

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 8A-103 and 8B-103 as follows:

6 (775 ILCS 5/8A-103) (from Ch. 68, par. 8A-103)
7 Sec. 8A-103. Review by Commission.

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

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

21 (C) Oral Argument. A party may request oral argument at the
22 time of filing exceptions or a response to exceptions. When any
23 party requests oral argument in this manner, the Commission may

1 schedule oral argument to be heard by a panel of 3 Commission
2 members. If the panel grants oral argument, it shall notify all
3 parties of the time and place of argument. Any party so
4 notified may present oral argument.

5 (D) Remand.

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

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

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

23 (E) Review.

24 (1) Following the filing of the findings and
25 recommended order of the hearing officer and any written
26 exceptions and responses, and any other proceedings

1 provided for in this Section, the Commission, through a
2 panel of 3 members, shall decide whether to accept the case
3 for review. If the panel declines to review the recommended
4 order, it shall become the order of the Commission. The
5 Commission shall issue a notice within 30 days after a
6 Commission panel votes to decline review. If the panel
7 accepts the case, it shall review the record and may adopt,
8 modify, or reverse in whole or in part the findings and
9 recommendations of the hearing officer.

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

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

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

26 (F) Rehearing.

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

12 (2) Applications for rehearing shall be viewed with
13 disfavor and may be granted, by vote of 3 ~~6~~ Commission
14 members, only upon a clear demonstration that a matter
15 raises legal issues of significant impact or that
16 Commission decisions are in conflict.

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

22 (G) Modification of Order.

23 (1) At any time before a final order of the court in a
24 proceeding for judicial review under this Act, the
25 Commission or the 3-member panel that decided the matter,
26 upon reasonable notice, may modify or set aside in whole or

1 in part any finding or order made by it in accordance with
2 this Section.

3 (2) Any modification shall be accomplished by the
4 filing and service of a supplemental order and decision by
5 the Commission in the same manner as provided in this
6 Section.

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

15 (Source: P.A. 100-1066, eff. 8-24-18.)

16 (775 ILCS 5/8B-103) (from Ch. 68, par. 8B-103)
17 Sec. 8B-103. Review by Commission.

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

1 the exceptions were due.

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

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

13 (D) Remand.

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

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

24 (3) After conclusion of the rehearing, the hearing
25 officer shall file written findings and recommendations
26 with the Commission and serve copies at the same time on

1 all parties in the same manner as provided in Section
2 8B-102(J). The findings and recommendations shall be
3 subject to review by the Commission as provided in this
4 Section.

5 (E) Review.

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

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

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

25 (3.1) A recommended order authored by a non-presiding
26 hearing officer under subparagraph 8B-102(J)(4) shall be

1 reviewed in the same manner as a recommended order authored
2 by a presiding hearing officer.

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

10 (F) Rehearing.

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

22 (2) Applications for rehearing shall be viewed with
23 disfavor, and may be granted, by vote of 3 ~~6~~ Commission
24 members, only upon a clear demonstration that a matter
25 raises legal issues of significant impact or that
26 Commission decisions are in conflict.

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

6 (G) Modification of Order.

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

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

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

25 (Source: P.A. 100-1066, eff. 8-24-18.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.