**Section 5300.515 Election to Proceed Under the Alternative Hearing Procedure**

a) Parties may elect to proceed under the alternative hearing procedure set forth in Section 8A-102.5 of the Act. A unanimous election to proceed under the alternative hearing procedure must be stipulated in writing by all Parties.

b) For any Complaint filed with the Commission, a written election to proceed under the alternative hearing procedure must be filed with the Commission on or before 30 days after the filing of all Respondents' answers to the Complaint, unless the Chief Administrative Law Judge on motion and for good cause shown extends the time. If an extension is granted, the written election must be filed prior to the service by any Party of any discovery request, or prior to the expiration of the extension, whichever comes first.

c) Any Party may obtain from the Commission the list of the pool of Administrative Law Judges currently available for the alternative hearing procedure at the Chicago or the Springfield office by telephonic, electronic, or written request.

d) The written election to proceed under the alternative hearing procedure, signed by all Parties, shall be entitled "Stipulation of Election of Alternative Hearing Procedure Pursuant to Section 8A-102.5" and shall state:

The Parties hereby stipulate to proceed under the alternative hearing procedure set forth in Section 8A-102.5 of the Illinois Human Rights Act. The parties acknowledge that they have certain rights under the regular hearing procedure, including but not limited to more discovery and the right of appeal. The parties knowingly and voluntarily waive those rights.

The Parties hereby select Administrative Law Judge to hear this matter; or

The Parties shall inform the Commission in writing of their selection of an Administrative Law Judge within 10 days after the filing of this stipulation. The Parties hereby acknowledge that there is no right to vacate or revoke this stipulation except if the selected Administrative Law Judge becomes unavailable to issue a Final Order disposing of the Complaint.

The Parties hereby acknowledge that there shall be only limited discovery available to them as specified in Section 5300.715 of the Commission's Procedural Rules.

The Parties hereby acknowledge that there is no right of appeal from the selected Administrative Law Judge's Final Order disposing of the Complaint based upon a dispositive motion or upon the pleadings and evidence presented at hearing, and hereby waive all right of appeal except for Orders procured by fraud or duress.

e) If a selected Administrative Law Judge becomes unavailable due to death, leaving the Commission's employment or any other cause, during the proceeding of a matter and is thereby unavailable to issue a Final Order disposing of the Complaint, within 30 days after the receipt of a written notice of such unavailability from the Commission, the Parties shall inform the Commission in writing of their selection of another Administrative Law Judge to continue proceeding under the alternative hearing procedure on the matter based on the record to date. If the Parties fail to timely select a successor Administrative Law Judge, the matter shall automatically no longer continue under the alternative hearing procedure and shall be reassigned to an Administrative Law Judge by the Chief Administrative Law Judge pursuant to Section 5300.520(b).

(Source: Amended at 46 Ill. Reg. 17343, effective October 5, 2022)