

**STATE OF ILLINOIS**  
**FIRST ANNUAL REPORTS**  
**July 1, 1980 through June 30, 1981**

**DEPARTMENT OF HUMAN RIGHTS**

**Joyce E. Tucker, Director**

**HUMAN RIGHTS COMMISSION**

**Manuel Barbosa, Chairperson**



**The Honorable James R. Thompson**

**Governor of Illinois**

Note To Reader:

The Illinois Department of Human Rights and the Illinois Human Rights Commission are administratively separate agencies with distinct but interrelated functions. For practical and economic reasons, the annual reports of both agencies are printed herein under one cover.

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Illinois Department of Administrative Services



STATE OF ILLINOIS  
**Department of Human Rights**  
32 West Randolph Street, Civic Tower Suite-8th and 9th Floor  
Chicago, Illinois 60601

To the Honorable James R. Thompson,  
Governor of Illinois, and the Honorable  
Members of the General Assembly:

In accordance with Section 25 of the Civil Administrative Code, I am pleased to provide a report of the activities of the Department of Human Rights for the fiscal year 1981.

A handwritten signature in cursive script that reads "Joyce E. Tucker".

Joyce E. Tucker  
Director

November, 1981  
Chicago, Illinois

## FOREWORD

In its final report to Governor James R. Thompson in July 1978, the Governor's Cost Control Task Force cited in its overview, "A primary requirement for more efficient government is a simplification of the present agency superstructure. The existence of some 65 major departments and 250 smaller entities has made effective planning and program control almost impossible".

The following year Governor Thompson proposed legislation that would consolidate the State's anti-discrimination agencies into a single agency. This legislation, the Illinois Human Rights Act, Senate Bill 1377, was passed in November 1979 and signed by Governor Thompson on December 6 of that year.

On July 1, 1980, Senate Bill 1377, now Public Act 81-1216 became effective. The Act created the Department of Human Rights to administer and enforce its provisions and also created the Illinois Human Rights Commission to adjudicate cases requiring formal determination under the statute. These agencies replaced the former Illinois Fair Employment Practices Commission, the Illinois Commission on Human Relations and the Illinois Department of Equal Employment Opportunity. The Human Rights Act also repealed and replaced the separate State laws which were administered by those predecessor agencies as well as some other Illinois statutes addressing civil rights issues.

The Human Rights Act is found in Chapter 68 of the Illinois Revised Statutes. The Act prohibits discrimination in employment, real estate transactions, financial credit and the availability of public accommodations because of:

- race
- color
- religion
- sex
- national origin
- ancestry
- age (40-70)
- marital status
- unfavorable discharge from military service
- physical or mental handicap
- retaliation for having filed or assisted in an investigation of discrimination.

The Act expanded the protection that was available under the Illinois Fair Employment Practices Act by adding "marital status" and "age between 40 and 70" to the protected classes. The protections against employment discrimination were continued and expanded to mandate non-discrimination in housing, the granting of financial credit and in the provision of public accommodations.

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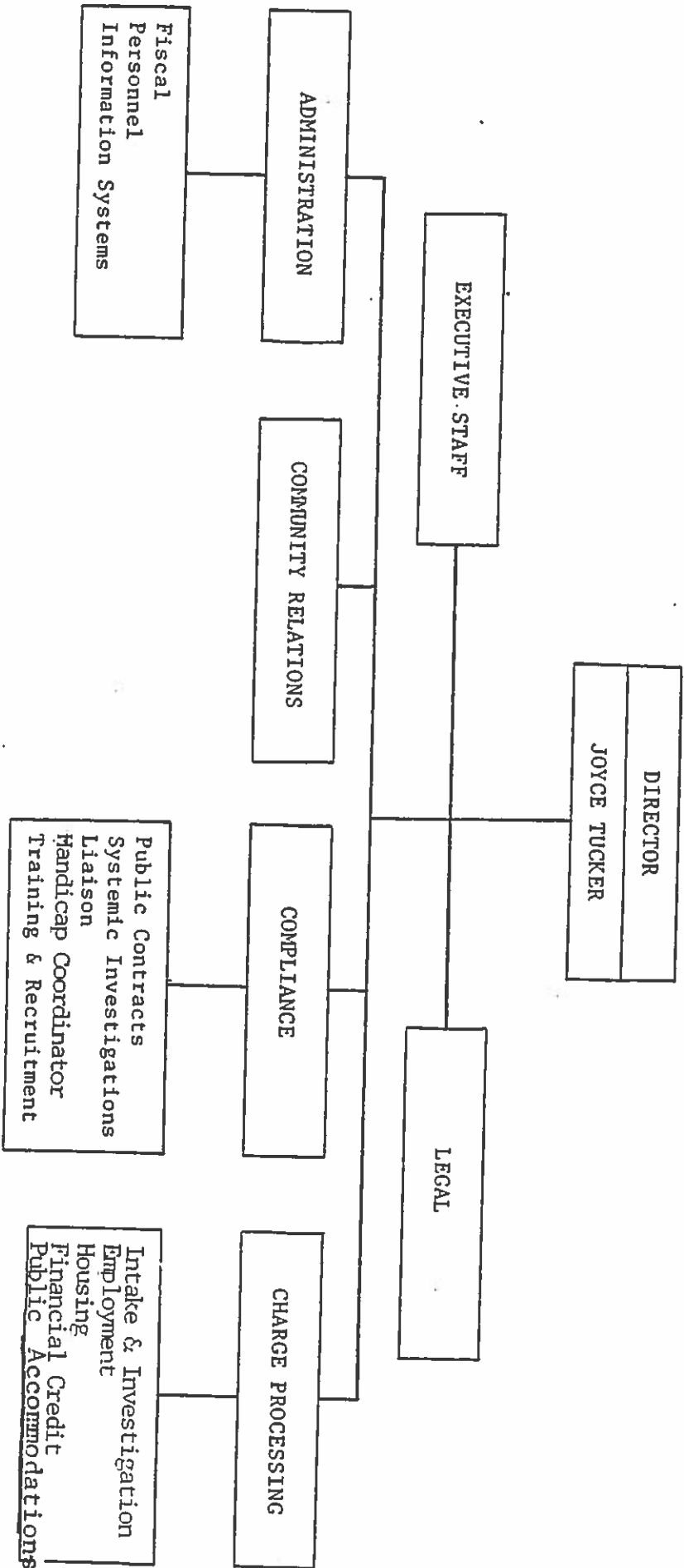
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DEPARTMENT OF HUMAN RIGHTS





DEPARTMENT OF HUMAN RIGHTS  
HIGHLIGHTS  
FISCAL YEAR 1981

- \* The Illinois Human Rights Act became effective, creating the Illinois Department of Human Rights and the Illinois Human Rights Commission.
- \* A Department self-audit of its operations enabled the Department to identify strengths and pinpoint weaknesses in its operations. Many efficiency-draining weaknesses were corrected.
- \* The Department's entire charge processing procedures were evaluated to assess individual productivity and overall output.
- \* The Charge Processing Division's intake and investigations procedures were refined into a model Early Charge Resolution Unit utilizing the Equal Employment Opportunity Commission's rapid-charge processing procedures.
- \* Exercising its initiatory authority the Department initiated a charge challenging the mandatory retirement policy of the Chicago City Colleges, the first case testing the age provision of the Human Rights Act.
- \* The Department's position that mandatory retirement rules constitute unlawful discrimination on the basis of age was upheld by the Illinois Human Rights Commission.
- \* A Department task force developed criteria for initiating systemic charges and procedures for Department use in investigating systemic charges.
- \* Department Rules and Regulations governing procedures, nomenclature and organizational structure were completed and went into effect September 17, 1980.
- \* The Department negotiated work sharing agreements with two of the three major State contracting agencies, the Department of Transportation and the Capital Development Board, to more effectively monitor Equal Employment Opportunity/Affirmative Action public contract compliance.
- \* The Illinois Supreme Court in the case of Eastman Kodak Co. vs. FEPC significantly bolstered the Department's authority in the area of public contracts. The opinion upheld the 1975 decision by FEPC (predecessor to the Department), that struck Eastman Kodak (Oakbrook facility) from the bidders list of State contractors for non-compliance in its recruitment plan for minorities.
- \* The Department negotiated an agreement with the Illinois Department of Registration and Education for cases of housing discrimination charges brought against licensed real estate brokers and salespersons.

