



First Progress Report Implementing Executive Order 8 (2018)

December 31, 2018

Human Rights: Eliminating Backlog & Transforming Service Delivery

**AN INTERGOVERNMENTAL
COLLABORATIVE APPROACH**

**{ The Illinois Department of Human Rights
The Illinois Human Rights Commission
The Department of Central Management Services**

Foreword

Six months ago, on June 20, 2018, Governor Bruce Rauner issued Executive Order 8 (2018), calling for multi-agency collaborative effort to eliminate within 18 months the growing backlog of cases pending before the Illinois Human Rights Commission, and to further improve how our State communicates and delivers important services to its residents under the Illinois Human Rights Act. Simultaneously, a new Director, well-versed in transformation, was appointed to lead the Commission in achieving this vision.

Sixty days later, after comprehensively analyzing workflows, processes, staffing, and resources, this multi-agency Transformation Team presented its *Strategic Plan to Eliminate Backlog at the Illinois Human Rights Commission and Improve Overall Service* (60 Day Plan) – a multi-faceted Plan designed to address deficiencies that led to formation of backlog. We embraced our call to action with enthusiasm and commitment and diligently worked toward fulfilling our mission.

Just four months later, the Transformation Team is pleased to submit this First Progress Report demonstrating its responsiveness to its charge and its significant strides implementing the priority recommendations contained in its 60 Day Plan. Achievements to date are nothing short of spectacular. Thanks to the tireless effort of many dedicated Commission staff, overall backlog at the Commission has decreased 44% and Request for Review backlog 40% since issuance of Executive Order 8 (2018). More importantly, the Commission has created the necessary infrastructure, accountability, and transparency to prevent further backlog. It has made sustainable improvements in service delivery, promoting knowledge of human rights laws and increased accessibility for Illinoisans. Lastly, the Commission has worked proactively to prepare for upcoming structural changes pursuant to recent passage of Public Act 100-1066.

Overall backlog at the Commission has decreased 44% and Request for Review backlog 40% since issuance of Executive Order 8 (2018).

Although there is still much work left in the coming months, the Commission, in collaboration with the Transformation Team, has made a sizeable difference in what has been a major impediment to efficiency for the past decade. The success of this effort can only be contributed to the resolute cooperation of leaders at multiple agencies, immense dedication of project experts and program staff, and a clear plan create a sustainable, improved future.

This First Progress Report serves as a recommitment by the Transformation Team to continue its momentum in the upcoming months, keeping Illinois on track to fully eliminate its backlog of human rights cases. The Transformation Team looks forward to working with Governor-elect J.B. Pritzker to improve services offered to Illinoisans, and to effectively implement Public Act 100-1066.

The Transformation Team appreciates this reporting opportunity to make our progress in the transformation of state adjudication of human rights transparent to Illinois citizens.

Acronyms Used

ALJ	Administrative Law Judge
Bureau	Bureau of Administrative Hearings (CMS)
CMS	Department of Central Management Services
Commission or HRC	Human Rights Commission
Department or DHR	Department of Human Rights
DoIT	Department of Innovation & Technology
ROD	Recommended Order & Decision (issued by the ALJ)

Milestones and Targets

2018

(June 20 – December 31)

Mobilized staff at HRC, DHR, CMS, and DoIT, to examine root causes & challenges to eliminating backlog; formed working groups staffed by legal, technical, & operational leaders who continue to propose new solutions for improvement

Clearly defined caseload for a complete picture of backlog, & conducted comprehensive analysis of how cases are processed at both DHR and HRC

Over one dozen employees trained to deploy Rapid Results techniques for continuous process improvement, empowering every team member to enact positive change

Executed an Intergovernmental Agreement between HRC, DHR, and CMS to promote resource sharing whilst protecting confidentiality of information

Identified steps to procure a shared technology platform that will allow DHR & HRC real-time access to robust case information throughout its life cycle

Expedited service of backlogged Notices of No Exceptions, allowing final disposition of more than 200 cases, and providing parties enforceable Commission Orders

Established, posted & filled new positions to optimize staffing levels at the Commission, commensurate with pending & incoming caseload

Conducted comprehensive training of new hires, for quality & consistent work product

Appointed a Deputy General Counsel, responsible for overseeing quality & productivity of attorneys' work in the General Counsel's Office

Improved case assignment process to increase oversight in monitoring backlog

Published all decisions issued, dating to 2015, & eliminating a repeat audit finding

Attained 40% reduction in Request for Review backlog & 44% overall reduction

Completed and served 100% of Request for Review orders previously determined by Commission Panels

Increased by 500% the number of cases presented to Commission Panels

Created a new, informative Commission brochure, available in multiple languages

Designed a user-friendly website layout, with updated Frequently Asked Questions

Drafted rules to implement Public Act 100-1066, and clearly defined roles and responsibilities for newly appointed full-time Commissioners

Posted two additional mediator positions to aid litigants in informal resolution

2019

Reach zero backlog, without sacrificing due process or quality of written decisions

Resolve all newly filed Request for Review matters within twelve months of receipt by Commission

Implement upgrade to Commission's case management system to ensure continued support

Procure & implement a case management solution for the Department, bridging common information to the Commission to eliminate duplicative entries & enable statistical information useful in forecasting operational need

Continue building and launch the Commission's revamped, user-friendly website featuring its informative Frequently Asked Questions

Convene an informal advisory council of practitioners and public members to provide guidance to the Commission on service delivery

Implement planned public outreach activities, including local community outreach, speakers' bureau, & youth activities across the State

Formally propose the rules drafted by the Commission, implementing Public Act 100-1066

Continue to enhance the frequency and location of the Department's mediation offerings

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Background

The combined work of the Illinois Department of Human Rights (Department) and the Illinois Human Rights Commission (Commission) improves the quality of life in our State by promoting and enforcing one of the most comprehensive human rights protection statutes in the nation—the Illinois Human Rights Act (Act). The Act offers protection against discrimination in the areas of employment, real estate transactions, financial credit, public accommodations, and education. Through the Act’s broad coverage, extending protection to additional categories not afforded under federal law, such as military status, sexual orientation, order of protection, and arrest status, Illinois provides an important forum for its residents to seek justice. Moreover, its fee-free availability makes it an invaluable tool for self-represented litigants that often cannot afford fees accompanying court litigation.

Despite the State’s critical role in eradicating discrimination, cases at the Commission accumulated as backlog for nearly a decade, forcing participants to sometimes wait five or more years for resolution of their complaints. Both staff and Commissioners, through standing and ad hoc committees, had brainstormed ideas for improving service and eliminating backlog, but without global perspective and a full array of resources available, they were not equipped with the tools to move forward with change. Executive action, however, merged the transformational experiences of the State’s recently created CMS Bureau of Administrative Hearings, with the technical expertise and resources of the Commission and Department to maximize progress. Highlighting the Bureau’s successes coordinating between State agencies to identify economies of scale, model best practices, and develop thoughtful approaches to all aspects of administrative hearings work, the Order tasked the Bureau with coordinating inter-agency efforts and monitoring and reporting on backlog reduction and overall improvements.



Legal, technical, and operational leaders at each agency quickly mobilized a Transformation Team to implement the Order. In pursuit of a thoughtful, carefully calculated Plan, the Transformation Team embarked on a journey to:

- Identify extent of backlog by cataloging inventory of all pending cases;
- Identify root causes of backlog;
- Review current efforts to reduce backlog; and
- Make recommendations to address the existing backlog and prevent growth of new backlog.

