5 after the date of the alleged civil rights violation, the
6 charge shall be deemed filed with the Department on the
7 date filed with the EEOC. If the EEOC is the governmental
8 agency designated to investigate the charge first, the
9 Department shall take no action until the EEOC makes a
10 determination on the charge and after the complainant
11 notifies the Department of the EEOC's determination. In
12 such cases, after receiving notice from the EEOC that a
13 charge was filed, the Department shall notify the parties
14 that (i) a charge has been received by the EEOC and has
15 been sent to the Department for dual filing purposes; (ii)
16 the EEOC is the governmental agency responsible for
17 investigating the charge and that the investigation shall
18 be conducted pursuant to the rules and procedures adopted
19 by the EEOC; (iii) it will take no action on the charge
20 until the EEOC issues its determination; (iv) the
21 complainant must submit a copy of the EEOC's determination
22 within 30 days after service of the determination by the
23 EEOC on complainant; and (v) that the time period to
24 investigate the charge contained in subsection (G) of this
25 Section is tolled from the date on which the charge is
26 filed with the EEOC until the EEOC issues its

1 determination.

2 (2) If the EEOC finds reasonable cause to believe that
3 there has been a violation of federal law and if the
4 Department is timely notified of the EEOC's findings by
5 complainant, the Department shall notify complainant that
6 the Department has adopted the EEOC's determination of
7 reasonable cause and that complainant has the right, within
8 90 days after receipt of the Department's notice, to either
9 file his or her own complaint with the Illinois Human
10 Rights Commission or commence a civil action in the
11 appropriate circuit court or other appropriate court of
12 competent jurisdiction. This notice shall be provided to
13 the complainant within 10 business days after the
14 Department's receipt of the EEOC's determination. The
15 Department's notice to complainant that the Department has
16 adopted the EEOC's determination of reasonable cause shall
17 constitute the Department's Report for purposes of
18 subparagraph (D) of this Section.

19 (3) For those charges alleging violations within the
20 jurisdiction of both the EEOC and the Department and for
21 which the EEOC either (i) does not issue a determination,
22 but does issue the complainant a notice of a right to sue,
23 including when the right to sue is issued at the request of
24 the complainant, or (ii) determines that it is unable to
25 establish that illegal discrimination has occurred and
26 issues the complainant a right to sue notice, and if the

1 Department is timely notified of the EEOC's determination
2 by complainant, the Department shall notify the parties,
3 within 10 business days after receipt of the EEOC's
4 determination, that the Department will adopt the EEOC's
5 determination as a dismissal for lack of substantial
6 evidence unless the complainant requests in writing within
7 35 days after receipt of the Department's notice that the
8 Department review the EEOC's determination.

9 (a) If the complainant does not file a written
10 request with the Department to review the EEOC's
11 determination within 35 days after receipt of the
12 Department's notice, the Department shall notify
13 complainant, within 10 business days after the
14 expiration of the 35-day period, that the decision of
15 the EEOC has been adopted by the Department as a
16 dismissal for lack of substantial evidence and that the
17 complainant has the right, within 90 days after receipt
18 of the Department's notice, to commence a civil action
19 in the appropriate circuit court or other appropriate
20 court of competent jurisdiction. The Department's
21 notice to complainant that the Department has adopted
22 the EEOC's determination shall constitute the
23 Department's report for purposes of subparagraph (D)
24 of this Section.

25 (b) If the complainant does file a written request
26 with the Department to review the EEOC's

1 determination, the Department shall review the EEOC's
2 determination and any evidence obtained by the EEOC
3 during its investigation. If, after reviewing the
4 EEOC's determination and any evidence obtained by the
5 EEOC, the Department determines there is no need for
6 further investigation of the charge, the Department
7 shall issue a report and the Director shall determine
8 whether there is substantial evidence that the alleged
9 civil rights violation has been committed pursuant to
10 subsection (D) of Section 7A-102. If, after reviewing
11 the EEOC's determination and any evidence obtained by
12 the EEOC, the Department determines there is a need for
13 further investigation of the charge, the Department
14 may conduct any further investigation it deems
15 necessary. After reviewing the EEOC's determination,
16 the evidence obtained by the EEOC, and any additional
17 investigation conducted by the Department, the
18 Department shall issue a report and the Director shall
19 determine whether there is substantial evidence that
20 the alleged civil rights violation has been committed
21 pursuant to subsection (D) of Section 7A-102 of this
22 Act.

23 (4) Pursuant to this Section, if the EEOC dismisses the
24 charge or a portion of the charge of discrimination
25 because, under federal law, the EEOC lacks jurisdiction
26 over the charge, and if, under this Act, the Department has

1 jurisdiction over the charge of discrimination, the
2 Department shall investigate the charge or portion of the
3 charge dismissed by the EEOC for lack of jurisdiction
4 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
5 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of
6 this Act.

7 (5) The time limit set out in subsection (G) of this
8 Section is tolled from the date on which the charge is
9 filed with the EEOC to the date on which the EEOC issues
10 its determination.

11 (6) The failure of the Department to meet the
12 10-business-day notification deadlines set out in
13 paragraph (2) of this subsection shall not impair the
14 rights of any party.

15 (B) Notice and Response to Charge. The Department shall,
16 within 10 days of the date on which the charge was filed, serve
17 a copy of the charge on the respondent and provide all parties
18 with a notice of the complainant's right to opt out of the
19 investigation within 60 days as set forth in subsection (C-1).
20 This period shall not be construed to be jurisdictional. The
21 charging party and the respondent may each file a position
22 statement and other materials with the Department regarding the
23 charge of alleged discrimination within 60 days of receipt of
24 the notice of the charge. The position statements and other
25 materials filed shall remain confidential unless otherwise
26 agreed to by the party providing the information and shall not

1 be served on or made available to the other party during
2 pendency of a charge with the Department. The Department may
3 require the respondent to file a response to the allegations
4 contained in the charge. Upon the Department's request, the
5 respondent shall file a response to the charge within 60 days
6 and shall serve a copy of its response on the complainant or
7 his or her representative. Notwithstanding any request from the
8 Department, the respondent may elect to file a response to the
9 charge within 60 days of receipt of notice of the charge,
10 provided the respondent serves a copy of its response on the
11 complainant or his or her representative. All allegations
12 contained in the charge not denied by the respondent within 60
13 days of the Department's request for a response may be deemed
14 admitted, unless the respondent states that it is without
15 sufficient information to form a belief with respect to such
16 allegation. The Department may issue a notice of default
17 directed to any respondent who fails to file a response to a
18 charge within 60 days of receipt of the Department's request,
19 unless the respondent can demonstrate good cause as to why such
20 notice should not issue. The term "good cause" shall be defined
21 by rule promulgated by the Department. Within 30 days of
22 receipt of the respondent's response, the complainant may file
23 a reply to said response and shall serve a copy of said reply
24 on the respondent or his or her representative. A party shall
25 have the right to supplement his or her response or reply at
26 any time that the investigation of the charge is pending. The

