



Sen. Heather A. Steans

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

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

8 Sec. 7-109.1. Administrative dismissal of charges ~~Federal~~
9 ~~or State Court Proceedings.~~ For charges filed under this Act,
10 if the charging party has initiated litigation for the purpose
11 of seeking final relief in a State or federal court or before
12 an administrative law judge or hearing officer in an
13 administrative proceeding before a local government
14 administrative agency, and if a final decision on the merits in
15 that litigation or administrative hearing would preclude the
16 charging party from bringing another action based on the

1 pending charge, the Department shall cease its investigation
2 and dismiss the pending charge by order of the Director, who
3 shall provide the charging party notice of his or her right to
4 commence a civil action in the appropriate circuit court or
5 other appropriate court of competent jurisdiction. The
6 Director shall also provide the charging party notice of his or
7 her right to seek review of the dismissal order before the
8 Commission. Any review by the Commission of the dismissal shall
9 be limited to the question of whether the charge was properly
10 dismissed pursuant to this Section. Nothing in this Section
11 shall preclude the Department from continuing to investigate an
12 allegation in a charge that is unique to this Act or otherwise
13 could not have been included in the litigation or
14 administrative proceeding. The Department may administratively
15 close a charge pending before the Department if the issues
16 which are the basis of the charge are being litigated in a
17 State or federal court proceeding.

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

19 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

20 Sec. 7A-102. Procedures.

21 (A) Charge.

22 (1) Within 300 calendar ~~180~~ days after the date that a
23 civil rights violation allegedly has been committed, a
24 charge in writing under oath or affirmation may be filed
25 with the Department by an aggrieved party or issued by the

1 Department itself under the signature of the Director.

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

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

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

10 (1) If a charge is filed with the Equal Employment
11 Opportunity Commission (EEOC) within 300 calendar ~~180~~ days
12 after the date of the alleged civil rights violation, the
13 charge shall be deemed filed with the Department on the
14 date filed with the EEOC. If the EEOC is the governmental
15 agency designated to investigate the charge first, the
16 Department shall take no action until the EEOC makes a
17 determination on the charge and after the complainant
18 notifies the Department of the EEOC's determination. In
19 such cases, after receiving notice from the EEOC that a
20 charge was filed, the Department shall notify the parties
21 that (i) a charge has been received by the EEOC and has
22 been sent to the Department for dual filing purposes; (ii)
23 the EEOC is the governmental agency responsible for
24 investigating the charge and that the investigation shall
25 be conducted pursuant to the rules and procedures adopted
26 by the EEOC; (iii) it will take no action on the charge

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

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

26 (3) For those charges alleging violations within the

1 jurisdiction of both the EEOC and the Department and for
2 which the EEOC either (i) does not issue a determination,
3 but does issue the complainant a notice of a right to sue,
4 including when the right to sue is issued at the request of
5 the complainant, or (ii) determines that it is unable to
6 establish that illegal discrimination has occurred and
7 issues the complainant a right to sue notice, and if the
8 Department is timely notified of the EEOC's determination
9 by complainant, the Department shall notify the parties,
10 within 10 business days after receipt of the EEOC's
11 determination, that the Department will adopt the EEOC's
12 determination as a dismissal for lack of substantial
13 evidence unless the complainant requests in writing within
14 35 days after receipt of the Department's notice that the
15 Department review the EEOC's determination.

16 (a) If the complainant does not file a written
17 request with the Department to review the EEOC's
18 determination within 35 days after receipt of the
19 Department's notice, the Department shall notify
20 complainant, within 10 business days after the
21 expiration of the 35-day period, that the decision of
22 the EEOC has been adopted by the Department as a
23 dismissal for lack of substantial evidence and that the
24 complainant has the right, within 90 days after receipt
25 of the Department's notice, to commence a civil action
26 in the appropriate circuit court or other appropriate

1 court of competent jurisdiction. The Department's
2 notice to complainant that the Department has adopted
3 the EEOC's determination shall constitute the
4 Department's report for purposes of subparagraph (D)
5 of this Section.