- \* The State of Illinois Affirmative Recruitment Program, a service of the Department of Human Rights to assist minorities, women and the handicapped seeking employment in State government was implemented, funded by the Illinois Department of Commerce and Community Affairs, Governor's Special Grant Program.
- \* The Charge Processing Division ended the year having handled a record 20,575 discrimination inquiries.
- \* A Crisis Intervention Model, based on cooperative work with law enforcement officials and other community officials to provide effective police protection to citizens in communities experiencing racial tension, was developed by the Community Relations Division.
- \* The Department Director and staff, through the Speaker's Bureau, made speaking appearances to over one hundred organizations throughout the State.
- \* Executive editors and other top level executives of all daily Illinois newspapers were contacted to elicit their voluntary cooperation to refrain from publishing rental housing classified advertisements generally intended or understood to indicate that children are unwelcome.
- \* Monetary settlements totalling \$1,067,863 were negotiated during the investigations phase of processing discrimination charges.
- \* Public Hearings eliciting information about the protection against unlawful discrimination afforded by the Human Rights Act and community needs and problems relevant to the Human Rights Act were held in the cities of Chicago, East St. Louis and Rock Island.

ADMINISTRATION DIVISION

The Administration Division consists of the Fiscal Unit which develops and administers management and fiscal controls, the Personnel Unit with responsibility for personnel functions and transactions, and the Electronic Data Processing Unit which operates the Case Management Information System for tracking charges of discrimination.

At its inception in July, 1980, the Department was faced with several immediate and pressing administrative tasks. A number of complex personnel, fiscal and administrative issues created by the merger had to be resolved expeditiously. Merging the employees of the three agencies required mass changes in Department of Personnel documentation, insurance records and retirement system records. All of the transactions necessary to execute these procedures were completed by Department administrative staff during July 1980, the first month of the Department's operations.

The Administrative staff performed the following major activities during fiscal year 1981:

Consolidated three physical offices into one office for both Chicago and Springfield office locations;

Automated the fiscal system thereby acquiring access to the computerized General Accounting System and the Legislative Reference Bureau;

Decentralized the Department's time-keeping procedures;

Conducted a feasibility study for automating the Intake Inquiry function as an expansion of the automated Case Management Information System;

Conducted basic training in union contract provisions for managers and supervisors in cooperation with the Illinois Department of Personnel;

Drafted computer reports to summarize information on staff actions by the Human Rights Commission with regard to charges and complaints issued by the Department. These reports will provide information on the number of hearings conducted, charges sent to the Commission from the Department and financial settlements obtained by the Department.

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ILLINOIS DEPARTMENT OF HUMAN RIGHTS

Income & Expenditure Statement

FY81

(Rounded to Nearest 1000)

<u>INCOME:</u>	<u>General Revenue Funds</u>	<u>Federal</u>
Appropriations	2716.2	834.9
Reserve	<u>(51.6)</u>	-
Availability for Expenditure	2664.6	834.9
 <u>EXPENDITURES:</u>		
Salaries	1476.4	551.7
Fringe Benefits	203.9	98.6
Contractual Services:	<u>349.5</u>	38.9
Rental Personal Prop	<u>201.7</u>	30.1
Registration & Conference	2.8	1.9
Rental Office Equip	68.5	1.1
Rental Motor Vehicle	2.8	-
Repair & Maintenance	10.0	0.6
Statistical & Tabulating	14.5	-
Freight, Express & Drayage	4.3	-
Professional & Artistic Svc	15.9	0.3
Postage	15.8	1.6
Subscription & Info Svc	3.6	2.3
Copy Photographic & Printing	3.3	0.6
Contractual Services Misc.	6.3	0.4
Travel Cost	68.7	16.3
Commodities	22.5	3.8
Printing	14.6	1.4
Equipment	31.0	-
Telecommunications	60.3	27.2
Total Expenditures	<u>2226.9</u>	<u>737.9</u>
Lapsed Appropriation	437.7	97.0
Plus Reserve	51.6	-
Total Lapse	<u>489.3*</u>	<u>97.0*</u>

\* A hiring and spending freeze imposed on all State agencies accounts for approximately 98% of the lapse.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

Summary  
Financial Report for Period Beginning July 1, 1980  
and  
Ending June 30, 1981

<u>FY81 Appropriation Item</u>	<u>Total Appropriation</u>	<u>Total Expenditures</u>	<u>Obligated Funds</u>	<u>Available F Expenditur</u>
Personal Services	2,393,400.00	2,028,121.30	-0-	365,278.70
Retirement	170,122.26	151,919.36	-0-	18,202.90
Social Security	154,900.00	128,946.95	-0-	25,953.05
Group Insurance	29,400.00	21,715.54	-0-	7,684.46
Contractual Services	498,042.45	388,354.65	20,841.51	88,846.29
Travel	105,900.00	84,923.98	-0-	20,976.02
Commodities	38,600.00	26,312.00	7341.60	4,946.40
Printing	23,200.00	16,003.06	983.93	6,213.01
Equipment	41,378.17	30,956.95	403.88	10,017.34
E.D.P	-0-	-0-	-0-	-0-
Telecommunications	96,200.00	87,470.86	-0-	8,729.14
Operation Auto, Equipment	-0-	-0-	-0-	-0-
TOTALS	<u>3,551,142.88</u>	<u>2,964,724.65</u>	<u>29,570.92</u>	<u>556,847.31</u>

\* A hiring and spending freeze imposed on all State agencies accounts for approximately 98% of the lapse.

CHARGE PROCESSING DIVISION

Discrimination is a devastating experience - one that subjects the individual to personal indignities. No matter how often it happens to an individual, the individual does not and should not become inured to the experience. Discrimination is also illegal. Illinois law, under the Illinois Human Rights Act, prohibits discrimination in employment, housing, financial credit and public accommodations. The types of discrimination barred are those based on: RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, ANCESTRY, AGE BETWEEN 40 and 70, MARITAL STATUS, UNFAVORABLE MILITARY DISCHARGE, PHYSICAL OR MENTAL HANDICAP, AND RETALIATION FOR HAVING FILED OR ASSISTED IN AN INVESTIGATION OF DISCRIMINATION.

A primary function of the Department is investigating and resolving charges of discrimination that fall under the jurisdiction of the Act. The Charge Processing Division comprises the largest portion of Department staff and funding.