1 Department shall, within 10 days of the date on which the
2 charge was filed, and again no later than 335 days thereafter,
3 send by certified or registered mail written notice to the
4 complainant and to the respondent informing the complainant of
5 the complainant's rights ~~right~~ to either file a complaint with
6 the Human Rights Commission or commence a civil action in the
7 appropriate circuit court under subparagraph (2) of paragraph
8 (G) and under subsection (C-1), including in such notice the
9 dates within which the complainant may exercise these rights
10 ~~this right~~. In the notice the Department shall notify the
11 complainant that the charge of civil rights violation will be
12 dismissed with prejudice and with no right to further proceed
13 if a written complaint is not timely filed with the Commission
14 or with the appropriate circuit court by the complainant
15 pursuant to subparagraph (2) of paragraph (G) or subsection
16 (C-1) or by the Department pursuant to subparagraph (1) of
17 paragraph (G).

18 (B-1) Mediation. The complainant and respondent may agree
19 to voluntarily submit the charge to mediation without waiving
20 any rights that are otherwise available to either party
21 pursuant to this Act and without incurring any obligation to
22 accept the result of the mediation process. Nothing occurring
23 in mediation shall be disclosed by the Department or admissible
24 in evidence in any subsequent proceeding unless the complainant
25 and the respondent agree in writing that such disclosure be
26 made.

1 (C) Investigation.

2 (1) If the complainant does not elect to opt out of an
3 investigation pursuant to subsection (C-1), the ~~The~~
4 Department shall conduct an investigation sufficient to
5 determine whether the allegations set forth in the charge
6 are supported by substantial evidence.

7 (2) The Director or his or her designated
8 representatives shall have authority to request any member
9 of the Commission to issue subpoenas to compel the
10 attendance of a witness or the production for examination
11 of any books, records or documents whatsoever.

12 (3) If any witness whose testimony is required for any
13 investigation resides outside the State, or through
14 illness or any other good cause as determined by the
15 Director is unable to be interviewed by the investigator or
16 appear at a fact finding conference, his or her testimony
17 or deposition may be taken, within or without the State, in
18 the same manner as is provided for in the taking of
19 depositions in civil cases in circuit courts.

20 (4) Upon reasonable notice to the complainant and the
21 respondent, the Department shall conduct a fact finding
22 conference, unless prior to 365 days after the date on
23 which the charge was filed the Director has determined
24 whether there is substantial evidence that the alleged
25 civil rights violation has been committed, the charge has
26 been dismissed for lack of jurisdiction, or the parties

1 voluntarily and in writing agree to waive the fact finding
2 conference. Any party's failure to attend the conference
3 without good cause shall result in dismissal or default.
4 The term "good cause" shall be defined by rule promulgated
5 by the Department. A notice of dismissal or default shall
6 be issued by the Director. The notice of default issued by
7 the Director shall notify the respondent that a request for
8 review may be filed in writing with the Commission within
9 30 days of receipt of notice of default. The notice of
10 dismissal issued by the Director shall give the complainant
11 notice of his or her right to seek review of the dismissal
12 before the Human Rights Commission or commence a civil
13 action in the appropriate circuit court. If the complainant
14 chooses to have the Human Rights Commission review the
15 dismissal order, he or she shall file a request for review
16 with the Commission within 90 days after receipt of the
17 Director's notice. If the complainant chooses to file a
18 request for review with the Commission, he or she may not
19 later commence a civil action in a circuit court. If the
20 complainant chooses to commence a civil action in a circuit
21 court, he or she must do so within 90 days after receipt of
22 the Director's notice.

23 (C-1) Opt out of Department's investigation. At any time
24 within 60 days after receipt of notice of the right to opt out,
25 a complainant may submit a written request seeking notice from
26 the Director indicating that the complainant has opted out of

1 the investigation and may commence a civil action in the
2 appropriate circuit court. The Department shall respond to a
3 complainant's opt-out request within 10 business days by
4 issuing the complainant a notice of the right to commence an
5 action in circuit court. The Department shall also notify the
6 respondent that the complainant has elected to opt out of the
7 administrative process within 10 business days of receipt of
8 the complainant's request. If the complainant chooses to
9 commence an action in a circuit court under this subsection, he
10 or she must do so within 90 days after receipt of the
11 Director's notice of the right to commence an action in circuit
12 court. The complainant shall notify the Department and the
13 respondent that a complaint has been filed with the appropriate
14 circuit court and shall mail a copy of the complaint to the
15 Department and the respondent on the same date that the
16 complaint is filed with the appropriate circuit court. Upon
17 receipt of notice that the complainant has filed an action with
18 the appropriate circuit court, the Department shall
19 immediately cease its investigation and dismiss the charge of
20 civil rights violation. Once a complainant has commenced an
21 action in circuit court under this subsection, he or she may
22 not file or refile a substantially similar charge with the
23 Department arising from the same incident of unlawful
24 discrimination or harassment.

25 (D) Report.

26 (1) Each charge investigated under subsection (C)

1 shall be the subject of a report to the Director. The
2 report shall be a confidential document subject to review
3 by the Director, authorized Department employees, the
4 parties, and, where indicated by this Act, members of the
5 Commission or their designated hearing officers.

6 (2) Upon review of the report, the Director shall
7 determine whether there is substantial evidence that the
8 alleged civil rights violation has been committed. The
9 determination of substantial evidence is limited to
10 determining the need for further consideration of the
11 charge pursuant to this Act and includes, but is not
12 limited to, findings of fact and conclusions, as well as
13 the reasons for the determinations on all material issues.
14 Substantial evidence is evidence which a reasonable mind
15 accepts as sufficient to support a particular conclusion
16 and which consists of more than a mere scintilla but may be
17 somewhat less than a preponderance.

18 (3) If the Director determines that there is no
19 substantial evidence, the charge shall be dismissed by
20 order of the Director and the Director shall give the
21 complainant notice of his or her right to seek review of
22 the dismissal order before the Commission or commence a
23 civil action in the appropriate circuit court. If the
24 complainant chooses to have the Human Rights Commission
25 review the dismissal order, he or she shall file a request
26 for review with the Commission within 90 days after receipt

1 of the Director's notice. If the complainant chooses to
2 file a request for review with the Commission, he or she
3 may not later commence a civil action in a circuit court.
4 If the complainant chooses to commence a civil action in a
5 circuit court, he or she must do so within 90 days after
6 receipt of the Director's notice.

