



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 398

2 AMENDMENT NO. _____. Amend Senate Bill 398 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 8-101 and by adding Section
6 7-109.2 as follows:

7 (775 ILCS 5/7-109.2 new)

8 Sec. 7-109.2. Federal or State court proceedings and local
9 government administrative proceedings.

10 (A) Effect of filing of a federal or State court
11 proceeding.

12 (1) For charges filed under Article 7A of this Act, if
13 the complainant has initiated litigation in a federal or
14 State court for the purposes of seeking final relief on
15 some or all of the issues that are the basis of the charge,
16 either party may request that the Department

1 administratively close the Department's charge or portions
2 of the charge. Within 10 business days of receipt of the
3 federal or State court complaint, the Department shall
4 issue a notice of administrative closure and provide the
5 complainant notice of his or her right to commence a civil
6 action in the appropriate circuit court or other
7 appropriate court of competent jurisdiction.

8 (2) For charges filed under Article 7B of this Act, if
9 the complainant has initiated litigation in a federal or
10 State court for the purposes of seeking final relief on
11 some or all of the issues that are the basis of the charge,
12 either party may request that the Department
13 administratively close the charge or portions of the charge
14 pending in the federal or State court proceeding if a trial
15 has commenced in the federal or State court proceeding.
16 Within 10 business days of receipt of notice that the trial
17 has begun, the Department shall issue a notice of
18 administrative closure and provide the complainant notice
19 of his or her right to commence a civil action in the
20 appropriate circuit court or other appropriate court of
21 competent jurisdiction.

22 (3) Nothing in this Section shall preclude the
23 Department from continuing to investigate an allegation in
24 the charge that is not included in the federal or State
25 court proceeding.

26 (B) Effect of filing of a local government administrative

1 proceeding. For all charges filed under this Act, if the
2 complainant has filed a charge or complaint before a local
3 department or commission on the issues that are the basis for
4 the charge, either party may request that the charge or
5 complaint pending before the local department or commission be
6 transferred to the Department pursuant to subsection (B) of
7 Section 7-108. Upon transfer to the Department, the local
8 department or commission shall administratively close its
9 charge or complaint. Nothing in this Section shall preclude the
10 local department or commission from continuing to investigate
11 an allegation in its charge or complaint that is not covered by
12 this Act. The complainant may amend the charge to include any
13 allegation in the local department or commission's charge that
14 is jurisdictional for the Department.

15 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

16 Sec. 7A-102. Procedures.

17 (A) Charge.

18 (1) Within 300 calendar days after the date that a
19 civil rights violation allegedly has been committed, a
20 charge in writing under oath or affirmation may be filed
21 with the Department by an aggrieved party or issued by the
22 Department itself under the signature of the Director.

23 (2) The charge shall be in such detail as to
24 substantially apprise any party properly concerned as to
25 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 300 calendar days
8 after the date of the alleged civil rights violation, the
9 charge shall be deemed filed with the Department on the
10 date filed with the EEOC. If the EEOC is the governmental
11 agency designated to investigate the charge first, the
12 Department shall take no action until the EEOC makes a
13 determination on the charge and after the complainant
14 notifies the Department of the EEOC's determination. In
15 such cases, after receiving notice from the EEOC that a
16 charge was filed, the Department shall notify the parties
17 that (i) a charge has been received by the EEOC and has
18 been sent to the Department for dual filing purposes; (ii)
19 the EEOC is the governmental agency responsible for
20 investigating the charge and that the investigation shall
21 be conducted pursuant to the rules and procedures adopted
22 by the EEOC; (iii) it will take no action on the charge
23 until the EEOC issues its determination; (iv) the
24 complainant must submit a copy of the EEOC's determination
25 within 30 days after service of the determination by the
26 EEOC on complainant; and (v) that the time period to

