



Sen. Napoleon Harris, III

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LRB100 05780 JLS 25994 a

1 AMENDMENT TO HOUSE BILL 3092

2 AMENDMENT NO. _____. Amend House Bill 3092 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 7A-102 and 7B-102 as follows:

6 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

7 Sec. 7A-102. Procedures.

8 (A) Charge.

9 (1) Within 180 days after the date that a civil rights
10 violation allegedly has been committed, a charge in writing
11 under oath or affirmation may be filed with the Department
12 by an aggrieved party or issued by the Department itself
13 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 (3) Charges deemed filed with the Department pursuant
3 to subsection (A-1) of this Section shall be deemed to be
4 in compliance with this subsection.

5 (A-1) Equal Employment Opportunity Commission Charges.

6 (1) If a charge is filed with the Equal Employment
7 Opportunity Commission (EEOC) within 180 days after the
8 date of the alleged civil rights violation, the charge
9 shall be deemed filed with the Department on the date filed
10 with the EEOC. If the EEOC is the governmental agency
11 designated to investigate the charge first, the Department
12 shall take no action until the EEOC makes a determination
13 on the charge and after the complainant notifies the
14 Department of the EEOC's determination. In such cases,
15 after receiving notice from the EEOC that a charge was
16 filed, the Department shall notify the parties that (i) a
17 charge has been received by the EEOC and has been sent to
18 the Department for dual filing purposes; (ii) the EEOC is
19 the governmental agency responsible for investigating the
20 charge and that the investigation shall be conducted
21 pursuant to the rules and procedures adopted by the EEOC;
22 (iii) it will take no action on the charge until the EEOC
23 issues its determination; (iv) the complainant must submit
24 a copy of the EEOC's determination within 30 days after
25 service of the determination by the EEOC on complainant;
26 and (v) that the time period to investigate the charge

1 contained in subsection (G) of this Section is tolled from
2 the date on which the charge is filed with the EEOC until
3 the EEOC issues its determination.

4 (2) If the EEOC finds reasonable cause to believe that
5 there has been a violation of federal law and if the
6 Department is timely notified of the EEOC's findings by
7 complainant, the Department shall notify complainant that
8 the Department has adopted the EEOC's determination of
9 reasonable cause and that complainant has the right, within
10 90 days after receipt of the Department's notice, to either
11 file his or her own complaint with the Illinois Human
12 Rights Commission or commence a civil action in the
13 appropriate circuit court or other appropriate court of
14 competent jurisdiction. The Department's notice to
15 complainant that the Department has adopted the EEOC's
16 determination of reasonable cause shall constitute the
17 Department's Report for purposes of subparagraph (D) of
18 this Section.

19 (3) For those charges alleging violations within the
20 jurisdiction of both the EEOC and the Department and for
21 which the EEOC either (i) does not issue a determination,
22 but does issue the complainant a notice of a right to sue,
23 including when the right to sue is issued at the request of
24 the complainant, or (ii) determines that it is unable to
25 establish that illegal discrimination has occurred and
26 issues the complainant a right to sue notice, and if the

1 Department is timely notified of the EEOC's determination
2 by complainant, the Department shall notify the parties
3 that the Department will adopt the EEOC's determination as
4 a dismissal for lack of substantial evidence unless the
5 complainant requests in writing within 35 days after
6 receipt of the Department's notice that the Department
7 review the EEOC's determination.

8 (a) If the complainant does not file a written
9 request with the Department to review the EEOC's
10 determination within 35 days after receipt of the
11 Department's notice, the Department shall notify
12 complainant that the decision of the EEOC has been
13 adopted by the Department as a dismissal for lack of
14 substantial evidence and that the complainant has the
15 right, within 90 days after receipt of the Department's
16 notice, to commence a civil action in the appropriate
17 circuit court or other appropriate court of competent
18 jurisdiction. The Department's notice to complainant
19 that the Department has adopted the EEOC's
20 determination shall constitute the Department's report
21 for purposes of subparagraph (D) of this Section.