7 (4) If the Director determines that there is
8 substantial evidence, he or she shall notify the
9 complainant and respondent of that determination. The
10 Director shall also notify the parties that the complainant
11 has the right to either commence a civil action in the
12 appropriate circuit court or request that the Department of
13 Human Rights file a complaint with the Human Rights
14 Commission on his or her behalf. Any such complaint shall
15 be filed within 90 days after receipt of the Director's
16 notice. If the complainant chooses to have the Department
17 file a complaint with the Human Rights Commission on his or
18 her behalf, the complainant must, within 30 days after
19 receipt of the Director's notice, request in writing that
20 the Department file the complaint. If the complainant
21 timely requests that the Department file the complaint, the
22 Department shall file the complaint on his or her behalf.
23 If the complainant fails to timely request that the
24 Department file the complaint, the complainant may file his
25 or her complaint with the Commission or commence a civil
26 action in the appropriate circuit court. If the complainant

1 files a complaint with the Human Rights Commission, the
2 complainant shall give notice to the Department of the
3 filing of the complaint with the Human Rights Commission.

4 (E) Conciliation.

5 (1) When there is a finding of substantial evidence,
6 the Department may designate a Department employee who is
7 an attorney licensed to practice in Illinois to endeavor to
8 eliminate the effect of the alleged civil rights violation
9 and to prevent its repetition by means of conference and
10 conciliation.

11 (2) When the Department determines that a formal
12 conciliation conference is necessary, the complainant and
13 respondent shall be notified of the time and place of the
14 conference by registered or certified mail at least 10 days
15 prior thereto and either or both parties shall appear at
16 the conference in person or by attorney.

17 (3) The place fixed for the conference shall be within
18 35 miles of the place where the civil rights violation is
19 alleged to have been committed.

20 (4) Nothing occurring at the conference shall be
21 disclosed by the Department unless the complainant and
22 respondent agree in writing that such disclosure be made.

23 (5) The Department's efforts to conciliate the matter
24 shall not stay or extend the time for filing the complaint
25 with the Commission or the circuit court.

26 (F) Complaint.

1 (1) When the complainant requests that the Department
2 file a complaint with the Commission on his or her behalf,
3 the Department shall prepare a written complaint, under
4 oath or affirmation, stating the nature of the civil rights
5 violation substantially as alleged in the charge
6 previously filed and the relief sought on behalf of the
7 aggrieved party. The Department shall file the complaint
8 with the Commission.

9 (2) If the complainant chooses to commence a civil
10 action in a circuit court, he or she must do so in the
11 circuit court in the county wherein the civil rights
12 violation was allegedly committed. The form of the
13 complaint in any such civil action shall be in accordance
14 with the Illinois Code of Civil Procedure.

15 (G) Time Limit.

16 (1) When a charge of a civil rights violation has been
17 properly filed, the Department, within 365 days thereof or
18 within any extension of that period agreed to in writing by
19 all parties, shall issue its report as required by
20 subparagraph (D). Any such report shall be duly served upon
21 both the complainant and the respondent.

22 (2) If the Department has not issued its report within
23 365 days after the charge is filed, or any such longer
24 period agreed to in writing by all the parties, the
25 complainant shall have 90 days to either file his or her
26 own complaint with the Human Rights Commission or commence

1 a civil action in the appropriate circuit court. If the
2 complainant files a complaint with the Commission, the form
3 of the complaint shall be in accordance with the provisions
4 of paragraph (F) (1). If the complainant commences a civil
5 action in a circuit court, the form of the complaint shall
6 be in accordance with the Illinois Code of Civil Procedure.
7 The aggrieved party shall notify the Department that a
8 complaint has been filed and shall serve a copy of the
9 complaint on the Department on the same date that the
10 complaint is filed with the Commission or in circuit court.
11 If the complainant files a complaint with the Commission,
12 he or she may not later commence a civil action in circuit
13 court.

14 (3) If an aggrieved party files a complaint with the
15 Human Rights Commission or commences a civil action in
16 circuit court pursuant to paragraph (2) of this subsection,
17 or if the time period for filing a complaint has expired,
18 the Department shall immediately cease its investigation
19 and dismiss the charge of civil rights violation. Any final
20 order entered by the Commission under this Section is
21 appealable in accordance with paragraph (B) (1) of Section
22 8-111. Failure to immediately cease an investigation and
23 dismiss the charge of civil rights violation as provided in
24 this paragraph (3) constitutes grounds for entry of an
25 order by the circuit court permanently enjoining the
26 investigation. The Department may also be liable for any

1 costs and other damages incurred by the respondent as a
2 result of the action of the Department.

3 (4) (Blank) ~~The Department shall stay any~~
4 ~~administrative proceedings under this Section after the~~
5 ~~filing of a civil action by or on behalf of the aggrieved~~
6 ~~party under any federal or State law seeking relief with~~
7 ~~respect to the alleged civil rights violation.~~

8 (H) This amendatory Act of 1995 applies to causes of action
9 filed on or after January 1, 1996.

10 (I) This amendatory Act of 1996 applies to causes of action
11 filed on or after January 1, 1996.

12 (J) The changes made to this Section by Public Act 95-243
13 apply to charges filed on or after the effective date of those
14 changes.

15 (K) The changes made to this Section by this amendatory Act
16 of the 96th General Assembly apply to charges filed on or after
17 the effective date of those changes.

18 (L) The changes made to this Section by this amendatory Act
19 of the 100th General Assembly apply to charges filed on or
20 after the effective date of this amendatory Act of the 100th
21 General Assembly.

22 (Source: P.A. 100-492, eff. 9-8-17.)

23 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)
24 Sec. 7B-102. Procedures.

25 (A) Charge.

1 (1) Within one year after the date that a civil rights
2 violation allegedly has been committed or terminated, a
3 charge in writing under oath or affirmation may be filed
4 with the Department by an aggrieved party or issued by the
5 Department itself under the signature of the Director.

6 (2) The charge shall be in such detail as to
7 substantially apprise any party properly concerned as to
8 the time, place, and facts surrounding the alleged civil
9 rights violation.

10 (B) Notice and Response to Charge.

