



Sen. Napoleon Harris, III

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LRB100 11152 HEP 24143 a

1 AMENDMENT TO SENATE BILL 1516

2 AMENDMENT NO. _____. Amend Senate Bill 1516 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 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

1 rights violation.

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

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

6 (1) If a charge is filed with the Equal Employment
7 Opportunity Commission (EEOC) within 180 days after the
8 date of the alleged civil rights violation, the charge
9 shall be deemed filed with the Department on the date filed
10 with the EEOC. If the EEOC is the governmental agency
11 designated to investigate the charge first, the Department
12 shall take no action until the EEOC makes a determination
13 on the charge and after the complainant notifies the
14 Department of the EEOC's determination. In such cases,
15 after receiving notice from the EEOC that a charge was
16 filed, the Department shall notify the parties that (i) a
17 charge has been received by the EEOC and has been sent to
18 the Department for dual filing purposes; (ii) the EEOC is
19 the governmental agency responsible for investigating the
20 charge and that the investigation shall be conducted
21 pursuant to the rules and procedures adopted by the EEOC;
22 (iii) it will take no action on the charge until the EEOC
23 issues its determination; (iv) the complainant must submit
24 a copy of the EEOC's determination within 30 days after
25 service of the determination by the EEOC on complainant;
26 and (v) that the time period to investigate the charge

1 contained in subsection (G) of this Section is tolled from
2 the date on which the charge is filed with the EEOC until
3 the EEOC issues its determination.

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

19 (3) For those charges alleging violations within the
20 jurisdiction of both the EEOC and the Department and for
21 which the EEOC either (i) does not issue a determination,
22 but does issue the complainant a notice of a right to sue,
23 including when the right to sue is issued at the request of
24 the complainant, or (ii) determines that it is unable to
25 establish that illegal discrimination has occurred and
26 issues the complainant a right to sue notice, and if the

1 Department is timely notified of the EEOC's determination
2 by complainant, the Department shall notify the parties
3 that the Department will adopt the EEOC's determination as
4 a dismissal for lack of substantial evidence unless the
5 complainant requests in writing within 35 days after
6 receipt of the Department's notice that the Department
7 review the EEOC's determination.

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

22 (b) If the complainant does file a written request
23 with the Department to review the EEOC's
24 determination, the Department shall review the EEOC's
25 determination and any evidence obtained by the EEOC
26 during its investigation. If, after reviewing the

1 EEOC's determination and any evidence obtained by the
2 EEOC, the Department determines there is no need for
3 further investigation of the charge, the Department
4 shall issue a report and the Director shall determine
5 whether there is substantial evidence that the alleged
6 civil rights violation has been committed pursuant to
7 subsection (D) of Section 7A-102. If, after reviewing
8 the EEOC's determination and any evidence obtained by
9 the EEOC, the Department determines there is a need for
10 further investigation of the charge, the Department
11 may conduct any further investigation it deems
12 necessary. After reviewing the EEOC's determination,
13 the evidence obtained by the EEOC, and any additional
14 investigation conducted by the Department, the
15 Department shall issue a report and the Director shall
16 determine whether there is substantial evidence that
17 the alleged civil rights violation has been committed
18 pursuant to subsection (D) of Section 7A-102 of this
19 Act.

20 (4) Pursuant to this Section, if the EEOC dismisses the
21 charge or a portion of the charge of discrimination
22 because, under federal law, the EEOC lacks jurisdiction
23 over the charge, and if, under this Act, the Department has
24 jurisdiction over the charge of discrimination, the
25 Department shall investigate the charge or portion of the
26 charge dismissed by the EEOC for lack of jurisdiction

1 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
2 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of
3 this Act.

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

8 (B) Notice and Response to Charge. The Department shall,
9 within 10 days of the date on which the charge was filed, serve
10 a copy of the charge on the respondent. This period shall not
11 be construed to be jurisdictional. The charging party and the
12 respondent may each file a position statement and other
13 materials with the Department regarding the charge of alleged
14 discrimination within 60 days of receipt of the notice of the
15 charge. The position statements and other materials filed shall
16 remain confidential unless otherwise agreed to by the party
17 providing the information and shall not be served on or made
18 available to the other party during pendency of a charge with
19 the Department. The Department may ~~shall~~ require the respondent
20 to file a ~~verified~~ response to the allegations contained in the
21 charge. Upon the Department's request, the respondent shall
22 file a response to the charge within 60 days and ~~within 60 days~~
23 ~~of receipt of the notice of the charge. The respondent shall~~
24 serve a copy of its response on the complainant or his or her
25 representative. All allegations contained in the charge not
26 timely denied by the respondent may ~~shall~~ be deemed admitted,

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

1 complainant pursuant to subparagraph (2) of paragraph (G) or by
2 the Department pursuant to subparagraph (1) of paragraph (G).

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

12 (C) Investigation.