22 (b) If the complainant does file a written request
23 with the Department to review the EEOC's
24 determination, the Department shall review the EEOC's
25 determination and any evidence obtained by the EEOC
26 during its investigation. If, after reviewing the

1 EEOC's determination and any evidence obtained by the
2 EEOC, the Department determines there is no need for
3 further investigation of the charge, the Department
4 shall issue a report and the Director shall determine
5 whether there is substantial evidence that the alleged
6 civil rights violation has been committed pursuant to
7 subsection (D) of Section 7A-102. If, after reviewing
8 the EEOC's determination and any evidence obtained by
9 the EEOC, the Department determines there is a need for
10 further investigation of the charge, the Department
11 may conduct any further investigation it deems
12 necessary. After reviewing the EEOC's determination,
13 the evidence obtained by the EEOC, and any additional
14 investigation conducted by the Department, the
15 Department shall issue a report and the Director shall
16 determine whether there is substantial evidence that
17 the alleged civil rights violation has been committed
18 pursuant to subsection (D) of Section 7A-102 of this
19 Act.

20 (4) Pursuant to this Section, if the EEOC dismisses the
21 charge or a portion of the charge of discrimination
22 because, under federal law, the EEOC lacks jurisdiction
23 over the charge, and if, under this Act, the Department has
24 jurisdiction over the charge of discrimination, the
25 Department shall investigate the charge or portion of the
26 charge dismissed by the EEOC for lack of jurisdiction

1 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
2 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of
3 this Act.

4 (5) The time limit set out in subsection (G) of this
5 Section is tolled from the date on which the charge is
6 filed with the EEOC to the date on which the EEOC issues
7 its determination.

8 (B) Notice and Response to Charge. The Department shall,
9 within 10 days of the date on which the charge was filed, serve
10 a copy of the charge on the respondent. This period shall not
11 be construed to be jurisdictional. The charging party and the
12 respondent may each file a position statement and other
13 materials with the Department regarding the charge of alleged
14 discrimination within 60 days of receipt of the notice of the
15 charge. The position statements and other materials filed shall
16 remain confidential unless otherwise agreed to by the party
17 providing the information and shall not be served on or made
18 available to the other party during pendency of a charge with
19 the Department. The Department may ~~shall~~ require the respondent
20 to file a ~~verified~~ response to the allegations contained in the
21 charge. Upon the Department's request, the respondent shall
22 file a response to the charge within 60 days and of receipt of
23 ~~the notice of the charge. The respondent shall~~ serve a copy of
24 its response on the complainant or his or her representative.
25 Notwithstanding any request from the Department, the
26 respondent may elect to file a response to the charge within 60

1 days of receipt of notice of the charge. If the respondent
2 elects to file a response to the charge, the respondent shall
3 serve a copy of its response on the complainant or his or her
4 representative. All allegations contained in the charge not
5 timely denied by the respondent ~~may~~ ~~shall~~ be deemed admitted,
6 unless the respondent states that it is without sufficient
7 information to form a belief with respect to such allegation.
8 The Department may issue a notice of default directed to any
9 respondent who fails to file a ~~verified~~ response to a charge
10 within 60 days of the Department's request ~~receipt of the~~
11 ~~notice of the charge,~~ unless the respondent can demonstrate
12 good cause as to why such notice should not issue. The term
13 "good cause" shall be defined by rule promulgated by the
14 Department. Within 30 days of receipt of the respondent's
15 response, the complainant may file a reply to said response and
16 shall serve a copy of said reply on the respondent or his or
17 her representative. A party shall have the right to supplement
18 his or her response or reply at any time that the investigation
19 of the charge is pending. The Department shall, within 10 days
20 of the date on which the charge was filed, and again no later
21 than 335 days thereafter, send by certified or registered mail
22 written notice to the complainant and to the respondent
23 informing the complainant of the complainant's right to either
24 file a complaint with the Human Rights Commission or commence a
25 civil action in the appropriate circuit court under
26 subparagraph (2) of paragraph (G), including in such notice the

1 dates within which the complainant may exercise this right. In
2 the notice the Department shall notify the complainant that the
3 charge of civil rights violation will be dismissed with
4 prejudice and with no right to further proceed if a written
5 complaint is not timely filed with the Commission or with the
6 appropriate circuit court by the complainant pursuant to
7 subparagraph (2) of paragraph (G) or by the Department pursuant
8 to subparagraph (1) of paragraph (G).

