



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3215

Introduced 2/11/2020, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/2-105	from Ch. 68, par. 2-105
775 ILCS 5/3-102.10 new	
775 ILCS 5/5A-101.1	
775 ILCS 5/6-101	from Ch. 68, par. 6-101
775 ILCS 5/6-101.5 new	
775 ILCS 5/7A-101	from Ch. 68, par. 7A-101
775 ILCS 5/7B-101	from Ch. 68, par. 7B-101
775 ILCS 5/7B-102	from Ch. 68, par. 7B-102
775 ILCS 5/8A-101	from Ch. 68, par. 8A-101
775 ILCS 5/8B-101	from Ch. 68, par. 8B-101

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for a third-party loan modification service provider, because of unlawful discrimination, familial status, or an arrest record, to (1) refuse to engage in loan modification services or to discriminate in making such services available, or (2) alter the terms, conditions, or privileges of such services. Makes changes concerning what constitutes retaliation under various Articles of the Act. Provides that, in proceedings relating to real estate transactions, the failure of the Department to notify the complainant or respondent in writing of the reasons for not completing an investigation on the allegations set forth in a charge within 100 days shall not deprive the Department of jurisdiction over the charge. Makes corresponding and other changes.

LRB101 16916 LNS 70022 b

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-103, 2-105, 5A-101.1, 6-101, 7A-101,
6 7B-101, 7B-102, 8A-101, and 8B-101 and by adding Sections
7 3-102.10 and 6-101.5 as follows:

8 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

9 Sec. 1-103. General definitions. When used in this Act,
10 unless the context requires otherwise, the term:

11 (A) Age. "Age" means the chronological age of a person who
12 is at least 40 years old, except with regard to any practice
13 described in Section 2-102, insofar as that practice concerns
14 training or apprenticeship programs. In the case of training or
15 apprenticeship programs, for the purposes of Section 2-102,
16 "age" means the chronological age of a person who is 18 but not
17 yet 40 years old.

18 (B) Aggrieved party. "Aggrieved party" means a person who
19 is alleged or proved to have been injured by a civil rights
20 violation or believes he or she will be injured by a civil
21 rights violation under Article 3 that is about to occur.

22 (B-5) Arrest record. "Arrest record" means:

23 (1) an arrest not leading to a conviction;

1 (2) a juvenile record; or

2 (3) criminal history record information ordered
3 expunged, sealed, or impounded under Section 5.2 of the
4 Criminal Identification Act.

5 (C) Charge. "Charge" means an allegation filed with the
6 Department by an aggrieved party or initiated by the Department
7 under its authority.

8 (D) Civil rights violation. "Civil rights violation"
9 includes and shall be limited to only those specific acts set
10 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
11 3-102.10 ~~3-104~~, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
12 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

13 (E) Commission. "Commission" means the Human Rights
14 Commission created by this Act.

15 (F) Complaint. "Complaint" means the formal pleading filed
16 by the Department with the Commission following an
17 investigation and finding of substantial evidence of a civil
18 rights violation.

19 (G) Complainant. "Complainant" means a person including
20 the Department who files a charge of civil rights violation
21 with the Department or the Commission.

22 (H) Department. "Department" means the Department of Human
23 Rights created by this Act.

24 (I) Disability. "Disability" means a determinable physical
25 or mental characteristic of a person, including, but not
26 limited to, a determinable physical characteristic which

1 necessitates the person's use of a guide, hearing or support
2 dog, the history of such characteristic, or the perception of
3 such characteristic by the person complained against, which may
4 result from disease, injury, congenital condition of birth or
5 functional disorder and which characteristic:

6 (1) For purposes of Article 2, is unrelated to the
7 person's ability to perform the duties of a particular job
8 or position and, pursuant to Section 2-104 of this Act, a
9 person's illegal use of drugs or alcohol is not a
10 disability;

11 (2) For purposes of Article 3, is unrelated to the
12 person's ability to acquire, rent, or maintain a housing
13 accommodation;

14 (3) For purposes of Article 4, is unrelated to a
15 person's ability to repay;

16 (4) For purposes of Article 5, is unrelated to a
17 person's ability to utilize and benefit from a place of
18 public accommodation;

19 (5) For purposes of Article 5, also includes any
20 mental, psychological, or developmental disability,
21 including autism spectrum disorders.