Taking comprehensive inventory of all cases pending before the Commission, the Transformation Team discovered that backlog was isolated to the Commission’s General Counsel’s Office, and almost exclusively on Requests for Review of the Department’s investigatory determinations. Prompt resolution of these matters is important because it is the first hurdle in whether a complaint moves forward to hearing. It also provides the Department with the Commission’s guidance on sufficiency of its investigations. *Appendix B provides additional information on Request for Review process.*

Backlog at the Commission accumulated steadily the past decade under a variety of unfavorable conditions, including a recessionary increase in filings, fluctuation in staffing, unfunded mandates, and weaknesses in its processes. The Commission’s challenges were further compounded by its lack of infrastructure available to staff to process and track cases. In its 60 Day Plan, the Transformation Team concluded the following were essential to rid the backlog and create lasting change:

- Adopting consistent, streamlined processes and articulated timeframes for anticipated resolution

- Temporary injection of additional human resources to reverse growing backlog and drive caseload down, coupled with long-range plans to normalize staffing upon elimination of backlog
- Oversight of assignments, regular monitoring of productivity, and robust training
- Migrating the Department and upgrading the Commission to a modern, electronic case management system to improve transparency, accountability, service, and provide significant time savings

The Transformation Team also made a series of recommendations for activities that would improve overall accessibility and service to the public, including increasing public outreach and educational efforts, launching a more user-friendly website with Frequently Asked Questions, and soliciting stakeholder feedback to inform continuous improvement.

FOR A FULL REVIEW OF THE EVENTS LEADING TO THE 60 DAY PLAN, DOWNLOAD A COPY [HERE](#).

Determined to make a positive impact as quickly as possible, the Transformation Team began implementing improvements even prior to issuance of its 60 Day Plan, laying the foundation for successful outcomes.

Shortly after publication of the 60 Day Plan, Governor Rauner approved Senate Bill 20, now Public Act 100-1066, which alters the structure of the Commission from 13 part-time Commissioners to 7 full-time Commissioners, and reforms various procedural and substantive aspects of the Illinois Human Rights Act.

The improvements implemented pursuant to Executive Order 8 (2018) and as set forth in the Transformation Team's 60 Day Plan have provided structure, accountability, and transparency, readying the Commission to absorb the major changes on the horizon pursuant to Public Act 100-1066. It cannot be stated emphatically enough that the results achieved herein would not have been possible but for the continued dedication of Commission staff, who have time and again demonstrated their eagerness to tackle new challenges, and remain flexible amidst the many changes.

Reflecting on Progress

At the time Executive Order 8 was issued on June 20, 2018, reports indicated the raw number of pending cases exceeded 2,500. What was unclear to the Transformation Team was the composition of case inventory – in other words, what those numbers actually meant. Our mission seemed a lofty one without a sense of where we were starting. The easiest solution would have been to immediately add more staff; however, the Transformation Team knew that it would be irresponsible to hire when processes were not well-defined or optimized for results. Gathering detailed caseload statistics was time-consuming yet worthwhile, requiring input from many staff in the absence of an effective case management system.

From there, we knew we needed common tools and perspective to achieve success. Training our leaders in principles of Rapid Results and continuous process improvement, we mapped over a dozen processes that occur throughout the life cycle of a discrimination case, identifying bottlenecks and making immediate improvements. Through this exercise, the Team was able to define root causes of the backlog, identify precisely at which steps unnecessary waiting occurred, and test ideas to streamline current process. Only after optimizing processes and determining appropriate productivity levels did the Transformation Team analyze staffing needed to get through backlog and to maintain incoming caseload.

Rapid Results workshop strengthened the Team's coordination and communication. To continue to reap the benefits of this working relationship, the Department, the Commission, and CMS entered into an Intergovernmental Agreement to facilitate the sharing of information and resources whilst maintaining

confidentiality and separation of duties. Executive Order 8 (2018) specifically directed such cooperation and agreement pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1, et seq.

Saddled with agency workload, we often forget that our most valuable advisors are our colleagues that have endured and conquered similar challenges within their respective agencies. The biggest beneficiaries of intergovernmental cooperation are Illinoisans for whom government was created to serve.

Pre-Executive Order 8 (2018) Caseload Numbers

Prior to Executive Order 8 (2018), there were 2,558 cases pending with the Commission's General Counsel's Office. The overwhelming majority of those cases had been pending for over four years.

Within those 2,558 cases, there were 2,287 Requests for Review. The breakdown of those cases was as follows:

- 1) 1,518 cases awaiting the preparation of a proposed order and presentation to a Panel;
- 2) 379 cases in which a Panel had made a decision, but no order had been drafted and served;
- 3) 306 cases in which a Panel had made a decision and a draft order had been prepared, but the draft order needed finalization and service; and
- 4) 84 cases in which an extension of time had been granted for the filing of a Request for Review, but no Request for Review ever was filed.

The remaining 271 cases were non-Request for Review cases, and the breakdown of those cases was as follows:

- 1) 209 cases in which the timeframe for filing exceptions to an Administrative Law Judge's Recommended Order and Decision (ROD) had expired, thus a Notice of No Exceptions should be issued making the ALJ's ROD final and closing the case;
- 2) 29 contested matters awaiting presentation to a Panel;
- 3) 10 contested matters decided by a Panel and being remanded to an ALJ, but no order had been issued;
- 4) 8 appellate court cases appealing Commission decisions;
- 5) 7 settlements awaiting approval;
- 6) 5 default matters;
- 7) 2 petitions for rehearing; and
- 8) 1 certified question.

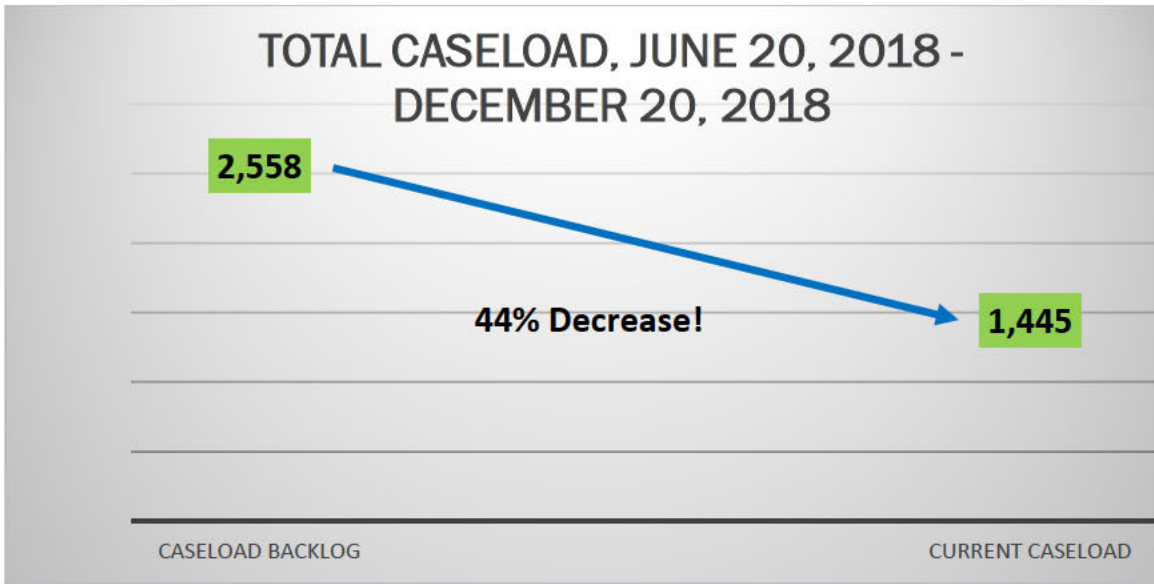
In addition to the 2,558 cases pending, the Commission was delayed by nearly three years in its publication of case decisions, depriving the public of knowledge of Commission actions and the Department, as investigatory body, of the Commission's guidance. This delay had also led to repeat audit findings.