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

1 the alleged civil rights violation has been committed
2 pursuant to subsection (D) of Section 7A-102 of this
3 Act.

4 (4) Pursuant to this Section, if the EEOC dismisses the
5 charge or a portion of the charge of discrimination
6 because, under federal law, the EEOC lacks jurisdiction
7 over the charge, and if, under this Act, the Department has
8 jurisdiction over the charge of discrimination, the
9 Department shall investigate the charge or portion of the
10 charge dismissed by the EEOC for lack of jurisdiction
11 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
12 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of
13 this Act.

14 (5) The time limit set out in subsection (G) of this
15 Section is tolled from the date on which the charge is
16 filed with the EEOC to the date on which the EEOC issues
17 its determination.

18 (6) The failure of the Department to meet the
19 10-business-day notification deadlines set out in
20 paragraph (2) of this subsection shall not impair the
21 rights of any party.

22 (B) Notice and Response to Charge. The Department shall,
23 within 10 days of the date on which the charge was filed, serve
24 a copy of the charge on the respondent and provide all parties
25 with a notice of the complainant's right to opt out of the
26 investigation within 60 days as set forth in subsection (C-1).

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

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

25 (B-1) Mediation. The complainant and respondent may agree
26 to voluntarily submit the charge to mediation without waiving

1 any rights that are otherwise available to either party
2 pursuant to this Act and without incurring any obligation to
3 accept the result of the mediation process. Nothing occurring
4 in mediation shall be disclosed by the Department or admissible
5 in evidence in any subsequent proceeding unless the complainant
6 and the respondent agree in writing that such disclosure be
7 made.

8 (C) Investigation.

9 (1) If the complainant does not elect to opt out of an
10 investigation pursuant to subsection (C-1), the ~~The~~
11 Department shall conduct an investigation sufficient to
12 determine whether the allegations set forth in the charge
13 are supported by substantial evidence.

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

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

1 (4) Upon reasonable notice to the complainant and the
2 respondent, the Department shall conduct a fact finding
3 conference, unless prior to 365 days after the date on
4 which the charge was filed the Director has determined
5 whether there is substantial evidence that the alleged
6 civil rights violation has been committed, the charge has
7 been dismissed for lack of jurisdiction, or the parties
8 voluntarily and in writing agree to waive the fact finding
9 conference. Any party's failure to attend the conference
10 without good cause shall result in dismissal or default.
11 The term "good cause" shall be defined by rule promulgated
12 by the Department. A notice of dismissal or default shall
13 be issued by the Director. The notice of default issued by
14 the Director shall notify the respondent that a request for
15 review may be filed in writing with the Commission within
16 30 days of receipt of notice of default. The notice of
17 dismissal issued by the Director shall give the complainant
18 notice of his or her right to seek review of the dismissal
19 before the Human Rights Commission or commence a civil
20 action in the appropriate circuit court. If the complainant
21 chooses to have the Human Rights Commission review the
22 dismissal order, he or she shall file a request for review
23 with the Commission within 90 days after receipt of the
24 Director's notice. If the complainant chooses to file a
25 request for review with the Commission, he or she may not
26 later commence a civil action in a circuit court. If the

1 complainant chooses to commence a civil action in a circuit
2 court, he or she must do so within 90 days after receipt of
3 the Director's notice.

4 (C-1) Opt out of Department's investigation. At any time
5 within 60 days after receipt of notice of the right to opt out,
6 a complainant may submit a written request seeking notice from
7 the Director indicating that the complainant has opted out of
8 the investigation and may commence a civil action in the
9 appropriate circuit court. The Department shall respond to a
10 complainant's opt-out request within 10 business days by
11 issuing the complainant a notice of the right to commence an
12 action in circuit court. The Department shall also notify the
13 respondent that the complainant has elected to opt out of the
14 administrative process within 10 business days of receipt of
15 the complainant's request. If the complainant chooses to
16 commence an action in a circuit court under this subsection, he
17 or she must do so within 90 days after receipt of the
18 Director's notice of the right to commence an action in circuit
19 court. The complainant shall notify the Department and the
20 respondent that a complaint has been filed with the appropriate
21 circuit court and shall mail a copy of the complaint to the
22 Department and the respondent on the same date that the
23 complaint is filed with the appropriate circuit court. Upon
24 receipt of notice that the complainant has filed an action with
25 the appropriate circuit court, the Department shall
26 immediately cease its investigation and dismiss the charge of

