

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2979

Introduced 2/6/2025, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

775 ILCS 5/7A-102

from Ch. 68, par. 7A-102

Amends the Illinois Human Rights Act. Changes the procedure for charges alleging a violation of the Act in employment, financial credit, public accommodations, education, and other civil rights violation. Tolls the 2-year statute of limitation for filing a charge with the Department of Human Rights or Equal Employment Opportunity Commission if extended by an enforceable tolling or standstill agreement between the parties. Changes the procedure and time periods for an aggrieved party to respond to review the EEOC's determination of a charge or a pending motion to reconsider the determination. Provides that if the aggrieved party files a complaint with the Human Rights Commission or commences a civil action, the aggrieved party shall notify the Department that a complaint has been filed and serve a copy of the complaint on the Department on the same date that the complaint is filed with the Commission or in circuit court. Repeals the requirement that the aggrieved party notify the Department that a civil action has been filed by serving a copy of the complaint on the chief legal counsel of the Department within 21 days from the date that the complaint in court. Provides that if the aggrieved party files a complaint with the Commission, the aggrieved party may not commence a civil action later in circuit court. Provides that the changes made to the amendatory Act apply to changes filed on or after the effective date of the amendatory Act.

LRB104 08312 JRC 18363 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 Section 7A-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 2 years after the date that a civil rights
10 violation allegedly has been committed, or within the
11 filing period as extended by an enforceable tolling or
12 standstill agreement between the parties, a charge in
13 writing under oath or affirmation may be filed with the
14 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 (3) Charges deemed filed with the Department pursuant
21 to subsection (A-1) of this Section shall be deemed to be
22 in compliance with this subsection.

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

1 (1) If a charge is filed with the Equal Employment
2 Opportunity Commission (EEOC) within 300 calendar days
3 after the date of the alleged civil rights violation, or
4 within the filing period as extended by an enforceable
5 tolling or standstill agreement between the parties, the
6 charge shall be deemed filed with the Department on the
7 date filed with the EEOC. If the EEOC is the governmental
8 agency designated to investigate the charge first, the
9 Department shall take no action until the EEOC makes a
10 determination on the charge and after the complainant
11 notifies the Department of the EEOC's determination. In
12 such cases, after receiving notice from the EEOC that a
13 charge was filed, the Department shall notify the parties
14 that (i) a charge has been received by the EEOC and has
15 been sent to the Department for dual filing purposes; (ii)
16 the EEOC is the governmental agency responsible for
17 investigating the charge and that the investigation shall
18 be conducted pursuant to the rules and procedures adopted
19 by the EEOC; (iii) it will take no action on the charge
20 until the EEOC issues its determination; (iv) the
21 complainant must submit a copy of the EEOC's determination
22 within 30 days after service of the determination by the
23 EEOC on the complainant; and (v) that the time period to
24 investigate the charge contained in subsection (G) of this
25 Section is tolled from the date on which the charge is
26 filed with the EEOC until the EEOC issues its

1 determination.

2 (2) If the EEOC finds reasonable cause to believe that
3 there has been a violation of federal law and if the
4 Department is timely notified of the EEOC's findings by
5 the complainant, the Department shall notify the
6 complainant that the Department has adopted the EEOC's
7 determination of reasonable cause and that the complainant
8 has the right, within 90 days after receipt of the
9 Department's notice, to either file the complainant's own
10 complaint with the Illinois Human Rights Commission or
11 commence a civil action in the appropriate circuit court
12 or other appropriate court of competent jurisdiction. This
13 notice shall be provided to the complainant within 10
14 business days after the Department's receipt of the EEOC's
15 determination. The Department's notice to the complainant
16 that the Department has adopted the EEOC's determination
17 of reasonable cause shall constitute the Department's
18 Report for purposes of subparagraph (D) of 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 the complainant, the Department shall notify the
3 parties, within 10 business days after receipt of the
4 EEOC's determination, that the Department will adopt the
5 EEOC's determination ~~as a dismissal for lack of~~
6 ~~substantial evidence~~ unless the complainant requests in
7 writing within 35 days after receipt of the Department's
8 notice that the Department review the EEOC's determination
9 or notifies the Department of a pending motion to
10 reconsider the EEOC's determination.