22 (J) Marital status. "Marital status" means the legal status
23 of being married, single, separated, divorced, or widowed.

24 (J-1) Military status. "Military status" means a person's
25 status on active duty in or status as a veteran of the armed
26 forces of the United States, status as a current member or

1 veteran of any reserve component of the armed forces of the
2 United States, including the United States Army Reserve, United
3 States Marine Corps Reserve, United States Navy Reserve, United
4 States Air Force Reserve, and United States Coast Guard
5 Reserve, or status as a current member or veteran of the
6 Illinois Army National Guard or Illinois Air National Guard.

7 (K) National origin. "National origin" means the place in
8 which a person or one of his or her ancestors was born.

9 (K-5) "Order of protection status" means a person's status
10 as being a person protected under an order of protection issued
11 pursuant to the Illinois Domestic Violence Act of 1986, Article
12 112A of the Code of Criminal Procedure of 1963, the Stalking No
13 Contact Order Act, or the Civil No Contact Order Act, or an
14 order of protection issued by a court of another state.

15 (L) Person. "Person" includes one or more individuals,
16 partnerships, associations or organizations, labor
17 organizations, labor unions, joint apprenticeship committees,
18 or union labor associations, corporations, the State of
19 Illinois and its instrumentalities, political subdivisions,
20 units of local government, legal representatives, trustees in
21 bankruptcy or receivers.

22 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
23 or medical or common conditions related to pregnancy or
24 childbirth.

25 (M) Public contract. "Public contract" includes every
26 contract to which the State, any of its political subdivisions,

1 or any municipal corporation is a party.

2 (N) Religion. "Religion" includes all aspects of religious
3 observance and practice, as well as belief, except that with
4 respect to employers, for the purposes of Article 2, "religion"
5 has the meaning ascribed to it in paragraph (F) of Section
6 2-101.

7 (O) Sex. "Sex" means the status of being male or female.

8 (O-1) Sexual orientation. "Sexual orientation" means
9 actual or perceived heterosexuality, homosexuality,
10 bisexuality, or gender-related identity, whether or not
11 traditionally associated with the person's designated sex at
12 birth. "Sexual orientation" does not include a physical or
13 sexual attraction to a minor by an adult.

14 (P) Unfavorable military discharge. "Unfavorable military
15 discharge" includes discharges from the Armed Forces of the
16 United States, their Reserve components, or any National Guard
17 or Naval Militia which are classified as RE-3 or the equivalent
18 thereof, but does not include those characterized as RE-4 or
19 "Dishonorable".

20 (Q) Unlawful discrimination. "Unlawful discrimination"
21 means discrimination against a person because of his or her
22 actual or perceived: race, color, religion, national origin,
23 ancestry, age, sex, marital status, order of protection status,
24 disability, military status, sexual orientation, pregnancy, or
25 unfavorable discharge from military service as those terms are
26 defined in this Section.

1 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
2 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)

3 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

4 Sec. 2-105. Equal Employment Opportunities; Affirmative
5 Action.

6 (A) Public Contracts. Every party to a public contract and
7 every eligible bidder shall:

8 (1) Refrain from unlawful discrimination and
9 discrimination based on citizenship status in employment
10 and undertake affirmative action to assure equality of
11 employment opportunity and eliminate the effects of past
12 discrimination;

13 (2) Comply with the procedures and requirements of the
14 Department's regulations concerning equal employment
15 opportunities and affirmative action;