1 civil rights violation. Once a complainant has commenced an
2 action in circuit court under this subsection, he or she may
3 not file or refile a substantially similar charge with the
4 Department arising from the same incident of unlawful
5 discrimination or harassment.

6 (D) Report.

7 (1) Each charge investigated under subsection (C)
8 shall be the subject of a report to the Director. The
9 report shall be a confidential document subject to review
10 by the Director, authorized Department employees, the
11 parties, and, where indicated by this Act, members of the
12 Commission or their designated hearing 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) (Blank) ~~The Department shall stay any~~
11 ~~administrative proceedings under this Section after the~~
12 ~~filing of a civil action by or on behalf of the aggrieved~~
13 ~~party under any federal or State law seeking relief with~~
14 ~~respect to the 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 (L) The changes made to this Section by this amendatory Act
26 of the 100th General Assembly apply to charges filed on or

1 after the effective date of this amendatory Act of the 100th
2 General Assembly.

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

4 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)
5 Sec. 7B-102. Procedures.

6 (A) Charge.

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

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

16 (B) Notice and Response to Charge.

17 (1) The Department shall serve notice upon the
18 aggrieved party acknowledging such charge and advising the
19 aggrieved party of the time limits and choice of forums
20 provided under this Act. The Department shall, within 10
21 days of the date on which the charge was filed or the
22 identification of an additional respondent under paragraph
23 (2) of this subsection, serve on the respondent a copy of
24 the charge along with a notice identifying the alleged
25 civil rights violation and advising the respondent of the

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

1 representative. A party may supplement his or her response
2 or reply at any time that the investigation of the charge
3 is pending.

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

13 (C) Investigation.

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

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

25 (3) The Director or his or her designated
26 representative shall have authority to request any member

1 of the Commission to issue subpoenas to compel the
2 attendance of a witness or the production for examination
3 of any books, records or documents whatsoever.

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

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

25 (D) Report.

26 (1) Each ~~investigated~~ charge investigated under

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

7 The report shall contain:

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

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

12 (c) a summary description of other pertinent
13 records;

14 (d) a summary of witness statements; and

15 (e) answers to questionnaires.

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

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

1 the determination within 100 days after the proper filing
2 of the charge does not deprive the Department of
3 jurisdiction over the charge.

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

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

16 (E) Conciliation.

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

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

1 at the conference in person or by attorney.

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

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

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

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

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

23 (F) Complaint.

24 (1) When there is a failure to settle or adjust any
25 charge through a conciliation conference and the charge is
26 not dismissed, the Department shall prepare a written

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

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

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

13 (G) Time Limit.

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

25 (2) The Director shall make available to the aggrieved
26 party and the respondent, at any time, upon request

1 following completion of the Department's investigation,
2 information derived from an investigation and any final
3 investigative report relating to that investigation.

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

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

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

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

13 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

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

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

22 (B) Terms. Of the members first appointed, 4 shall be
23 appointed for a term to expire on the third Monday of January,
24 2021 ~~1981~~, and 3 ~~5~~ (including the Chairperson) shall be
25 appointed for a term to expire on the third Monday of January,

1 2023 ~~1983~~.

