



Sen. Heather A. Steans

Filed: 5/15/2017

10000SB0020sam001

LRB100 05173 JLS 26198 a

1 AMENDMENT TO SENATE BILL 20

2 AMENDMENT NO. _____. Amend Senate Bill 20 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Executive Order No. 17-02, filed March 31,
5 2017, is hereby superseded and of no force or effect.

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

8 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

9 Sec. 7A-102. Procedures.

10 (A) Charge.

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

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

5 (3) Charges deemed filed with the Department pursuant
6 to subsection (A-1) of this Section shall be deemed to be
7 in compliance with this subsection.

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

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

1 a copy of the EEOC's determination within 30 days after
2 service of the determination by the EEOC on complainant;
3 and (v) that the time period to investigate the charge
4 contained in subsection (G) of this Section is tolled from
5 the date on which the charge is filed with the EEOC until
6 the EEOC issues its determination.

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

22 (3) For those charges alleging violations within the
23 jurisdiction of both the EEOC and the Department and for
24 which the EEOC either (i) does not issue a determination,
25 but does issue the complainant a notice of a right to sue,
26 including when the right to sue is issued at the request of

1 the complainant, or (ii) determines that it is unable to
2 establish that illegal discrimination has occurred and
3 issues the complainant a right to sue notice, and if the
4 Department is timely notified of the EEOC's determination
5 by complainant, the Department shall notify the parties
6 that the Department will adopt the EEOC's determination as
7 a dismissal for lack of substantial evidence unless the
8 complainant requests in writing within 35 days after
9 receipt of the Department's notice that the Department
10 review the EEOC's determination.

11 (a) If the complainant does not file a written
12 request with the Department to review the EEOC's
13 determination within 35 days after receipt of the
14 Department's notice, the Department shall notify
15 complainant that the decision of the EEOC has been
16 adopted by the Department as a dismissal for lack of
17 substantial evidence and that the complainant has the
18 right, within 90 days after receipt of the Department's
19 notice, to commence a civil action in the appropriate
20 circuit court or other appropriate court of competent
21 jurisdiction. The Department's notice to complainant
22 that the Department has adopted the EEOC's
23 determination shall constitute the Department's report
24 for purposes of subparagraph (D) 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 (B) Notice and Response to Charge. The Department shall,
12 within 10 days of the date on which the charge was filed, serve
13 a copy of the charge on the respondent. This period shall not
14 be construed to be jurisdictional. The charging party and the
15 respondent may each file a position statement and other
16 materials with the Department regarding the charge of alleged
17 discrimination within 60 days of receipt of the notice of the
18 charge. The position statements and other materials filed shall
19 remain confidential unless otherwise agreed to by the party
20 providing the information and shall not be served on or made
21 available to the other party during pendency of a charge with
22 the Department. The Department shall require the respondent to
23 file a verified response to the allegations contained in the
24 charge within 60 days of receipt of the notice of the charge.
25 The respondent shall serve a copy of its response on the
26 complainant or his representative. All allegations contained

1 in the charge not timely denied by the respondent shall be
2 deemed admitted, unless the respondent states that it is
3 without sufficient information to form a belief with respect to
4 such allegation. The Department may issue a notice of default
5 directed to any respondent who fails to file a verified
6 response to a charge within 60 days of receipt of the notice of
7 the charge, unless the respondent can demonstrate good cause as
8 to why such notice should not issue. The term "good cause"
9 shall be defined by rule promulgated by the Department. Within
10 30 days of receipt of the respondent's response, the
11 complainant may file a reply to said response and shall serve a
12 copy of said reply on the respondent or his representative. A
13 party shall have the right to supplement his response or reply
14 at any time that the investigation of the charge is pending.
15 The Department shall, within 10 days of the date on which the
16 charge was filed, and again no later than 335 days thereafter,
17 send by certified or registered mail written notice to the
18 complainant and to the respondent informing the complainant of
19 the complainant's rights ~~right~~ to either file a complaint with
20 the Human Rights Commission or commence a civil action in the
21 appropriate circuit court under subparagraph (2) of paragraph
22 (G) and under subsection (C-1), including in such notice the
23 dates within which the complainant may exercise these rights
24 ~~this right~~. In the notice the Department shall notify the
25 complainant that the charge of civil rights violation will be
26 dismissed with prejudice and with no right to further proceed

1 if a written complaint is not timely filed with the Commission
2 or with the appropriate circuit court by the complainant
3 pursuant to subparagraph (2) of paragraph (G) or subsection
4 (C-1) or by the Department pursuant to subparagraph (1) of
5 paragraph (G).

