

1 AN ACT concerning human rights.

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 7A-102 and 7B-102 as follows:

6 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)  
7 Sec. 7A-102. Procedures.

8 (A) Charge.

9 (1) Within 180 days after the date that a civil rights  
10 violation allegedly has been committed, a charge in writing  
11 under oath or affirmation may be filed with the Department  
12 by an aggrieved party or issued by the Department itself  
13 under the signature of the Director.

14 (2) The charge shall be in such detail as to  
15 substantially apprise any party properly concerned as to  
16 the time, place, and facts surrounding the alleged civil  
17 rights violation.

18 (3) Charges deemed filed with the Department pursuant  
19 to subsection (A-1) of this Section shall be deemed to be  
20 in compliance with this subsection.

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

22 (1) If a charge is filed with the Equal Employment  
23 Opportunity Commission (EEOC) within 180 days after the

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

23 (2) If the EEOC finds reasonable cause to believe that  
24 there has been a violation of federal law and if the  
25 Department is timely notified of the EEOC's findings by  
26 complainant, the Department shall notify complainant that

1 the Department has adopted the EEOC's determination of  
2 reasonable cause and that complainant has the right, within  
3 90 days after receipt of the Department's notice, to either  
4 file his or her own complaint with the Illinois Human  
5 Rights Commission or commence a civil action in the  
6 appropriate circuit court or other appropriate court of  
7 competent jurisdiction. The Department's notice to  
8 complainant that the Department has adopted the EEOC's  
9 determination of reasonable cause shall constitute the  
10 Department's Report for purposes of subparagraph (D) of  
11 this Section.

12 (3) For those charges alleging violations within the  
13 jurisdiction of both the EEOC and the Department and for  
14 which the EEOC either (i) does not issue a determination,  
15 but does issue the complainant a notice of a right to sue,  
16 including when the right to sue is issued at the request of  
17 the complainant, or (ii) determines that it is unable to  
18 establish that illegal discrimination has occurred and  
19 issues the complainant a right to sue notice, and if the  
20 Department is timely notified of the EEOC's determination  
21 by complainant, the Department shall notify the parties  
22 that the Department will adopt the EEOC's determination as  
23 a dismissal for lack of substantial evidence unless the  
24 complainant requests in writing within 35 days after  
25 receipt of the Department's notice that the Department  
26 review the EEOC's determination.

1           (a) If the complainant does not file a written  
2 request with the Department to review the EEOC's  
3 determination within 35 days after receipt of the  
4 Department's notice, the Department shall notify  
5 complainant that the decision of the EEOC has been  
6 adopted by the Department as a dismissal for lack of  
7 substantial evidence and that the complainant has the  
8 right, within 90 days after receipt of the Department's  
9 notice, to commence a civil action in the appropriate  
10 circuit court or other appropriate court of competent  
11 jurisdiction. The Department's notice to complainant  
12 that the Department has adopted the EEOC's  
13 determination shall constitute the Department's report  
14 for purposes of subparagraph (D) of this Section.

15           (b) If the complainant does file a written request  
16 with the Department to review the EEOC's  
17 determination, the Department shall review the EEOC's  
18 determination and any evidence obtained by the EEOC  
19 during its investigation. If, after reviewing the  
20 EEOC's determination and any evidence obtained by the  
21 EEOC, the Department determines there is no need for  
22 further investigation of the charge, the Department  
23 shall issue a report and the Director shall determine  
24 whether there is substantial evidence that the alleged  
25 civil rights violation has been committed pursuant to  
26 subsection (D) of Section 7A-102. If, after reviewing

1           the EEOC's determination and any evidence obtained by  
2           the EEOC, the Department determines there is a need for  
3           further investigation of the charge, the Department  
4           may conduct any further investigation it deems  
5           necessary. After reviewing the EEOC's determination,  
6           the evidence obtained by the EEOC, and any additional  
7           investigation conducted by the Department, the  
8           Department shall issue a report and the Director shall  
9           determine whether there is substantial evidence that  
10          the alleged civil rights violation has been committed  
11          pursuant to subsection (D) of Section 7A-102 of this  
12          Act.