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

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

22 (3) For those charges alleging violations within the
23 jurisdiction of both the EEOC and the Department and for
24 which the EEOC either (i) does not issue a determination,
25 but does issue the complainant a notice of a right to sue,
26 including when the right to sue is issued at the request of

1 the complainant, or (ii) determines that it is unable to
2 establish that illegal discrimination has occurred and
3 issues the complainant a right to sue notice, and if the
4 Department is timely notified of the EEOC's determination
5 by complainant, the Department shall notify the parties,
6 within 10 business days after receipt of the EEOC's
7 determination, that the Department will adopt the EEOC's
8 determination as a dismissal for lack of substantial
9 evidence unless the complainant requests in writing within
10 35 days after receipt of the Department's notice that the
11 Department review the EEOC's determination.

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

1 of this Section.

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

26 (4) Pursuant to this Section, if the EEOC dismisses the

1 charge or a portion of the charge of discrimination
2 because, under federal law, the EEOC lacks jurisdiction
3 over the charge, and if, under this Act, the Department has
4 jurisdiction over the charge of discrimination, the
5 Department shall investigate the charge or portion of the
6 charge dismissed by the EEOC for lack of jurisdiction
7 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
8 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of
9 this Act.

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

14 (6) The failure of the Department to meet the
15 10-business-day notification deadlines set out in
16 paragraph (2) of this subsection shall not impair the
17 rights of any party.

18 (B) Notice and Response to Charge. The Department shall,
19 within 10 days of the date on which the charge was filed, serve
20 a copy of the charge on the respondent and provide all parties
21 with a notice of the complainant's right to opt out of the
22 investigation within 60 days as set forth in subsection (C-1).
23 This period shall not be construed to be jurisdictional. The
24 charging party and the respondent may each file a position
25 statement and other materials with the Department regarding the
26 charge of alleged discrimination within 60 days of receipt of

1 the notice of the charge. The position statements and other
2 materials filed shall remain confidential unless otherwise
3 agreed to by the party providing the information and shall not
4 be served on or made available to the other party during
5 pendency of a charge with the Department. The Department may
6 require the respondent to file a response to the allegations
7 contained in the charge. Upon the Department's request, the
8 respondent shall file a response to the charge within 60 days
9 and shall serve a copy of its response on the complainant or
10 his or her representative. Notwithstanding any request from the
11 Department, the respondent may elect to file a response to the
12 charge within 60 days of receipt of notice of the charge,
13 provided the respondent serves a copy of its response on the
14 complainant or his or her representative. All allegations
15 contained in the charge not denied by the respondent within 60
16 days of the Department's request for a response may be deemed
17 admitted, unless the respondent states that it is without
18 sufficient information to form a belief with respect to such
19 allegation. The Department may issue a notice of default
20 directed to any respondent who fails to file a response to a
21 charge within 60 days of receipt of the Department's request,
22 unless the respondent can demonstrate good cause as to why such
23 notice should not issue. The term "good cause" shall be defined
24 by rule promulgated by the Department. Within 30 days of
25 receipt of the respondent's response, the complainant may file
26 a reply to said response and shall serve a copy of said reply

1 on the respondent or his or her representative. A party shall
2 have the right to supplement his or her response or reply at
3 any time that the investigation of the charge is pending. The
4 Department shall, within 10 days of the date on which the
5 charge was filed, and again no later than 335 days thereafter,
6 send by certified or registered mail written notice to the
7 complainant and to the respondent informing the complainant of
8 the complainant's rights to either file a complaint with the
9 Human Rights Commission or commence a civil action in the
10 appropriate circuit court under subparagraph (2) of paragraph
11 (G) ~~and under subsection (C-1)~~, including in such notice the
12 dates within which the complainant may exercise these rights.
13 In the notice the Department shall notify the complainant that
14 the charge of civil rights violation will be dismissed with
15 prejudice and with no right to further proceed if a written
16 complaint is not timely filed with the Commission or with the
17 appropriate circuit court by the complainant pursuant to
18 subparagraph (2) of paragraph (G) ~~or subsection (C-1)~~ or by the
19 Department pursuant to subparagraph (1) of paragraph (G).