A charge of discrimination may be filed with the Department within 180 days of the occurrence of an alleged civil rights violation. The Charge Processing Division reviews all charges and investigates those for which the Department has jurisdiction. A report of each completed investigation is submitted to the Director who determines whether the investigatory findings are appropriate and justified. If the Director determines there is substantial evidence, Department attorneys attempt formal conciliation. If conciliation

efforts fail, the Department lodges a formal complaint with the Human Rights Commission. Individuals seeking review of the Department's decision must file an appeal with the Commission within thirty (30) days of dismissal of a charge. The Department has 300 days from the filing of a charge to issue a complaint with the Commission.

Prior to the creation of the Department, employment related charges of discrimination were handled by the Fair Employment Practices Commission, one of the Department's predecessor agencies. Discrimination jurisdiction was expanded to add housing, financial credit and public accommodations as enforcement responsibilities of the Department of Human Rights.

Among the major achievements for the Charge Processing staff for fiscal year 1981 were:

New procedures for processing charges resulted in an increased processing rate than existed under previous processing systems;

Processing time for single issue employment charges was reduced to an average of 100 days from a previous average of 160 days;

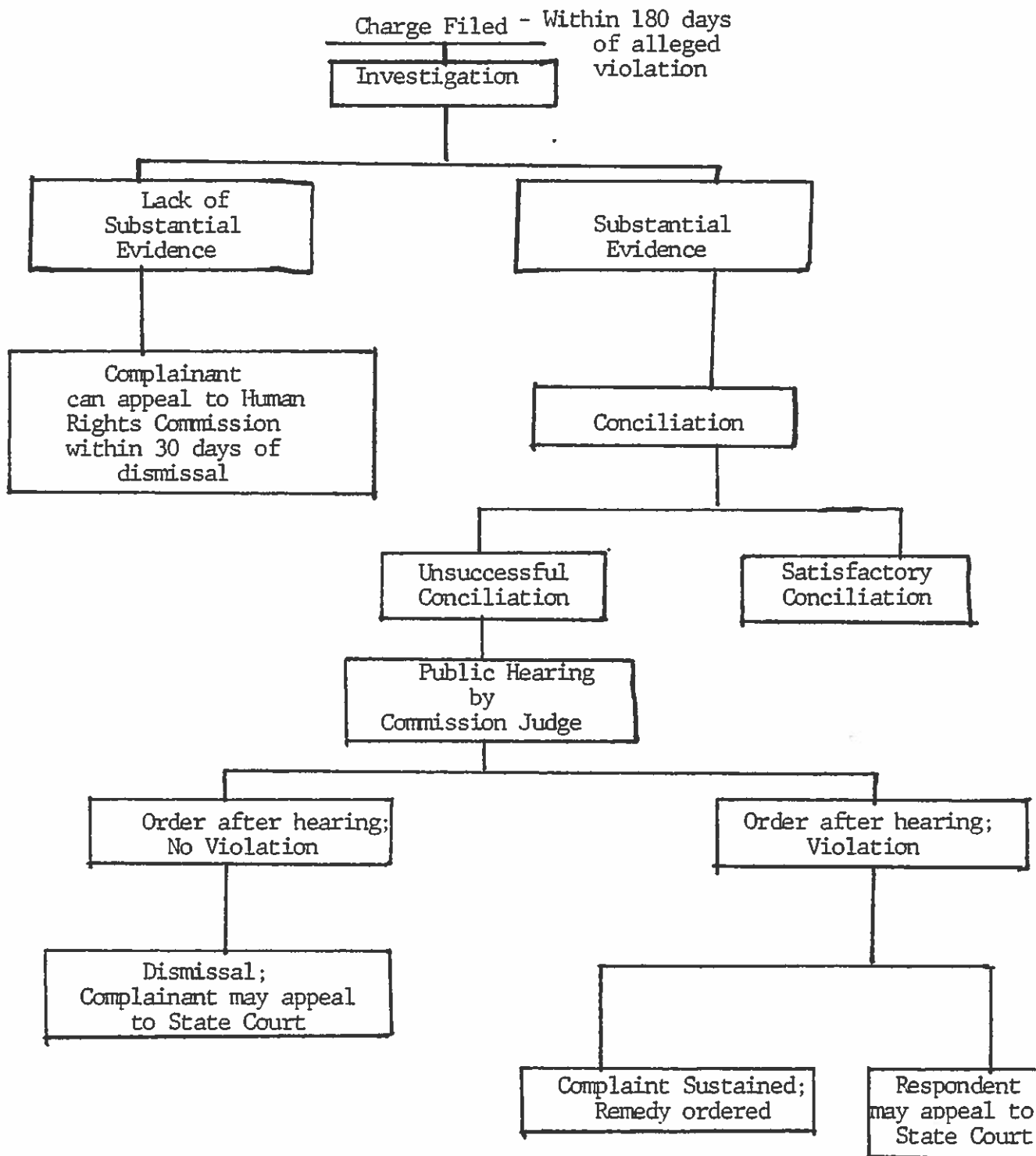
Monetary settlements totalling \$1,067,863 were negotiated during investigations;

Federal contracts with the Equal Employment Opportunity Commission were expanded to three; one for Title VII frontlog charges, another for Title VII backlog charges and a third for age discrimination charges under the Age Discrimination in Employment Act, the first such contract for the latter;

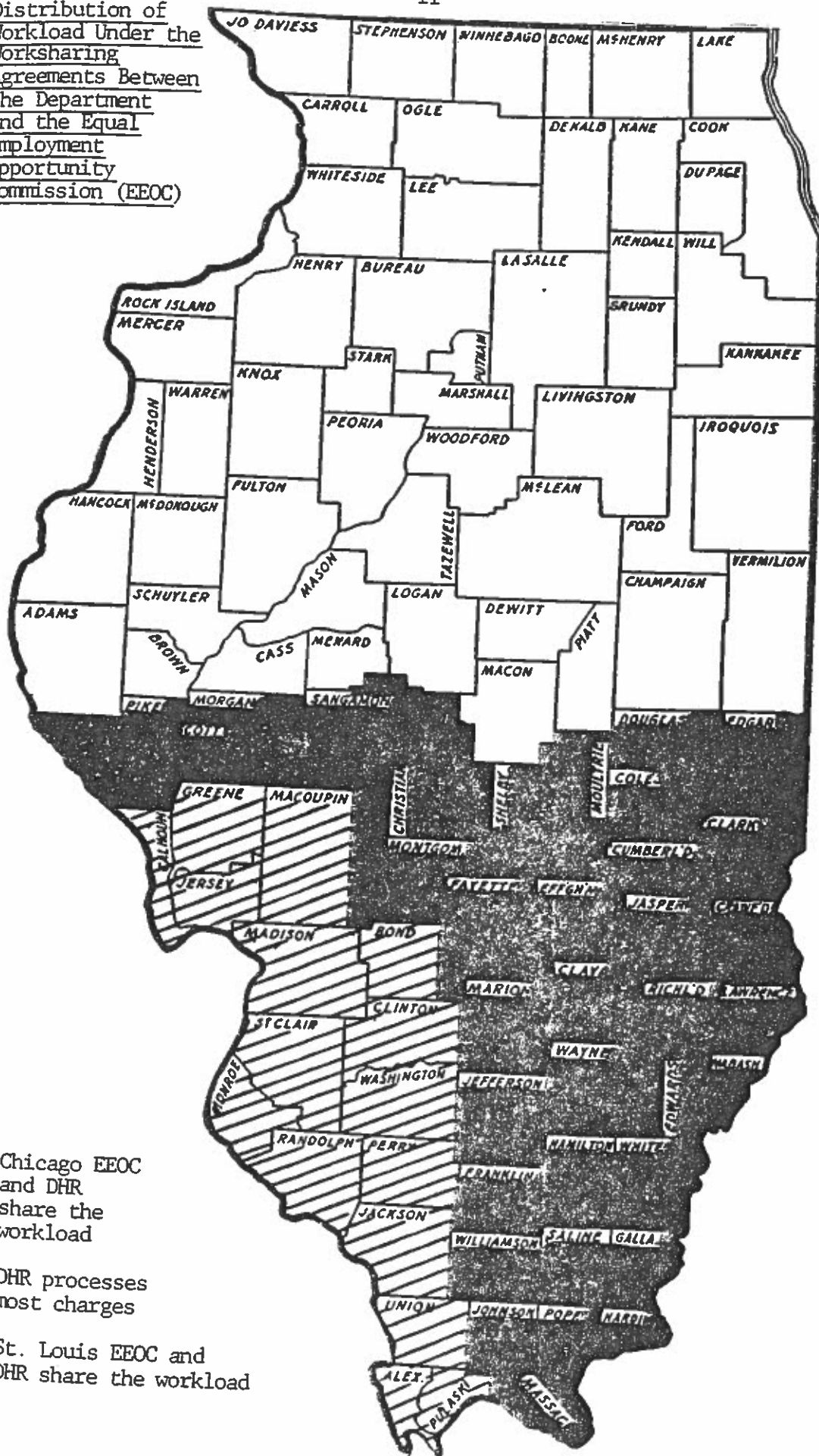
Charge Processing staff assigned to investigate charges of discrimination in the new jurisdiction areas of housing, financial credit and public accommodations underwent an extensive training program.






