

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

8 (A) Charge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (B-1) Mediation. The complainant and respondent may agree
23 to voluntarily submit the charge to mediation without waiving
24 any rights that are otherwise available to either party
25 pursuant to this Act and without incurring any obligation to
26 accept the result of the mediation process. Nothing occurring

1 in mediation shall be disclosed by the Department or admissible
2 in evidence in any subsequent proceeding unless the complainant
3 and the respondent agree in writing that such disclosure be
4 made.

5 (C) Investigation.

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

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

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

23 (4) Upon reasonable notice to the complainant and the
24 respondent, the Department shall conduct a fact finding
25 conference, unless prior to 365 days after the date on
26 which the charge was filed the Director has determined

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

26 (D) Report.

1 (1) Each charge 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 (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 seek review of
23 the dismissal order before the Commission or commence a
24 civil action in the appropriate circuit court. If the
25 complainant chooses to have the Human Rights Commission
26 review the dismissal order, he or she shall file a request

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

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

1 action in the appropriate circuit court. If the complainant
2 files a complaint with the Human Rights Commission, the
3 complainant shall give notice to the Department of the
4 filing of the complaint with the Human Rights Commission.

5 (E) Conciliation.

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

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

18 (3) The place fixed for the conference shall be within
19 35 miles of the place where the civil rights violation is
20 alleged to have been committed.

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

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

1 (F) Complaint.

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

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

16 (G) Time Limit.

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

23 (2) If the Department has not issued its report within
24 365 days after the charge is filed, or any such longer
25 period agreed to in writing by all the parties, the
26 complainant shall have 90 days to either file his or her

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

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

1 investigation. The Department may also be liable for any
2 costs and other damages incurred by the respondent as a
3 result of the action of the Department.

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

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

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

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

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

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

21 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

22 Sec. 7B-102. Procedures.

23 (A) Charge.

24 (1) Within one year after the date that a civil rights
25 violation allegedly has been committed or terminated, a

1 charge in writing under oath or affirmation may be filed
2 with the Department by an aggrieved party or issued by the
3 Department itself under the signature of the Director.

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

8 (B) Notice and Response to Charge.

9 (1) The Department shall serve notice upon the
10 aggrieved party acknowledging such charge and advising the
11 aggrieved party of the time limits and choice of forums
12 provided under this Act. The Department shall, within 10
13 days of the date on which the charge was filed or the
14 identification of an additional respondent under paragraph
15 (2) of this subsection, serve on the respondent a copy of
16 the charge along with a notice identifying the alleged
17 civil rights violation and advising the respondent of the
18 procedural rights and obligations of respondents under
19 this Act and may ~~shall~~ require the respondent to file a
20 ~~verified~~ response to the allegations contained in the
21 charge. Upon the Department's request, the respondent
22 shall file a response to the charge within 30 days and ~~-~~
23 ~~The respondent~~ shall serve a copy of its response on the
24 complainant or his or her representative. All allegations
25 contained in the charge not timely denied by the respondent
26 may ~~shall~~ be deemed admitted, unless the respondent states

1 that it is without sufficient information to form a belief
2 with respect to such allegation. The Department may issue a
3 notice of default directed to any respondent who fails to
4 file a ~~verified~~ response to a charge within 30 days of the
5 Department's request ~~date on which the charge was filed,~~
6 unless the respondent can demonstrate good cause as to why
7 such notice should not issue. The term "good cause" shall
8 be defined by rule promulgated by the Department. Within 10
9 days of the date he or she receives the respondent's
10 response, the complainant may file his or her reply to said
11 response. If he or she chooses to file a reply, the
12 complainant shall serve a copy of said reply on the
13 respondent or his or her representative. A party may ~~shall~~
14 ~~have the right to~~ supplement his or her response or reply
15 at any time that the investigation of the charge is
16 pending.

17 (2) A person who is not named as a respondent in a
18 charge, but who is identified as a respondent in the course
19 of investigation, may be joined as an additional or
20 substitute respondent upon written notice, under
21 subsection (B), to such person, from the Department. Such
22 notice, in addition to meeting the requirements of
23 subsections (A) and (B), shall explain the basis for the
24 Department's belief that a person to whom the notice is
25 addressed is properly joined as a respondent.

26 (C) Investigation.

1 (1) The Department shall conduct a full investigation
2 of the allegations set forth in the charge and complete
3 such investigation within 100 days after the filing of the
4 charge, unless it is impracticable to do so. The
5 Department's failure to complete the investigation within
6 100 days after the proper filing of the charge does not
7 deprive the Department of jurisdiction over the charge.