11 (1) The Department shall serve notice upon the
12 aggrieved party acknowledging such charge and advising the
13 aggrieved party of the time limits and choice of forums
14 provided under this Act. The Department shall, within 10
15 days of the date on which the charge was filed or the
16 identification of an additional respondent under paragraph
17 (2) of this subsection, serve on the respondent a copy of
18 the charge along with a notice identifying the alleged
19 civil rights violation and advising the respondent of the
20 procedural rights and obligations of respondents under
21 this Act and may require the respondent to file a response
22 to the allegations contained in the charge. Upon the
23 Department's request, the respondent shall file a response
24 to the charge within 30 days and shall serve a copy of its
25 response on the complainant or his or her representative.
26 Notwithstanding any request from the Department, the

1 respondent may elect to file a response to the charge
2 within 30 days of receipt of notice of the charge, provided
3 the respondent serves a copy of its response on the
4 complainant or his or her representative. All allegations
5 contained in the charge not denied by the respondent within
6 30 days after the Department's request for a response may
7 be deemed admitted, unless the respondent states that it is
8 without sufficient information to form a belief with
9 respect to such allegation. The Department may issue a
10 notice of default directed to any respondent who fails to
11 file a response to a charge within 30 days of the
12 Department's request, unless the respondent can
13 demonstrate good cause as to why such notice should not
14 issue. The term "good cause" shall be defined by rule
15 promulgated by the Department. Within 10 days of the date
16 he or she receives the respondent's response, the
17 complainant may file his or her reply to said response. If
18 he or she chooses to file a reply, the complainant shall
19 serve a copy of said reply on the respondent or his or her
20 representative. A party may supplement his or her response
21 or reply at any time that the investigation of the charge
22 is pending.

23 (2) A person who is not named as a respondent in a
24 charge, but who is identified as a respondent in the course
25 of investigation, may be joined as an additional or
26 substitute respondent upon written notice, under

1 subsection (B), to such person, from the Department. Such
2 notice, in addition to meeting the requirements of
3 subsections (A) and (B), shall explain the basis for the
4 Department's belief that a person to whom the notice is
5 addressed is properly joined as a respondent.

6 (C) Investigation.

7 (1) The Department shall conduct a full investigation
8 of the allegations set forth in the charge and complete
9 such investigation within 100 days after the filing of the
10 charge, unless it is impracticable to do so. The
11 Department's failure to complete the investigation within
12 100 days after the proper filing of the charge does not
13 deprive the Department of jurisdiction over the charge.

14 (2) If the Department is unable to complete the
15 investigation within 100 days after the charge is filed,
16 the Department shall notify the complainant and respondent
17 in writing of the reasons for not doing so.

18 (3) The Director or his or her designated
19 representative shall have authority to request any member
20 of the Commission to issue subpoenas to compel the
21 attendance of a witness or the production for examination
22 of any books, records or documents whatsoever.

23 (4) If any witness whose testimony is required for any
24 investigation resides outside the State, or through
25 illness or any other good cause as determined by the
26 Director is unable to be interviewed by the investigator or

1 appear at a fact finding conference, his or her testimony
2 or deposition may be taken, within or without the State, in
3 the same manner as provided for in the taking of
4 depositions in civil cases in circuit courts.

5 (5) Upon reasonable notice to the complainant and the
6 respondent, the Department shall conduct a fact finding
7 conference, unless prior to 100 days from the date on which
8 the charge was filed, the Director has determined whether
9 there is substantial evidence that the alleged civil rights
10 violation has been committed or the parties voluntarily and
11 in writing agree to waive the fact finding conference. A
12 party's failure to attend the conference without good cause
13 may result in dismissal or default. A notice of dismissal
14 or default shall be issued by the Director and shall notify
15 the relevant party that a request for review may be filed
16 in writing with the Commission within 30 days of receipt of
17 notice of dismissal or default.

18 (D) Report.

19 (1) Each ~~investigated~~ charge investigated under
20 subsection (C) shall be the subject of a report to the
21 Director. The report shall be a confidential document
22 subject to review by the Director, authorized Department
23 employees, the parties, and, where indicated by this Act,
24 members of the Commission or their designated hearing
25 officers.

26 The report shall contain:

1 (a) the names and dates of contacts with witnesses;

2 (b) a summary and the date of correspondence and
3 other contacts with the aggrieved party and the
4 respondent;

5 (c) a summary description of other pertinent
6 records;

7 (d) a summary of witness statements; and

8 (e) answers to questionnaires.

9 A final report under this paragraph may be amended if
10 additional evidence is later discovered.

11 (2) Upon review of the report and within 100 days of
12 the filing of the charge, unless it is impracticable to do
13 so, the Director shall determine whether there is
14 substantial evidence that the alleged civil rights
15 violation has been committed or is about to be committed.
16 If the Director is unable to make the determination within
17 100 days after the filing of the charge, the Director shall
18 notify the complainant and respondent in writing of the
19 reasons for not doing so. The Director's failure to make
20 the determination within 100 days after the proper filing
21 of the charge does not deprive the Department of
22 jurisdiction over the charge.

23 (a) If the Director determines that there is no
24 substantial evidence, the charge shall be dismissed
25 and the aggrieved party notified that he or she may
26 seek review of the dismissal order before the

1 Commission. The aggrieved party shall have 90 days from
2 receipt of notice to file a request for review by the
3 Commission. The Director shall make public disclosure
4 of each such dismissal.

5 (b) If the Director determines that there is
6 substantial evidence, he or she shall immediately
7 issue a complaint on behalf of the aggrieved party
8 pursuant to subsection (F).

9 (E) Conciliation.

10 (1) During the period beginning with the filing of
11 charge and ending with the filing of a complaint or a
12 dismissal by the Department, the Department shall, to the
13 extent feasible, engage in conciliation with respect to
14 such charge.

15 When the Department determines that a formal
16 conciliation conference is feasible, the aggrieved party
17 and respondent shall be notified of the time and place of
18 the conference by registered or certified mail at least 7
19 days prior thereto and either or both parties shall appear
20 at the conference in person or by attorney.

21 (2) The place fixed for the conference shall be within
22 35 miles of the place where the civil rights violation is
23 alleged to have been committed.

24 (3) Nothing occurring at the conference shall be made
25 public or used as evidence in a subsequent proceeding for
26 the purpose of proving a violation under this Act unless

1 the complainant and respondent agree in writing that such
2 disclosure be made.

3 (4) A conciliation agreement arising out of such
4 conciliation shall be an agreement between the respondent
5 and the complainant, and shall be subject to approval by
6 the Department and Commission.

7 (5) A conciliation agreement may provide for binding
8 arbitration of the dispute arising from the charge. Any
9 such arbitration that results from a conciliation
10 agreement may award appropriate relief, including monetary
11 relief.