### THE CHARGE PROCESS AT A GLANCE



Distribution of Workload Under the Worksharing Agreements Between the Department and the Equal Employment Opportunity Commission (EEOC)



-  Chicago EEOC and DHR share the workload
-  DHR processes most charges
-  St. Louis EEOC and DHR share the workload

BASIS OF CHARGE: EMPLOYMENT JURISDICTION

BASIS	Fair Employment Practices Commission				Department of Human Rights	
	12 Months FY 79		12 Months FY80		12 Months FY 81	
	#	%	#	%	#	%
Race	933	40	799	36	718	30.3
Color	-0-	-0-	-0-	-0-	-0-	-0-
Ancestry	-0-	-0-	-0-	-0-	-0-	-0-
Sex	342	15	544	25	305	12.8
Retaliation	88	4	101	5	65	2.7
Physical Handicap	290	12	335	16	331	13.9
Mental Handicap	28	1	17	1	19	-0-
Military Discharge	-0-	-0-	-0-	-0-	-0-	-0-
Age	No Jurisdiction		No Jurisdiction		109	4.6
Marital Status	No Jurisdiction		No Jurisdiction		3	-0-
Arrest Rec/Con. Rec.	-0-	-0-	-0-	-0-	-0-	-0-
Coercion/Interference	-0-	-0-	-0-	-0-	-0-	-0-
Religion	18	1	20	1	9	-0-
National Origin	201	9	174	8	187	7.9
Other	158	7	21	1	10	-0-
Multiple	286	12	209	9	605	25.5
Totals:	2,343		2,220		2,367	

EMPLOYMENT: TYPE OF RESPONDENT

	FY79		FY80		FY81	
	No. of Charges	% of Total	No. of Charges	% of Total	No. of Charges	% of Total
Private Employers	2,007	85.6%	1,908	85.9%	2,135	90.1%
Public Employers*	290	12.3%	260	11.7%	208	8.7%
Unions	46	1.9%	52	2.3%	20	.8%
Employment Agencies	-0-		-0-		4	.1%

\* Public Employer includes: State government, local government, village & county government, public colleges & universities

TYPE OF CLOSURE

EMPLOYMENT DISCRIMINATION CHARGES

ALL CHARGES

	Fair Employment Practices Commission		Illinois Department of Human Rights	
	FY'79	FY'80	FY'81	Percent of Total
<u>Inquiries Received</u>	16,103	18,924	20,575	
<u>Charges Docketed</u>	2,343	2,220	2,367	
<u>Charge Dispositions:</u>				
<u>Substantial Evidence</u>	199	288	219	9.2%
<u>Adjusted with Terms*</u>	557	423	352	14.9%
<u>Adjusted and Withdrawn*</u>	71	141	180	7.6%
<u>Withdrawn by Complainant*</u>	213	212	337	14.2%
<u>Lack of Jurisdiction</u>	32	60	46	1.9%
<u>Lack of Substantial Evidence</u>	602	1,036	756	31.9%
<u>Failure to Proceed</u>	257	125	155	6.5%
<u>Pending</u>			322	13.6%

1931

2275

\* Represents closures occurring prior to a finding of Lack of Substantial Evidence or Substantial Evidence. These are for the most part settlements, which are agreed to by both parties and approved by the Department.

Basis of Charge : Housing, Financial Credit and Public  
Accommodations Jurisdictions

Basis	FY 81.
Race	23
Color	-
Religion	2
Sex	5
National Origin	6
Ancestry	-
Age	-
Marital Status	5
Unfavorable Military Discharge	-
Physical or Mental Handicap	5
Retaliation	-
Exclusion of Children	19
Total	<u>65</u>

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

TYPE JURISDICTION

ALL CHARGES

<u>JURISDICTION</u>	<u>PERCENT OF TOTAL</u>
Employment	97.3%
Housing	1.6%
Financial Credit	Less than 1.0%
Public Accommodations	1.0%
	<u>100.0%</u>

SUMMARY OF ACTIONS BY THE  
HUMAN RIGHTS COMMISSION  
ON  
DEPARTMENT SETTLEMENTS AND DISMISSALS

ACTION BY COMMISSION

A. Terms of Settlements (379)	Total	Percent
Settlements Approved	375	98.9%
Settlements Disapproved	1	.3%
Settlements Deferred	8	2.0
Settlements Approved without Deferral	373	98.4
Settlements Deferred & Later Approved	5	1.0
Settlements in Deferred Status at end of FY 81	3	.8
B. Requests for Review		
Department Dismissals Affirmed	201	88.5%
Department Dismissals vacated	26	11.5%
	<u>227</u>	<u>100. %</u>



CONCILIATION AND HUMAN RIGHTS COMMISSION REVIEW  
FISCAL YEAR 1981

FY 1981	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE	TOTAL
CHARGES PENDING IN CONCILIATION AT BEGINNING OF THE MONTH	103	85	74	44	53	49	63	74	76	77	64	68	N/A
TOTAL NEW CHARGES IN CONCILIATION	4	7	20	27	10	33	30	17	28	9	16	13	214
<u>SUBTOTALS</u>								9	15	8	9	9	50
SE AFTER INVESTIGATION								0	6	1	4	4	15
SE AFTER REQUEST								8	7	0	3	0	18
COMMISSION VACATED													
CHARGES CONCLUDED BY SETTLEMENT	8	0	4	4	2	2	1	6	2	2	4	0	35
CHARGES CONCLUDED BY COMPLAINT-SENT TO ADMINISTRATIVE LAW DIV.	7	14	21	13	12	17	18	9	24	19	8	16	178
*CHARGES CONCLUDED BY DISMISSAL DUE TO WITHDRAWAL, FAILURE TO PROCEED OR REMANDED FIELD OPERATIONS	7	29	0	1	0	0	0	0	1	1	0	0	39

\* Adjusted to reflect Active cases only (those without 300 day problems)

Beginning July 1, 1980, with the effective date of the Illinois Human Rights Act, the areas of illegal discrimination were expanded to include Real Estate Transactions, Financial Credit, and Public Accommodations.