11 (a) If the complainant does not file a written
12 request with the Department to review the EEOC's
13 determination or notify the Department of a pending
14 motion to reconsider the EEOC's determination within
15 35 days after receipt of the Department's notice, the
16 Department shall notify the complainant, within 10
17 business days after the expiration of the 35-day
18 period, that the decision of the EEOC has been adopted
19 by the Department ~~as a dismissal for lack of~~
20 ~~substantial evidence~~ and that the complainant has the
21 right, within 90 days after receipt of the
22 Department's notice, to commence a civil action in the
23 appropriate circuit court or other appropriate court
24 of competent jurisdiction. If the complainant timely
25 notifies the Department of a pending motion to
26 reconsider within 35 days after receiving the

1 Department's notice, the complainant must notify the
2 Department in writing of the EEOC's resolution of the
3 motion to reconsider within 35 days of receipt,
4 including whether the complainant requests that the
5 Department review the EEOC's determination. If the
6 complainant fails to request the Department review the
7 EEOC's determination within 35 days of receipt of the
8 EEOC's resolution of the motion to reconsider, the
9 Department shall notify the complainant, within 10
10 business days after the expiration of the 35-day
11 period, that the decision of the EEOC has been adopted
12 by the Department and that the complainant has the
13 right, within 90 days after receipt of the
14 Department's notice, to commence a civil action in the
15 appropriate circuit court or other appropriate court
16 of competent jurisdiction. The Department's notice to
17 the complainant that the Department has adopted the
18 EEOC's determination shall constitute the Department's
19 report for purposes of subparagraph (D) of this
20 Section.

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

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

19 (4) Pursuant to this Section, if the EEOC dismisses
20 the charge or a portion of the charge of discrimination
21 because, under federal law, the EEOC lacks jurisdiction
22 over the charge, and if, under this Act, the Department
23 has jurisdiction over the charge of discrimination, the
24 Department shall investigate the charge or portion of the
25 charge dismissed by the EEOC for lack of jurisdiction
26 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),

1 (E), (F), (G), (H), (I), (J), and (K) of this Section.

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

6 (6) The failure of the Department to meet the
7 10-business-day notification deadlines set out in
8 paragraph (2) of this subsection shall not impair the
9 rights of any party.

10 (B) Notice and Response to Charge. The Department shall,
11 within 10 days of the date on which the charge was filed, serve
12 a copy of the charge on the respondent and provide all parties
13 with a notice of the complainant's right to opt out of the
14 investigation within 60 days as set forth in subsection (C-1).
15 This period shall not be construed to be jurisdictional. The
16 charging party and the respondent may each file a position
17 statement and other materials with the Department regarding
18 the charge of alleged discrimination within 60 days of receipt
19 of the notice of the charge. The position statements and other
20 materials filed shall remain confidential unless otherwise
21 agreed to by the party providing the information and shall not
22 be served on or made available to the other party during the
23 pendency of a charge with the Department. The Department may
24 require the respondent to file a response to the allegations
25 contained in the charge. Upon the Department's request, the
26 respondent shall file a response to the charge within 60 days