20 (B-1) Mediation. The complainant and respondent may agree
21 to voluntarily submit the charge to mediation without waiving
22 any rights that are otherwise available to either party
23 pursuant to this Act and without incurring any obligation to
24 accept the result of the mediation process. Nothing occurring
25 in mediation shall be disclosed by the Department or admissible
26 in evidence in any subsequent proceeding unless the complainant

1 and the respondent agree in writing that such disclosure be
2 made.

3 (C) Investigation.

4 (1) ~~The~~ If the complainant does not elect to opt out of
5 an investigation pursuant to subsection (C-1), the
6 Department shall conduct an investigation sufficient to
7 determine whether the allegations set forth in the charge
8 are supported by substantial evidence unless the
9 complainant elects to opt out of an investigation pursuant
10 to subsection (C-1).

11 (2) The Director or his or her designated
12 representatives shall have authority to request any member
13 of the Commission to issue subpoenas to compel the
14 attendance of a witness or the production for examination
15 of any books, records or documents whatsoever.

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

24 (4) Upon reasonable notice to the complainant and the
25 respondent, the Department shall conduct a fact finding
26 conference, unless prior to 365 days after the date on

1 which the charge was filed the Director has determined
2 whether there is substantial evidence that the alleged
3 civil rights violation has been committed, the charge has
4 been dismissed for lack of jurisdiction, or the parties
5 voluntarily and in writing agree to waive the fact finding
6 conference. Any party's failure to attend the conference
7 without good cause shall result in dismissal or default.
8 The term "good cause" shall be defined by rule promulgated
9 by the Department. A notice of dismissal or default shall
10 be issued by the Director. The notice of default issued by
11 the Director shall notify the respondent that a request for
12 review may be filed in writing with the Commission within
13 30 days of receipt of notice of default. The notice of
14 dismissal issued by the Director shall give the complainant
15 notice of his or her right to seek review of the dismissal
16 before the Human Rights Commission or commence a civil
17 action in the appropriate circuit court. If the complainant
18 chooses to have the Human Rights Commission review the
19 dismissal order, he or she shall file a request for review
20 with the Commission within 90 days after receipt of the
21 Director's notice. If the complainant chooses to file a
22 request for review with the Commission, he or she may not
23 later commence a civil action in a circuit court. If the
24 complainant chooses to commence a civil action in a circuit
25 court, he or she must do so within 90 days after receipt of
26 the Director's notice.

1 (C-1) Opt out of Department's investigation. At any time
2 within 60 days after receipt of notice of the right to opt out,
3 a complainant may submit a written request seeking notice from
4 the Director indicating that the complainant has opted out of
5 the investigation and may commence a civil action in the
6 appropriate circuit court or other appropriate court of
7 competent jurisdiction. ~~Within~~ ~~The Department shall respond to~~
8 ~~a complainant's opt out request within~~ 10 business days of
9 receipt of the complainant's request to opt out of the
10 investigation, the Director shall issue a notice to the parties
11 stating that: (i) the complainant has exercised the right to
12 opt out of the investigation; (ii) the complainant has 90 days
13 after receipt of the Director's notice to commence an action in
14 the appropriate circuit court or other appropriate court of
15 competent jurisdiction; and (iii) the Department has ceased its
16 investigation and is administratively closing the charge by
17 ~~issuing the complainant a notice of the right to commence an~~
18 ~~action in circuit court. The Department shall also notify the~~
19 ~~respondent that the complainant has elected to opt out of the~~
20 ~~administrative process within 10 business days of receipt of~~
21 ~~the complainant's request. If the complainant chooses to~~
22 ~~commence an action in a circuit court under this subsection, he~~
23 ~~or she must do so within 90 days after receipt of the~~
24 ~~Director's notice of the right to commence an action in circuit~~
25 ~~court.~~ The complainant shall notify the Department and the
26 respondent that a complaint has been filed with the appropriate

