

1 AN ACT concerning civil law.

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 7B-102, 8-101, and 10-103 as follows:

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

8 (A) Charge.

9 (1) Within one year after the date that a civil rights
10 violation allegedly has been committed or terminated, a
11 charge in writing under oath or affirmation may be filed
12 with the Department by an aggrieved party or issued by the
13 Department itself 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 (B) Notice and Response to Charge.

19 (1) The Department shall serve notice upon the
20 aggrieved party acknowledging such charge and advising the
21 aggrieved party of the time limits and choice of forums
22 provided under this Act. The Department shall, within 10
23 days of the date on which the charge was filed or the

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

1 he or she receives the respondent's response, the
2 complainant may file his or her reply to said response. If
3 he or she chooses to file a reply, the complainant shall
4 serve a copy of said reply on the respondent or his or her
5 representative. A party may supplement his or her response
6 or reply at any time that the investigation of the charge
7 is pending.

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

17 (C) Investigation.

18 (1) The Department shall conduct a full investigation
19 of the allegations set forth in the charge and complete
20 such investigation within 100 days after the filing of the
21 charge, unless it is impracticable to do so. The
22 Department's failure to complete the investigation within
23 100 days after the proper filing of the charge does not
24 deprive the Department of jurisdiction over the charge.

25 (2) If the Department is unable to complete the
26 investigation within 100 days after the charge is filed,

1 the Department shall notify the complainant and respondent
2 in writing of the reasons for not doing so.

3 (3) The Director or his or her designated
4 representative shall have authority to request any member
5 of the Commission to issue subpoenas to compel the
6 attendance of a witness or the production for examination
7 of any books, records or documents whatsoever.

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

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

1 that a request for review may be filed in writing with the
2 Commission within 30 days of receipt of notice of dismissal
3 or default.

4 (D) Report.

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

11 The report shall contain:

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

13 (b) a summary and the date of correspondence and
14 other contacts with the aggrieved party and the
15 respondent;

16 (c) a summary description of other pertinent
17 records;

18 (d) a summary of witness statements; and

19 (e) answers to questionnaires.

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

22 (2) Upon review of the report and within 100 days of
23 the filing of the charge, unless it is impracticable to do
24 so, the Director shall determine whether there is
25 substantial evidence that the alleged civil rights
26 violation has been committed or is about to be committed.

1 If the Director is unable to make the determination within
2 100 days after the filing of the charge, the Director shall
3 notify the complainant and respondent in writing of the
4 reasons for not doing so. The Director's failure to make
5 the determination within 100 days after the proper filing
6 of the charge does not deprive the Department of
7 jurisdiction over the charge.

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

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

20 (E) Conciliation.

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

26 When the Department determines that a formal

1 conciliation conference is feasible, the aggrieved party
2 and respondent shall be notified of the time and place of
3 the conference by registered or certified mail at least 7
4 days prior thereto and either or both parties shall appear
5 at the conference in person or by attorney.

6 (2) The place fixed for the conference shall be within
7 35 miles of the place where the civil rights violation is
8 alleged to have been committed.

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

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

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

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

1 (F) Complaint.

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

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

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

17 (G) Time Limit.

18 (1) When a charge of a civil rights violation has been
19 properly filed, the Department, within 100 days thereof,
20 unless it is impracticable to do so, shall either issue and
21 file a complaint in the manner and form set forth in this
22 Section or shall order that no complaint be issued. Any
23 such order shall be duly served upon both the aggrieved
24 party and the respondent. The Department's failure to
25 either issue and file a complaint or order that no
26 complaint be issued within 100 days after the proper filing

1 of the charge does not deprive the Department of
2 jurisdiction over the charge.

3 (2) The Director shall make available to the aggrieved
4 party and the respondent, at any time, upon request
5 following completion of the Department's investigation,
6 information derived from an investigation and any final
7 investigative report relating to that investigation.

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

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

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

16 (Source: P.A. 100-492, eff. 9-8-17; 100-1066, eff. 8-24-18.)

17 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

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

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

1 (B) Terms. Of the members first appointed, 4 shall be
2 appointed for a term to expire on the third Monday of January,
3 2021, and 3 (including the Chairperson) shall be appointed for
4 a term to expire on the third Monday of January, 2023.

5 Notwithstanding any provision of this Section to the
6 contrary, the term of office of each member of the Illinois
7 Human Rights Commission is abolished on January 19, 2019.
8 Incumbent members holding a position on the Commission that was
9 created by Public Act 84-115 and whose terms, if not for this
10 amendatory Act of the 100th General Assembly, would have
11 expired January 18, 2021 shall continue to exercise all of the
12 powers and be subject to all of the duties of members of the
13 Commission until June 30, 2019 or until their respective
14 successors are appointed and qualified, whichever is earlier.