13           (4) Pursuant to this Section, if the EEOC dismisses the  
14          charge or a portion of the charge of discrimination  
15          because, under federal law, the EEOC lacks jurisdiction  
16          over the charge, and if, under this Act, the Department has  
17          jurisdiction over the charge of discrimination, the  
18          Department shall investigate the charge or portion of the  
19          charge dismissed by the EEOC for lack of jurisdiction  
20          pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),  
21          (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of  
22          this Act.

23           (5) The time limit set out in subsection (G) of this  
24          Section is tolled from the date on which the charge is  
25          filed with the EEOC to the date on which the EEOC issues  
26          its determination.

1 (B) Notice and Response to Charge. The Department shall,  
2 within 10 days of the date on which the charge was filed, serve  
3 a copy of the charge on the respondent. This period shall not  
4 be construed to be jurisdictional. The charging party and the  
5 respondent may each file a position statement and other  
6 materials with the Department regarding the charge of alleged  
7 discrimination within 60 days of receipt of the notice of the  
8 charge. The position statements and other materials filed shall  
9 remain confidential unless otherwise agreed to by the party  
10 providing the information and shall not be served on or made  
11 available to the other party during pendency of a charge with  
12 the Department. The Department may ~~shall~~ require the respondent  
13 to file a ~~verified~~ response to the allegations contained in the  
14 charge. Upon the Department's request, the respondent shall  
15 file a response to the charge within 60 days and ~~of receipt of~~  
16 ~~the notice of the charge.~~ ~~The respondent~~ shall serve a copy of  
17 its response on the complainant or his or her representative.  
18 Notwithstanding any request from the Department, the  
19 respondent may elect to file a response to the charge within 60  
20 days of receipt of notice of the charge, provided the  
21 respondent serves a copy of its response on the complainant or  
22 his or her representative. All allegations contained in the  
23 charge not ~~timely~~ denied by the respondent within 60 days of  
24 the Department's request for a response may ~~shall~~ be deemed  
25 admitted, unless the respondent states that it is without  
26 sufficient information to form a belief with respect to such

1 allegation. The Department may issue a notice of default  
2 directed to any respondent who fails to file a ~~verified~~  
3 response to a charge within 60 days of receipt of the  
4 Department's request ~~notice of the charge~~, unless the  
5 respondent can demonstrate good cause as to why such notice  
6 should not issue. The term "good cause" shall be defined by  
7 rule promulgated by the Department. Within 30 days of receipt  
8 of the respondent's response, the complainant may file a reply  
9 to said response and shall serve a copy of said reply on the  
10 respondent or his or her representative. A party shall have the  
11 right to supplement his or her response or reply at any time  
12 that the investigation of the charge is pending. The Department  
13 shall, within 10 days of the date on which the charge was  
14 filed, and again no later than 335 days thereafter, send by  
15 certified or registered mail written notice to the complainant  
16 and to the respondent informing the complainant of the  
17 complainant's right to either file a complaint with the Human  
18 Rights Commission or commence a civil action in the appropriate  
19 circuit court under subparagraph (2) of paragraph (G),  
20 including in such notice the dates within which the complainant  
21 may exercise this right. In the notice the Department shall  
22 notify the complainant that the charge of civil rights  
23 violation will be dismissed with prejudice and with no right to  
24 further proceed if a written complaint is not timely filed with  
25 the Commission or with the appropriate circuit court by the  
26 complainant pursuant to subparagraph (2) of paragraph (G) or by

1 the Department pursuant to subparagraph (1) of paragraph (G).

2 (B-1) Mediation. The complainant and respondent may agree  
3 to voluntarily submit the charge to mediation without waiving  
4 any rights that are otherwise available to either party  
5 pursuant to this Act and without incurring any obligation to  
6 accept the result of the mediation process. Nothing occurring  
7 in mediation shall be disclosed by the Department or admissible  
8 in evidence in any subsequent proceeding unless the complainant  
9 and the respondent agree in writing that such disclosure be  
10 made.