1 circuit court or other appropriate court of competent
2 jurisdiction and shall mail a copy of the complaint to the
3 Department and the respondent on the same date that the
4 complaint is filed with the appropriate ~~circuit~~ court. ~~Upon~~
5 ~~receipt of notice that the complainant has filed an action with~~
6 ~~the appropriate circuit court, the Department shall~~
7 ~~immediately cease its investigation and dismiss the charge of~~
8 ~~civil rights violation.~~ Once a complainant has opted out of the
9 investigation ~~commenced an action in circuit court~~ under this
10 subsection, he or she may not file or refile a substantially
11 similar charge with the Department arising from the same
12 incident of unlawful discrimination or harassment.

13 (D) Report.

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

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

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

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

25 (K) The changes made to this Section by this amendatory Act
26 of the 96th General Assembly apply to charges filed on or after

1 the effective date of those changes.

2 (L) The changes made to this Section by this amendatory Act
3 of the 100th General Assembly apply to charges filed on or
4 after the effective date of this amendatory Act of the 100th
5 General Assembly.

6 (Source: P.A. 100-492, eff. 9-8-17; 100-588, eff. 6-8-18;
7 100-1066, eff. 8-24-18.)

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

9 Sec. 8-101. Illinois Human Rights Commission.

10 (A) Creation; appointments. The Human Rights Commission is
11 created to consist of 7 members appointed by the Governor with
12 the advice and consent of the Senate. No more than 4 members
13 shall be of the same political party. The Governor shall
14 designate one member as chairperson. All appointments shall be
15 in writing and filed with the Secretary of State as a public
16 record.

17 (B) Terms. Of the members first appointed, 4 shall be
18 appointed for a term to expire on the third Monday of January,
19 2021, and 3 (including the Chairperson) shall be appointed for
20 a term to expire on the third Monday of January, 2023.

21 Notwithstanding any provision of this Section to the
22 contrary, the term of office of each member of the Illinois
23 Human Rights Commission is abolished on January 19, 2019.
24 Incumbent members holding a position on the Commission that was
25 created by Public Act 84-115 and whose terms, if not for this

1 amendatory Act of the 100th General Assembly, would have
2 expired January 18, 2021 shall continue to exercise all of the
3 powers and be subject to all of the duties of members of the
4 Commission until June 30, 2019 or until their respective
5 successors are appointed and qualified, whichever is earlier.

6 Thereafter, each member shall serve for a term of 4 years
7 and until his or her successor is appointed and qualified;
8 except that any member chosen to fill a vacancy occurring
9 otherwise than by expiration of a term shall be appointed only
10 for the unexpired term of the member whom he or she shall
11 succeed and until his or her successor is appointed and
12 qualified.

13 (C) Vacancies.

14 (1) In the case of vacancies on the Commission during a
15 recess of the Senate, the Governor shall make a temporary
16 appointment until the next meeting of the Senate when he or
17 she shall appoint a person to fill the vacancy. Any person
18 so nominated and confirmed by the Senate shall hold office
19 for the remainder of the term and until his or her
20 successor is appointed and qualified.

21 (2) If the Senate is not in session at the time this
22 Act takes effect, the Governor shall make temporary
23 appointments to the Commission as in the case of vacancies.

24 (3) Vacancies in the Commission shall not impair the
25 right of the remaining members to exercise all the powers
26 of the Commission. Except when authorized by this Act to

1 proceed through a 3 member panel, a majority of the members
2 of the Commission then in office shall constitute a quorum.