9 (B-1) Mediation. The complainant and respondent may agree
10 to voluntarily submit the charge to mediation without waiving
11 any rights that are otherwise available to either party
12 pursuant to this Act and without incurring any obligation to
13 accept the result of the mediation process. Nothing occurring
14 in mediation shall be disclosed by the Department or admissible
15 in evidence in any subsequent proceeding unless the complainant
16 and the respondent agree in writing that such disclosure be
17 made.

18 (C) Investigation.

19 (1) ~~The After the respondent has been notified, the~~
20 Department shall conduct an ~~a~~ full investigation
21 sufficient to determine whether ~~of~~ the allegations set
22 forth in the charge are supported by substantial evidence.

23 (2) The Director or his or her designated
24 representatives shall have authority to request any member
25 of the Commission to issue subpoenas to compel the
26 attendance of a witness or the production for examination

1 of any books, records or documents whatsoever.

2 (3) If any witness whose testimony is required for any
3 investigation resides outside the State, or through
4 illness or any other good cause as determined by the
5 Director is unable to be interviewed by the investigator or
6 appear at a fact finding conference, his or her testimony
7 or deposition may be taken, within or without the State, in
8 the same manner as is provided for in the taking of
9 depositions in civil cases in circuit courts.

10 (4) Upon reasonable notice to the complainant and the
11 respondent, the Department shall conduct a fact finding
12 conference, unless prior to 365 days after the date on
13 which the charge was filed the Director has determined
14 whether there is substantial evidence that the alleged
15 civil rights violation has been committed, the charge has
16 been dismissed for lack of jurisdiction, or the parties
17 voluntarily and in writing agree to waive the fact finding
18 conference. Any party's failure to attend the conference
19 without good cause shall result in dismissal or default.
20 The term "good cause" shall be defined by rule promulgated
21 by the Department. A notice of dismissal or default shall
22 be issued by the Director. The notice of default issued by
23 the Director shall notify the respondent that a request for
24 review may be filed in writing with the Commission within
25 30 days of receipt of notice of default. The notice of
26 dismissal issued by the Director shall give the complainant

1 notice of his or her right to seek review of the dismissal
2 before the Human Rights Commission or commence a civil
3 action in the appropriate circuit court. If the complainant
4 chooses to have the Human Rights Commission review the
5 dismissal order, he or she shall file a request for review
6 with the Commission within 90 days after receipt of the
7 Director's notice. If the complainant chooses to file a
8 request for review with the Commission, he or she may not
9 later commence a civil action in a circuit court. If the
10 complainant chooses to commence a civil action in a circuit
11 court, he or she must do so within 90 days after receipt of
12 the Director's notice.

13 (D) Report.

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

20 (2) Upon review of the report, the Director shall
21 determine whether there is substantial evidence that the
22 alleged civil rights violation has been committed. The
23 determination of substantial evidence is limited to
24 determining the need for further consideration of the
25 charge pursuant to this Act and includes, but is not
26 limited to, findings of fact and conclusions, as well as

1 the reasons for the determinations on all material issues.
2 Substantial evidence is evidence which a reasonable mind
3 accepts as sufficient to support a particular conclusion
4 and which consists of more than a mere scintilla but may be
5 somewhat less than a preponderance.

6 (3) If the Director determines that there is no
7 substantial evidence, the charge shall be dismissed by
8 order of the Director and the Director shall give the
9 complainant notice of his or her right to seek review of
10 the dismissal order before the Commission or commence a
11 civil action in the appropriate circuit court. If the
12 complainant chooses to have the Human Rights Commission
13 review the dismissal order, he or she shall file a request
14 for review with the Commission within 90 days after receipt
15 of the Director's notice. If the complainant chooses to
16 file a request for review with the Commission, he or she
17 may not later commence a civil action in a circuit court.
18 If the complainant chooses to commence a civil action in a
19 circuit court, he or she must do so within 90 days after
20 receipt of the Director's notice.