More information regarding case inventory is detailed within the 60 Day Plan.

Reduction in Caseload Since Executive Order 8 (2018)

The Transformation Team is excited to report that the increased leadership at the Commission, personnel, processes, and accountability described herein have caused a dramatic reduction in the Request for Review backlog and the overall caseload of the General Counsel's Office.

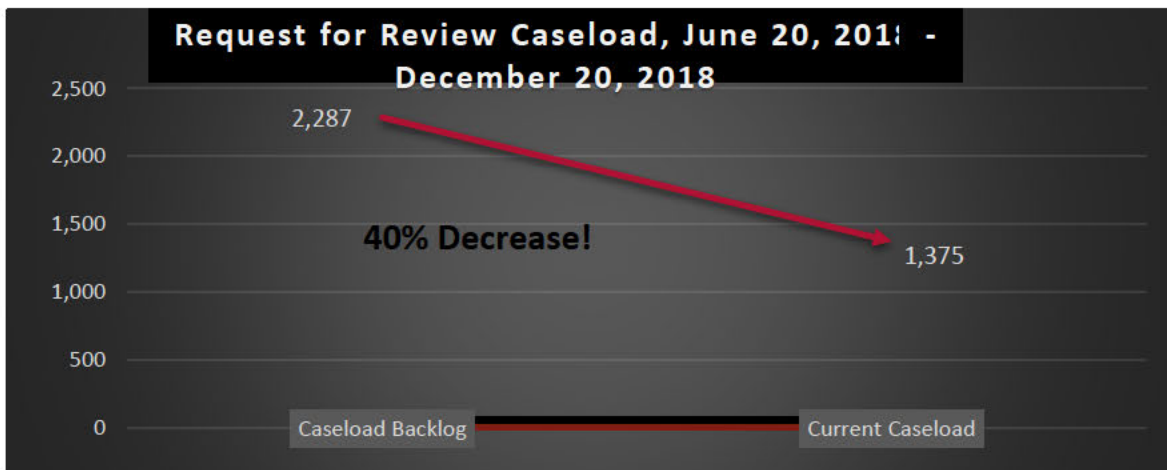
Caseload in the General Counsel's Office has dropped from 2,558 prior to Executive Order 8 (2018) to 1,445 now. In other words, the caseload has decreased 44% in approximately six months!



This graph represents the change in the total caseload of the General Counsel’s Office over the six months of Governor’s Executive Order 8 (2018). The total caseload has decreased by 44%.

The breakdown of the significant reductions within the overall caseload is as follows:

- 1) Request for Review cases awaiting presentation to a Panel have decreased from 1,518 to 1,375;
- 2) Request for Review cases in which a Panel has made a decision, but no order had been drafted and served has decreased from 379 to 0;
- 3) Request for Review cases in which a Panel has made a decision and a draft order had been prepared, but the draft order needed finalization and service, has decreased from 306 to 0;
- 4) Request for Review cases in which an extension of time has been granted but no Request for Review was ever filed all have been administratively closed, decreasing that number from 84 to 0;
- 5) The contested matters awaiting presentation to a Panel have decreased from 29 to 25; and
- 6) The contested matters decided and remanded with no order yet issued have decreased from 10 to 6.



This graph represents a 40% decrease in the Request for Review caseload over the six months of Governor’s Executive Order 8 (2018).

Progress on the contested matters would have been greater except that the Assistant General Counsel who is responsible for those matters had to postpone his work and assist with Requests for Review upon the resignation of another Assistant General Counsel in October 2018. Work on the contested matters has resumed as of mid-December 2018.

The other categories of cases within the General Counsel's office are unremarkable in volume and are proceeding normally:

- 1) 16 appellate court cases appealing Commission decisions;
- 2) 6 settlements awaiting approval;
- 3) 12 default matters;
- 4) 4 petitions for rehearing;
- 5) 1 motion for interlocutory appeal; and
- 6) 0 certified questions.

Not only is the backlog reduced significantly, but Commission staff worked diligently to post all decisions to its website, providing necessary guidance that had been missing, and eliminating a repeat audit finding.

Incidentally, the number of appellate court cases appealing Commission decisions is rising rapidly due to the elimination of the backlog. The Transformation Team expects that trend to continue. This is normal and does not reflect on the quality of the Commission's decisions. Simply put, more decisions issued in a shorter timeframe means appeals will be more concentrated in that timeframe.

Achieving Results

The tremendous reduction in backlog in just six months is attributable to a carefully crafted and well-informed plan, supportive and committed leadership, optimal staffing, intergovernmental communication, and persistent hard work from all involved. A summary of progress to date in each of the major areas addressed in the 60 Day Plan follows:

Increased Leadership in the General Counsel's Office

A key component of the transformation of the General Counsel's Office was the Commission's filling of its long-vacant Deputy General Counsel position. As originally contemplated, the responsibilities of the Deputy General Counsel would primarily be supervising the new attorneys' work, overseeing the quality of their work, and monitoring their productivity.

As was discussed in the 60 Day Plan, the Commission's Director and Chief of Staff identified the ideal candidate for the Deputy General Counsel position, a 20-year veteran lawyer who had previously served as an ALJ with the Commission. Most importantly, he possessed vast institutional knowledge of the Commission, substantial knowledge of the Illinois Human Rights Act and the case law interpreting it, but no culpability for the formation of the backlog in the General Counsel's Office.

The Commission's Director announced his appointment to the Deputy General Counsel position on September 20, 2018. On October 3, 2018, the Deputy General Counsel assumed the role of Acting General Counsel in addition to serving as Deputy General Counsel. As a result, the Acting General Counsel now is responsible for the overall accountability and management of the General Counsel's Office, in addition to management of the new attorneys.

Hiring and Onboarding of the New Attorneys

After optimizing processes and determining appropriate productivity levels, the Transformation Team recommended that the Commission hire seven temporary contractual attorneys to assist in clearing backlog, and two additional Assistant General Counsels to stabilize Commission staffing long-term. It was no easy feat to establish and post positions, design interview questions, screen applicants, and conduct interviews in a short period of time, but the task was handled swiftly and efficiently by the Commission.

In its 60 Day Plan, the Transformation Team predicted that the soon-to-be-hired contract attorneys and Assistant General Counsels could reasonably be expected to prepare 15 Request for Review cases per month. In reality, the new attorneys have shown that they can prepare a minimum of 20 cases per month. Stated differently, the new attorneys have proven themselves to be 33% more productive than we predicted. The new attorneys' productivity has allowed the Acting General Counsel to assign the veteran Assistant General Counsels primarily to the office's non-Request for Review work, which is substantial and frequently time-sensitive.