3 (D) Compensation. On and after January 19, 2019, the
4 Chairperson of the Commission shall be compensated at the rate
5 of \$125,000 per year, or as set by the Compensation Review
6 Board, whichever is greater, during his or her service as
7 Chairperson, and each other member shall be compensated at the
8 rate of \$119,000 per year, or as set by the Compensation Review
9 Board, whichever is greater. In addition, all members of the
10 Commission shall be reimbursed for expenses actually and
11 necessarily incurred by them in the performance of their
12 duties.

13 (E) Notwithstanding the general supervisory authority of
14 the Chairperson, each commissioner, unless appointed to the
15 special temporary panel created under subsection (H), has the
16 authority to hire and supervise a staff attorney. The staff
17 attorney shall report directly to the individual commissioner.

18 (F) A formal training program for newly appointed
19 commissioners shall be implemented. The training program shall
20 include the following:

21 (1) substantive and procedural aspects of the office of
22 commissioner;

23 (2) current issues in employment and housing
24 discrimination and public accommodation law and practice;

25 (3) orientation to each operational unit of the Human
26 Rights Commission;

1 (4) observation of experienced hearing officers and
2 commissioners conducting hearings of cases, combined with
3 the opportunity to discuss evidence presented and rulings
4 made;

5 (5) the use of hypothetical cases requiring the newly
6 appointed commissioner to issue judgments as a means of
7 evaluating knowledge and writing ability;

8 (6) writing skills; and

9 (7) professional and ethical standards.

10 A formal and ongoing professional development program
11 including, but not limited to, the above-noted areas shall be
12 implemented to keep commissioners informed of recent
13 developments and issues and to assist them in maintaining and
14 enhancing their professional competence. Each commissioner
15 shall complete 20 hours of training in the above-noted areas
16 during every 2 years the commissioner remains in office.

17 (G) Commissioners must meet one of the following
18 qualifications:

19 (1) licensed to practice law in the State of Illinois;

20 (2) at least 3 years of experience as a hearing officer
21 at the Human Rights Commission; or

22 (3) at least 4 years of professional experience working
23 for or dealing with individuals or corporations affected by
24 this Act or similar laws in other jurisdictions, including,
25 but not limited to, experience with a civil rights advocacy
26 group, a fair housing group, a trade association, a union,

1 a law firm, a legal aid organization, an employer's human
2 resources department, an employment discrimination
3 consulting firm, or a municipal human relations agency.

4 The Governor's appointment message, filed with the
5 Secretary of State and transmitted to the Senate, shall state
6 specifically how the experience of a nominee for commissioner
7 meets the requirement set forth in this subsection. The
8 Chairperson must have public or private sector management and
9 budget experience, as determined by the Governor.

10 Each commissioner shall devote full time to his or her
11 duties and any commissioner who is an attorney shall not engage
12 in the practice of law, nor shall any commissioner hold any
13 other office or position of profit under the United States or
14 this State or any municipal corporation or political
15 subdivision of this State, nor engage in any other business,
16 employment, or vocation.

17 (H) Notwithstanding any other provision of this Act, the
18 Governor shall appoint, by and with the consent of the Senate,
19 a special temporary panel of commissioners comprised of 3
20 members. The members shall hold office until the Commission, in
21 consultation with the Governor, determines that the caseload of
22 requests for review has been reduced sufficiently to allow
23 cases to proceed in a timely manner, or for a term of 18 months
24 from the date of appointment by the Governor, whichever is
25 earlier. Each of the 3 members shall have only such rights and
26 powers of a commissioner necessary to dispose of the cases

1 assigned to the special panel. Each of the 3 members appointed
2 to the special panel shall receive the same salary as other
3 commissioners for the duration of the panel. The panel shall
4 have the authority to hire and supervise a staff attorney who
5 shall report to the panel of commissioners.

6 (Source: P.A. 99-642, eff. 7-28-16; 100-1066, eff. 8-24-18.)

7 (775 ILCS 5/7-109.1 rep.)

8 Section 10. The Illinois Human Rights Act is amended by
9 repealing Section 7-109.1."