12 (6) Each conciliation agreement shall be made public
13 unless the complainant and respondent otherwise agree and
14 the Department determines that disclosure is not required
15 to further the purpose of this Act.

16 (F) Complaint.

17 (1) When there is a failure to settle or adjust any
18 charge through a conciliation conference and the charge is
19 not dismissed, the Department shall prepare a written
20 complaint, under oath or affirmation, stating the nature of
21 the civil rights violation and the relief sought on behalf
22 of the aggrieved party. Such complaint shall be based on
23 the final investigation report and need not be limited to
24 the facts or grounds alleged in the charge filed under
25 subsection (A).

26 (2) The complaint shall be filed with the Commission.

1 (3) The Department may not issue a complaint under this
2 Section regarding an alleged civil rights violation after
3 the beginning of the trial of a civil action commenced by
4 the aggrieved party under any State or federal law, seeking
5 relief with respect to that alleged civil rights violation.

6 (G) Time Limit.

7 (1) When a charge of a civil rights violation has been
8 properly filed, the Department, within 100 days thereof,
9 unless it is impracticable to do so, shall either issue and
10 file a complaint in the manner and form set forth in this
11 Section or shall order that no complaint be issued. Any
12 such order shall be duly served upon both the aggrieved
13 party and the respondent. The Department's failure to
14 either issue and file a complaint or order that no
15 complaint be issued within 100 days after the proper filing
16 of the charge does not deprive the Department of
17 jurisdiction over the charge.

18 (2) The Director shall make available to the aggrieved
19 party and the respondent, at any time, upon request
20 following completion of the Department's investigation,
21 information derived from an investigation and any final
22 investigative report relating to that investigation.

23 (H) This amendatory Act of 1995 applies to causes of action
24 filed on or after January 1, 1996.

25 (I) The changes made to this Section by Public Act 95-243
26 apply to charges filed on or after the effective date of those

1 changes.

2 (J) The changes made to this Section by this amendatory Act
3 of the 96th General Assembly apply to charges filed on or after
4 the effective date of those changes.

5 (Source: P.A. 100-492, eff. 9-8-17.)

6 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

7 Sec. 8-101. Illinois Human Rights Commission.

8 (A) Creation; appointments. The Human Rights Commission is
9 created to consist of 7 ~~13~~ members appointed by the Governor
10 with the advice and consent of the Senate. No more than 4 ~~7~~
11 members shall be of the same political party. The Governor
12 shall designate one member as chairperson. All appointments
13 shall be in writing and filed with the Secretary of State as a
14 public record.

15 (B) Terms. Of the members first appointed, 4 shall be
16 appointed for a term to expire on the third Monday of January,
17 2021 ~~1981~~, and 3 ~~5~~ (including the Chairperson) shall be
18 appointed for a term to expire on the third Monday of January,
19 2023 ~~1983~~.

20 Notwithstanding any provision of this Section to the
21 contrary, the term of office of each member of the Illinois
22 Human Rights Commission is abolished on January 19, 2019.
23 Incumbent July 29, 1985, but the incumbent members holding a
24 position on the Commission that was created by Public Act
25 84-115 and whose terms, if not for this amendatory Act of the

1 100th General Assembly, would have expired January 18, 2021
2 shall continue to exercise all of the powers and be subject to
3 all of the duties of members of the Commission until June 30,
4 2019 or until their respective successors are appointed and
5 qualified, whichever is earlier. ~~Subject to the provisions of~~
6 ~~subsection (A), of the 9 members appointed under Public Act~~
7 ~~84-115, effective July 29, 1985, 5 members shall be appointed~~
8 ~~for terms to expire on the third Monday of January, 1987, and 4~~
9 ~~members shall be appointed for terms to expire on the third~~
10 ~~Monday of January, 1989; and of the 4 additional members~~
11 ~~appointed under Public Act 84-1084, effective December 2, 1985,~~
12 ~~two shall be appointed for a term to expire on the third Monday~~
13 ~~of January, 1987, and two members shall be appointed for a term~~
14 ~~to expire on the third Monday of January, 1989.~~

15 Thereafter, each member shall serve for a term of 4 years
16 and until his or her successor is appointed and qualified;
17 except that any member chosen to fill a vacancy occurring
18 otherwise than by expiration of a term shall be appointed only
19 for the unexpired term of the member whom he or she shall
20 succeed and until his or her successor is appointed and
21 qualified.

22 (C) Vacancies.

23 (1) In the case of vacancies on the Commission during a
24 recess of the Senate, the Governor shall make a temporary
25 appointment until the next meeting of the Senate when he or
26 she shall appoint a person to fill the vacancy. Any person

1 so nominated and confirmed by the Senate shall hold office
2 for the remainder of the term and until his or her
3 successor is appointed and qualified.

4 (2) If the Senate is not in session at the time this
5 Act takes effect, the Governor shall make temporary
6 appointments to the Commission as in the case of vacancies.

7 (3) Vacancies in the Commission shall not impair the
8 right of the remaining members to exercise all the powers
9 of the Commission. Except when authorized by this Act to
10 proceed through a 3 member panel, a majority of the members
11 of the Commission then in office shall constitute a quorum.

12 (D) Compensation. On and after January 19, 2019, the ~~The~~
13 Chairperson of the Commission shall be compensated at the rate
14 of \$125,000 ~~\$22,500~~ per year, or as set by the Compensation
15 Review Board, whichever is greater, during his or her service
16 as Chairperson, and each other member shall be compensated at
17 the rate of \$119,000 ~~\$20,000~~ per year, or as set by the
18 Compensation Review Board, whichever is greater. In addition,
19 all members of the Commission shall be reimbursed for expenses
20 actually and necessarily incurred by them in the performance of
21 their duties.

22 (E) Notwithstanding the general supervisory authority of
23 the Chairperson, each commissioner, unless appointed to the
24 special temporary panel created under subsection (H), has the
25 authority to hire and supervise a staff attorney. The staff
26 attorney shall report directly to the individual commissioner.

1 (F) A formal training program for newly appointed
2 commissioners shall be implemented. The training program shall
3 include the following:

4 (1) substantive and procedural aspects of the office of
5 commissioner;

6 (2) current issues in employment discrimination and
7 public accommodation law and practice;

8 (3) orientation to each operational unit of the Human
9 Rights Commission;

10 (4) observation of experienced hearing officers and
11 commissioners conducting hearings of cases, combined with
12 the opportunity to discuss evidence presented and rulings
13 made;

14 (5) the use of hypothetical cases requiring the newly
15 appointed commissioner to issue judgments as a means of
16 evaluating knowledge and writing ability;

17 (6) writing skills; and

18 (7) professional and ethical standards.