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

15 (C) Investigation.

16 (1) After the respondent has been notified, the
17 Department shall conduct an ~~a full~~ investigation of the
18 allegations set forth in the charge. The Department shall
19 use discretion in deciding how full an investigation to
20 complete based on its assessment of the likelihood that the
21 facts will be sufficient to show substantial evidence to
22 show that the alleged civil rights violation has been
23 committed.

24 (2) The Director or his or her designated
25 representatives 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 (3) 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 is provided for in the taking of
10 depositions in civil cases in circuit courts.

11 (4) Upon reasonable notice to the complainant and the
12 respondent, the Department shall conduct a fact finding
13 conference, unless prior to 365 days after the date on
14 which the charge was filed the Director has determined
15 whether there is substantial evidence that the alleged
16 civil rights violation has been committed, the charge has
17 been dismissed for lack of jurisdiction, or the parties
18 voluntarily and in writing agree to waive the fact finding
19 conference. Any party's failure to attend the conference
20 without good cause shall result in dismissal or default.
21 The term "good cause" shall be defined by rule promulgated
22 by the Department. A notice of dismissal or default shall
23 be issued by the Director. The notice of default issued by
24 the Director shall notify the respondent that a request for
25 review may be filed in writing with the Commission within
26 30 days of receipt of notice of default. The notice of

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

16 (C-1) Opt-out of Department's investigation. Any time
17 after a charge has been pending for more than 90 days, a
18 complainant has the right to request notice from the Director
19 indicating that the complainant has opted out of the
20 investigation and may file a complaint with the Commission or
21 commence a civil action in the appropriate circuit court. If
22 the complainant chooses to file a complaint with the Commission
23 or commence an action in a circuit court under this subsection
24 (C-1), he or she must do within 90 days after receipt of the
25 Director's notice.

26 (D) Report.

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

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

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

1 ~~Commission review the dismissal order, he or she shall file~~
2 ~~a request for review with the Commission within 90 days~~
3 ~~after receipt of the Director's notice. If the complainant~~
4 ~~chooses to file a request for review with the Commission,~~
5 ~~he or she may not later commence a civil action in a~~
6 ~~circuit court.~~ If the complainant chooses to commence a
7 civil action in a circuit court or file his or her own
8 complaint with the Commission, he or she must do so within
9 90 days after receipt of the Director's notice.

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

1 Department file the complaint, the complainant may file his
2 or her complaint with the Commission or commence a civil
3 action in the appropriate circuit court. If the complainant
4 files a complaint with the Human Rights Commission, the
5 complainant shall give notice to the Department of the
6 filing of the complaint with the Human Rights Commission.

7 (E) Conciliation.

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

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

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

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

26 (5) The Department's efforts to conciliate the matter

1 shall not stay or extend the time for filing the complaint
2 with the Commission or the circuit court.

3 (F) Complaint.

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

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

18 (G) Time Limit.

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

25 (2) If the Department has not issued its report within
26 365 days after the charge is filed, or any such longer

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

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

1 this paragraph (3) constitutes grounds for entry of an
2 order by the circuit court permanently enjoining the
3 investigation. The Department may also be liable for any
4 costs and other damages incurred by the respondent as a
5 result of the action of the Department.

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

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

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

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

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

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

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 shall require the respondent to file a
22 verified response to the allegations contained in the
23 charge within 30 days. The respondent shall serve a copy of
24 its response on the complainant or his representative. All
25 allegations contained in the charge not timely denied by
26 the respondent shall be deemed admitted, unless the

1 respondent states that it is without sufficient
2 information to form a belief with respect to such
3 allegation. The Department may issue a notice of default
4 directed to any respondent who fails to file a verified
5 response to a charge within 30 days of the date on which
6 the charge was filed, unless the respondent can demonstrate
7 good cause as to why such notice should not issue. The term
8 "good cause" shall be defined by rule promulgated by the
9 Department. Within 10 days of the date he receives the
10 respondent's response, the complainant may file his reply
11 to said response. If he chooses to file a reply, the
12 complainant shall serve a copy of said reply on the
13 respondent or his representative. A party shall have the
14 right to supplement his response or reply at any time that
15 the investigation of the charge is pending. The Department
16 shall, within 10 days of the date on which the charge was
17 filed, and again no later than 70 days thereafter, send by
18 certified or registered mail written notice to the
19 complainant and the respondent informing the complainant
20 of the complainant's right to either file a complaint with
21 the Human Rights Commission or commence a civil action in
22 the appropriate circuit court under paragraph (2) of
23 subsection (G) and under subsection (C-1), including in
24 such notice the dates within which the complainant may
25 exercise this right.

