



Rep. Anna Moeller

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LRB101 07990 LNS 61350 a

1 AMENDMENT TO SENATE BILL 220

2 AMENDMENT NO. _____. Amend Senate Bill 220 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 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

1 rights violation.

2 (B) Notice and Response to Charge.

3 (1) The Department shall serve notice upon the
4 aggrieved party acknowledging such charge and advising the
5 aggrieved party of the time limits and choice of forums
6 provided under this Act. The Department shall, within 10
7 days of the date on which the charge was filed or the
8 identification of an additional respondent under paragraph
9 (2) of this subsection, serve on the respondent a copy of
10 the charge along with a notice identifying the alleged
11 civil rights violation and advising the respondent of the
12 procedural rights and obligations of respondents under
13 this Act and may require the respondent to file a response
14 to the allegations contained in the charge. Upon the
15 Department's request, the respondent shall file a response
16 to the charge within 30 days and shall serve a copy of its
17 response on the complainant or his or her representative.
18 Notwithstanding any request from the Department, the
19 respondent may elect to file a response to the charge
20 within 30 days of receipt of notice of the charge, provided
21 the respondent serves a copy of its response on the
22 complainant or his or her representative. All allegations
23 contained in the charge not denied by the respondent within
24 30 days after the Department's request for a response may
25 be deemed admitted, unless the respondent states that it is
26 without sufficient information to form a belief with

1 respect to such allegation. The Department may issue a
2 notice of default directed to any respondent who fails to
3 file a response to a charge within 30 days of the
4 Department's request, unless the respondent can
5 demonstrate good cause as to why such notice should not
6 issue. The term "good cause" shall be defined by rule
7 promulgated by the Department. Within 10 days of the date
8 he or she receives the respondent's response, the
9 complainant may file his or her reply to said response. If
10 he or she chooses to file a reply, the complainant shall
11 serve a copy of said reply on the respondent or his or her
12 representative. A party may supplement his or her response
13 or reply at any time that the investigation of the charge
14 is pending.

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

24 (C) Investigation.

25 (1) The Department shall conduct a full investigation
26 of the allegations set forth in the charge and complete

1 such investigation within 100 days after the filing of the
2 charge, unless it is impracticable to do so. The
3 Department's failure to complete the investigation within
4 100 days after the proper filing of the charge does not
5 deprive the Department of jurisdiction over the charge.

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

10 (3) The Director or his or her designated
11 representative 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 (4) 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 provided for in the taking of
22 depositions in civil cases in circuit courts.

23 (5) Upon reasonable notice to the complainant and the
24 respondent, the Department ~~may shall~~ conduct a fact finding
25 conference, ~~unless prior to 100 days from the date on which~~
26 ~~the charge was filed, the Director has determined whether~~

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

11 (D) Report.

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

18 The report shall contain:

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

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

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

25 (d) a summary of witness statements; and

26 (e) answers to questionnaires.

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

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

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

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

1 (E) Conciliation.

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

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

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

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

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

25 (5) A conciliation agreement may provide for binding
26 arbitration of the dispute arising from the charge. Any

1 such arbitration that results from a conciliation
2 agreement may award appropriate relief, including monetary
3 relief.

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

8 (F) Complaint.

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

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

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

24 (G) Time Limit.

25 (1) When a charge of a civil rights violation has been
26 properly filed, the Department, within 100 days thereof,

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

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

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

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

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

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

24 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

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

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

8 (B) Terms. Of the members first appointed, 4 shall be
9 appointed for a term to expire on the third Monday of January,
10 2021, and 3 (including the Chairperson) shall be appointed for
11 a term to expire on the third Monday of January, 2023.

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

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

1 necessarily incurred by them in the performance of their
2 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 and housing
14 discrimination and 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; 100-1066, eff. 8-24-18.)

23 (775 ILCS 5/10-103) (from Ch. 68, par. 10-103)

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

25 (A) If an election is made under Section 8B-102, the Department

1 shall authorize and not later than 30 days after the entry of
2 the administrative closure order by the Commission ~~election is~~
3 ~~made~~ the Attorney General shall commence and maintain a civil
4 action on behalf of the aggrieved party in a circuit court of
5 Illinois seeking relief under this Section. Venue for such
6 civil action shall be determined under Section 8-111(B) (6).

7 (B) Any aggrieved party with respect to the issues to be
8 determined in a civil action under this Section may intervene
9 as of right in that civil action.

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

22 (Source: P.A. 86-910.)".