11 (C) Investigation.

12 (1) ~~The After the respondent has been notified, the~~  
13 Department shall conduct an ~~a full~~ investigation  
14 sufficient to determine whether ~~of~~ the allegations set  
15 forth in the charge are supported by substantial evidence.

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

21 (3) If any witness whose testimony is required for any  
22 investigation resides outside the State, or through  
23 illness or any other good cause as determined by the  
24 Director is unable to be interviewed by the investigator or  
25 appear at a fact finding conference, his or her testimony  
26 or deposition may be taken, within or without the State, in



1 the same manner as is provided for in the taking of  
2 depositions in civil cases in circuit courts.

3 (4) Upon reasonable notice to the complainant and the  
4 respondent, the Department shall conduct a fact finding  
5 conference, unless prior to 365 days after the date on  
6 which the charge was filed the Director has determined  
7 whether there is substantial evidence that the alleged  
8 civil rights violation has been committed, the charge has  
9 been dismissed for lack of jurisdiction, or the parties  
10 voluntarily and in writing agree to waive the fact finding  
11 conference. Any party's failure to attend the conference  
12 without good cause shall result in dismissal or default.  
13 The term "good cause" shall be defined by rule promulgated  
14 by the Department. A notice of dismissal or default shall  
15 be issued by the Director. The notice of default issued by  
16 the Director shall notify the respondent that a request for  
17 review may be filed in writing with the Commission within  
18 30 days of receipt of notice of default. The notice of  
19 dismissal issued by the Director shall give the complainant  
20 notice of his or her right to seek review of the dismissal  
21 before the Human Rights Commission or commence a civil  
22 action in the appropriate circuit court. If the complainant  
23 chooses to have the Human Rights Commission review the  
24 dismissal order, he or she shall file a request for review  
25 with the Commission within 90 days after receipt of the  
26 Director's notice. If the complainant chooses to file a

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

6 (D) Report.

7 (1) Each charge shall be the subject of a report to the  
8 Director. The report shall be a confidential document  
9 subject to review by the Director, authorized Department  
10 employees, the parties, and, where indicated by this Act,  
11 members of the Commission or their designated hearing  
12 officers.

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

25 (3) If the Director determines that there is no  
26 substantial evidence, the charge shall be dismissed by

1 order of the Director and the Director shall give the  
2 complainant notice of his or her right to seek review of  
3 the dismissal order before the Commission or commence a  
4 civil action in the appropriate circuit court. If the  
5 complainant chooses to have the Human Rights Commission  
6 review the dismissal order, he or she shall file a request  
7 for review with the Commission within 90 days after receipt  
8 of the Director's notice. If the complainant chooses to  
9 file a request for review with the Commission, he or she  
10 may not later commence a civil action in a circuit court.  
11 If the complainant chooses to commence a civil action in a  
12 circuit court, he or she must do so within 90 days after  
13 receipt of the Director's notice.

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

1 the Department file the complaint. If the complainant  
2 timely requests that the Department file the complaint, the  
3 Department shall file the complaint on his or her behalf.  
4 If the complainant fails to timely request that the  
5 Department file the complaint, the complainant may file his  
6 or her complaint with the Commission or commence a civil  
7 action in the appropriate circuit court. If the complainant  
8 files a complaint with the Human Rights Commission, the  
9 complainant shall give notice to the Department of the  
10 filing of the complaint with the Human Rights Commission.

11 (E) Conciliation.

12 (1) When there is a finding of substantial evidence,  
13 the Department may designate a Department employee who is  
14 an attorney licensed to practice in Illinois to endeavor to  
15 eliminate the effect of the alleged civil rights violation  
16 and to prevent its repetition by means of conference and  
17 conciliation.

18 (2) When the Department determines that a formal  
19 conciliation conference is necessary, the complainant and  
20 respondent shall be notified of the time and place of the  
21 conference by registered or certified mail at least 10 days  
22 prior thereto and either or both parties shall appear at  
23 the conference in person or by attorney.