1 and shall serve a copy of its response on the complainant or
2 the complainant's representative. Notwithstanding any request
3 from the Department, the respondent may elect to file a
4 response to the charge within 60 days of receipt of notice of
5 the charge, provided the respondent serves a copy of its
6 response on the complainant or the complainant's
7 representative. All allegations contained in the charge not
8 denied by the respondent within 60 days of the Department's
9 request for a response may be deemed admitted, unless the
10 respondent states that it is without sufficient information to
11 form a belief with respect to such allegation. The Department
12 may issue a notice of default directed to any respondent who
13 fails to file a response to a charge within 60 days of receipt
14 of the Department's request, unless the respondent can
15 demonstrate good cause as to why such notice should not issue.
16 The term "good cause" shall be defined by rule promulgated by
17 the Department. Within 30 days of receipt of the respondent's
18 response, the complainant may file a reply to said response
19 and shall serve a copy of said reply on the respondent or the
20 respondent's representative. A party shall have the right to
21 supplement the party's response or reply at any time that the
22 investigation of the charge is pending. The Department shall,
23 within 10 days of the date on which the charge was filed, and
24 again no later than 335 days thereafter, send by certified or
25 registered mail, or electronic mail if elected by the party,
26 written notice to the complainant and to the respondent

1 informing the complainant of the complainant's rights to
2 either file a complaint with the Human Rights Commission or
3 commence a civil action in the appropriate circuit court under
4 subparagraph (2) of paragraph (G), including in such notice
5 the dates within which the complainant may exercise these
6 rights. In the notice the Department shall notify the
7 complainant that the charge of civil rights violation will be
8 dismissed with prejudice and with no right to further proceed
9 if a written complaint is not timely filed with the Commission
10 or with the appropriate circuit court by the complainant
11 pursuant to subparagraph (2) of paragraph (G) or by the
12 Department pursuant to subparagraph (1) of paragraph (G).

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

22 (C) Investigation.

23 (1) The Department shall conduct an investigation
24 sufficient to determine whether the allegations set forth
25 in the charge are supported by substantial evidence unless
26 the complainant elects to opt out of an investigation

1 pursuant to subsection (C-1).

2 (2) The Director or the Director's designated
3 representatives shall have authority to request any member
4 of the Commission to issue subpoenas to compel the
5 attendance of a witness or the production for examination
6 of any books, records or documents whatsoever.

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

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

1 be issued by the Director. The notice of default issued by
2 the Director shall notify the respondent that a request
3 for review may be filed in writing with the Commission
4 within 30 days of receipt of notice of default. The notice
5 of dismissal issued by the Director shall give the
6 complainant notice of the complainant's right to seek
7 review of the dismissal before the Human Rights Commission
8 or commence a civil action in the appropriate circuit
9 court. If the complainant chooses to have the Human Rights
10 Commission review the dismissal order, the complainant
11 shall file a request for review with the Commission within
12 90 days after receipt of the Director's notice. If the
13 complainant chooses to file a request for review with the
14 Commission, the complainant may not later commence a civil
15 action in a circuit court. If the complainant chooses to
16 commence a civil action in a circuit court, the
17 complainant must do so within 90 days after receipt of the
18 Director's notice.

19 (C-1) Opt out of Department's investigation. At any time
20 after filing but within 60 days after receipt of notice of the
21 right to opt out, a complainant may submit a written request
22 seeking notice from the Director indicating that the
23 complainant has opted out of the investigation and may
24 commence a civil action in the appropriate circuit court or
25 other appropriate court of competent jurisdiction, or file a
26 complaint with the Human Rights Commission. Within 10 business

1 days of receipt of the complainant's request to opt out of the
2 investigation, the Director shall issue a notice to the
3 parties stating that: (i) the complainant has exercised the
4 right to opt out of the investigation; (ii) the complainant
5 has 90 days after receipt of the Director's notice to commence
6 an action in the appropriate circuit court or other
7 appropriate court of competent jurisdiction or file a
8 complaint with the Human Rights Commission; and (iii) the
9 Department has ceased its investigation and is
10 administratively closing the charge. If the complainant files
11 a complaint with the Commission, the form of the complaint
12 shall be in accordance with the provisions of paragraph (1) of
13 subsection (F). If the complainant commences a civil action in
14 a circuit court, the form of the complaint shall be in
15 accordance with the Code of Civil Procedure. In either
16 instance, the aggrieved party shall notify the Department that
17 a complaint has been filed and shall serve a copy of the
18 complaint on the Department on the same date that the
19 complaint is filed with the Commission or in circuit court. If
20 the complainant files a complaint with the Commission, he or
21 she may not later commence a civil action in circuit court ~~The~~
22 ~~complainant shall notify the Department that a complaint has~~
23 ~~been filed with the appropriate circuit court by serving a~~
24 ~~copy of the complaint on the chief legal counsel of the~~
25 ~~Department within 21 days from the date that the complaint is~~
26 ~~filed with the appropriate circuit court. This 21 day period~~