26 (2) A person who is not named as a respondent in a

1 charge, but who is identified as a respondent in the course
2 of investigation, may be joined as an additional or
3 substitute respondent upon written notice, under
4 subsection (B), to such person, from the Department. Such
5 notice, in addition to meeting the requirements of
6 subsections (A) and (B), shall explain the basis for the
7 Department's belief that a person to whom the notice is
8 addressed is properly joined as a respondent.

9 (C) Investigation.

10 (1) The Department shall conduct an ~~a full~~
11 investigation of the allegations set forth in the charge
12 and complete such investigation within 100 days after the
13 filing of the charge, unless it is impracticable to do so.
14 The Department's failure to complete the investigation
15 within 100 days after the proper filing of the charge does
16 not deprive the Department of jurisdiction over the charge.
17 The Department shall use discretion in deciding how full an
18 investigation to complete based on its assessment of the
19 likelihood that the facts will be sufficient to show
20 substantial evidence to show that the alleged civil rights
21 violation has been committed.

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

26 (3) The Director or his or her designated

1 representative shall have authority to request any member
2 of the Commission to issue subpoenas to compel the
3 attendance of a witness or the production for examination
4 of any books, records or documents whatsoever.

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

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

1 the complainant notice of his or her right to either file
2 his or her own complaint with the Human Rights Commission
3 or commence a civil action in the appropriate circuit
4 court. If the complainant chooses to file a complaint with
5 the Commission or commence a civil action in a circuit
6 court, he or she must do so within 90 days after receipt of
7 the Director's notice. and shall notify the relevant party
8 that a request for review may be filed in writing with the
9 Commission within 30 days of receipt of notice of dismissal
10 or default.

11 (C-1) Opt-out of Department's investigation. Any time
12 after a charge has been pending for more than 90 days, a
13 complainant has the right to request notice from the Director
14 indicating that the complainant has opted out of the
15 investigation and may file a complaint with the Commission or
16 commence a civil action in the appropriate circuit court. If
17 the complainant chooses to file a complaint with the Commission
18 or commence an action in a circuit court under this subsection
19 (C-1), he or she must do within 90 days after receipt of the
20 Director's notice.

21 (D) Report.

22 (1) Each ~~investigated~~ charge investigated under
23 subsection (C) shall be the subject of a report to the
24 Director. The report shall be a confidential document
25 subject to review by the Director, authorized Department
26 employees, the parties, and, where indicated by this Act,

1 members of the Commission or their designated hearing
2 officers.

3 The report shall contain:

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

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

8 (c) a summary description of other pertinent
9 records;

10 (d) a summary of witness statements; and

11 (e) answers to questionnaires.

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

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

26 (a) If the Director determines that there is no

1 substantial evidence, the charge shall be dismissed
2 and the aggrieved party notified that he or she may
3 either file his or her own complaint with the Human
4 Rights Commission or commence a civil action in the
5 appropriate circuit court ~~seek review of the dismissal~~
6 ~~order before the Commission.~~ If the complainant
7 chooses to commence a civil action in a circuit court
8 or file his or her own complaint with the Commission,
9 he or she must do so within 90 days after receipt of
10 the Director's notice. ~~The aggrieved party shall have~~
11 ~~90 days from receipt of notice to file a request for~~
12 ~~review by the Commission.~~ The Director shall make
13 public disclosure of each such dismissal.

14 (b) If the Director determines that there is
15 substantial evidence, he or she shall immediately
16 issue a complaint on behalf of the aggrieved party
17 pursuant to subsection (F).

18 (E) Conciliation.

19 (1) During the period beginning with the filing of
20 charge and ending with the filing of a complaint or a
21 dismissal by the Department, the Department shall, to the
22 extent feasible, engage in conciliation with respect to
23 such charge.

24 When the Department determines that a formal
25 conciliation conference is feasible, the aggrieved party
26 and respondent shall be notified of the time and place of

1 the conference by registered or certified mail at least 7
2 days prior thereto and either or both parties shall appear
3 at the conference in person or by attorney.