2 Notwithstanding any provision of this Section to the
3 contrary, the term of office of each member of the Illinois
4 Human Rights Commission is abolished on January 19, 2019.
5 Incumbent July 29, 1985, but the incumbent members holding a
6 position on the Commission that was created by Public Act
7 84-115 and whose terms, if not for this amendatory Act of the
8 100th General Assembly, would have expired January 18, 2021
9 shall continue to exercise all of the powers and be subject to
10 all of the duties of members of the Commission until June 30,
11 2019 or until their respective successors are appointed and
12 qualified, whichever is earlier. ~~Subject to the provisions of~~
13 ~~subsection (A), of the 9 members appointed under Public Act~~
14 ~~84-115, effective July 29, 1985, 5 members shall be appointed~~
15 ~~for terms to expire on the third Monday of January, 1987, and 4~~
16 ~~members shall be appointed for terms to expire on the third~~
17 ~~Monday of January, 1989; and of the 4 additional members~~
18 ~~appointed under Public Act 84-1084, effective December 2, 1985,~~
19 ~~two shall be appointed for a term to expire on the third Monday~~
20 ~~of January, 1987, and two members shall be appointed for a term~~
21 ~~to expire on the third Monday of January, 1989.~~

22 Thereafter, each member shall serve for a term of 4 years
23 and until his or her successor is appointed and qualified;
24 except that any member chosen to fill a vacancy occurring
25 otherwise than by expiration of a term shall be appointed only
26 for the unexpired term of the member whom he or she shall

1 succeed and until his or her successor is appointed and
2 qualified.

3 (C) Vacancies.

4 (1) In the case of vacancies on the Commission during a
5 recess of the Senate, the Governor shall make a temporary
6 appointment until the next meeting of the Senate when he or
7 she shall appoint a person to fill the vacancy. Any person
8 so nominated and confirmed by the Senate shall hold office
9 for the remainder of the term and until his or her
10 successor is appointed and qualified.

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

14 (3) Vacancies in the Commission shall not impair the
15 right of the remaining members to exercise all the powers
16 of the Commission. Except when authorized by this Act to
17 proceed through a 3 member panel, a majority of the members
18 of the Commission then in office shall constitute a quorum.

19 (D) Compensation. On and after January 19, 2019, the ~~The~~
20 Chairperson of the Commission shall be compensated at the rate
21 of \$125,000 ~~\$22,500~~ per year, or as set by the Compensation
22 Review Board, whichever is greater, during his or her service
23 as Chairperson, and each other member shall be compensated at
24 the rate of \$119,000 ~~\$20,000~~ per year, or as set by the
25 Compensation Review Board, whichever is greater. In addition,
26 all members of the Commission shall be reimbursed for expenses

1 actually and necessarily incurred by them in the performance of
2 their duties.

3 (E) Notwithstanding the general supervisory authority of
4 the Chairperson, each commissioner, unless appointed to the
5 special temporary panel created under subsection (H), has the
6 authority to hire and supervise a staff attorney. The staff
7 attorney shall report directly to the individual commissioner.

8 (F) A formal training program for newly appointed
9 commissioners shall be implemented. The training program shall
10 include the following:

11 (1) substantive and procedural aspects of the office of
12 commissioner;

13 (2) current issues in employment discrimination and
14 public accommodation law and practice;

15 (3) orientation to each operational unit of the Human
16 Rights Commission;

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

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

24 (6) writing skills; and

25 (7) professional and ethical standards.

26 A formal and ongoing professional development program

1 including, but not limited to, the above-noted areas shall be
2 implemented to keep commissioners informed of recent
3 developments and issues and to assist them in maintaining and
4 enhancing their professional competence. Each commissioner
5 shall complete 20 hours of training in the above-noted areas
6 during every 2 years the commissioner remains in office.

7 (G) Commissioners must meet one of the following
8 qualifications:

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

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

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

20 The Governor's appointment message, filed with the
21 Secretary of State and transmitted to the Senate, shall state
22 specifically how the experience of a nominee for commissioner
23 meets the requirement set forth in this subsection. The
24 Chairperson must have public or private sector management and
25 budget experience, as determined by the Governor.

26 Each commissioner shall devote full time to his or her

1 duties and any commissioner who is an attorney shall not engage
2 in the practice of law, nor shall any commissioner hold any
3 other office or position of profit under the United States or
4 this State or any municipal corporation or political
5 subdivision of this State, nor engage in any other business,
6 employment, or vocation.