These added areas of jurisdiction required that staff be trained, procedures developed and the public informed.

During the initial months of the first year, staff assigned to investigate charges of discrimination in the new areas of jurisdiction went through an extensive training program.

The training included the investigative techniques and procedures used by the predecessor Fair Employment Practices Commission, the Department of Housing and Urban Development, and the City of Chicago Department of Housing. Other training included sessions with the Federal Trade Commission, the Federal Home Loan Bank Board, the Chicago Commission on Human Relations, as well as local fair housing groups.

Since the initial training period, members of the Staff have continued to receive training in all three areas of the new jurisdictions.

Major objectives of the new jurisdictions section for the first year were: publicizing the expanded areas, improving procedures and techniques, and investigating charges under the expanded jurisdictions.

For the first six months of FY81, the number of cases docketed for the areas of New Jurisdiction was small, with only ten charges.

During the second half of FY81, the number of cases increased to sixty-five. Thirty-nine of these were in housing, twenty four in public accommodations, and two in financial credit.

Nearly half (48.7 percent) of the housing charges involved the exclusion of children, a form of discrimination that cuts across racial, ethnic and socio-economic lines and is probably the most blatant kind of housing discrimination.

Temporary restraining orders proved to be an effective tool in investigating housing discrimination charges. The Department was able to keep a housing unit available where it might otherwise have been rented while the charge was being investigated.

The federal Department of Housing and Urban Development granted the Department substantial equivalency status to Title VIII of the Civil Rights Act of 1968, and thereby making the Department eligible for federal funds under the housing jurisdiction.

COMMUNITY RELATIONS

The Community Relations Division provides a wide range of services in furthering the Department's mission to eliminate illegal discrimination. However, its principal role is targeting civil rights issues so that the Department can better plan the direction of its resources. Division activities encompass the following areas:

Public Education  
Local Government Liaison  
Community Liaison  
Technical Assistance

Acting as a support function to the regulatory and enforcement activities of the Department, the Community Relations Division increases the Department's ability to affect unlawful discrimination in a positive manner: foremost is reducing the Department's reliance on enforcement as an exclusive tool to achieve equal opportunity and protect civil rights.

A program of public education is an essential part in delivering services. For its first year the Department recognized that an aggressive public information and education program was crucial. Shortly after the Department came into existence, the Director and the chairperson of the Human Rights Commission realized that the regular meetings of the Commission and the community relations activities of the Department would be an excellent way to cooperatively educate the

public about the protections against unlawful discrimination under the Human Rights Act. Information seminars were held in major Illinois cities with the municipal human rights commission as host in many instances:

DATE	CITY	HOST
October 1, 1980	Carbondale	Southern Illinois University
October 29, 1981	Springfield	Sangamon State University
November 12, 1981	Chicago	Chicago State University
December 3, 1981	East St. Louis	City of East St. Louis
December 10, 1981	Rockford	Rock Valley College
December 15, 1981	East St. Louis	State Community College
February 25, 1981	Elgin	Elgin Human Relations Comm.
March 25, 1981	Peoria	Peoria Human Resources Comm.
April 1, 1981	Decatur	Decatur Human Relations Comm
April 15, 1981	Urbana	Urbana Human Relations Comm.
May 13, 1981	Moline	Blackhawk/Augustana Colleges
June 3, 1981	Bloomington	Bloomington Human Relations Commission

Section 7-106(C) of the Illinois Human Rights Act states:

Public Hearing -- Hold public hearings to obtain information from the general public on the effectiveness of the State's equal employment opportunity program and the protection against unlawful discrimination afforded by this Act and to accept public recommendations concerning changes in the program and the Act for inclusion in its annual report.

The COMMUNITY RELATIONS DIVISION conducted public hearings in the following cities:

Rock Island	June 17, 1981
Chicago	June 24, 1981
East St. Louis	June 29, 1981

Public recommendations, problems and concerns are reported below.

#### ROCK ISLAND

##### Problems/Concerns

1. Lack of affirmative action plans in Rock Island County;
2. Lack of equal housing opportunities for minorities;
3. Discrimination in the distribution of block grants;
4. Lack of general employment opportunities available to minorities;
5. High unemployment rate for minorities;
6. Lack of minorities' ability to rent or purchase housing;
7. Job discrimination;
8. Housing discrimination;
9. The amount of paperwork required of Respondents by the

- Department during investigation procedures;
10. The amount of materials and documentation required during charge investigations; and
  11. A perceived bias by the Department in favor of charging party.

Recommendations

1. The Department should monitor affirmative action plans of banks in the Quad-Cities;
2. Create opportunities for minority businesses through State contracts.

CHICAGO

Problems/Concerns

1. The widespread unemployment that exists in the South Austin area of Chicago;
2. General employment discrimination in the Chicago area; and
3. Inadequate service given by financial institutions in minority communities.

Recommendations

1. The Department should host more information workshops and seminars in conjunction with local governments;

2. The Department should adopt a formalized agreement between local municipalities and the Department;
3. Amend the Human Rights Act to expand its jurisdiction to include local municipal representatives as "agents" of the Department in local matters;
4. Increase Department initiatives to:
  - get more minorities and women hired in State government;
  - assist in awarding contracts to minority contractors and vendors;
  - closely monitor EEO/Affirmative Action performance of State agencies;
  - closely monitor Equal Employment Opportunity/Affirmative Action performance of banks around the State;
  - increase staff and funding for the Department's Community Relations Division's programs and services, especially in working with local governments experiencing racial and ethnic/minority conflicts.
5. Increase the availability to the public of the Department's Public Contracts-1 forms for purposes of analyzing and reviewing head count statistics of the Public Contractors' workforce.
6. House Bill 76, legislation that would amend the Human Rights Act, should not be passed.
7. The Department should increase its publicity and information seminar programs.



EAST ST. LOUIS

Problems/Concerns

1. Inadequate service given by financial institutions serving the minority community.
2. The general discrimination by financial institutions in lending to minority businesses.
3. Inadequate minority business opportunity available from the State.

Recommendations

Set up a toll-free number to allow poor persons access to the Department.

DISCUSSION

While the overriding sentiment expressed during each hearing was aimed at broad non-specific types of discrimination, at least three issues were raised in each location:

1. The lack of State supported programs to assist with the promotion and monitoring of business contracts for minority businesses.

2. A call for the Department to look at the banking and financial institutions around the State to monitor both the equitable distribution of loans and general banking services and employment opportunities for minority group persons.

3. Equal housing opportunities.

COMPLIANCE DIVISION

The Compliance Division monitors the overall compliance of State agencies, boards, commissions, universities, colleges and public contractors with the Illinois Human Rights Act. The Compliance Division is comprised of four units; Systemic, Public Contracts, State Agency Liasion and Training. The thrust of Division activities for the Department's first year of existence was defining and standardizing procedures and practices, and coordinating programs within the Division and the Department.