4 (2) The place fixed for the conference shall be within
5 35 miles of the place where the civil rights violation is
6 alleged to have been committed.

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

12 (4) A conciliation agreement arising out of such
13 conciliation shall be an agreement between the respondent
14 and the complainant, and shall be subject to approval by
15 the Department and Commission.

16 (5) A conciliation agreement may provide for binding
17 arbitration of the dispute arising from the charge. Any
18 such arbitration that results from a conciliation
19 agreement may award appropriate relief, including monetary
20 relief.

21 (6) Each conciliation agreement shall be made public
22 unless the complainant and respondent otherwise agree and
23 the Department determines that disclosure is not required
24 to further the purpose of this Act.

25 (F) Complaint.

26 (1) When there is a failure to settle or adjust any

1 charge through a conciliation conference and the charge is
2 not dismissed, the Department shall prepare a written
3 complaint, under oath or affirmation, stating the nature of
4 the civil rights violation and the relief sought on behalf
5 of the aggrieved party. Such complaint shall be based on
6 the final investigation report and need not be limited to
7 the facts or grounds alleged in the charge filed under
8 subsection (A).

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

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

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

21 (G) Time Limit.

22 (1) When a charge of a civil rights violation has been
23 properly filed, the Department, within 100 days thereof or
24 within any extension of that period agreed to in writing by
25 all parties, shall issue its report as required by
26 subsection (D). Any such report shall be duly served upon

1 both the complainant and the respondent.

2 (2) If the Department has not issued its report within
3 100 days after the charge is filed, or any such longer
4 period agreed to in writing by all the parties, the
5 complainant shall have 90 days to either file his or her
6 own complaint with the Human Rights Commission or commence
7 a civil action in the appropriate circuit court. If the
8 complainant files a complaint with the Commission, the form
9 of the complaint shall be in accordance with the provisions
10 of paragraph (1) of subsection (F). If the complainant
11 commences a civil action in a circuit court, the form of
12 the complaint shall be in accordance with the Code of Civil
13 Procedure. The aggrieved party shall notify the Department
14 that a complaint has been filed and shall serve a copy of
15 the complaint on the Department on the same date that the
16 complaint is filed with the Commission or in circuit court.
17 If the complainant files a complaint with the Commission,
18 he or she may not later commence a civil action in circuit
19 court.

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

1 this Section is appealable in accordance with paragraph (1)
2 of subsection (B) of Section 8-111. Failure to immediately
3 cease an investigation and dismiss the charge of civil
4 rights violation as provided in this paragraph (3)
5 constitutes grounds for entry of an order by the circuit
6 court permanently enjoining the investigation. The
7 Department may also be liable for any costs and other
8 damages incurred by the respondent as a result of the
9 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 ~~(1) When a charge of a civil rights violation has been~~
16 ~~properly filed, the Department, within 100 days thereof,~~
17 ~~unless it is impracticable to do so, shall either issue and~~
18 ~~file a complaint in the manner and form set forth in this~~
19 ~~Section or shall order that no complaint be issued. Any~~
20 ~~such order shall be duly served upon both the aggrieved~~
21 ~~party and the respondent. The Department's failure to~~
22 ~~either issue and file a complaint or order that no~~
23 ~~complaint be issued within 100 days after the proper filing~~
24 ~~of the charge does not deprive the Department of~~
25 ~~jurisdiction over the charge.~~

26 ~~(2) The Director shall make available to the aggrieved~~

1 ~~party and the respondent, at any time, upon request~~
2 ~~following completion of the Department's investigation,~~
3 ~~information derived from an investigation and any final~~
4 ~~investigative report relating to that investigation.~~

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

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

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

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

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 The ~~In each instance, the~~ Department shall be the
21 respondent.

22 (B) Review. When a request for review is properly filed,
23 the Commission may consider the Department's report, any
24 argument and supplemental evidence timely submitted, and the
25 results of any additional investigation conducted by the

1 Department in response to the request. In its discretion, the
2 Commission may designate a hearing officer to conduct a hearing
3 into the factual basis of the matter at issue.

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

15 (D) Time Period Toll. Proceedings on requests for review
16 shall toll the time limitation established in paragraph (G) of
17 Section 7A-102 from the date on which the Department's notice
18 of ~~dismissal or~~ default is issued to the date on which the
19 Commission's order is entered.

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

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

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