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

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

23 (775 ILCS 5/8-102) (from Ch. 68, par. 8-102)

24 Sec. 8-102. Powers and Duties. In addition to the other
25 powers and duties prescribed in this Act, the Commission shall

1 have the following powers and duties:

2 (A) Meetings. To meet and function at any place within the
3 State.

4 (B) Offices. To establish and maintain offices in
5 Springfield and Chicago.

6 (C) Employees. To select and fix the compensation of such
7 technical advisors and employees as it may deem necessary
8 pursuant to the provisions of "The Personnel Code".

9 (D) Hearing Officers. To select and fix the compensation of
10 hearing officers who shall be attorneys duly licensed to
11 practice law in this State and full time employees of the
12 Commission.

13 A formal and unbiased training program for hearing officers
14 shall be implemented. The training program shall include the
15 following:

16 (1) substantive and procedural aspects of the hearing
17 officer position;

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

19 (3) lectures by specialists in substantive areas
20 related to human rights matters;

21 (4) orientation to each operational unit of the
22 Department and Commission;

23 (5) observation of experienced hearing officers
24 conducting hearings of cases, combined with the
25 opportunity to discuss evidence presented and rulings
26 made;

1 (6) the use of hypothetical cases requiring the hearing
2 officer to issue judgments as a means to evaluating
3 knowledge and writing ability;

4 (7) writing skills;

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

7 A formal, unbiased and ongoing professional development
8 program including, but not limited to, the above-noted areas
9 shall be implemented to keep hearing officers informed of
10 recent developments and issues and to assist them in
11 maintaining and enhancing their professional competence.

12 (E) Rules and Regulations. To adopt, promulgate, amend, and
13 rescind rules and regulations not inconsistent with the
14 provisions of this Act pursuant to the Illinois Administrative
15 Procedure Act.

16 (F) Compulsory Process. To issue and authorize requests for
17 enforcement of subpoenas and other compulsory process
18 established by this Act.

19 (G) Decisions. Through a panel of three members designated
20 by the Chairperson on a random basis, to hear and decide by
21 majority vote complaints filed in conformity with this Act and
22 to approve proposed settlements. Decisions by commissioners
23 must be based strictly on neutral interpretations of the law
24 and the facts.

25 (H) Rehearings. To order, by a vote of 3 ~~6~~ members,
26 rehearing of its decisions by the entire Commission in

1 conformity with this Act.

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

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

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

10 (L) Interpreters. To appoint at the expense of the
11 Commission a qualified sign language interpreter whenever a
12 hearing impaired person is a party or witness at a public
13 hearing.

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

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

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

21 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

22 Sec. 8-103. Request for Review.

23 (A) Jurisdiction. The Commission, through a panel of three
24 members, shall have jurisdiction to hear and determine requests
25 for review of (1) decisions of the Department to dismiss a

1 charge; and (2) notices of default issued by the Department.

2 In each instance, the Department shall be the respondent.
3 The respondent on the charge, in the case of dismissal, or the
4 complainant, in the case of default, may file a response to the
5 request for review.

6 (B) Review. When a request for review is properly filed,
7 the Commission may consider the Department's report, any
8 argument and supplemental evidence timely submitted, and the
9 results of any additional investigation conducted by the
10 Department in response to the request. In its discretion, the
11 Commission may designate a hearing officer to conduct a hearing
12 into the factual basis of the matter at issue. Within 120 days
13 after the effective date of this amendatory Act of the 100th
14 General Assembly, the Commission shall adopt rules of minimum
15 standards for the contents of responses to requests for review,
16 including, but not limited to, proposed statements of
17 uncontested facts and proposed statements of the legal issues.

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

1 action in the appropriate circuit court or request that the
2 Commission set a hearing on damages.