1 ~~for service on the chief legal counsel shall not be construed~~
2 ~~to be jurisdictional.~~ Once a complainant has opted out of the
3 investigation under this subsection, the complainant may not
4 file or refile a substantially similar charge with the
5 Department arising from the same incident of unlawful
6 discrimination or harassment.

7 (D) Report.

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

14 (2) Upon review of the report, the Director shall
15 determine whether there is substantial evidence that the
16 alleged civil rights violation has been committed. The
17 determination of substantial evidence is limited to
18 determining the need for further consideration of the
19 charge pursuant to this Act and includes, but is not
20 limited to, findings of fact and conclusions, as well as
21 the reasons for the determinations on all material issues.
22 Substantial evidence is evidence which a reasonable mind
23 accepts as sufficient to support a particular conclusion
24 and which consists of more than a mere scintilla but may be
25 somewhat less than a preponderance.

26 (3) If the Director determines that there is no

1 substantial evidence, the charge shall be dismissed by the
2 Director and the Director shall give the complainant
3 notice of the complainant's right to seek review of the
4 notice of dismissal before the Commission or commence a
5 civil action in the appropriate circuit court. If the
6 complainant chooses to have the Human Rights Commission
7 review the notice of dismissal, the complainant shall file
8 a request for review with the Commission within 90 days
9 after receipt of the Director's notice. If the complainant
10 chooses to file a request for review with the Commission,
11 the complainant may not later commence a civil action in a
12 circuit court. If the complainant chooses to commence a
13 civil action in a circuit court, the complainant must do
14 so within 90 days after receipt of the Director's notice.
15 The complainant shall notify the Department that a
16 complaint has been filed by serving a copy of the
17 complaint on the chief legal counsel of the Department
18 within 21 days from the date that the complaint is filed in
19 circuit court. This 21-day period for service on the chief
20 legal counsel shall not be construed to be jurisdictional.

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

1 the Department of Human Rights file a complaint with the
2 Human Rights Commission on the complainant's behalf. Any
3 such complaint shall be filed within 90 days after receipt
4 of the Director's notice. If the complainant chooses to
5 have the Department file a complaint with the Human Rights
6 Commission on the complainant's behalf, the complainant
7 must, within 30 days after receipt of the Director's
8 notice, request in writing that the Department file the
9 complaint. If the complainant timely requests that the
10 Department file the complaint, the Department shall file
11 the complaint on the complainant's behalf. If the
12 complainant fails to timely request that the Department
13 file the complaint, the complainant may file the
14 complainant's complaint with the Commission or commence a
15 civil action in the appropriate circuit court. If the
16 complainant files a complaint with the Human Rights
17 Commission, the complainant shall notify the Department
18 that a complaint has been filed by serving a copy of the
19 complaint on the chief legal counsel of the Department
20 within 21 days from the date that the complaint is filed
21 with the Human Rights Commission. This 21-day period for
22 service on the chief legal counsel shall not be construed
23 to be jurisdictional.

24 (E) Conciliation.

25 (1) When there is a finding of substantial evidence,
26 the Department may designate a Department employee who is

1 an attorney licensed to practice in Illinois to endeavor
2 to eliminate the effect of the alleged civil rights
3 violation and to prevent its repetition by means of
4 conference and conciliation.