16 (3) Provide such information, with respect to its
17 employees and applicants for employment, and assistance as
18 the Department may reasonably request;

19 (4) Have written sexual harassment policies that shall
20 include, at a minimum, the following information: (i) the
21 illegality of sexual harassment; (ii) the definition of
22 sexual harassment under State law; (iii) a description of
23 sexual harassment, utilizing examples; (iv) the vendor's
24 internal complaint process including penalties; (v) the
25 legal recourse, investigative and complaint process

1 available through the Department and the Commission; (vi)
2 directions on how to contact the Department and Commission;
3 and (vii) protection against retaliation as provided by
4 Sections ~~Section~~ 6-101 and 6-101.5 of this Act. A copy of
5 the policies shall be provided to the Department upon
6 request. Additionally, each bidder who submits a bid or
7 offer for a State contract under the Illinois Procurement
8 Code shall have a written copy of the bidder's sexual
9 harassment policy as required under this paragraph (4). A
10 copy of the policy shall be provided to the State agency
11 entering into the contract upon request.

12 (B) State Agencies. Every State executive department,
13 State agency, board, commission, and instrumentality shall:

14 (1) Comply with the procedures and requirements of the
15 Department's regulations concerning equal employment
16 opportunities and affirmative action;

17 (2) Provide such information and assistance as the
18 Department may request.

19 (3) Establish, maintain, and carry out a continuing
20 affirmative action plan consistent with this Act and the
21 regulations of the Department designed to promote equal
22 opportunity for all State residents in every aspect of
23 agency personnel policy and practice. For purposes of these
24 affirmative action plans, the race and national origin
25 categories to be included in the plans are: American Indian
26 or Alaska Native, Asian, Black or African American,

1 Hispanic or Latino, Native Hawaiian or Other Pacific
2 Islander.

3 This plan shall include a current detailed status
4 report:

5 (a) indicating, by each position in State service,
6 the number, percentage, and average salary of
7 individuals employed by race, national origin, sex and
8 disability, and any other category that the Department
9 may require by rule;

10 (b) identifying all positions in which the
11 percentage of the people employed by race, national
12 origin, sex and disability, and any other category that
13 the Department may require by rule, is less than
14 four-fifths of the percentage of each of those
15 components in the State work force;

16 (c) specifying the goals and methods for
17 increasing the percentage by race, national origin,
18 sex and disability, and any other category that the
19 Department may require by rule, in State positions;

20 (d) indicating progress and problems toward
21 meeting equal employment opportunity goals, including,
22 if applicable, but not limited to, Department of
23 Central Management Services recruitment efforts,
24 publicity, promotions, and use of options designating
25 positions by linguistic abilities;

26 (e) establishing a numerical hiring goal for the

1 employment of qualified persons with disabilities in
2 the agency as a whole, to be based on the proportion of
3 people with work disabilities in the Illinois labor
4 force as reflected in the most recent employment data
5 made available by the United States Census Bureau.

6 (4) If the agency has 1000 or more employees, appoint a
7 full-time Equal Employment Opportunity officer, subject to
8 the Department's approval, whose duties shall include:

9 (a) Advising the head of the particular State
10 agency with respect to the preparation of equal
11 employment opportunity programs, procedures,
12 regulations, reports, and the agency's affirmative
13 action plan.

14 (b) Evaluating in writing each fiscal year the
15 sufficiency of the total agency program for equal
16 employment opportunity and reporting thereon to the
17 head of the agency with recommendations as to any
18 improvement or correction in recruiting, hiring or
19 promotion needed, including remedial or disciplinary
20 action with respect to managerial or supervisory
21 employees who have failed to cooperate fully or who are
22 in violation of the program.

23 (c) Making changes in recruitment, training and
24 promotion programs and in hiring and promotion
25 procedures designed to eliminate discriminatory
26 practices when authorized.