Systemic Unit

During the year, the Unit investigated five systemic type charges of discrimination, two of which were Department-initiated charges. Systemic charges are commonly called "pattern and practice" charges, involving those that appear to be wide-scale in practice affecting an entire class of persons rather than a single individual. The Management and Program Audit conducted of the Fair Employment Practices Commission by the Auditor General's Office (July 1980), emphasized the potential of systemic investigation for being one of the most efficient tools the Department has for eliminating discriminatory practices. A Department task force developed criteria for accepting systemic charges and procedures for internal use in investigating systemic charges. Once in place, these criteria and

procedures proved effective in determining which charges fall into the systemic category and for investigating such charges. For the coming year we expect the number of charges investigated by this Unit to increase substantially.

#### Public Contracts Unit

The unit targeted four major areas of operations during the year:

\* During the year, twenty compliance review reports were conducted on public contractors who had been targeted as being in non-compliance with the Act. In the coming year, the unit expects to complete the remaining reports and follow up activities will include public contractors who are located outside the Chicago metropolitan area;

\* Streamlining the public contractor registration and information system procedures to reduce the backlog and to be able to respond to registration applications within ten (10) days of the request;

\* Developing effective working relationships and work-sharing agreements between the Department and two of the three major state contracting agencies; the Department of Transportation and the Capital Development Board. We anticipate that these agreements will be

finalized in fiscal year 1982 as well as developing such procedures between the Department and the third major contracting agency, the Department of Administrative Services;

\* Evaluating the ability of a limited staff to perform the duties of the unit mandated by the Act and Department Rules and Regulations, utilizing the present procedures of the Unit. Preliminary analysis and reorganization reports were submitted to the Director during FY 1981. The final reorganization proposal along with recommendations for modification of the Compliance Rules and Regulations are expected to be submitted to the Director by the end of fiscal year 1982.

#### Training Unit

The division's training staff updated the equal employment opportunity/affirmative action training module for State agency supervisory and management personnel and delivered this training and sexual harassment prevention training to over 1500 state employees. The training Unit extended its training services to state college and university personnel.

State Agency Liaison Unit

Forty-eight State agency affirmative action plans, seventy per cent of the agencies required to submit, were received and evaluated by the Liaison Unit during FY 1981. This was a significantly improved submittal rate: seventy percent compared to twenty percent for the same period of the year before. The difference for fiscal year 1981 over prior years was that for the first time, Affirmative Action Plans were evaluated based upon a specific set of Department issued guidelines, a first in Illinois affirmative action history. State agencies were also required to develop numerical affirmative actions goals based upon a formula indicating the availability of minorities and females to the agency workforce. This formula made it possible for agencies to compute realistic numerical affirmative action goals.

Technical assistance was given to State agency personnel throughout the year in developing agency affirmative action plans and programs. The Unit responded to over one hundred-fifty such technical assistance requests.

The Unit provided technical assistance to the Affirmative Action Subcommittee of the Appropriation I and II Committees in their investigative hearings on the affirmative action/equal employment opportunity status of six State agencies.

Two other programs of the Compliance Division should be discussed; the Handicap Program and the Affirmative Recruitment Program.

### Handicap Program

The state of Illinois is committed to insuring that handicapped individuals are not discriminated against. To that end the Division's Handicap Program provided technical assistance to fifty State agencies in assuring that their personnel practices were such that handicapped persons were provided equal access to all employment benefits. The Handicap Program Coordinator provided assistance to the Charge Processing Division in investigating charges alleging discriminatory practices against handicapped employees. Technical assistance was also provided to Department investigators in understanding federal and State mandates relating to the employment of handicapped individuals.

The Handicap Program Coordinator chaired the 504 Subcommittee on Employment studying the problems of the handicapped in all phases of employment.

The Subcommittee initiated a project to recount the number of handicapped persons employed by the State of Illinois using the broader definition of handicapped persons found in federal legislation. The results of that study will be released in fiscal year 1982. A manual for State agencies in developing affirmative action plans for handicapped employees and applicants was developed

and distributed to State agency EEO/AA officers. State Agency Affirmative Actions for Handicapped Persons, the first ever required from State agencies, are due during the first quarter of the coming fiscal year.

Affirmative Recruitment Program

November 1980, saw the start up of the Illinois Affirmative Recruitment Program, funded by the Illinois Department of Commerce and Community Affairs through the Governor's Special Grant Program. This program is a service of the Department of Human Rights to assist minorities, women and the handicapped seeking employment in State government and to aid State agencies in meeting their affirmative action goals. By the end of fiscal year, six hundred forty-six persons were participating in the program receiving a variety of services including:

Counseling\*\*\*Job Bank Listing\*\*\*Applicants Skills Bank\*\*\*Referral Service\*\*\*Tracking System on Applications/Selections

Renewal of funding to continue the project was granted for federal fiscal year 1982.

Equal Employment Opportunity/Affirmative Action

Prior to the creation of the Department of Human Rights, State agencies were required to submit annual Affirmative Action Plans to the Department of Equal Employment Opportunity, one of the predecessors of the Department of Human Rights. One of the more difficult steps for State agencies in developing such plans was appropriately determining what should be an agency's numerical



affirmative action goals for minorities and women.

Those agencies which developed numerical affirmative action goals, did so for the most part, by comparing the percentage of minorities and females in their internal workforce to the percentage of minorities and females in the overall Illinois workforce. This, obviously, did not take into consideration the varying minority and female populations throughout the State, as well as the skills required to perform the jobs in the eight different Equal Employment Opportunity categories.

Recognizing the problem, the then acting director of the Department of Equal Employment Opportunity, now the director of the Department of Human Rights, took steps to remedy the problem in the year leading up to the merger. That year the Department of Equal Employment Opportunity developed and distributed to all State agencies a guidebook which specified the required information to be included in an agency affirmative action plan and how that information should be organized. The most significant portion of this guidebook was the presentation of a method for computing numerical goals based upon eight relevant factors, including percentage of minorities and females in the workforce, percentage of minorities and females unemployed, recruitment sources, those within the agency eligible for promotion, those already possessing needed skills, and those trainable. Each agency had the responsibility for evaluating its internal workforce and the external workforce available to it. By completing the computation specified in the guidebook, the agencies were able to

calculate reasonable numerical goals.

This use of the guidelines was instituted by the Department of Human Rights during its first year. Because the process was new to Illinois state government agencies, the Department's State Agency Liaison staff conducted dozens of technical assistance sessions with agency personnel to aid them in calculating their numerical goals.