21 (4) If the Director determines that there is
22 substantial evidence, he or she shall notify the
23 complainant and respondent of that determination. The
24 Director shall also notify the parties that the complainant
25 has the right to either commence a civil action in the
26 appropriate circuit court or request that the Department of

1 Human Rights file a complaint with the Human Rights
2 Commission on his or her behalf. Any such complaint shall
3 be filed within 90 days after receipt of the Director's
4 notice. If the complainant chooses to have the Department
5 file a complaint with the Human Rights Commission on his or
6 her behalf, the complainant must, within 30 days after
7 receipt of the Director's notice, request in writing that
8 the Department file the complaint. If the complainant
9 timely requests that the Department file the complaint, the
10 Department shall file the complaint on his or her behalf.
11 If the complainant fails to timely request that the
12 Department file the complaint, the complainant may file his
13 or her complaint with the Commission or commence a civil
14 action in the appropriate circuit court. If the complainant
15 files a complaint with the Human Rights Commission, the
16 complainant shall give notice to the Department of the
17 filing of the complaint with the Human Rights Commission.

18 (E) Conciliation.

19 (1) When there is a finding of substantial evidence,
20 the Department may designate a Department employee who is
21 an attorney licensed to practice in Illinois to endeavor to
22 eliminate the effect of the alleged civil rights violation
23 and to prevent its repetition by means of conference and
24 conciliation.

25 (2) When the Department determines that a formal
26 conciliation conference is necessary, the complainant and

1 respondent shall be notified of the time and place of the
2 conference by registered or certified mail at least 10 days
3 prior thereto and either or both parties shall appear at
4 the conference in person or by attorney.

5 (3) The place fixed for the conference shall be within
6 35 miles of the place where the civil rights violation is
7 alleged to have been committed.

8 (4) Nothing occurring at the conference shall be
9 disclosed by the Department unless the complainant and
10 respondent agree in writing that such disclosure be made.

11 (5) The Department's efforts to conciliate the matter
12 shall not stay or extend the time for filing the complaint
13 with the Commission or the circuit court.

14 (F) Complaint.

15 (1) When the complainant requests that the Department
16 file a complaint with the Commission on his or her behalf,
17 the Department shall prepare a written complaint, under
18 oath or affirmation, stating the nature of the civil rights
19 violation substantially as alleged in the charge
20 previously filed and the relief sought on behalf of the
21 aggrieved party. The Department shall file the complaint
22 with the Commission.

23 (2) If the complainant chooses to commence a civil
24 action in a circuit court, he or she must do so in the
25 circuit court in the county wherein the civil rights
26 violation was allegedly committed. The form of the

1 complaint in any such civil action shall be in accordance
2 with the Illinois Code of Civil Procedure.

3 (G) Time Limit.

4 (1) When a charge of a civil rights violation has been
5 properly filed, the Department, within 365 days thereof or
6 within any extension of that period agreed to in writing by
7 all parties, shall issue its report as required by
8 subparagraph (D). Any such report shall be duly served upon
9 both the complainant and the respondent.

10 (2) If the Department has not issued its report within
11 365 days after the charge is filed, or any such longer
12 period agreed to in writing by all the parties, the
13 complainant shall have 90 days to either file his or her
14 own complaint with the Human Rights Commission or commence
15 a civil action in the appropriate circuit court. If the
16 complainant files a complaint with the Commission, the form
17 of the complaint shall be in accordance with the provisions
18 of paragraph (F)(1). If the complainant commences a civil
19 action in a circuit court, the form of the complaint shall
20 be in accordance with the Illinois Code of Civil Procedure.
21 The aggrieved party shall notify the Department that a
22 complaint has been filed and shall serve a copy of the
23 complaint on the Department on the same date that the
24 complaint is filed with the Commission or in circuit court.
25 If the complainant files a complaint with the Commission,
26 he or she may not later commence a civil action in circuit

1 court.