The Transformation Team strongly believes that the new attorneys' success has been no accident. We also believe that the substantial reduction in the backlog to date has not merely been the result of increased manpower. To the contrary, several actions have led directly to the new attorneys' exceptional productivity.

1. The Commission selected excellent candidates.

All of the new attorneys are veteran practitioners with extensive legal research and writing experience. In addition, they all had a demonstrated history of learning quickly and working independently. The Commission placed no importance on work experience in any particular area of law. Thus, as a whole, the team of new attorneys had little experience working on employment law cases and/or cases relating to the Illinois Human Rights Act. The Commission had this fact in mind when it designed the new attorney training program. It was aware that the employment law and Illinois Human Rights Act components of the training would need to be extensive.

2. The Commission developed a robust training program for the new attorneys.



Under the leadership and vision of the Commission's Director and Acting General Counsel, the Commission established a comprehensive training program for staff and Commissioners alike. The Commission's robust training complements statewide efforts to increase professional development opportunities for adjudicators through the Bureau's development of the first-in-State bench book for administrative law judges.

The training program was intensive and covered three full days. The first two days featured 17 different workshops, including: 1) Executive Order 8 (2018) – Attacking the Backlog and the 60 Day Plan; 2) Senate Bill 20 – Reshaping the Commission; 3) The Backlog and Our Productivity Expectations; 4) Employment Law 101; 5) Illinois Human Rights Act 101; 6) Commission Procedural Rules; 7)

Ethics, Confidentiality, and the Open Meetings Act; and 8) The Illinois Department of Human Rights.

On day three, the training program culminated with two practical skills projects. The attorneys prepared a sample Request for Review order in the morning and a sample contested matter brief in the afternoon,

and then presented those cases to mock Panels featuring actual Commissioners. The Acting General Counsel met with each attorney afterwards to provide feedback and coaching regarding the projects.

The benefit to the attorneys and the Commission resulting from the practical skills projects cannot be overstated. The attorneys received learning experience from doing, twice, the type of work they would be performing: writing legal documents, advising the Commissioners on legal and factual issues, and presenting their recommendations to the Commissioners. Commissioners played the role of a “hot bench” (i.e., ask challenging questions and force the attorneys to support their recommendations under fire). The Commission benefitted from being able to assess the new attorneys’ skills, learn their respective areas of strength and for improvement, and coach them accordingly.

The training program truly was a team effort. Speakers from agencies throughout the Executive Branch, including the Governor’s Office, the CMS Bureau of Administrative Hearings, and the Illinois Department of Human Rights, led workshops and/or addressed the attorneys. Naturally, the Commission took the lead on the workshops, with the Chair and the Commissioners, the Executive Director, the Chief of Staff, the Acting General Counsel, and the veteran Assistant General Counsels playing key roles.

The Commission will benefit from use of training materials for onboarding new attorneys and Commissioners going forward. Public Act 100-1066 specifically requires a formal, comprehensive training for newly appointed full-time Commissioners. The Commission had this in mind when preparing robust training materials. The Commission also recognizes that professional development and continued competence is an ongoing necessity, and continues to provide or facilitate additional learning opportunities.

3. The Commission put in place a new case assignment and accountability system.

The system starts with a clear articulation of the Commission’s productivity expectations. As noted above, the Commission devoted a whole training workshop to productivity expectations. The new attorneys have met the Commission’s expectations, in part, because they know and understand them.

The new attorneys’ productivity also is monitored closely. Only the Acting General Counsel assigns cases to the new attorneys; those cases are then logged into a spreadsheet. Upon completion of a proposed order for a case, the attorney instructs the administrative staff to put the case on the agenda for the next Panel meeting. The cases on the agenda and presented to the Panel should, and typically do, match the case assignments in the spreadsheet. Discrepancies between the spreadsheet and the meeting agendas can be identified and followed up on easily.

Increased Accountability and More Efficient Work Processes

The Transformation Team understood early on that challenges within the General Counsel’s Office and the Commission as a whole could not be remedied merely by hiring additional personnel. In fact, there had to be a major improvement in accountability and work processes. The Commission, through clear leadership and determination of its dedicated staff, has instilled this change, which has led directly to the successes highlighted in this First Progress Report.

1. The Commission provided clear expectations and increased accountability.

The Transformation Team discovered there was very little monitoring being done of the Assistant General Counsels’ productivity. Even if there had been such monitoring, there was never any guidance provided to them as to what an acceptable level of production was.

Therefore, driven by the informed standards developed by the Commission's Director and Acting General Counsel, the Commission instituted a weekly reporting requirement for the veteran Assistant General Counsels. Their weekly reports described the cases they had been assigned, the dates of the assignment, and the status of the work. The changes from one week's report to the next reflect what the Assistant General Counsel accomplished during the week. Thus, problems with productivity can be identified and addressed immediately.

The Commission also instituted a 20-case Request for Review productivity requirement for the Assistant General Counsels. Again, their progress was easily tracked with the weekly reports and problems corrected quickly. As the contract attorneys and new Assistant General Counsels now have taken over responsibility for the Requests for Review, the veteran Assistant General Counsels no longer have the 20-case Request for Review requirement. However, the Commission's expectations for their productivity on non-Request for Review matters remain high.

The Transformation Team recognizes that productivity standards must never be arbitrarily set without regard to reasonableness and flexibility for complex matters. The expectations herein were established only after ensuring high quality work at such pace. Deviation from expected productivity is made only after consultation with the Acting General Counsel, familiar with complexity of matters and work required to prepare each case. Depending on complexity, attorneys may exceed preparation of 20 cases per month.

2. The Commission created new Request for Review order templates.

The Acting General Counsel's first action at the helm of the General Counsel's Office was to revamp and improve the templates for Request for Review orders. Previously, the orders were very long (often five pages or more, even for the simplest cases), time consuming to draft, and confusing for pro se litigants to understand (a critical issue because pro se litigants file over 95% of Requests for Review). The orders' length and preparation time contributed to the formation of the backlog. Their length also was unnecessary; Commission Procedural Rule 5300.480 requires only that the orders contain the Commission's "findings and the reasons therefor."

The new templates are shorter, faster to prepare, and clearer, but still legally sufficient. They exclude all dates, information, and facts that have no direct relevance to the Commission's decision. The guidance accompanying the templates also includes for shortening, simplifying, and rephrasing language that is necessary. To do so, the guidance compares new language with the old, such as the following:

Excerpt from the Commission's New Order Drafting Guidance

Avoid using the word "count," unless it is truly necessary, for two reasons.

First, "count" leads to an unnecessarily wordy statement of the allegations. Consider the difference between:

"The Petitioner alleges that she was suspended and then discharged due to her race, sex, and age."

and

"In Count A, the Petitioner alleges that she was suspended due to her race. In Count B, the Petitioner alleges that she was suspended due to her sex. In Count C, the Petitioner alleges that she was suspended due to her age. In Count D, the Petitioner alleges that she was discharged due to her race. In Count E, the Petitioner alleges that she was discharged due to her sex. In Count F, the Petitioner alleges that she was discharged due to her age."

