



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2829

Introduced 2/16/2023, by Rep. Eva-Dina Delgado

SYNOPSIS AS INTRODUCED:

775 ILCS 5/8-101
775 ILCS 5/8-102

from Ch. 68, par. 8-101
from Ch. 68, par. 8-102

Amends the Illinois Human Rights Commission Article of the Illinois Human Rights Act. Removes language providing that: the Governor shall appoint a special temporary panel of commissioners comprised of 3 members; the members shall hold office until the Human Rights Commission determines that the caseload of requests for review has been reduced sufficiently to allow cases to proceed in a timely manner, or for a term of 18 months from the date of appointment by the Governor, whichever is earlier; each of the 3 members shall have only such rights and powers of a commissioner necessary to dispose of the cases assigned to the special panel; each of the 3 members appointed to the special panel shall receive the same salary as other commissioners for the duration of the panel; and the panel shall have the authority to hire and supervise a staff attorney who shall report to the panel of commissioners. Requires the Commission to appoint at the expense of the Commission a qualified interpreter (rather than a qualified sign language interpreter) whenever a hearing impaired individual or an individual who lacks proficiency in the English language is a party or witness in proceedings before the Commission (rather than at a public hearing).

LRB103 27781 LNS 54159 b

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 8-101 and 8-102 as follows:

6 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

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

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

15 (B) Terms. Of the members first appointed, 4 shall be
16 appointed for a term to expire on the third Monday of January,
17 2021, and 3 (including the Chairperson) shall be appointed for
18 a term to expire on the third Monday of January, 2023.

19 Notwithstanding any provision of this Section to the
20 contrary, the term of office of each member of the Illinois
21 Human Rights Commission is abolished on January 19, 2019.
22 Incumbent members holding a position on the Commission that
23 was created by Public Act 84-115 and whose terms, if not for

1 this amendatory Act of the 100th General Assembly, would have
2 expired January 18, 2021 shall continue to exercise all of the
3 powers and be subject to all of the duties of members of the
4 Commission until June 30, 2019 or until their respective
5 successors are appointed and qualified, whichever is earlier.

6 Thereafter, each member shall serve for a term of 4 years
7 and until the member's ~~his or her~~ successor is appointed and
8 qualified; except that any member chosen to fill a vacancy
9 occurring otherwise than by expiration of a term shall be
10 appointed only for the unexpired term of the member whom the
11 member ~~he or she~~ shall succeed and until the member's ~~his or~~
12 ~~her~~ successor is appointed and qualified.

13 (C) Vacancies.

14 (1) In the case of vacancies on the Commission during
15 a recess of the Senate, the Governor shall make a
16 temporary appointment until the next meeting of the Senate
17 when the Governor ~~he or she~~ shall appoint a person to fill
18 the vacancy. Any person so nominated and confirmed by the
19 Senate shall hold office for the remainder of the term and
20 until the person's ~~his or her~~ successor is appointed and
21 qualified.

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

26 (3) Vacancies in the Commission shall not impair the

1 right of the remaining members to exercise all the powers
2 of the Commission. Except when authorized by this Act to
3 proceed through a 3 member panel, a majority of the
4 members of the Commission then in office shall constitute
5 a quorum.

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

16 (E) Notwithstanding the general supervisory authority of
17 the Chairperson, each commissioner, unless appointed to the
18 special temporary panel created under subsection (H), has the
19 authority to hire and supervise a staff attorney. The staff
20 attorney shall report directly to the individual commissioner.

21 (F) A formal training program for newly appointed
22 commissioners shall be implemented. The training program shall
23 include the following:

24 (1) substantive and procedural aspects of the office
25 of commissioner;

26 (2) current issues in employment and housing

1 discrimination and public accommodation law and practice;

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

4 (4) observation of experienced hearing officers and
5 commissioners conducting hearings of cases, combined with
6 the opportunity to discuss evidence presented and rulings
7 made;

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

11 (6) writing skills; and

12 (7) professional and ethical standards.

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

20 (G) Commissioners must meet one of the following
21 qualifications:

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

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

25 (3) at least 4 years of professional experience
26 working for or dealing with individuals or corporations

1 affected by this Act or similar laws in other
2 jurisdictions, including, but not limited to, experience
3 with a civil rights advocacy group, a fair housing group,
4 a trade association, a union, a law firm, a legal aid
5 organization, an employer's human resources department, an
6 employment discrimination consulting firm, or a municipal
7 human relations agency.

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

14 Each commissioner shall devote full time to the
15 commissioner's ~~his or her~~ duties and any commissioner who is
16 an attorney shall not engage in the practice of law, nor shall
17 any commissioner hold any other office or position of profit
18 under the United States or this State or any municipal
19 corporation or political subdivision of this State, nor engage
20 in any other business, employment, or vocation.