15 Thereafter, each member shall serve for a term of 4 years
16 and until his or her successor is appointed and qualified;
17 except that any member chosen to fill a vacancy occurring
18 otherwise than by expiration of a term shall be appointed only
19 for the unexpired term of the member whom he or she shall
20 succeed and until his or her successor is appointed and
21 qualified.

22 (C) Vacancies.

23 (1) In the case of vacancies on the Commission during a
24 recess of the Senate, the Governor shall make a temporary
25 appointment until the next meeting of the Senate when he or
26 she shall appoint a person to fill the vacancy. Any person

1 so nominated and confirmed by the Senate shall hold office
2 for the remainder of the term and until his or her
3 successor is appointed and qualified.

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

7 (3) Vacancies in the Commission shall not impair the
8 right of the remaining members to exercise all the powers
9 of the Commission. Except when authorized by this Act to
10 proceed through a 3 member panel, a majority of the members
11 of the Commission then in office shall constitute a quorum.

12 (D) Compensation. On and after January 19, 2019, the
13 Chairperson of the Commission shall be compensated at the rate
14 of \$125,000 per year, or as set by the Compensation Review
15 Board, whichever is greater, during his or her service as
16 Chairperson, and each other member shall be compensated at the
17 rate of \$119,000 per year, or as set by the Compensation Review
18 Board, whichever is greater. In addition, all members of the
19 Commission shall be reimbursed for expenses actually and
20 necessarily incurred by them in the performance of their
21 duties.

22 (E) Notwithstanding the general supervisory authority of
23 the Chairperson, each commissioner, unless appointed to the
24 special temporary panel created under subsection (H), has the
25 authority to hire and supervise a staff attorney. The staff
26 attorney shall report directly to the individual commissioner.

1 (F) A formal training program for newly appointed
2 commissioners shall be implemented. The training program shall
3 include the following:

4 (1) substantive and procedural aspects of the office of
5 commissioner;

6 (2) current issues in employment and housing
7 discrimination and public accommodation law and practice;

8 (3) orientation to each operational unit of the Human
9 Rights Commission;

10 (4) observation of experienced hearing officers and
11 commissioners conducting hearings of cases, combined with
12 the opportunity to discuss evidence presented and rulings
13 made;

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

17 (6) writing skills; and

18 (7) professional and ethical standards.

19 A formal and ongoing professional development program
20 including, but not limited to, the above-noted areas shall be
21 implemented to keep commissioners informed of recent
22 developments and issues and to assist them in maintaining and
23 enhancing their professional competence. Each commissioner
24 shall complete 20 hours of training in the above-noted areas
25 during every 2 years the commissioner remains in office.

26 (G) Commissioners must meet one of the following

1 qualifications:

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

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

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

13 The Governor's appointment message, filed with the
14 Secretary of State and transmitted to the Senate, shall state
15 specifically how the experience of a nominee for commissioner
16 meets the requirement set forth in this subsection. The
17 Chairperson must have public or private sector management and
18 budget experience, as determined by the Governor.

19 Each commissioner shall devote full time to his or her
20 duties and any commissioner who is an attorney shall not engage
21 in the practice of law, nor shall any commissioner hold any
22 other office or position of profit under the United States or
23 this State or any municipal corporation or political
24 subdivision of this State, nor engage in any other business,
25 employment, or vocation.

26 (H) Notwithstanding any other provision of this Act, the

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

15 (Source: P.A. 99-642, eff. 7-28-16; 100-1066, eff. 8-24-18.)

16 (775 ILCS 5/10-103) (from Ch. 68, par. 10-103)

17 Sec. 10-103. Circuit Court Actions Pursuant To Election.

18 (A) If an election is made under Section 8B-102, the Department
19 shall authorize and not later than 30 days after the entry of
20 the administrative closure order by the Commission ~~election is~~
21 ~~made~~ the Attorney General shall commence and maintain a civil
22 action on behalf of the aggrieved party in a circuit court of
23 Illinois seeking relief under this Section. Venue for such
24 civil action shall be determined under Section 8-111(B) (6).

25 (B) Any aggrieved party with respect to the issues to be

1 determined in a civil action under this Section may intervene
2 as of right in that civil action.

3 (C) In a civil action under this Section, if the court
4 finds that a civil rights violation has occurred or is about to
5 occur the court may grant as relief any relief which a court
6 could grant with respect to such civil rights violation in a
7 civil action under Section 10-102. Any relief so granted that
8 would accrue to an aggrieved party in a civil action commenced
9 by that aggrieved party under Section 10-102 shall also accrue
10 to that aggrieved party in a civil action under this Section.
11 If monetary relief is sought for the benefit of an aggrieved
12 party who does not intervene in the civil action, the court
13 shall not award such relief if that aggrieved party has not
14 complied with discovery orders entered by the court.

15 (Source: P.A. 86-910.)