Second, the attorney who drafts an order with the allegations organized by count will waste time ensuring that every time Count A, for example, is mentioned throughout the order, that count is matched with the correct allegations.

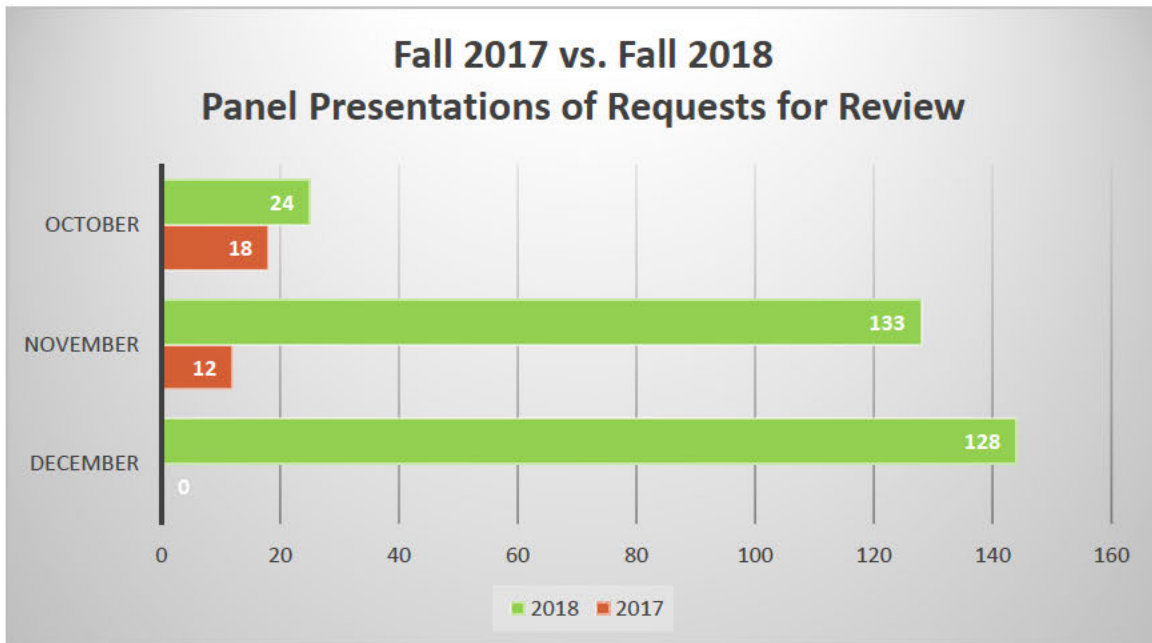
3. The Commission increased the frequency of its Panel meetings.

Until recently, Commission Panels met every other month (e.g., Panels A and B met one month, then Panels C and D met the next, and so on). Thus, there were two Panel meetings per month. There was little need for additional Panel meetings, as the General Counsel’s Office usually did not prepare enough cases at that time to justify such.

That has now changed. More meetings lead to more cases decided. Each Panel is now expected to meet monthly and prepare a higher volume of cases for each meeting. With the addition of the contract attorneys and new Assistant General Counsels, there are even more cases for the Panels to decide. The average number of Request for Reviews heard by Commissioners each month has increased from 12 per Panel to more than 60, a 500% increase. Commissioners, attorneys, and staff should be applauded for their efforts to prepare, process, and serve this dramatic increase in orders.

The Human Rights Commissioners wholeheartedly support the implementation of Executive Order 18-08 and are pleased to have noted a significant increase in the number of cases heard by the Commissioners each month. The increase is a joint effort between staff and Commissioners to meet the goals of the Order.

Chair Rose Mary Bombela-Tobias, Human Rights Commission



This graph represents the dramatic increase in the number of Request for Review matters presented to Commission Panels.

In the coming months, as current part-time Commissioners' terms expire, and new full-time Commissioners are appointed, there may be a gap in availability of Commissioners available to hear and determine matters. Current Commissioners may need to serve on more than one Panel, and meetings may run longer to address more cases. Staff will need to ensure that Commissioners have access to case materials well in advance of scheduled Panel meetings.

4. The Commission instituted a Motion Call Panel.

Previously, Commission Panels decided an assortment of motions during their meetings along with Requests for Review, such as motions to approve settlements and motions for extension of time. The Transformation Team assumed, correctly, that the Panels could decide more Requests for Review if they did not also have to consider motions during the Panel meetings.

Drawing on his past experience as a Chief Administrative Law Judge for a large, high-volume hearings agency, the Commission's Director recognized the efficiencies that could be achieved by categorizing cases, and established a dedicated Motion Call Panel, which meets once per month. Responsibility for the Motion Call Panel rotates among the Panels (i.e., Panel A conducts the Motion Call one month, the next month Panel B does, and so on).

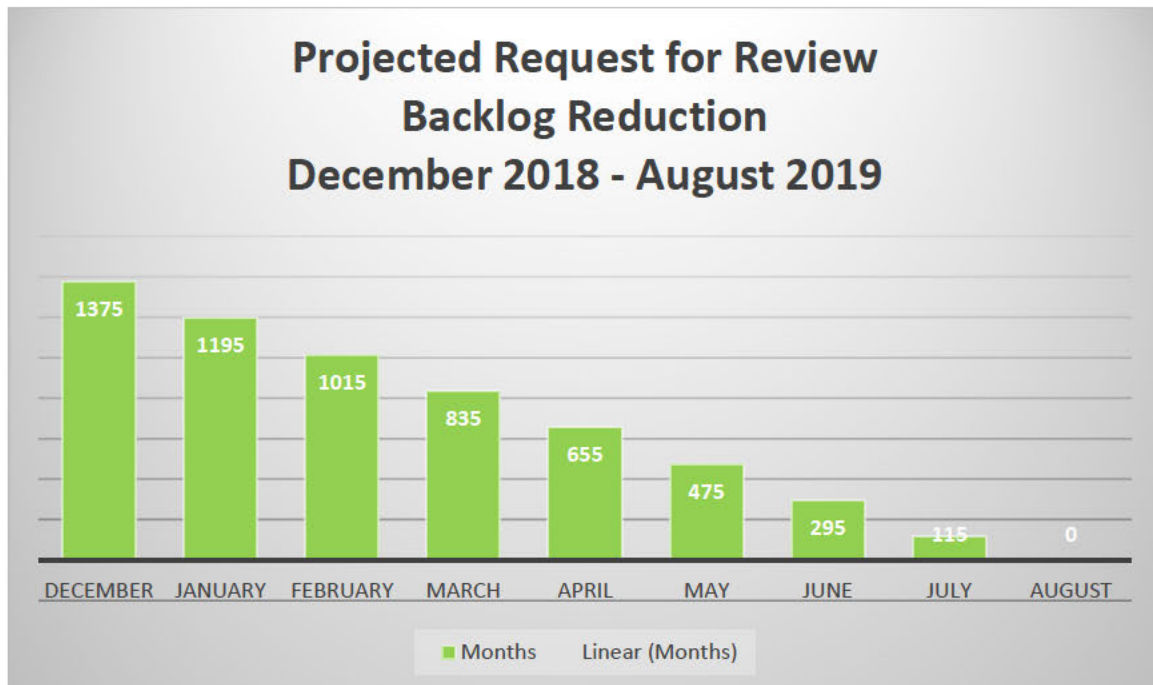
5. The Commission & Department devised a way to jointly track basic case statistics.