19 A formal and ongoing professional development program
20 including, but not limited to, the above-noted areas shall be
21 implemented to keep commissioners informed of recent
22 developments and issues and to assist them in maintaining and
23 enhancing their professional competence. Each commissioner
24 shall complete 20 hours of training in the above-noted areas
25 during every 2 years the commissioner remains in office.

26 (G) Commissioners must meet one of the following

1 qualifications:

2 (1) licensed to practice law in the State of Illinois;

3 (2) at least 3 years of experience as a hearing officer
4 at the Human Rights Commission; or

5 (3) at least 4 years of professional experience working
6 for or dealing with individuals or corporations affected by
7 this Act or similar laws in other jurisdictions, including,
8 but not limited to, experience with a civil rights advocacy
9 group, a fair housing group, a trade association, a union,
10 a law firm, a legal aid organization, an employer's human
11 resources department, an employment discrimination
12 consulting firm, or a municipal human relations agency.

13 The Governor's appointment message, filed with the
14 Secretary of State and transmitted to the Senate, shall state
15 specifically how the experience of a nominee for commissioner
16 meets the requirement set forth in this subsection. The
17 Chairperson must have public or private sector management and
18 budget experience, as determined by the Governor.

19 Each commissioner shall devote full time to his or her
20 duties and any commissioner who is an attorney shall not engage
21 in the practice of law, nor shall any commissioner hold any
22 other office or position of profit under the United States or
23 this State or any municipal corporation or political
24 subdivision of this State, nor engage in any other business,
25 employment, or vocation.

26 (H) Notwithstanding any other provision of this Act, the

1 Governor shall appoint, by and with the consent of the Senate,
2 a special temporary panel of commissioners comprised of 3
3 members. The members shall hold office until the Commission, in
4 consultation with the Governor, determines that the caseload of
5 requests for review has been reduced sufficiently to allow
6 cases to proceed in a timely manner, or for a term of 18 months
7 from the date of appointment by the Governor, whichever is
8 earlier. Each of the 3 members shall have only such rights and
9 powers of a commissioner necessary to dispose of the cases
10 assigned to the special panel. Each of the 3 members appointed
11 to the special panel shall receive the same salary as other
12 commissioners for the duration of the panel. The panel shall
13 have the authority to hire and supervise a staff attorney who
14 shall report to the panel of commissioners.

15 (Source: P.A. 99-642, eff. 7-28-16.)

16 (775 ILCS 5/8-102) (from Ch. 68, par. 8-102)

17 Sec. 8-102. Powers and Duties. In addition to the other
18 powers and duties prescribed in this Act, the Commission shall
19 have the following powers and duties:

20 (A) Meetings. To meet and function at any place within the
21 State.

22 (B) Offices. To establish and maintain offices in
23 Springfield and Chicago.

24 (C) Employees. To select and fix the compensation of such
25 technical advisors and employees as it may deem necessary

1 pursuant to the provisions of "The Personnel Code".

2 (D) Hearing Officers. To select and fix the compensation of
3 hearing officers who shall be attorneys duly licensed to
4 practice law in this State and full time employees of the
5 Commission.

6 A formal and unbiased training program for hearing officers
7 shall be implemented. The training program shall include the
8 following:

9 (1) substantive and procedural aspects of the hearing
10 officer position;

11 (2) current issues in human rights law and practice;

12 (3) lectures by specialists in substantive areas
13 related to human rights matters;

14 (4) orientation to each operational unit of the
15 Department and Commission;

16 (5) observation of experienced hearing officers
17 conducting hearings of cases, combined with the
18 opportunity to discuss evidence presented and rulings
19 made;

20 (6) the use of hypothetical cases requiring the hearing
21 officer to issue judgments as a means to evaluating
22 knowledge and writing ability;

23 (7) writing skills;

24 (8) computer skills, including but not limited to word
25 processing and document management.

26 A formal, unbiased and ongoing professional development

1 program including, but not limited to, the above-noted areas
2 shall be implemented to keep hearing officers informed of
3 recent developments and issues and to assist them in
4 maintaining and enhancing their professional competence.

5 (E) Rules and Regulations. To adopt, promulgate, amend, and
6 rescind rules and regulations not inconsistent with the
7 provisions of this Act pursuant to the Illinois Administrative
8 Procedure Act.

9 (F) Compulsory Process. To issue and authorize requests for
10 enforcement of subpoenas and other compulsory process
11 established by this Act.

12 (G) Decisions. Through a panel of three members designated
13 by the Chairperson on a random basis, to hear and decide by
14 majority vote complaints filed in conformity with this Act and
15 to approve proposed settlements. Decisions by commissioners
16 must be based strictly on neutral interpretations of the law
17 and the facts.

18 (H) Rehearings. To order, by a vote of 3 ~~6~~ members,
19 rehearing of its decisions by the entire Commission in
20 conformity with this Act.

21 (I) Judicial Enforcement. To authorize requests for
22 judicial enforcement of its orders in conformity with this Act.

23 (J) Opinions. To publish each decision within 180 days of
24 the decision ~~its decisions in timely fashion~~ to assure a
25 consistent source of precedent. Published decisions shall be
26 subject to the Personal Information Protection Act.

1 (K) Public Grants; Private Gifts. To accept public grants
2 and private gifts as may be authorized.

3 (L) Interpreters. To appoint at the expense of the
4 Commission a qualified sign language interpreter whenever a
5 hearing impaired person is a party or witness at a public
6 hearing.

7 (M) Automated Processing Plan. To prepare an electronic
8 data processing and telecommunications plan jointly with the
9 Department in accordance with Section 7-112.

10 (N) The provisions of this amendatory Act of 1995 amending
11 subsection (G) of this Section apply to causes of action filed
12 on or after January 1, 1996.

13 (Source: P.A. 91-357, eff. 7-29-99.)

14 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

15 Sec. 8-103. Request for Review.

16 (A) Jurisdiction. The Commission, through a panel of three
17 members, shall have jurisdiction to hear and determine requests
18 for review of (1) decisions of the Department to dismiss a
19 charge; and (2) notices of default issued by the Department.

20 In each instance, the Department shall be the respondent.
21 The respondent on the charge, in the case of dismissal, or the
22 complainant, in the case of default, may file a response to the
23 request for review.