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

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

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

25 (5) Upon reasonable notice to the complainant and the
26 respondent, the Department shall conduct a fact finding

1 conference, unless prior to 100 days from the date on which
2 the charge was filed, the Director has determined whether
3 there is substantial evidence that the alleged civil rights
4 violation has been committed or the parties voluntarily and
5 in writing agree to waive the fact finding conference. A
6 party's failure to attend the conference without good cause
7 may result in dismissal or default. A notice of dismissal
8 or default shall be issued by the Director and shall notify
9 the relevant party that a request for review may be filed
10 in writing with the Commission within 30 days of receipt of
11 notice of dismissal or default.

12 (D) Report.

13 (1) Each investigated charge shall be the subject of a
14 report to the Director. The report shall be a confidential
15 document subject to review by the Director, authorized
16 Department employees, the parties, and, where indicated by
17 this Act, members of the Commission or their designated
18 hearing officers.

19 The report shall contain:

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

21 (b) a summary and the date of correspondence and
22 other contacts with the aggrieved party and the
23 respondent;

24 (c) a summary description of other pertinent
25 records;

26 (d) a summary of witness statements; and

1 (e) answers to questionnaires.

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

4 (2) Upon review of the report and within 100 days of
5 the filing of the charge, unless it is impracticable to do
6 so, the Director shall determine whether there is
7 substantial evidence that the alleged civil rights
8 violation has been committed or is about to be committed.
9 If the Director is unable to make the determination within
10 100 days after the filing of the charge, the Director shall
11 notify the complainant and respondent in writing of the
12 reasons for not doing so. The Director's failure to make
13 the determination within 100 days after the proper filing
14 of the charge does not deprive the Department of
15 jurisdiction over the charge.

16 (a) If the Director determines that there is no
17 substantial evidence, the charge shall be dismissed
18 and the aggrieved party notified that he or she may
19 seek review of the dismissal order before the
20 Commission. The aggrieved party shall have 90 days from
21 receipt of notice to file a request for review by the
22 Commission. The Director shall make public disclosure
23 of each such dismissal.

24 (b) If the Director determines that there is
25 substantial evidence, he or she shall immediately
26 issue a complaint on behalf of the aggrieved party

1 pursuant to subsection (F).

2 (E) Conciliation.

3 (1) During the period beginning with the filing of
4 charge and ending with the filing of a complaint or a
5 dismissal by the Department, the Department shall, to the
6 extent feasible, engage in conciliation with respect to
7 such charge.

8 When the Department determines that a formal
9 conciliation conference is feasible, the aggrieved party
10 and respondent shall be notified of the time and place of
11 the conference by registered or certified mail at least 7
12 days prior thereto and either or both parties shall appear
13 at the conference in person or by attorney.

14 (2) The place fixed for the conference shall be within
15 35 miles of the place where the civil rights violation is
16 alleged to have been committed.

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

22 (4) A conciliation agreement arising out of such
23 conciliation shall be an agreement between the respondent
24 and the complainant, and shall be subject to approval by
25 the Department and Commission.

26 (5) A conciliation agreement may provide for binding

1 arbitration of the dispute arising from the charge. Any
2 such arbitration that results from a conciliation
3 agreement may award appropriate relief, including monetary
4 relief.

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

9 (F) Complaint.

10 (1) When there is a failure to settle or adjust any
11 charge through a conciliation conference and the charge is
12 not dismissed, the Department shall prepare a written
13 complaint, under oath or affirmation, stating the nature of
14 the civil rights violation and the relief sought on behalf
15 of the aggrieved party. Such complaint shall be based on
16 the final investigation report and need not be limited to
17 the facts or grounds alleged in the charge filed under
18 subsection (A).

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

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

25 (G) Time Limit.

26 (1) When a charge of a civil rights violation has been

1 properly filed, the Department, within 100 days thereof,
2 unless it is impracticable to do so, shall either issue and
3 file a complaint in the manner and form set forth in this
4 Section or shall order that no complaint be issued. Any
5 such order shall be duly served upon both the aggrieved
6 party and the respondent. The Department's failure to
7 either issue and file a complaint or order that no
8 complaint be issued within 100 days after the proper filing
9 of the charge does not deprive the Department of
10 jurisdiction over the charge.

11 (2) The Director shall make available to the aggrieved
12 party and the respondent, at any time, upon request
13 following completion of the Department's investigation,
14 information derived from an investigation and any final
15 investigative report relating to that investigation.

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

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

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

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.