2 (3) If an aggrieved party files a complaint with the
3 Human Rights Commission or commences a civil action in
4 circuit court pursuant to paragraph (2) of this subsection,
5 or if the time period for filing a complaint has expired,
6 the Department shall immediately cease its investigation
7 and dismiss the charge of civil rights violation. Any final
8 order entered by the Commission under this Section is
9 appealable in accordance with paragraph (B)(1) of Section
10 8-111. Failure to immediately cease an investigation and
11 dismiss the charge of civil rights violation as provided in
12 this paragraph (3) constitutes grounds for entry of an
13 order by the circuit court permanently enjoining the
14 investigation. The Department may also be liable for any
15 costs and other damages incurred by the respondent as a
16 result of the action of the Department.

17 (4) The Department shall stay any administrative
18 proceedings under this Section after the filing of a civil
19 action by or on behalf of the aggrieved party under any
20 federal or State law seeking relief with respect to the
21 alleged civil rights violation.

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

24 (I) This amendatory Act of 1996 applies to causes of action
25 filed on or after January 1, 1996.

26 (J) The changes made to this Section by Public Act 95-243

1 apply to charges filed on or after the effective date of those
2 changes.

3 (K) The changes made to this Section by this amendatory Act
4 of the 96th General Assembly apply to charges filed on or after
5 the effective date of those changes.

6 (Source: P.A. 96-876, eff. 2-2-10; 97-22, eff. 1-1-12; 97-596,
7 eff. 8-26-11; 97-813, eff. 7-13-12.)

8 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)
9 Sec. 7B-102. Procedures.

10 (A) Charge.

11 (1) Within one year after the date that a civil rights
12 violation allegedly has been committed or terminated, a
13 charge in writing under oath or affirmation may be filed
14 with the Department by an aggrieved party or issued by the
15 Department itself under the signature of the Director.

16 (2) The charge shall be in such detail as to
17 substantially apprise any party properly concerned as to
18 the time, place, and facts surrounding the alleged civil
19 rights violation.

20 (B) Notice and Response to Charge.

21 (1) The Department shall serve notice upon the
22 aggrieved party acknowledging such charge and advising the
23 aggrieved party of the time limits and choice of forums
24 provided under this Act. The Department shall, within 10
25 days of the date on which the charge was filed or the

1 identification of an additional respondent under paragraph
2 (2) of this subsection, serve on the respondent a copy of
3 the charge along with a notice identifying the alleged
4 civil rights violation and advising the respondent of the
5 procedural rights and obligations of respondents under
6 this Act and may ~~shall~~ require the respondent to file a
7 ~~verified~~ response to the allegations contained in the
8 charge. Upon the Department's request, the respondent
9 shall file a response to the charge within 30 days and ~~-~~
10 ~~The respondent shall~~ serve a copy of its response on the
11 complainant or his or her representative. Notwithstanding
12 any request from the Department, the respondent may elect
13 to file a response to the charge within 30 days of receipt
14 of notice of the charge. If the respondent elects to file a
15 response to the charge, the respondent shall serve a copy
16 of its response on the complainant or his or her
17 representative. All allegations contained in the charge
18 not timely denied by the respondent may ~~shall~~ be deemed
19 admitted, unless the respondent states that it is without
20 sufficient information to form a belief with respect to
21 such allegation. The Department may issue a notice of
22 default directed to any respondent who fails to file a
23 ~~verified~~ response to a charge within 30 days of the
24 Department's request ~~date on which the charge was filed,~~
25 unless the respondent can demonstrate good cause as to why
26 such notice should not issue. The term "good cause" shall

1 be defined by rule promulgated by the Department. Within 10
2 days of the date he or she receives the respondent's
3 response, the complainant may file his or her reply to said
4 response. If he or she chooses to file a reply, the
5 complainant shall serve a copy of said reply on the
6 respondent or his or her representative. A party may shall
7 ~~have the right to~~ supplement his or her response or reply
8 at any time that the investigation of the charge is
9 pending.

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

19 (C) Investigation.

20 (1) The Department shall conduct a full investigation
21 of the allegations set forth in the charge and complete
22 such investigation within 100 days after the filing of the
23 charge, unless it is impracticable to do so. The
24 Department's failure to complete the investigation within
25 100 days after the proper filing of the charge does not
26 deprive the Department of jurisdiction over the charge.