24 (3) The place fixed for the conference shall be within  
25 35 miles of the place where the civil rights violation is  
26 alleged to have been committed.

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

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

7           (F) Complaint.

8           (1) When the complainant requests that the Department  
9 file a complaint with the Commission on his or her behalf,  
10 the Department shall prepare a written complaint, under  
11 oath or affirmation, stating the nature of the civil rights  
12 violation substantially as alleged in the charge  
13 previously filed and the relief sought on behalf of the  
14 aggrieved party. The Department shall file the complaint  
15 with the Commission.

16           (2) If the complainant chooses to commence a civil  
17 action in a circuit court, he or she must do so in the  
18 circuit court in the county wherein the civil rights  
19 violation was allegedly committed. The form of the  
20 complaint in any such civil action shall be in accordance  
21 with the Illinois Code of Civil Procedure.

22           (G) Time Limit.

23           (1) When a charge of a civil rights violation has been  
24 properly filed, the Department, within 365 days thereof or  
25 within any extension of that period agreed to in writing by  
26 all parties, shall issue its report as required by

1           subparagraph (D). Any such report shall be duly served upon  
2           both the complainant and the respondent.

3           (2) If the Department has not issued its report within  
4           365 days after the charge is filed, or any such longer  
5           period agreed to in writing by all the parties, the  
6           complainant shall have 90 days to either file his or her  
7           own complaint with the Human Rights Commission or commence  
8           a civil action in the appropriate circuit court. If the  
9           complainant files a complaint with the Commission, the form  
10          of the complaint shall be in accordance with the provisions  
11          of paragraph (F)(1). If the complainant commences a civil  
12          action in a circuit court, the form of the complaint shall  
13          be in accordance with the Illinois Code of Civil Procedure.  
14          The aggrieved party shall notify the Department that a  
15          complaint has been filed and shall serve a copy of the  
16          complaint on the Department on the same date that the  
17          complaint is filed with the Commission or in circuit court.  
18          If the complainant files a complaint with the Commission,  
19          he or she may not later commence a civil action in circuit  
20          court.

21          (3) If an aggrieved party files a complaint with the  
22          Human Rights Commission or commences a civil action in  
23          circuit court pursuant to paragraph (2) of this subsection,  
24          or if the time period for filing a complaint has expired,  
25          the Department shall immediately cease its investigation  
26          and dismiss the charge of civil rights violation. Any final

1 order entered by the Commission under this Section is  
2 appealable in accordance with paragraph (B)(1) of Section  
3 8-111. Failure to immediately cease an investigation and  
4 dismiss the charge of civil rights violation as provided in  
5 this paragraph (3) constitutes grounds for entry of an  
6 order by the circuit court permanently enjoining the  
7 investigation. The Department may also be liable for any  
8 costs and other damages incurred by the respondent as a  
9 result of the action of the Department.

10 (4) The Department shall stay any administrative  
11 proceedings under this Section after the filing of a civil  
12 action by or on behalf of the aggrieved party under any  
13 federal or State law seeking relief with respect to the  
14 alleged civil rights violation.

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

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

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

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

25 (Source: P.A. 96-876, eff. 2-2-10; 97-22, eff. 1-1-12; 97-596,  
26 eff. 8-26-11; 97-813, eff. 7-13-12.)

1 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

2 Sec. 7B-102. Procedures.

3 (A) Charge.

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

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

13 (B) Notice and Response to Charge.

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



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

1 at any time that the investigation of the charge is  
2 pending.

3 (2) A person who is not named as a respondent in a  
4 charge, but who is identified as a respondent in the course  
5 of investigation, may be joined as an additional or  
6 substitute respondent upon written notice, under  
7 subsection (B), to such person, from the Department. Such  
8 notice, in addition to meeting the requirements of  
9 subsections (A) and (B), shall explain the basis for the  
10 Department's belief that a person to whom the notice is  
11 addressed is properly joined as a respondent.

12 (C) Investigation.