1 (d) Evaluating tests, employment policies,
2 practices and qualifications and reporting to the head
3 of the agency and to the Department any policies,
4 practices and qualifications that have unequal impact
5 by race, national origin as required by Department
6 rule, sex or disability or any other category that the
7 Department may require by rule, and to assist in the
8 recruitment of people in underrepresented
9 classifications. This function shall be performed in
10 cooperation with the State Department of Central
11 Management Services.

12 (e) Making any aggrieved employee or applicant for
13 employment aware of his or her remedies under this Act.

14 In any meeting, investigation, negotiation,
15 conference, or other proceeding between a State
16 employee and an Equal Employment Opportunity officer,
17 a State employee (1) who is not covered by a collective
18 bargaining agreement and (2) who is the complaining
19 party or the subject of such proceeding may be
20 accompanied, advised and represented by (1) an
21 attorney licensed to practice law in the State of
22 Illinois or (2) a representative of an employee
23 organization whose membership is composed of employees
24 of the State and of which the employee is a member. A
25 representative of an employee, other than an attorney,
26 may observe but may not actively participate, or advise

1 the State employee during the course of such meeting,
2 investigation, negotiation, conference or other
3 proceeding. Nothing in this Section shall be construed
4 to permit any person who is not licensed to practice
5 law in Illinois to deliver any legal services or
6 otherwise engage in any activities that would
7 constitute the unauthorized practice of law. Any
8 representative of an employee who is present with the
9 consent of the employee, shall not, during or after
10 termination of the relationship permitted by this
11 Section with the State employee, use or reveal any
12 information obtained during the course of the meeting,
13 investigation, negotiation, conference or other
14 proceeding without the consent of the complaining
15 party and any State employee who is the subject of the
16 proceeding and pursuant to rules and regulations
17 governing confidentiality of such information as
18 promulgated by the appropriate State agency.
19 Intentional or reckless disclosure of information in
20 violation of these confidentiality requirements shall
21 constitute a Class B misdemeanor.

22 (5) Establish, maintain and carry out a continuing
23 sexual harassment program that shall include the
24 following:

25 (a) Develop a written sexual harassment policy
26 that includes at a minimum the following information:

1 (i) the illegality of sexual harassment; (ii) the
2 definition of sexual harassment under State law; (iii)
3 a description of sexual harassment, utilizing
4 examples; (iv) the agency's internal complaint process
5 including penalties; (v) the legal recourse,
6 investigative and complaint process available through
7 the Department and the Commission; (vi) directions on
8 how to contact the Department and Commission; and (vii)
9 protection against retaliation as provided by Section
10 6-101 of this Act. The policy shall be reviewed
11 annually.

12 (b) Post in a prominent and accessible location and
13 distribute in a manner to assure notice to all agency
14 employees without exception the agency's sexual
15 harassment policy. Such documents may meet, but shall
16 not exceed, the 6th grade literacy level. Distribution
17 shall be effectuated within 90 days of the effective
18 date of this amendatory Act of 1992 and shall occur
19 annually thereafter.

20 (c) Provide training on sexual harassment
21 prevention and the agency's sexual harassment policy
22 as a component of all ongoing or new employee training
23 programs.

24 (6) Notify the Department 30 days before effecting any
25 layoff. Once notice is given, the following shall occur:

26 (a) No layoff may be effective earlier than 10

1 working days after notice to the Department, unless an
2 emergency layoff situation exists.

3 (b) The State executive department, State agency,
4 board, commission, or instrumentality in which the
5 layoffs are to occur must notify each employee targeted
6 for layoff, the employee's union representative (if
7 applicable), and the State Dislocated Worker Unit at
8 the Department of Commerce and Economic Opportunity.

9 (c) The State executive department, State agency,
10 board, commission, or instrumentality in which the
11 layoffs are to occur must conform to applicable
12 collective bargaining agreements.