21 (H) (Blank). ~~Notwithstanding any other provision of this~~
22 ~~Act, the Governor shall appoint, by and with the consent of the~~
23 ~~Senate, a special temporary panel of commissioners comprised~~
24 ~~of 3 members. The members shall hold office until the~~
25 ~~Commission, in consultation with the Governor, determines that~~
26 ~~the caseload of requests for review has been reduced~~

1 ~~sufficiently to allow cases to proceed in a timely manner, or~~
2 ~~for a term of 18 months from the date of appointment by the~~
3 ~~Governor, whichever is earlier. Each of the 3 members shall~~
4 ~~have only such rights and powers of a commissioner necessary~~
5 ~~to dispose of the cases assigned to the special panel. Each of~~
6 ~~the 3 members appointed to the special panel shall receive the~~
7 ~~same salary as other commissioners for the duration of the~~
8 ~~panel. The panel shall have the authority to hire and~~
9 ~~supervise a staff attorney who shall report to the panel of~~
10 ~~commissioners.~~

11 (Source: P.A. 100-1066, eff. 8-24-18; 101-530, eff. 1-1-20.)

12 (775 ILCS 5/8-102) (from Ch. 68, par. 8-102)

13 Sec. 8-102. Powers and duties. In addition to the other
14 powers and duties prescribed in this Act, the Commission shall
15 have the following powers and duties:

16 (A) Meetings. To meet and function at any place within
17 the State.

18 (B) Offices. To establish and maintain offices in
19 Springfield and Chicago.

20 (C) Employees. To select and fix the compensation of
21 such technical advisors and employees as it may deem
22 necessary pursuant to the provisions of the Personnel
23 Code.

24 (D) Hearing Officers. To select and fix the
25 compensation of hearing officers who shall be attorneys

1 duly licensed to practice law in this State and full-time
2 employees of the Commission.

3 A formal and unbiased training program for hearing
4 officers shall be implemented. The training program shall
5 include the following:

6 (1) substantive and procedural aspects of the
7 hearing officer position;

8 (2) current issues in human rights law and
9 practice;

10 (3) lectures by specialists in substantive areas
11 related to human rights matters;

12 (4) orientation to each operational unit of the
13 Department and Commission;

14 (5) observation of experienced hearing officers
15 conducting hearings of cases, combined with the
16 opportunity to discuss evidence presented and rulings
17 made;

18 (6) the use of hypothetical cases requiring the
19 hearing officer to issue judgments as a means to
20 evaluating knowledge and writing ability;

21 (7) writing skills;

22 (8) computer skills, including, but not limited
23 to, word processing and document management.

24 A formal, unbiased and ongoing professional
25 development program including, but not limited to, the
26 above-noted areas shall be implemented to keep hearing

1 officers informed of recent developments and issues and to
2 assist them in maintaining and enhancing their
3 professional competence.

4 (E) Rules and Regulations. To adopt, promulgate,
5 amend, and rescind rules and regulations not inconsistent
6 with the provisions of this Act pursuant to the Illinois
7 Administrative Procedure Act.

8 (F) Compulsory Process. To issue and authorize
9 requests for enforcement of subpoenas and other compulsory
10 process established by this Act.

11 (G) Decisions. Through a panel of 3 members designated
12 by the Chairperson on a random basis, to hear and decide by
13 majority vote complaints filed in conformity with this Act
14 and to approve proposed settlements. Decisions by
15 commissioners must be based strictly on neutral
16 interpretations of the law and the facts.

17 (H) Rehearings. To order, by a vote of 3 members,
18 rehearing of its decisions by the entire Commission in
19 conformity with this Act.

20 (I) Judicial Enforcement. To authorize requests for
21 judicial enforcement of its orders in conformity with this
22 Act.

23 (J) Opinions. To publish each decision within 180 days
24 of the decision to assure a consistent source of
25 precedent. Published decisions shall be subject to the
26 Personal Information Protection Act.

1 (K) Public Grants; Private Gifts. To accept public
2 grants and private gifts as may be authorized.

3 (L) Interpreters. To appoint at the expense of the
4 Commission a qualified ~~sign language~~ interpreter whenever
5 a hearing impaired individual or an individual who lacks
6 proficiency in the English language ~~person~~ is a party or
7 witness in proceedings before the Commission ~~at a public~~
8 ~~hearing~~.

9 (M) Automated Processing Plan. To prepare an
10 electronic data processing and telecommunications plan
11 jointly with the Department in accordance with Section
12 7-112.

13 The provisions of Public Act 89-370 amending subsection
14 (G) of this Section apply to causes of action filed on or after
15 January 1, 1996.

16 (Source: P.A. 100-1066, eff. 8-24-18; 101-81, eff. 7-12-19.)