As with any new methodology, there was some resistance on the part of some agency personnel to develop Plans as specified in the Guidebook. However, in FY81, a total of 48 (70%) agencies submitted Affirmative Action Plans to the Department of Human Rights for review. These agencies were:

1. Office of the Auditor General
2. Liquor Control Commission
3. Department of Insurance
4. Prisoner Review Board
5. Institute of Natural Resources
6. Historical Library
7. Department of Personnel
8. Department of Public Aid
9. Department of Law Enforcement
10. Department of Conservation
11. Law Enforcement Commission
12. Department of Corrections
13. Illinois State Scholarship Commission
14. Office of the Lieutenant Governor

15. Department of Human Rights
16. Office of the State Fire Marshal
17. Illinois Guardianship and Advocacy Commission
18. Financial Institutions
19. Civil Service Commission
20. Human Rights Commission
21. State Employees' Retirement System
22. Department of Labor, Bureau of Employment Security
23. Attorney General
24. Department of Commerce and Community Affairs
25. Illinois Environmental Protection Agency
26. Department of Public Health
27. Capital Development Board
28. Illinois Industrial Commission
29. Illinois Emergency Services and Disaster Agency
30. Department of Revenue
31. Department of Veterans Affairs
32. State Board of Education
33. Department of Children and Family Services
34. Illinois Toll Highway Authority
35. Department of Mines and Minerals
36. Bureau of the Budget
37. Illinois Commission on Delinquency Prevention
38. Department of Agriculture
39. State Board of Higher Education

40. Department of Rehabilitation Services
41. Teachers Retirement System
42. Arts Council
43. Department of Registration and Education
44. Illinois Commerce Commission
45. Department of Administrative Services
46. State Board of Investments
47. Department of Mental Health/Developmental Disabilities
48. Department of Transportation.

Significant Court decisions involving Illinois'  
equal opportunity legislation during FY81

Illinois courts rendered a number of decisions during FY81 involving significant issues under the Human Rights Act and its predecessors. For example:

1. Nondiscrimination and affirmative action by public contractors -- The Illinois Supreme Court had two occasions to address the obligations of employers doing business with the State and local governments in Illinois to practice equal employment opportunity and affirmative action. In S.N. Nielsen Co. v. Public Building Comm. of Chicago, 81 Ill.2d 290, 410 N.E.2d 40 (July 11, 1980), the Court found that the "public contracts" provisions of the Human Rights Act, and the Fair Employment Practices Act before it, authorized a government agency to consider the relative commitment of bidders to EEO/AA principles in awarding public works contracts. The Court announced that the statutory provisions requiring affirmative action by public contractors should be interpreted liberally to accomplish more than simply forbidding contractors to refrain from acts of discrimination.

Again following this theme, the Court in Eastman Kodak Co. v. FEPC, 86 Ill.2d 60, \_\_\_\_\_ N.E.2d \_\_\_\_\_ (June 26, 1981), ruled that the Fair Employment Practices Commission acted properly in revoking an employer's eligibility to hold contracts with the State when the employer refused to adopt and submit a reasonable affirmative

action plan. The FEPC's finding that the company's AAP was drafted so as to exclude consideration of major segments of the locally available minority labor force was specifically upheld.

2. Wage discrimination -- In City of Chicago v. FEPC, 87 Ill. App.3d 579, 410 N.E.2d 136 (August 11, 1980), the Illinois Appellate Court affirmed an FEPC decision finding that the City of Chicago had unlawfully paid female janitresses less than male janitors who performed virtually identical work. That the separate job classifications were established under a civil service system, and that the job descriptions varied considerably, did not matter where the actual work performed by the members of the two classes was similar. The Court also agreed with the FEPC that the females' failure to seek promotion to the male classification was unimportant:

"[I]t is a violation for [the City] to maintain two groups,, segregated along sexual lines, who perform the same work for disparate wages. The answer is not for females to seek admission to the male classification; it is for [the City] to merge the groups and accord them equal pay."

Also, the Court held that the complainant could maintain her action under the State law notwithstanding that she was a member of the plaintiff class in a successful federal lawsuit involving similar issues; her recoveries in the two cases would simply be offset to

avoid any unjust enrichment.

3. Handicap discrimination -- A number of decisions dealt with the protection afforded handicapped persons against job discrimination under Illinois law.

In two cases, Appellate Court districts split over the question of what qualifies as a handicap for protection under the Equal Opportunities for the Handicapped Act, Ill. Rev. Stat. 1979, ch. 38, §§65-21 et seq. (The EOHA, which provided both criminal and civil sanctions for handicap discrimination, has been repealed and replaced by the Human Rights Act; a savings clause, however, preserves causes of action which had accrued under the EOHA prior to its repeal).

In Lyons v. Heritage House Enterprises, 92 Ill. App.3d 668, 415 N.E.2d 1341 (January 14, 1981), the Fourth District embraced the definition of "handicap" provided in the Fair Employment Practices Commission's published guidelines, in deciding the scope of the same term which was undefined in the EOHA. The Court also noted that the FEPC's interpretation had been essentially adopted and incorporated in the Human Rights Act. Applying that interpretation, the Court concluded that a cancer patient qualified as a handicapped individual under the EOHA and was protected against discharge from her employment because of her condition when that condition did not interfere with performance of her job. But in Kubik v. CNA Financial Corp., 96 Ill. App.3d 715, 422 N.E.2d 1 (February 6, 1981), the First District reached a contrary conclusion in a very similar case. The Kubik court, following the earlier First District decision in Advocates for

the Handicapped v. Sears, Roebuck & Co., 67 Ill. App.3d 512, 385 N.E. 2d 39 (1978), ruled that a cancer patient did not allege a condition of sufficient severity to qualify for protection as a "handicap" under the EOHA. The Illinois Supreme Court has granted leave to appeal in Lyons and may resolve this conflict. (It should be noted that neither the FEPC nor the Department of Human Rights has accepted decisions under the EOHA as dispositive of the scope of handicap protection under the FEPA or the Human Rights Act, due to differences between these statutes. The Circuit Court of Cook County has agreed and refused to find that the decision in Advocates for the Handicapped is binding under the FEPA. Caterpillar Tractor Co. v. FEPC, No. 80CH4647 (July 6, 1981).)

In Melvin v. City of West Frankfort, 93 Ill. App.3d 425, 417 N.E.2d 260 (February 23, 1981), the Fifth District Appellate Court ruled that Article I, Section 19 of the Illinois Constitution, buttressed by the Human Rights Act, the EOHA and the White Cane Law, Ill. Rev. Stat. 1979, ch. 23, §3365, operated to invalidate a provision of the Municipal Code which declared:

"No person shall be appointed to the police or fire department [of a municipality] if he has suffered the amputation of any limb unless the applicant's duties will be only clerical or as a radio operator" Ill. Rev. Stat. 1979, ch. 24, §10-2.1-6"



The court observed that the Illinois constitutional and statutory prohibitions against handicap discrimination establish that "it is the express policy of this state that eligibility for employment be based upon individual capability", and that they "logically exclude distinctions which are not based upon particularized performance related incapacities."

One other decision related directly to a claim of handicap discrimination under the Fair Employment Practices Act. In Chambers v. FEPC, 96 Ill. App.3d 884, 422 N.E.2d 130 (May 26, 1981), the Appellate Court reversed the FEPC's dismissal of a charge brought by an individual whose emotional disturbances had led to his discharge by Ford Motor Co. The company had been willing to retain him in its employ if he obtained psychiatric treatment, but he refused; and the FEPC found that the company acted reasonably in light of the employee's behavior. The Court, however, ruled that the evidence did not establish that the employee's condition so unreasonably interfered with his work performance as to warrant his discharge.

4. Procedural Issues. The courts have continued to consider the effect of time limits under the FEP and Human Rights Acts. In Zimmerman Brush Co. v. FEPC, 82 Ill.2d 99, 411 N.E.2d 277 (September 29, 1980), the Supreme Court reaffirmed its previous decisions holding that the statutory time limits on the FEPC's processing of charges were intended to be mandatory, and that cases in which those limits were not met must be dismissed. But the complainant in Zimmerman Brush appealed to the U.S. Supreme Court, arguing that the ruling

operated to deny him due process and equal protection of the law. The U.S. Supreme Court heard arguments in the appeal in October. Logan v. Zimmerman Brush Co., No. 80-5950.