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

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

22 (3) If any witness whose testimony is required for any
23 investigation resides outside the State, or through
24 illness or any other good cause as determined by the
25 Director is unable to be interviewed by the investigator or
26 appear at a fact finding conference, his or her testimony

1 or deposition may be taken, within or without the State, in
2 the same manner as is provided for in the taking of
3 depositions in civil cases in circuit courts.

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

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

7 (D) Report.

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

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

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

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

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

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

12 (E) Conciliation.

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

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

25 (3) The place fixed for the conference shall be within
26 35 miles of the place where the civil rights violation is

1 alleged to have been committed.

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

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

8 (F) Complaint.

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

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

23 (G) Time Limit.

24 (1) When a charge of a civil rights violation has been
25 properly filed, the Department, within 365 days thereof or
26 within any extension of that period agreed to in writing by

1 all parties, shall issue its report as required by
2 subparagraph (D). Any such report shall be duly served upon
3 both the complainant and the respondent.

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

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

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

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

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

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

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

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

26 (Source: P.A. 96-876, eff. 2-2-10; 97-22, eff. 1-1-12; 97-596,

1 eff. 8-26-11; 97-813, eff. 7-13-12.)

2 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

3 Sec. 7B-102. Procedures.

4 (A) Charge.

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

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

14 (B) Notice and Response to Charge.

15 (1) The Department shall serve notice upon the
16 aggrieved party acknowledging such charge and advising the
17 aggrieved party of the time limits and choice of forums
18 provided under this Act. The Department shall, within 10
19 days of the date on which the charge was filed or the
20 identification of an additional respondent under paragraph

21 (2) of this subsection, serve on the respondent a copy of
22 the charge along with a notice identifying the alleged
23 civil rights violation and advising the respondent of the
24 procedural rights and obligations of respondents under
25 this Act and may ~~shall~~ require the respondent to file a

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

24 (2) A person who is not named as a respondent in a
25 charge, but who is identified as a respondent in the course
26 of investigation, may be joined as an additional or

1 substitute respondent upon written notice, under
2 subsection (B), to such person, from the Department. Such
3 notice, in addition to meeting the requirements of
4 subsections (A) and (B), shall explain the basis for the
5 Department's belief that a person to whom the notice is
6 addressed is properly joined as a respondent.

7 (C) Investigation.

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

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

19 (3) The Director or his or her designated
20 representative shall have authority to request any member
21 of the Commission to issue subpoenas to compel the
22 attendance of a witness or the production for examination
23 of any books, records or documents whatsoever.

24 (4) If any witness whose testimony is required for any
25 investigation resides outside the State, or through
26 illness or any other good cause as determined by the

1 Director is unable to be interviewed by the investigator or
2 appear at a fact finding conference, his or her testimony
3 or deposition may be taken, within or without the State, in
4 the same manner as provided for in the taking of
5 depositions in civil cases in circuit courts.

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

19 (D) Report.

20 (1) Each investigated charge shall be the subject of a
21 report to the Director. The report shall be a confidential
22 document subject to review by the Director, authorized
23 Department employees, the parties, and, where indicated by
24 this Act, members of the Commission or their designated
25 hearing officers.

26 The report shall contain:

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

2 (b) a summary and the date of correspondence and
3 other contacts with the aggrieved party and the
4 respondent;

5 (c) a summary description of other pertinent
6 records;

7 (d) a summary of witness statements; and

8 (e) answers to questionnaires.

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

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

23 (a) If the Director determines that there is no
24 substantial evidence, the charge shall be dismissed
25 and the aggrieved party notified that he or she may
26 seek review of the dismissal order before the

1 Commission. The aggrieved party shall have 90 days from
2 receipt of notice to file a request for review by the
3 Commission. The Director shall make public disclosure
4 of each such dismissal.

5 (b) If the Director determines that there is
6 substantial evidence, he or she shall immediately
7 issue a complaint on behalf of the aggrieved party
8 pursuant to subsection (F).

9 (E) Conciliation.

10 (1) During the period beginning with the filing of
11 charge and ending with the filing of a complaint or a
12 dismissal by the Department, the Department shall, to the
13 extent feasible, engage in conciliation with respect to
14 such charge.

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

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

24 (3) Nothing occurring at the conference shall be made
25 public or used as evidence in a subsequent proceeding for
26 the purpose of proving a violation under this Act unless

1 the complainant and respondent agree in writing that such
2 disclosure be made.

3 (4) A conciliation agreement arising out of such
4 conciliation shall be an agreement between the respondent
5 and the complainant, and shall be subject to approval by
6 the Department and Commission.

7 (5) A conciliation agreement may provide for binding
8 arbitration of the dispute arising from the charge. Any
9 such arbitration that results from a conciliation
10 agreement may award appropriate relief, including monetary
11 relief.

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

16 (F) Complaint.

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

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

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

6 (G) Time Limit.

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

18 (2) The Director shall make available to the aggrieved
19 party and the respondent, at any time, upon request
20 following completion of the Department's investigation,
21 information derived from an investigation and any final
22 investigative report relating to that investigation.

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

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

1 changes.

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

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

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