**Section 320.310 Investigations Except Those Under Section 11 of the Act**

a) After the Department determines jurisdiction and that the matter will not be referred to the Department of Human Rights under 56 Ill. Adm. Code 325, the Department shall conduct an investigation to determine whether reasonable cause exists to believe a violation under the Act has occurred. Within 30 business days after receipt of the complaint, the Department shall provide the respondent with a written notice of investigation stating the substance of the alleged violation and giving the respondent an opportunity to respond to the allegation and present any information the respondent wishes the Department to consider in its investigation of the alleged violation. The respondent must submit such response to the Department within 30 business days after receipt of the notice of investigation.

b) *The Department is authorized to investigate and gather data* and records *regarding* employee *wages* and *hours, and other conditions and practices of employment* of the respondent, and *may enter* the respondent's *premises* to *inspect such records at reasonable times during regular business hours; question the respondent's employees; and investigate the facts, conditions, practices, or matters as* the Department *may deem necessary or appropriate to determine whether* the respondent *has violated* the *Act.* Investigations may also include written or oral inquiries, field visits, subpoenas, conferences, and interviews, or any investigation method or combination of methods deemed suitable in the discretion of the Department or authorized by the Act. In no case will the Department review more than 5 years prior to the date the complaint was filed.

c) If during the investigation a respondent refuses to cooperate, the Director may either make a finding of reasonable cause or issue subpoenas to compel the attendance of respondent witnesses or the production of documents.

d) Whenever a decision is made after an investigation conducted by the Department of Human Rights and the Department of Labor adopts that decision, 56 Ill. Adm. Code 325 supersedes this Part and shall control as to further procedural actions and remedies available to the parties. If the Department of Labor does not adopt the Department of Human Rights' decision, then this Part 320 applies and controls as to further procedural actions and remedies available to the parties.

e) A complainant must promptly notify the Department of any address or telephone number change or a prolonged absence from the current address so that the complainant can be located. A complainant must cooperate with the Department, provide necessary information and be available for interviews, conferences and hearings upon reasonable notice or request by the Department. If a complainant cannot be located or does not respond to reasonable requests by the Department, the Department may dismiss the complaint pursuant to Section 320.500.

f) The Director may, upon request or in the Director's discretion, withhold any witness statement or identity of any witness as confidential.

(Source: Amended at 47 Ill. Reg. 155, effective December 22, 2022)