

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 Section 7B-102 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
24 identification of an additional respondent under paragraph
25 (2) of this subsection, serve on the respondent a copy of
26 the charge along with a notice identifying the alleged
27 civil rights violation and advising the respondent of the
28 procedural rights and obligations of respondents under
29 this Act and shall require the respondent to file a
30 verified response to the allegations contained in the
31 charge within 30 days. The respondent shall serve a copy of
32 its response on the complainant or his representative. All

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

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

27 (C) Investigation.

28 (1) The Department shall conduct a full investigation
29 of the allegations set forth in the charge and complete
30 such investigation within 100 days after the filing of the
31 charge, unless it is impracticable to do so. The
32 Department's failure to complete the investigation within
33 100 days after the proper filing of the charge does not
34 deprive the Department of jurisdiction over the charge.

35 (2) If the Department is unable to complete the
36 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 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. A party's failure to attend
22 the conference without good cause may result in dismissal
23 or default. A notice of dismissal or default shall be
24 issued by the Director and shall notify the relevant party
25 that a request for review may be filed in writing with the
26 Chief Legal Counsel of the Department within 30 days of
27 receipt of notice of dismissal or default.

28 (D) Report.

29 (1) Each investigated charge shall be the subject of a
30 report to the Director. The report shall be a confidential
31 document subject to review by the Director, authorized
32 Department employees, the parties, and, where indicated by
33 this Act, members of the Commission or their designated
34 hearing officers.

35 The report shall contain:

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

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

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

6 (d) a summary of witness statements; and

7 (e) answers to questionnaires.

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

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

22 (a) If the Director determines that there is no
23 substantial evidence, the charge shall be dismissed
24 and the aggrieved party notified that he or she may
25 seek review of the dismissal order before the
26 Commission. The aggrieved party shall have 30 days from
27 receipt of notice to file a request for review by the
28 Chief Legal Counsel of the Department. The Director
29 shall make public disclosure of each such dismissal.

30 (b) If the Director determines that there is
31 substantial evidence, he or she shall immediately
32 issue a complaint on behalf of the aggrieved party
33 pursuant to subsection (F).

34 (E) Conciliation.

35 (1) During the period beginning with the filing of
36 charge and ending with the filing of a complaint or a

1 dismissal by the Department, the Department shall, to the
2 extent feasible, engage in conciliation with respect to
3 such charge.

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

10 (2) The place fixed for the conference shall be within
11 35 miles of the place where the civil rights violation is
12 alleged to have been committed.

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

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

22 (5) A conciliation agreement may provide for binding
23 arbitration of the dispute arising from the charge. Any
24 such arbitration that results from a conciliation
25 agreement may award appropriate relief, including monetary
26 relief.

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

31 (F) Complaint.

32 (1) When there is a failure to settle or adjust any
33 charge through a conciliation conference and the charge is
34 not dismissed, the Department shall prepare a written
35 complaint, under oath or affirmation, stating the nature of
36 the civil rights violation and the relief sought on behalf

1 of the aggrieved party. Such complaint shall be based on
2 the final investigation report and need not be limited to
3 the facts or grounds alleged in the charge filed under
4 subsection (A).

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

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

11 (G) Time Limit.

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

23 (2) The Director shall make available to the aggrieved
24 party and the respondent, at any time, upon request
25 following completion of the Department's investigation,
26 information derived from an investigation and any final
27 investigative report relating to that investigation.

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

30 (Source: P.A. 94-326, eff. 7-26-05.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.