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

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

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

15 (G) The changes made to this Section by this amendatory Act
16 of the 100th General Assembly apply to charges filed or pending
17 with the Department or Commission on or after the effective
18 date of this amendatory Act of the 100th General Assembly.

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

20 (775 ILCS 5/8-110) (from Ch. 68, par. 8-110)

21 Sec. 8-110. Publication of Opinions. Decisions of the
22 Commission or panels thereof, whether on requests for review or
23 complaints, shall be made available on the Commission's website
24 and to online legal research companies within 14 calendar days
25 after publication by the Commission as required by subsection

1 (J) of Section 8-102. Published decisions shall be subject to
2 the Personal Information Protection Act ~~published within 120~~
3 ~~calendar days of the completion of service of the written~~
4 ~~decision on the parties to ensure a consistent source of~~
5 ~~precedent.~~

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

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

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

12 (775 ILCS 5/8A-103) (from Ch. 68, par. 8A-103)

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

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

23 (B) Response. Within 21 days of the receipt of service of
24 exceptions, a party may file with the Commission any response
25 to the exceptions. Responses shall be supported by argument and

1 served on all parties at the time they are filed.

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

9 (D) Remand.

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

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

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

1 (E) Review.

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

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

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

26 (4) A recommended order authored by a non-presiding

1 hearing officer under subparagraph 8A-102(I)(4) of this
2 Act shall be reviewed in the same manner as a recommended
3 order authored by a presiding hearing officer.

4 (F) Rehearing.

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

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

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

26 (G) Modification of Order.

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

7 (2) Any modification shall be accomplished by the
8 filing and service of a supplemental order and decision by
9 the Commission in the same manner as provided in this
10 Section.

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

19 (Source: P.A. 89-348, eff. 1-1-96; 89-370, eff. 8-18-95;
20 89-626, eff. 8-9-96.)

21 (775 ILCS 5/8B-103) (from Ch. 68, par. 8B-103)

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

23 (A) Exceptions. Within 30 days of the receipt of service of
24 the hearing officer's recommended order, a party may file with
25 the Commission any written exceptions to any part of the order.

1 Exceptions shall be supported by argument and served on all
2 parties at the time they are filed. If no exceptions are filed,
3 the recommended order shall become the order of the Commission
4 without further review. The Commission shall issue a notice
5 that no exceptions have been filed no later than 30 days after
6 the exceptions were due.

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

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

18 (D) Remand.

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

26 (2) The hearing officer presiding at a rehearing shall

1 set a hearing date, in accordance with Section 8B-102(C),
2 upon due notice to all parties.

3 (3) After conclusion of the rehearing, the hearing
4 officer shall file written findings and recommendations
5 with the Commission and serve copies at the same time on
6 all parties in the same manner as provided in Section
7 8B-102(J). The findings and recommendations shall be
8 subject to review by the Commission as provided in this
9 Section.

10 (E) Review.

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

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

21 (3) If the Commission accepts a case for review, it
22 shall file its written order and decision in its office and
23 serve copies on all parties together with a notification of
24 the date when it was filed. If the Commission declines to
25 review a recommended order or if no exceptions have been
26 filed, it shall issue a short statement notifying the

1 parties that the recommended order has become the order of
2 the Commission. The statement shall be served on the
3 parties by first class mail.

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

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

15 (F) Rehearing.

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

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

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

11 (G) Modification of Order.

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

18 (2) Any modification shall be accomplished by the
19 filing and service of a supplemental order and decision by
20 the Commission in the same manner as provided in this
21 Section.

22 (H) Extensions of time. All motions for extensions of time
23 with respect to matters being considered by the Commission
24 shall be decided by the full Commission or a 3-member panel. If
25 a motion for extension of time cannot be ruled upon before the
26 filing deadline sought to be extended, the Chairperson of the

1 Commission shall be authorized to extend the filing deadline to
2 the date of the next Commission meeting at which the motion can
3 be considered.

4 (Source: P.A. 89-348, eff. 1-1-96; 89-370, eff. 8-18-95;
5 89-626, eff. 8-9-96.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".