5 (2) When the Department determines that a formal
6 conciliation conference is necessary, the complainant and
7 respondent shall be notified of the time and place of the
8 conference by registered or certified mail at least 10
9 days prior thereto and either or both parties shall appear
10 at the conference in person or by attorney.

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

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

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

20 (F) Complaint.

21 (1) When the complainant requests that the Department
22 file a complaint with the Commission on the complainant's
23 behalf, the Department shall prepare a written complaint,
24 under oath or affirmation, stating the nature of the civil
25 rights violation substantially as alleged in the charge
26 previously filed and the relief sought on behalf of the

1 aggrieved party. The Department shall file the complaint
2 with the Commission.

3 (1.5) If the complainant chooses to file a complaint
4 with the Commission without the Department's assistance,
5 the complainant shall notify the Department that a
6 complaint has been filed by serving a copy of the
7 complaint on the chief legal counsel of the Department
8 within 21 days from the date that the complaint is filed
9 with the Human Rights Commission. This 21-day period for
10 service on the chief legal counsel shall not be construed
11 to be jurisdictional.

12 (2) If the complainant chooses to commence a civil
13 action in a circuit court:

14 (i) The complainant shall file the civil action in
15 the circuit court in the county wherein the civil
16 rights violation was allegedly committed.

17 (ii) The form of the complaint in any such civil
18 action shall be in accordance with the Code of Civil
19 Procedure.

20 (iii) The complainant shall notify the Department
21 that a complaint has been filed by serving a copy of
22 the complaint on the chief legal counsel of the
23 Department within 21 days from date that the complaint
24 is filed in circuit court. This 21-day period for
25 service on the chief legal counsel shall not be
26 construed to be jurisdictional.

1 (G) Time Limit.

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

8 (2) If the Department has not issued its report within
9 365 days after the charge is filed, or any such longer
10 period agreed to in writing by all the parties, the
11 complainant shall have 90 days to either file the
12 complainant's own complaint with the Human Rights
13 Commission or commence a civil action in the appropriate
14 circuit court. If the complainant files a complaint with
15 the Commission, the form of the complaint shall be in
16 accordance with the provisions of paragraph (F)(1). If the
17 complainant commences a civil action in a circuit court,
18 the form of the complaint shall be in accordance with the
19 Code of Civil Procedure. The aggrieved party shall notify
20 the Department that a complaint has been filed by serving
21 a copy of the complaint on the chief legal counsel of the
22 Department with 21 days from the date that the complaint
23 is filed with the Commission or in circuit court. This
24 21-day period for service on the chief legal counsel shall
25 not be construed to be jurisdictional. If the complainant
26 files a complaint with the Commission, the complainant may

1 not later commence a civil action in circuit 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
5 subsection, or if the time period for filing a complaint
6 has expired, the Department shall immediately cease its
7 investigation and dismiss the charge of civil rights
8 violation. Any final order entered by the Commission under
9 this Section is appealable in accordance with paragraph
10 (B)(1) of Section 8-111. Failure to immediately cease an
11 investigation and dismiss the charge of civil rights
12 violation as provided in this paragraph (3) constitutes
13 grounds for entry of an order by the circuit court
14 permanently enjoining the investigation. The Department
15 may also be liable for any costs and other damages
16 incurred by the respondent as a result of the action of the
17 Department.

18 (4) (Blank).

19 (H) Public Act 89-370 applies to causes of action filed on
20 or after January 1, 1996.

21 (I) Public Act 89-520 applies to causes of action filed on
22 or after January 1, 1996.

23 (J) The changes made to this Section by Public Act 95-243
24 apply to charges filed on or after the effective date of those
25 changes.

26 (K) The changes made to this Section by Public Act 96-876

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

3 (L) The changes made to this Section by Public Act
4 100-1066 apply to charges filed on or after August 24, 2018
5 (the effective date of Public Act 100-1066).

6 (Source: P.A. 102-558, eff. 8-20-21; 103-335, eff. 1-1-24;
7 103-973, eff. 1-1-25.)