13 (d) The State executive department, State agency,
14 board, commission, or instrumentality in which the
15 layoffs are to occur should notify each employee
16 targeted for layoff that transitional assistance may
17 be available to him or her under the Economic
18 Dislocation and Worker Adjustment Assistance Act
19 administered by the Department of Commerce and
20 Economic Opportunity. Failure to give such notice
21 shall not invalidate the layoff or postpone its
22 effective date.

23 As used in this subsection (B), "disability" shall be
24 defined in rules promulgated under the Illinois Administrative
25 Procedure Act.

26 (C) Civil Rights Violations. It is a civil rights violation

1 for any public contractor or eligible bidder to:

2 (1) fail to comply with the public contractor's or
3 eligible bidder's duty to refrain from unlawful
4 discrimination and discrimination based on citizenship
5 status in employment under subsection (A)(1) of this
6 Section; or

7 (2) fail to comply with the public contractor's or
8 eligible bidder's duties of affirmative action under
9 subsection (A) of this Section, provided however, that the
10 Department has notified the public contractor or eligible
11 bidder in writing by certified mail that the public
12 contractor or eligible bidder may not be in compliance with
13 affirmative action requirements of subsection (A). A
14 minimum of 60 days to comply with the requirements shall be
15 afforded to the public contractor or eligible bidder before
16 the Department may issue formal notice of non-compliance.

17 (D) As used in this Section:

18 (1) "American Indian or Alaska Native" means a person
19 having origins in any of the original peoples of North and
20 South America, including Central America, and who
21 maintains tribal affiliation or community attachment.

22 (2) "Asian" means a person having origins in any of the
23 original peoples of the Far East, Southeast Asia, or the
24 Indian subcontinent, including, but not limited to,
25 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
26 the Philippine Islands, Thailand, and Vietnam.

1 (3) "Black or African American" means a person having
2 origins in any of the black racial groups of Africa. Terms
3 such as "Haitian" or "Negro" can be used in addition to
4 "Black or African American".

5 (4) "Hispanic or Latino" means a person of Cuban,
6 Mexican, Puerto Rican, South or Central American, or other
7 Spanish culture or origin, regardless of race.

8 (5) "Native Hawaiian or Other Pacific Islander" means a
9 person having origins in any of the original peoples of
10 Hawaii, Guam, Samoa, or other Pacific Islands.

11 (Source: P.A. 99-933, eff. 1-27-17; 100-698, eff. 1-1-19.)

12 (775 ILCS 5/3-102.10 new)

13 Sec. 3-102.10. Third-Party loan modification service
14 provider.

15 (A) It is a civil rights violation for a third-party loan
16 modification service provider, because of unlawful
17 discrimination, familial status, or an arrest record, to:

18 (1) refuse to engage in loan modification services or
19 to discriminate in making such services available; or

20 (2) alter the terms, conditions, or privileges of such
21 services.

22 (B) For purposes of this Section, "third-party loan
23 modification service provider" means a person or entity,
24 whether licensed or not, who, for or with the expectation of
25 receiving consideration, provides assistance or services to a

1 loan borrower to obtain a modification to a term of an existing
2 real estate loan or to obtain foreclosure relief. "Third party
3 loan modification service provider" does not include lenders,
4 brokers or appraisers of mortgage loans, or affiliates of the
5 lender collecting the loan payments.

6 (775 ILCS 5/5A-101.1)

7 Sec. 5A-101.1. Notice.

8 (A) Every institution of higher education covered by this
9 Act shall post in a prominent and accessible location a poster
10 stating sexual harassment laws and policies. The poster shall
11 be (i) posted and kept posted at each campus in common area
12 positions easily accessible to all students including, but not
13 limited to residence halls, administration buildings, student
14 unions, cafeterias, and libraries or (ii) posted annually at
15 each campus in common area positions easily accessible to all
16 students including, but not limited to, residence halls,
17 administration buildings, student unions, cafeterias, and
18 libraries, with an electronic copy of the sexual harassment
19 laws and policies also sent to each student at the time that
20 registration materials are emailed or (iii) on campuses that
21 provide for online registration of student classes, such
22 information pertaining to sexual harassment laws and policies
23 may be incorporated into the registration process so that
24 students must review the policies and laws and acknowledge such
25 review, prior to being allowed to register. Documents to be

1 posted shall be retrieved from the Illinois Department of Human
2 Rights website to satisfy posting requirements. Posting of the
3 posters shall be effectuated within 90 days of the effective
4 date of this amendatory Act of the 96th General Assembly and
5 shall occur annually thereafter.