Failure to collect enough data at case milestones makes it difficult to capture the extent of backlog, and promptly change course to resolve. Additionally, tracking cases by Respondent type, area of alleged discrimination, and/or protected class at issue would be a helpful way to forecast any case trends or patterns, but such data was not immediately available to the Commission. Moving forward, the Commission will incorporate these necessary fields into its planned electronic case management upgrade. As the Department collects this information at the complaint stage, the Commission and Department have explored ways to share this statistical information, which aids the operations of both agencies.

Projection for Elimination of the Request for Review Backlog

There are 1,375 Requests for Review pending currently. The seven contract attorneys and two new Assistant General Counsels all must prepare a minimum of 20 proposed orders per month. Nine attorneys preparing 20 cases each per month will prepare 180 cases total. Accordingly, the projection for eliminating the Requests for Review currently pending requires basic math: $1,375 \text{ total Request for Review cases} / 180 \text{ cases per month} = 7.64 \text{ months}$ to eliminate the Request for Review backlog. The Transformation Team projects that the backlog will be eliminated in or about August 2019, well ahead of the December 2019 deadline in Executive Order 8 (2018).

Obviously, new Requests for Review are filed daily. However, we are not including in the projection the cases we expect to be filed between mid-December 2018 and August 2019, as they will be too new to be considered "backlog" for the purposes of the Order. Moreover, with staffing and structure in place, the staff will be able to keep up on Requests for Review as they are filed at the Commission. Once backlog is eliminated, staffing levels will be sufficient to timely address incoming cases, and be flexible enough to absorb an occasional influx of additional cases.



This graph represents projection of complete Request for Review backlog elimination by August 2019, assuming current pace of case of disposition is maintained.

Projections stated herein are dependent upon continued progress at this pace. Potential attrition of newly hired staff, and interim reduction in Commissioners available for Panel during transition to new Commission structure could contribute to a temporary slowing of pace. This makes monitoring especially crucial in the coming months. The good news is that with the Commission's aggressive turnaround, it is already well ahead of schedule to eliminate backlog, and any minor temporary slowing of productivity should not derail efforts to meet the Executive Order's timeframe.

Freeing a backlog by dramatically increasing productivity in one area of operations runs the risk of causing a bottleneck and backlog elsewhere within the Commission, or within the Department. Advanced knowledge and preparation is key to mitigating this risk, and the Transformation Team has been highly communicative and proactive regarding this potential consequence.

Transforming Service Delivery

The goal of Executive Order 8 (2018) is not only timelier service, but better service. Numbers are meaningless if Illinoisans are unaware of their rights under the Act, or unable to access the services of the Department and Commission. The Transformation Team, working with the Commission's Outreach Committee, has further developed a number of initiatives as set forth in its 60 Day Plan.

Increasing Accessibility of Services Offered

Website Revamp

The Commission's website ought to serve as a ready source of information for individuals preparing their cases. It should be user-friendly, making it easier for those with language or educational barriers to understand their rights and obligations at the Commission. Commissioners have already, through prior

committee work, compiled ideas for a website revamp and have storyboarded their ideas, but until recently did not have the logistical or technological support for execution. The Commission anticipates rollout of its new website design by early 2019. The design features a user-friendly homepage, which include greater use of visuals, social media feed, and a calendar of events open to the public. The new website will also provide users an opportunity to submit questions and feedback.

Expanded Frequently Asked Questions

The website revamp project also includes updated and expanded Frequently Asked Questions about the Act and the Commission's procedures, making the website a more useful source of information to visitors.

Informational Brochure Redesign

Commission staff diligently researched the impact of informational brochures available in other states, and updated its own brochure, in collaboration with the Transformation Team, to provide more information to those interested in its mission. The updated brochure explains in a user-friendly way how to interact with the Commission, from filing a complaint through adjudication. The updated brochure, published in English, Spanish, and Polish, will also be made available electronically on the Commission's website, and will be easily translatable into any language using an embedded Google language translator. This effort will ensure Illinoisans are aware of their rights under the law, and make the Commission's services more accessible. *A copy of the new brochure is attached as Appendix A.*

Draft Rules Implementing Public Act 100-1066

Public Act 100-1066 requires the Commission adopt rules governing contents of newly permitted responses to Requests for Review. Commission staff took immediate initiative to begin drafting clear procedural rules. Moreover, with the support of the CMS Bureau of Administrative Hearings, whose focus it has been to make administrative procedures less legalese and more user-friendly for litigants, the Commission took this opportunity to look holistically at all of its existing procedural rules, and eliminated arcane and unnecessarily burdensome provisions that make it difficult for citizens to interact with the Commission - like having to file an original plus 15 copies of a document. The Commission anticipates finalizing its draft rules and publishing its Notice of Rulemaking in early 2019.

Robust, Multifaceted Public Engagement

The work to expand public outreach and education will be further advanced through various channels – local community outreach, youth educational programs, and stakeholder feedback. The combination of these efforts will result in stronger public knowledge and enforcement of the Human Rights Act.

“Discrimination is born of ignorance and the need for the Commission’s work is more important now than ever. It is critical that the citizens of Illinois are aware of the mission & work of the Commission to ensure they have access to our services.”

Commissioner Michael Bigger, Outreach Committee Chair

To do so, the Transformation Team worked with the Commission's Outreach Committee, to put in place the following communication strategies:

Increased Community Interaction and Education

The Commission will work with the Department to coordinate additional free training in local communities. The Commission's new website will contain a speaker request submission for either pre-prepared presentation topics, or special topics as appropriate.

In addition to regularly engaging local communities, the Commission endeavors to bring human rights to a national level, coordinating with the Department, sister states, and local jurisdictions to host an educational summit. By engaging and collaborating with other leaders in the field we will continue to identify best practices to strengthen our efforts to vigorously enforce human rights protections in our State.

Engaging Youth to Uphold Human Rights

The Transformation Team recognizes the importance of educating Illinois youth on the Human Rights Act, and the Department's and Commission's role in protecting rights afforded under that Act. Children represent future leaders and advocates in our communities. They need to know their human rights and how to protect those rights and the rights of their peers. This is why the Commission has developed a road show concept, which will bring these important principles to schools, culminating in a student project showcasing what they have learned. These actions will empower a generation of youth that understand and respect human rights in order to end discrimination, intolerance, and violence.

Additionally, the Commission will formalize and enhance its past practice of having high school interns, encouraging interns to become more involved and exposed to proceedings, and documenting completion with a certificate formally recognizing their contribution to the protection of human rights. The goal is to utilize every opportunity to mentor and grow young minds. At a post graduate level, the Commission will continue its prestigious Coles Fellows program to mentor law students, exposing soon-to-be lawyers to the importance of human rights activities. The program provides students with schooling course credit in a dynamic, interactive learning environment, where law students prepare and present real cases to Commissioners.

Surveys to Better Inform Operations

The Transformation Team is working with the Commission's Outreach Committee on development of a survey instrument to be used in assessing the quality of its services and community outreach initiatives. Additionally, the Commission and Department will jointly survey parties that appear before the two agencies to incorporate their suggestions for better service.

Moreover, future town hall forum meetings will allow the Department and Commission to gauge effectiveness of changes being implemented, and promote transparency in operations.