13 (1) The Department shall conduct a full investigation  
14 of the allegations set forth in the charge and complete  
15 such investigation within 100 days after the filing of the  
16 charge, unless it is impracticable to do so. The  
17 Department's failure to complete the investigation within  
18 100 days after the proper filing of the charge does not  
19 deprive the Department of jurisdiction over the charge.

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

24 (3) The Director or his or her designated  
25 representative shall have authority to request any member  
26 of the Commission to issue subpoenas to compel the

1 attendance of a witness or the production for examination  
2 of any books, records or documents whatsoever.

3 (4) If any witness whose testimony is required for any  
4 investigation resides outside the State, or through  
5 illness or any other good cause as determined by the  
6 Director is unable to be interviewed by the investigator or  
7 appear at a fact finding conference, his or her testimony  
8 or deposition may be taken, within or without the State, in  
9 the same manner as provided for in the taking of  
10 depositions in civil cases in circuit courts.

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

24 (D) Report.

25 (1) Each investigated charge shall be the subject of a  
26 report to the Director. The report shall be a confidential

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

5 The report shall contain:

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

7 (b) a summary and the date of correspondence and  
8 other contacts with the aggrieved party and the  
9 respondent;

10 (c) a summary description of other pertinent  
11 records;

12 (d) a summary of witness statements; and

13 (e) answers to questionnaires.

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

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

1 jurisdiction over the charge.

2 (a) If the Director determines that there is no  
3 substantial evidence, the charge shall be dismissed  
4 and the aggrieved party notified that he or she may  
5 seek review of the dismissal order before the  
6 Commission. The aggrieved party shall have 90 days from  
7 receipt of notice to file a request for review by the  
8 Commission. The Director shall make public disclosure  
9 of each such dismissal.

10 (b) If the Director determines that there is  
11 substantial evidence, he or she shall immediately  
12 issue a complaint on behalf of the aggrieved party  
13 pursuant to subsection (F).

14 (E) Conciliation.

15 (1) During the period beginning with the filing of  
16 charge and ending with the filing of a complaint or a  
17 dismissal by the Department, the Department shall, to the  
18 extent feasible, engage in conciliation with respect to  
19 such charge.

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

26 (2) The place fixed for the conference shall be within

1           35 miles of the place where the civil rights violation is  
2           alleged to have been committed.

3           (3) Nothing occurring at the conference shall be made  
4           public or used as evidence in a subsequent proceeding for  
5           the purpose of proving a violation under this Act unless  
6           the complainant and respondent agree in writing that such  
7           disclosure be made.

8           (4) A conciliation agreement arising out of such  
9           conciliation shall be an agreement between the respondent  
10          and the complainant, and shall be subject to approval by  
11          the Department and Commission.

12          (5) A conciliation agreement may provide for binding  
13          arbitration of the dispute arising from the charge. Any  
14          such arbitration that results from a conciliation  
15          agreement may award appropriate relief, including monetary  
16          relief.

17          (6) Each conciliation agreement shall be made public  
18          unless the complainant and respondent otherwise agree and  
19          the Department determines that disclosure is not required  
20          to further the purpose of this Act.

21          (F) Complaint.

22          (1) When there is a failure to settle or adjust any  
23          charge through a conciliation conference and the charge is  
24          not dismissed, the Department shall prepare a written  
25          complaint, under oath or affirmation, stating the nature of  
26          the civil rights violation and the relief sought on behalf

1 of the aggrieved party. Such complaint shall be based on  
2 the final investigation report and need not be limited to  
3 the facts or grounds alleged in the charge filed under  
4 subsection (A).

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

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

11 (G) Time Limit.

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

23 (2) The Director shall make available to the aggrieved  
24 party and the respondent, at any time, upon request  
25 following completion of the Department's investigation,  
26 information derived from an investigation and any final

1           investigative report relating to that investigation.

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

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

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

10          (Source: P.A. 96-876, eff. 2-2-10; 97-22, eff. 1-1-12.)

11          Section 99. Effective date. This Act takes effect upon  
12 becoming law.