6 (B) The posted sexual harassment poster shall include, at a
7 minimum, the following information: (i) the illegality of
8 sexual harassment in higher education; (ii) the definition of
9 sexual harassment under State law; (iii) a description of
10 sexual harassment, utilizing examples; (iv) the institution's
11 internal complaint process including penalties; (v) the legal
12 recourse, investigative and complaint process available
13 through the Department of Human Rights; (vi) directions on how
14 to contact the Department; and (vii) protection against
15 retaliation as provided by Sections ~~Section~~ 6-101 and 6-101.5
16 of this Act.

17 (C) Upon notification of a failure to post, the Department
18 of Human Rights may launch a preliminary investigation. If the
19 Department finds a failure to post, the Department may issue a
20 notice to show cause giving the institution 30 days to correct
21 the failure to post. If the failure to post is not corrected,
22 the Department may initiate a charge of a civil rights
23 violation.

24 (Source: P.A. 96-574, eff. 8-18-09.)

25 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

1 Sec. 6-101. Additional civil rights violations under
2 Articles 2, 4, 5, and 5A ~~Additional Civil Rights Violations~~. It
3 is a civil rights violation for a person, or for 2 ~~two~~ or more
4 persons, l to conspire, to:

5 (A) Retaliation. Retaliate against a person because he
6 or she has opposed that which he or she reasonably and in
7 good faith believes to be unlawful discrimination, sexual
8 harassment in employment, l ~~or~~ sexual harassment in
9 elementary, secondary, and higher education, or
10 discrimination based on arrest record or citizenship
11 status in employment under Articles 2, 4, 5, and 5A,
12 because he or she has made a charge, filed a complaint,
13 testified, assisted, or participated in an investigation,
14 proceeding, or hearing under this Act, or because he or she
15 has requested, attempted to request, used, or attempted to
16 use a reasonable accommodation as allowed by this Act;

17 (B) Aiding and Abetting; Coercion. Aid, abet, compel or
18 coerce a person to commit any violation of this Act;

19 (C) Interference. Wilfully interfere with the
20 performance of a duty or the exercise of a power by the
21 Commission or one of its members or representatives or the
22 Department or one of its officers or employees.

23 Definitions. For the purposes of this Section, "sexual
24 harassment" and "citizenship status" shall have the same
25 meaning as defined in Section 2-101 of this Act.

26 (Source: P.A. 97-333, eff. 8-12-11; 98-1050, eff. 1-1-15.)

1 (775 ILCS 5/6-101.5 new)

2 Sec. 6-101.5. Additional civil rights violations under
3 Article 3. It is a civil rights violation for a person, or for
4 2 or more persons, to conspire, to:

5 (A) retaliate against a person because the person has
6 opposed that which he or she reasonably and in good faith
7 believes to be unlawful discrimination or discrimination based
8 on familial status or arrest record in a real estate
9 transaction under Article 3, because the person has made a
10 charge, filed a complaint, testified, assisted, or
11 participated in an investigation, proceeding, or hearing under
12 this Act, or because the person has requested, attempted to
13 request, used, or attempted to use a reasonable accommodation
14 as allowed by this Act;

15 (B) aid, abet, compel, or coerce a person to commit any
16 violation of this Act; or

17 (C) willfully interfere with the performance of a duty or
18 the exercise of a power by the Commission or one of its members
19 or representatives or the Department or one of its officers or
20 employees.