24 (B) Review. When a request for review is properly filed,
25 the Commission may consider the Department's report, any

1 argument and supplemental evidence timely submitted, and the
2 results of any additional investigation conducted by the
3 Department in response to the request. In its discretion, the
4 Commission may designate a hearing officer to conduct a hearing
5 into the factual basis of the matter at issue. Within 120 days
6 after the effective date of this amendatory Act of the 100th
7 General Assembly, the Commission shall adopt rules of minimum
8 standards for the contents of responses to requests for review,
9 including, but not limited to, proposed statements of
10 uncontested facts and proposed statements of the legal issues.

11 (C) Default Order. When a respondent fails to file a timely
12 request for review of a notice of default, or the default is
13 sustained on review, the Commission shall enter a default order
14 and notify the parties that the complainant has the right to
15 either commence a civil action in the appropriate circuit court
16 to determine the complainant's damages or request that the
17 Commission set a hearing on damages before one of its hearing
18 officers. The complainant shall have 90 days after receipt of
19 the Commission's default order to either commence a civil
20 action in the appropriate circuit court or request that the
21 Commission set a hearing on damages.

22 (D) Time Period Toll. Proceedings on requests for review
23 shall toll the time limitation established in paragraph (G) of
24 Section 7A-102 from the date on which the Department's notice
25 of dismissal or default is issued to the date on which the
26 Commission's order is entered.

1 (E) The changes made to this Section by Public Act 95-243
2 apply to charges or complaints filed with the Department or
3 Commission on or after the effective date of those changes.

4 (F) The changes made to this Section by this amendatory Act
5 of the 96th General Assembly apply to charges or complaints
6 filed with the Department or Commission on or after the
7 effective date of those changes.

8 (G) The changes made to this Section by this amendatory Act
9 of the 100th General Assembly apply to charges filed or pending
10 with the Department or Commission on or after the effective
11 date of this amendatory Act of the 100th General Assembly.

12 (Source: P.A. 95-243, eff. 1-1-08; 96-876, eff. 2-2-10.)

13 (775 ILCS 5/8-110) (from Ch. 68, par. 8-110)

14 Sec. 8-110. Publication of Opinions. Decisions of the
15 Commission or panels thereof, whether on requests for review or
16 complaints, shall be made available on the Commission's website
17 and to online legal research companies within 14 calendar days
18 after publication by the Commission as required by subsection
19 (J) of Section 8-102. Published decisions shall be subject to
20 the Personal Information Protection Act ~~published within 120~~
21 ~~calendar days of the completion of service of the written~~
22 ~~decision on the parties to ensure a consistent source of~~
23 ~~precedent.~~

24 ~~This amendatory Act of 1995 applies to causes of action~~
25 ~~filed on or after January 1, 1996.~~

1 ~~The changes made to this Section by this amendatory Act of~~
2 ~~the 95th General Assembly apply to decisions of the Commission~~
3 ~~entered on or after the effective date of those changes.~~

4 (Source: P.A. 95-243, eff. 1-1-08.)

5 (775 ILCS 5/8A-103) (from Ch. 68, par. 8A-103)

6 Sec. 8A-103. Review by Commission.

7 (A) Exceptions. Within 30 days of the receipt of service of
8 the hearing officer's recommended order, a party may file with
9 the Commission any written exceptions to any part of the order.
10 Exceptions shall be supported by argument and served on all
11 parties at the time they are filed. If no exceptions are filed,
12 the recommended order shall become the order of the Commission
13 without further review. The Commission shall issue a notice
14 that no exceptions have been filed no later than 30 days after
15 the exceptions were due.

16 (B) Response. Within 21 days of the receipt of service of
17 exceptions, a party may file with the Commission any response
18 to the exceptions. Responses shall be supported by argument and
19 served on all parties at the time they are filed.

20 (C) Oral Argument. A party may request oral argument at the
21 time of filing exceptions or a response to exceptions. When any
22 party requests oral argument in this manner, the Commission may
23 schedule oral argument to be heard by a panel of 3 Commission
24 members. If the panel grants oral argument, it shall notify all
25 parties of the time and place of argument. Any party so

1 notified may present oral argument.

2 (D) Remand.

3 (1) The Commission, on its own motion or at the written
4 request of any party made at the time of filing exceptions
5 or responses, may remand a case to a hearing officer for
6 purposes of a rehearing to reconsider evidence or hear
7 additional evidence in the matter. The Commission shall
8 issue and serve on all parties a written order remanding
9 the cause and specifying the additional evidence.

10 (2) The hearing officer presiding at a rehearing shall
11 set a hearing date, in accordance with subsection (B) of
12 Section 8A-102, upon due notice to all parties.

13 (3) After conclusion of the rehearing, the hearing
14 officer shall file written findings and recommendations
15 with the Commission and serve copies at the same time on
16 all parties in the same manner as provided in subsection
17 (I) of Section 8A-102. The findings and recommendations
18 shall be subject to review by the Commission as provided in
19 this Section.

20 (E) Review.

21 (1) Following the filing of the findings and
22 recommended order of the hearing officer and any written
23 exceptions and responses, and any other proceedings
24 provided for in this Section, the Commission, through a
25 panel of 3 members, shall decide whether to accept the case
26 for review. If the panel declines to review the recommended

1 order, it shall become the order of the Commission. The
2 Commission shall issue a notice within 30 days after a
3 Commission panel votes to decline review. If the panel
4 accepts the case, it shall review the record and may adopt,
5 modify, or reverse in whole or in part the findings and
6 recommendations of the hearing officer.

7 (2) When reviewing a recommended order, the Commission
8 shall adopt the hearing officer's findings of fact if they
9 are not contrary to the manifest weight of the evidence.

10 (3) If the Commission accepts a case for review, it
11 shall file its written order and decision in its office and
12 serve copies on all parties together with a notification of
13 the date when it was filed. If the Commission declines to
14 review a recommended order or if no exceptions have been
15 filed, it shall issue a short statement notifying the
16 parties that the recommended order has become the order of
17 the Commission. The statement shall be served on the
18 parties by first class mail.

19 (4) A recommended order authored by a non-presiding
20 hearing officer under subparagraph 8A-102(I)(4) of this
21 Act shall be reviewed in the same manner as a recommended
22 order authored by a presiding hearing officer.

23 (F) Rehearing.

24 (1) Within 30 days after service of the Commission's
25 order or statement declining review, a party may file an
26 application for rehearing before the full Commission. The

1 application shall be served on all other parties. The
2 Commission shall have discretion to order a response to the
3 application. The filing of an application for rehearing is
4 optional. The failure to file an application for rehearing
5 shall not be considered a failure to exhaust administrative
6 remedies. This amendatory Act of 1991 applies to pending
7 proceedings as well as those filed on or after its
8 effective date.