Preparing for the New Commission Structure

By July 1, 2019, the Commission will have migrated from a part-time Commission of thirteen to a full-time Commission of seven, each empowered to select a staff attorney. Taking into account this new structural change, the Commission has worked proactively to establish the following in preparation:

Defined Duties & Responsibilities

Taking seriously the legislature's action to professionalize the Commission, staff have developed defined duties and responsibilities for Commissioners, and staff attorneys. Clear delineation of duties will ensure

smooth operations. Indeed, part of newly appointed Commissioners' first charge will be to take an oath in front of their colleagues and the public in an open meeting to solemnly fulfill the duties of office. The oath will be administered by the Commission's Director.

Adherence to High Ethical Standards

Included in defined Commissioner responsibilities is mandatory adherence to a Judicial Code of Conduct to uphold the high integrity of the appointment and increase public confidence in Commissioners as decision makers on important matters. While ethics laws exist governing the conduct of all state actors, these laws are not specific to the role of a Commissioner. Requiring Commissioners adhere to a Judicial Code of Conduct recognizes the unique work of a Commissioner and complements efforts of the CMS Bureau of Administrative Hearings to implement an Illinois-specific ethical code of conduct for ALJs.

Physical Space & Equipment

To accommodate workspace for the incoming full-time Commission members, the Commission has secured extended office space, as well as workstations, computers, telephones, and necessary office supplies. Staff attorneys assigned to each Commissioner will occupy nearby offices for maximum productivity. Additionally, a new Commission-dedicated videoconference room ensures Commissioners are able to conduct business as needed, and are not dependent on a shared conference room schedule.

Looking Forward

Building on these achievements the next twelve months will be a busy, yet worthwhile endeavor. It will be a time for reflection and continued adaptation as the Commission adopts a new structure, and implements other changes to the Human Rights Act set forth in Public Act 100-1066. The Transformation Team will continue its efforts going forward with the same determination, by meeting regularly, closely monitoring progress, and working with both internal and external stakeholders to identify areas for continued improvement.

Next targets include:

- Implement draft rules pursuant to Public Act 100-1066
- Continue work to upgrade the Commission's outdated (and soon to be unsupported) electronic case management system, and bridge the Department to a common case management solution
- Continue to improve process for efficient case management workflows, collecting additional data points to better inform operations
- Monitor articulated productivity standards to ensure prompt resolution of incoming cases
- Engage stakeholders, both internal and external for performance feedback and continuous improvement, including development and deployment of a survey instrument to assess quality of service and convening an informal advisory council to provide guidance
- Explore and develop additional tools to assist self-represented litigants in navigating investigation and adjudication of civil rights claims
- Provide the public with information regarding internal steps, including associated timelines, for the movement of a case through the Office of the General Counsel, so that litigants know where their case is in time and so that attorneys are accountable to deadlines reasonably tailored to the work that Requests for Review require
- Continue to explore whether statutory or rule changes would improve efforts to increase efficiency and provide better service
- Craft ongoing recommendations, and test new ideas for improvement

Conclusion

The Transformation Team remains strong in its commitment to full implementation of its 60 Day Plan to eliminate backlog at the Human Rights Commission and improve overall service to Illinoisans. This First Progress Report reflects real progress at the 6-month mark, and through inter-agency collaboration and teamwork, we are on track to achieve our targets well in advance of the Order's 18-month deadline.

Since the high point of the backlog in June 2018 with over 2,500 pending cases, the Commission has streamlined existing processes and procedures and reenergized its workforce. What's more important, however, is what the Commission has not done. It has not sacrificed due process for Illinoisans. It has not lost its focus on antidiscrimination. It has not compromised quality or integrity of its decisions for greater production.

In its first six months, the Transformation Team has laid a foundation for additional, long-term improvements. We believe these efforts have created more openness and transparency, and support Illinoisans to receive high quality and timely adjudication of sensitive matters. The Transformation Team remains steadfast in its commitment to sustainable improvement and looks forward to providing future reports on its continued progress.

Appendix A – Updated Brochure

BROCHURE (OUTSIDE)

The Illinois Human Rights Commission

The IHRC maintains offices in Chicago and in Springfield. Currently, the IHRC consists of a Board of Commissioners; the Executive Director; the Chief Administrative Law Judge, and a staff of Administrative Law Judges; the Chief Fiscal Officer; the General Counsel, Deputy General Counsel, and Assistant General Counsels, and Administrative Support Staff.

The Hearing

The matter is set for hearing before an ALJ within 30 to 90 days after the complaint has been filed with the IHRC. After the hearing, the ALJ issues a Recommended Order and Decision (ROD). If either party objects to the ROD, exceptions may be filed and the ROD will be reviewed by a three-member panel of Commissioners. The panel may adopt, reverse or modify the ROD, or remand the ROD back to the ALJ. If the ROD is adopted, it becomes the IHRC's final decision. The IHRC's final decision may be appealed in the appropriate Illinois Appellate Court.

The IHRC cannot provide legal advice. Corporate litigants must appear before the IHRC through an attorney. Individuals are not required by IHRC to have an attorney. Attorney representation is strongly advised.

Illinois Human Rights Commission
Sangamon Complex
1000 E. Converse, Suite 1232N
Springfield, Illinois 62702
Phone: (217) 785.4350
Fax: (217)524.4877
TTY: (217) 557.1500

Illinois Human Rights Commission
James R. Thompson Center
100 W. Randolph Street
Suite 5-100
Chicago, IL 60601
Phone: (312) 814.6269
Fax: (312) 814 6517
Website: www.illinois.gov/ihr

To Access the Illinois Human Rights Act, Rules and Regulations and Forms go to:

www2.illinois.gov/sites/ihr/Pages/Act_Rules_03.aspx

To File a Charge of Discrimination

Illinois Department of Human Rights
James R. Thompson Center
100 W. Randolph Street
Suite 10-100
Chicago, IL 60601
Phone: (312) 814-6200 or
Springfield Phone:
(217) 785-5100 or
Morton Phone:
(618) 993-7463
www.illinois.gov/dhr

Rev 20180917 BNCW



STATE OF ILLINOIS
HUMAN RIGHTS
COMMISSION

Providing a Neutral Forum
for Resolving Complaints
of Discrimination Under
the Illinois Human Rights
Act

Chicago: 312-814-6269
Springfield: 217-785-4395
www.illinois.gov/ihr

BROCHURE (INSIDE)

The Illinois Human Rights Commission (IHRC) is dedicated to promoting freedom from unlawful discrimination as defined by the Illinois Human Rights Act, 775 ILCS 5/1-101, et. seq. (the "Act"). The Act forbids discrimination based on:

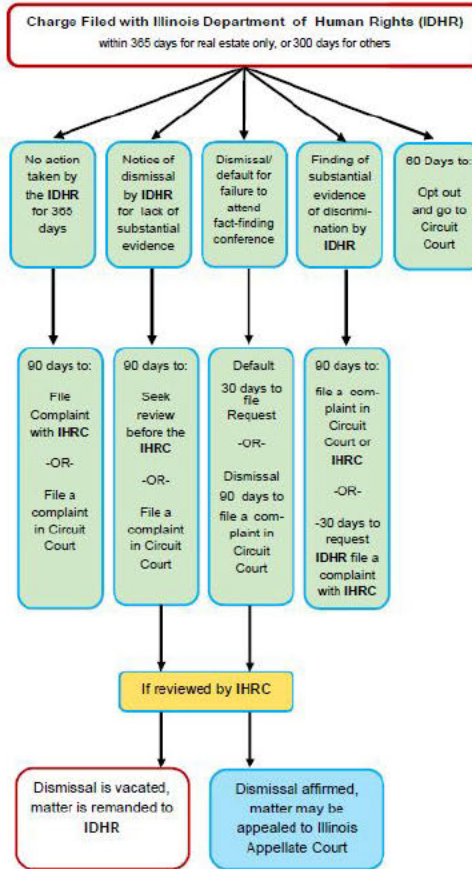
- CITIZENSHIP ANCESTRY NATIONAL ORIGIN
- RACE COLOR SEX DISABILITY
- ARREST RECORD SEXUAL HARASSMENT
- MARITAL STATUS FAMILIAL STATUS RELIGION
- PREGNANCY/ACCOMMODATION RETALIATION
- AGE ORDER OF PROTECTION STATUS
- SEXUAL ORIENTATION MILITARY STATUS

The Act forbids discrimination in:

- EMPLOYMENT PUBLIC ACCOMMODATIONS
- REAL ESTATE TRANSACTIONS EDUCATION
- ACCESS TO FINANCIAL CREDIT

Our primary responsibility is to make impartial determinations of whether there has been unlawful discrimination as defined by the Act. We are also responsible for furnishing information to the public about the Act and the IHRC.

We strive to provide professional, competent, and considerate service to everyone who seeks information from us or who has a case before the IHRC.



Request for Review

When the Department of Human Rights (IDHR) dismisses a charge for lack of substantial evidence of discrimination, the Complainant may file a Request for Review with the IHRC or file a complaint in the Circuit Court within 90 days after receipt of the Notice of Dismissal. When the IDHR dismisses a charge for failure to attend a fact-finding conference the Complainant may either file a Request for Review with the IHRC or file a complaint in the Circuit Court within 90 days of receipt of the Notice of Dismissal. The IHRC's decision may be appealed in the appropriate Illinois Appellate Court.

Filing a Complaint

If the IDHR finds substantial evidence of discrimination and issues notice, in order to advance the case, the Complainant must either: (1) File a complaint in the appropriate circuit court within 90 days of receiving the notice, or (2) Request the IDHR file a complaint with the IHRC on the Complainant's behalf within 30 days of receiving the notice. If the IDHR does not complete its investigation within 365 days, or any agreed extension, the Complainant then has 90 days to either: (1) File a complaint with the IHRC or (2) File a complaint in the appropriate Circuit Court.

Appendix B – Investigation & Adjudication of Complaints

Initiating a Discrimination Charge at the Department



The Department receives, investigates, and conciliates charges of unlawful discrimination and undertakes affirmative action and public education activities to prevent discrimination.

Victims of discrimination are often members of vulnerable populations and historically disadvantaged groups. Indigent complainants who believe they have been discriminated against have access to the State's forum regardless of their financial ability. There are no filing fees and legal representation is not required. The Department works with complainants during the intake process to gather sufficient information to determine the allegations, whether the Department has jurisdiction, and the preparation of a charge that initiates an investigation by the Department. Where agreed by the parties, the Department also provides mediation services to aid expedient and satisfactory resolution at an early stage.

By statute, the Department has 365 days from the date a perfected charge of discrimination is filed to investigate and determine whether or not substantial evidence of discrimination exists. The parties to a charge may mutually agree to extend the time for investigation.

Where the Department's investigation finds substantial evidence of discrimination, a Complainant has the option of:

1. requesting, within 30 days, the Department to file a complaint on Complainant's behalf with the Commission, a separate adjudicatory agency;
2. filing a complaint with the Commission within 90 days; or
3. commencing, within 90 days, a civil action in a State circuit court of appropriate venue.

Alternatively, if the Department dismisses the charge (for lack of substantial evidence, lack of jurisdiction, or failure to proceed), the Complainant has 90 days to either:

1. file a Request for Review (appeal) of that dismissal with the Commission; or
2. commence a civil action in a State circuit court of appropriate venue.

Prior to 2008, Requests for Review (appeals) were determined by the Department's Office of Chief Legal Counsel. However, to provide independent review for individuals seeking appeal of the Department's dismissals, the General Assembly amended the Act to transfer this function to the Commission, effective January 2008.

Adjudicating a Discrimination Complaint at the Commission



The Commission is a quasi-judicial agency and a neutral forum for litigating Complaints of civil rights violations. The Commission also hears and determines Requests for Review of the Department's determinations of either dismissal or default. Finally, the Commission approves settlements

submitted by the Department, determines en banc petitions, and hears and determines a variety of other motions and petitions.

The substantive casework of the Commission is accomplished through the Administrative Law Judges (ALJs), the Board of Commissioners, and the General Counsel's Office. The ALJs preside over public hearings, during which Complaints are litigated. The Board of Commissioners, with the advice and counsel of attorneys in the General Counsel's Office, decide post-public hearing matters (called contested matters), as well as Requests for Review of the Department's determinations.

The Board of Commissioners is comprised of 12 Governor-appointed Commissioners and one Chair, diverse in experience and geographic representation of our State. Contested matters, Requests for Review, approval of settlement agreements, and various motions and petitions are determined by three-member Commission panels. The Commissioners en banc (as a whole) determine petitions for rehearing and certified questions. In contrast to the Department's mandate to complete investigation within 365 days, the Act is silent as to Commission timeframe to dispose of pending matters. As the vast majority of the Commission's work, and subsequent backlog, is determining Requests for Review and contested case matters, a brief overview of each is presented for background.

1. Requests for Review

Where a party requests, Commission panels review Department defaults and dismissals. When reviewing a default, if the Commission panel finds the respondent showed good cause for failure to participate in the Department proceedings, the Commission will vacate the Notice of Default; otherwise, the Commission panel will enter an Order of Default against the respondent. When reviewing a dismissal, the Commission panel shall determine whether to sustain (uphold) the dismissal, or vacate (undo/reverse) the dismissal. If sustained, a final Commission order dismissing the charge will issue. If vacated, the Commission will issue an order either remanding the matter to the Department for further investigation, or finding substantial evidence of discrimination, thus allowing the complainant to move forward with filing a Complaint with the Commission.

In the course of their duties, the Commissioners receive technical and legal advice from attorney advisors, staffed in the Commission's General Counsel's Office. The attorney advisors are responsible for drafting legally-sufficient orders memorializing the Commissioners' oral determinations.

2. Contested Cases

Upon conclusion of an evidentiary hearing on a Complaint, the ALJ issues a Recommended Order and Decision (ROD). The parties have an opportunity to file exceptions to the ROD if they disagree. If parties file exceptions to the ALJ's ROD, the exceptions go to the Commissioners for determination. If no exceptions are filed, then the ROD becomes the Commission's final decision. Historically, the Commission's General Counsel's office has been tasked with mailing the parties Notices of No Exception, which allows the ROD to stand as the final enforceable order of the Commission. The Administrative Hearings Unit assumed this task earlier this year, resulting in 100% elimination of backlogged cases awaiting Notice of No Exception.