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

5 (3) The Director or his or her designated
6 representative shall have authority to request any member
7 of the Commission to issue subpoenas to compel the
8 attendance of a witness or the production for examination
9 of any books, records or documents whatsoever.

10 (4) If any witness whose testimony is required for any
11 investigation resides outside the State, or through
12 illness or any other good cause as determined by the
13 Director is unable to be interviewed by the investigator or
14 appear at a fact finding conference, his or her testimony
15 or deposition may be taken, within or without the State, in
16 the same manner as provided for in the taking of
17 depositions in civil cases in circuit courts.

18 (5) Upon reasonable notice to the complainant and the
19 respondent, the Department shall conduct a fact finding
20 conference, unless prior to 100 days from the date on which
21 the charge was filed, the Director has determined whether
22 there is substantial evidence that the alleged civil rights
23 violation has been committed or the parties voluntarily and
24 in writing agree to waive the fact finding conference. A
25 party's failure to attend the conference without good cause
26 may result in dismissal or default. A notice of dismissal

1 or default shall be issued by the Director and shall notify
2 the relevant party that a request for review may be filed
3 in writing with the Commission within 30 days of receipt of
4 notice of dismissal or default.

5 (D) Report.

6 (1) Each investigated charge shall be the subject of a
7 report to the Director. The report shall be a confidential
8 document subject to review by the Director, authorized
9 Department employees, the parties, and, where indicated by
10 this Act, members of the Commission or their designated
11 hearing officers.

12 The report shall contain:

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

14 (b) a summary and the date of correspondence and
15 other contacts with the aggrieved party and the
16 respondent;

17 (c) a summary description of other pertinent
18 records;

19 (d) a summary of witness statements; and

20 (e) answers to questionnaires.

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

23 (2) Upon review of the report and within 100 days of
24 the filing of the charge, unless it is impracticable to do
25 so, the Director shall determine whether there is
26 substantial evidence that the alleged civil rights

1 violation has been committed or is about to be committed.
2 If the Director is unable to make the determination within
3 100 days after the filing of the charge, the Director shall
4 notify the complainant and respondent in writing of the
5 reasons for not doing so. The Director's failure to make
6 the determination within 100 days after the proper filing
7 of the charge does not deprive the Department of
8 jurisdiction over the charge.

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

17 (b) If the Director determines that there is
18 substantial evidence, he or she shall immediately
19 issue a complaint on behalf of the aggrieved party
20 pursuant to subsection (F).

21 (E) Conciliation.

22 (1) During the period beginning with the filing of
23 charge and ending with the filing of a complaint or a
24 dismissal by the Department, the Department shall, to the
25 extent feasible, engage in conciliation with respect to
26 such charge.

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

7 (2) The place fixed for the conference shall be within
8 35 miles of the place where the civil rights violation is
9 alleged to have been committed.

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

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

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

24 (6) Each conciliation agreement shall be made public
25 unless the complainant and respondent otherwise agree and
26 the Department determines that disclosure is not required

1 to further the purpose of this Act.

2 (F) Complaint.

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

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

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

18 (G) Time Limit.

19 (1) When a charge of a civil rights violation has been
20 properly filed, the Department, within 100 days thereof,
21 unless it is impracticable to do so, shall either issue and
22 file a complaint in the manner and form set forth in this
23 Section or shall order that no complaint be issued. Any
24 such order shall be duly served upon both the aggrieved
25 party and the respondent. The Department's failure to
26 either issue and file a complaint or order that no

1 complaint be issued within 100 days after the proper filing
2 of the charge does not deprive the Department of
3 jurisdiction over the charge.

4 (2) The Director shall make available to the aggrieved
5 party and the respondent, at any time, upon request
6 following completion of the Department's investigation,
7 information derived from an investigation and any final
8 investigative report relating to that investigation.

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

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

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

17 (Source: P.A. 96-876, eff. 2-2-10; 97-22, eff. 1-1-12.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."