9 (2) Applications for rehearing shall be viewed with
10 disfavor and may be granted, by vote of 6 Commission
11 members, only upon a clear demonstration that a matter
12 raises legal issues of significant impact or that
13 Commission decisions are in conflict.

14 (3) When an application for rehearing is granted, the
15 original order shall be nullified and oral argument before
16 the full Commission shall be scheduled. The Commission may
17 request the parties to file any additional written
18 arguments it deems necessary.

19 (G) Modification of Order.

20 (1) At any time before a final order of the court in a
21 proceeding for judicial review under this Act, the
22 Commission or the 3-member panel that decided the matter,
23 upon reasonable notice, may modify or set aside in whole or
24 in part any finding or order made by it in accordance with
25 this Section.

26 (2) Any modification shall be accomplished by the

1 filing and service of a supplemental order and decision by
2 the Commission in the same manner as provided in this
3 Section.

4 (H) Extensions of time. All motions for extensions of time
5 with respect to matters being considered by the Commission
6 shall be decided by the full Commission or a 3-member panel. If
7 a motion for extension of time cannot be ruled upon before the
8 filing deadline sought to be extended, the Chairperson of the
9 Commission shall be authorized to extend the filing deadline to
10 the date of the next Commission meeting at which the motion can
11 be considered.

12 (Source: P.A. 89-348, eff. 1-1-96; 89-370, eff. 8-18-95;
13 89-626, eff. 8-9-96.)

14 (775 ILCS 5/8B-103) (from Ch. 68, par. 8B-103)

15 Sec. 8B-103. Review by Commission.

16 (A) Exceptions. Within 30 days of the receipt of service of
17 the hearing officer's recommended order, a party may file with
18 the Commission any written exceptions to any part of the order.
19 Exceptions shall be supported by argument and served on all
20 parties at the time they are filed. If no exceptions are filed,
21 the recommended order shall become the order of the Commission
22 without further review. The Commission shall issue a notice
23 that no exceptions have been filed no later than 30 days after
24 the exceptions were due.

25 (B) Response. Within 21 days of the receipt of service of

1 exceptions, a party may file with the Commission any response
2 to the exceptions. Responses shall be supported by argument and
3 served on all parties at the time they are filed.

4 (C) Oral Argument. A party may request oral argument at the
5 time of filing exceptions or a response to exceptions. When any
6 party requests oral argument in this manner, the Commission may
7 schedule oral argument to be heard by a panel of 3 Commission
8 members. If the panel grants oral argument, it shall notify all
9 parties of the time and place of argument. Any party so
10 notified may present oral argument.

11 (D) Remand.

12 (1) The Commission, on its own motion or at the written
13 request of any party made at the time of filing exceptions
14 or responses, may remand a case to a hearing officer for
15 purposes of a rehearing to reconsider evidence or hear
16 additional evidence in the matter. The Commission shall
17 issue and serve on all parties a written order remanding
18 the cause and specifying the additional evidence.

19 (2) The hearing officer presiding at a rehearing shall
20 set a hearing date, in accordance with Section 8B-102(C),
21 upon due notice to all parties.

22 (3) After conclusion of the rehearing, the hearing
23 officer shall file written findings and recommendations
24 with the Commission and serve copies at the same time on
25 all parties in the same manner as provided in Section
26 8B-102(J). The findings and recommendations shall be

1 subject to review by the Commission as provided in this
2 Section.

3 (E) Review.

4 (1) Following the filing of the findings and
5 recommended order of the hearing officer and any written
6 exceptions and responses, and any other proceedings
7 provided for in this Section, the Commission, through a
8 panel of 3 members, may review the record and may adopt,
9 modify, or reverse in whole or in part the findings and
10 recommendations of the hearing officer.

11 (2) When reviewing a recommended order, the Commission
12 shall adopt the hearing officer's findings of fact if they
13 are not contrary to the manifest weight of the evidence.

14 (3) If the Commission accepts a case for review, it
15 shall file its written order and decision in its office and
16 serve copies on all parties together with a notification of
17 the date when it was filed. If the Commission declines to
18 review a recommended order or if no exceptions have been
19 filed, it shall issue a short statement notifying the
20 parties that the recommended order has become the order of
21 the Commission. The statement shall be served on the
22 parties by first class mail.

23 (3.1) A recommended order authored by a non-presiding
24 hearing officer under subparagraph 8B-102(J)(4) shall be
25 reviewed in the same manner as a recommended order authored
26 by a presiding hearing officer.

1 (4) The Commission shall issue a final decision within
2 one year of the date a charge is filed with the Department
3 unless it is impracticable to do so. If the Commission is
4 unable to issue a final decision within one year of the
5 date the charge is filed with the Department, it shall
6 notify all parties in writing of the reasons for not doing
7 so.

8 (F) Rehearing.

9 (1) Within 30 days after service of the Commission's
10 order or statement declining review, a party may file an
11 application for rehearing before the full Commission. The
12 application shall be served on all other parties. The
13 Commission shall have discretion to order a response to the
14 application. The filing of an application for rehearing is
15 optional. The failure to file an application for rehearing
16 shall not be considered a failure to exhaust administrative
17 remedies. This amendatory Act of 1991 applies to pending
18 proceedings as well as those filed on or after its
19 effective date.

20 (2) Applications for rehearing shall be viewed with
21 disfavor, and may be granted, by vote of 6 Commission
22 members, only upon a clear demonstration that a matter
23 raises legal issues of significant impact or that
24 Commission decisions are in conflict.

25 (3) When an application for rehearing is granted, the
26 original order shall be nullified and oral argument before

1 the full Commission shall be scheduled. The Commission may
2 request the parties to file any additional written
3 arguments it deems necessary.

4 (G) Modification of Order.

5 (1) At any time before a final order of the court in a
6 proceeding for judicial review under this Act, the
7 Commission or the 3-member panel that decided the matter,
8 upon reasonable notice, may modify or set aside in whole or
9 in part any finding or order made by it in accordance with
10 this Section.

11 (2) Any modification shall be accomplished by the
12 filing and service of a supplemental order and decision by
13 the Commission in the same manner as provided in this
14 Section.

15 (H) Extensions of time. All motions for extensions of time
16 with respect to matters being considered by the Commission
17 shall be decided by the full Commission or a 3-member panel. If
18 a motion for extension of time cannot be ruled upon before the
19 filing deadline sought to be extended, the Chairperson of the
20 Commission shall be authorized to extend the filing deadline to
21 the date of the next Commission meeting at which the motion can
22 be considered.

23 (Source: P.A. 89-348, eff. 1-1-96; 89-370, eff. 8-18-95;
24 89-626, eff. 8-9-96.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.