21 For the purposes of this Section, "familial status" has the
22 same meaning as defined in Section 3-101.

23 (775 ILCS 5/7A-101) (from Ch. 68, par. 7A-101)

24 Sec. 7A-101. The procedures specified in this Article shall

1 apply solely to Articles 2, 4, 5, and 5A and Sections 6-101 and
2 6-102 of Article 6.

3 (Source: P.A. 86-910.)

4 (775 ILCS 5/7B-101) (from Ch. 68, par. 7B-101)

5 Sec. 7B-101. The procedures specified in this Article shall
6 apply solely to Article 3 and Section 6-101.5 of Article 6.

7 (Source: P.A. 86-910.)

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

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

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

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

18 (C) Investigation.

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

26 (2) If the Department is unable to complete the

1 investigation within 100 days after the charge is filed,
2 the Department shall notify the complainant and respondent
3 in writing of the reasons for not doing so. The failure of
4 the Department to notify the complainant or respondent in
5 writing of the reasons for not doing so shall not deprive
6 the Department of jurisdiction over the charge.

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

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

20 (5) Upon reasonable notice to the complainant and the
21 respondent, the Department may conduct a fact finding
22 conference. When requested by the Department, a party's
23 failure to attend the conference without good cause may
24 result in dismissal or default. A notice of dismissal or
25 default shall be issued by the Director and shall notify
26 the relevant party that a request for review may be filed

1 in writing with the Commission within 30 days of receipt of
2 notice of dismissal or default.

3 (D) Report.

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

10 The report shall contain:

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

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

15 (c) a summary description of other pertinent
16 records;

17 (d) a summary of witness statements; and

18 (e) answers to questionnaires.

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

21 (2) Upon review of the report and within 100 days of
22 the filing of the charge, unless it is impracticable to do
23 so, the Director shall determine whether there is
24 substantial evidence that the alleged civil rights
25 violation has been committed or is about to be committed.
26 If the Director is unable to make the determination within

1 100 days after the filing of the charge, the Director shall
2 notify the complainant and respondent in writing of the
3 reasons for not doing so. The Director's failure to make
4 the determination within 100 days after the proper filing
5 of the charge does not deprive the Department of
6 jurisdiction over the charge.

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

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

19 (E) Conciliation.

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

25 When the Department determines that a formal
26 conciliation conference is feasible, the aggrieved party

1 and respondent shall be notified of the time and place of
2 the conference by registered or certified mail at least 7
3 days prior thereto and either or both parties shall appear
4 at the conference in person or by attorney.

5 (2) 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 (3) Nothing occurring at the conference shall be made
9 public or used as evidence in a subsequent proceeding for
10 the purpose of proving a violation under this Act unless
11 the complainant and respondent agree in writing that such
12 disclosure be made.

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

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

22 (6) Each conciliation agreement shall be made public
23 unless the complainant and respondent otherwise agree and
24 the Department determines that disclosure is not required
25 to further the purpose of this Act.

26 (F) Complaint.

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

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

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

16 (G) Time Limit.

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

1 jurisdiction over the charge.

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

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

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

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

15 (Source: P.A. 100-492, eff. 9-8-17; 100-1066, eff. 8-24-18;
16 101-530, eff. 1-1-20.)

17 (775 ILCS 5/8A-101) (from Ch. 68, par. 8A-101)

18 Sec. 8A-101. This Article shall apply solely to Articles 2,
19 4, 5, and 5A and Sections 6-101 and 6-102 of Article 6.

20 (Source: P.A. 86-910.)

21 (775 ILCS 5/8B-101) (from Ch. 68, par. 8B-101)

22 Sec. 8B-101. Applicability. The procedures and relief
23 specified in this Article shall apply solely to complaints
24 filed with the Human Rights Commission under Article 3 and

1 Section 6-101.5 of Article 6.

2 (Source: P.A. 86-910.)