Another case resulted in the Appellate Court adopting a recent U.S. Supreme Court interpretation as to when the statutory period for filing a charge commences to run in academic cases. Board of Governors, Northeastern Illinois University v. Rothbardt, 98 Ill. App.3d 423, 424 N.E.2d 742 (July 17, 1981). The court reiterated that the 180-day period for filing a charge under the FEP Act (as under the Human Rights Act) is jurisdictional; and held that the period commenced to run when a faculty member received final notice of the termination of her employment though that notice came months prior to her last day actually worked.

Finally, litigation remains pending in the Illinois Supreme Court regarding the constitutionality of Section 9-102(B)(1) of the Human Rights Act which authorizes private suits in State courts on claims which were not timely processed by the FEPC. Wilson v. All-Steel, Inc., No. 54046. Section 9-102(B)(1) represents a reenactment of Section 8.01a of the FEPA, adopted in 1978 to provide an alternative remedy to complainants whose FEPC charges became time-barred when the Supreme Court announced that the time limits on the FEPC's processing of charges were mandatory. In the Wilson case, the Circuit Court of Kane County held that the alternative remedy unconstitutionally deprived employers of a right to be immune from such claims, which right accrued according to the court upon the expiration of the FEPC's time limit. The Department appealed that ruling to the Supreme Court.



STATE OF ILLINOIS  
**Human Rights Commission**  
32 West Randolph Street  
Chicago, Illinois 60601 (312) 793-6269

**Manuel Barbosa**  
Chairperson  
Elgin

**Commissioners**  
Marion N. Baruch  
Chicago  
Wallace L. Hell  
Taylorville

Arnold P. Jones, Jr.  
Chicago

Lillian A. Mitchell  
Carlyle

Randall Reynolds  
Springfield

Rebecca Sive-Tomashefsky  
Chicago

Howard R. Veal, Sr.  
Springfield

Alfred C. Whitley  
Chicago

David Strauss  
Executive Assistant

James R. Thompson  
Governor

To The Honorable  
**JAMES R. THOMPSON**  
Governor of Illinois,  
and the Honorable Members  
of the Illinois General Assembly

The first year of work for the Human Rights Commission was marked by several significant steps toward fulfillment of the great promise of our new law. The challenge of impacting on discrimination in employment, housing, public accommodations and access to financial credit, remains great and a fine start has been made.

The Implementation Committee for the Human Rights Act, made up of civic and community leaders, advocates and experts from throughout the state, provided an important impetus for our efforts through its counsel and support. The fine work of this committee illustrated convincingly the importance of citizen awareness and involvement in shaping those institutions which serve the public.

It was in this spirit of promoting awareness and involvement that the Commission joined with the Department of Human Rights in visiting communities throughout the state to inform citizens about the Human Rights Act, and obtain various views concerning discrimination problems through useful dialogue. Thus these meetings also provided helpful input to Commissioners, in meeting the challenge of rendering decisions which are consistent with public policy and law in this complex and developing field.

It is recognized by the Commission that the adjudication of cases is but one means of advancing the policies underlying the Human Rights Act. The promulgation of well reasoned interpretive rules should both give meaning to the law, and an opportunity for further public participation through the public hearing process. With this in mind, the Commission in conjunction with the Department of Human Rights, has initiated work on interpretive rules in the area of handicapped discrimination. It is anticipated that these rules will be finalized during the spring of 1982 and will be able to expand this effort into the other jurisdictions under the Human Rights Act. We hope to continue growth in public awareness and

support through dedicated efforts of individuals in the Commission and the Department. The Human Rights Act should improve the quality of life for all the people in our state. I hereby convey to you and the members of the Illinois General Assembly the first annual report of the Illinois Human Rights Commission.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Manuel Barbosa".

Manuel Barbosa  
Chairperson

February 23, 1982

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

FIRST ANNUAL REPORT

On December 6, 1979 Governor James R. Thompson signed into law the Illinois Human Rights Act, which created the broadest and deepest civil rights coverage for the people of Illinois in the history of the State. The Act created a bifurcated enforcement apparatus: a Department to investigate and a Commission to adjudicate, charges of civil rights violations brought by individuals, and/or in certain circumstances, the Director of the Department of Human Rights. Just after signing the bill into law, the Governor asked 95 Illinoisans from various parts of the civil rights community, from labor, industry, political structures, legal profession, and affected agencies, to form an Implementation Committee to make recommendations that would help make the Act be a truly effective instrument to eliminate unlawful discrimination.

Under the able leadership of the Chicago Urban League's James Compton, the Committee formed four subcommittees to more effectively accomplish its tasks. One subcommittee was charged with recruiting, screening, and recommending qualified candidates for the nine-member Human Rights Commission to the Governor. Melvin Hopson's subcommittee worked hundreds of volunteer hours to sift through nearly one hundred seventy five well qualified candidates to produce a pool of choices that cut across politics, geography, race and sex. The Governor appointed the nine-member Commission on April 2, 1980; all nine were unanimously approved by the Illinois Senate. Their names and home communities are:

Manuel Barbosa, Elgin, Chairperson  
Marion N. Baruch, Chicago  
Wallace L. Heil, Taylorville  
Arnold P. Jones, Jr., Chicago  
Lillian A. Mitchell, Carlyle  
Randall Reynolds, Springfield  
Rebecca Sive-Tomashefsky, Chicago  
Howard R. Veal, Sr., Springfield  
Alfred C. Whitley, Chicago

The Commission is charged with three main functions: approving settlements agreed to by the parties, considering charging parties' requests for review (appeals) of dismissals of charges by the Department of Human Rights, and adjudicating complaints of discrimination filed with the Commission by the Department of Human Rights. The Commission also considers appeals of default orders recommended by the Department against respondents and claims of settlement order violations. The Commission receives all its work from the Department's activities - it has no public intake.

The Commission staff of ten is totally devoted to supporting one or more of the above-listed functions. Although FY81 was a lean budget year, the Commission was able to expand its staff of administrative law judges (ALJ's) from three to five to handle the increased work load anticipated from the Human Rights Act's expanded coverages. The ALJ's accomplishments and functions are clearly described in a special section of this report.

The Commission, created amidst a healthy government-citizen cooperative push, saw its first year as requiring not only a strong organizational effort to make its work efficient, effective and credible, but also mandating public education of the main features of the law and the procedures established by the Department and Commission to protect the rights of complainants and those responding to charges of civil rights violations.

Accordingly, three member Commission panels met in ten different Illinois cities, from Rockford to Carbondale, East St. Louis to Danville. The Full Commission also scheduled meetings in Peoria and Elgin as well as its Chicago headquarters and Springfield office. Hundreds of people were able to witness the Commission in action, and most stayed after the official business meetings for informational seminars conducted jointly by the Commission and Department.

Commission Chairperson Manuel Barbosa, a practicing attorney, believes strongly that the agency's task is not only to produce high quality decisions but to assure that the budget recommended by the Governor and appropriated by the General Assembly is well spent in terms of quantity of production. All those who seek relief through the Act desire and expect fair treatment including avoidance of unnecessary delays. Thus, Mr. Barbosa directed the three member panels to meet once each month and the Full Commission to meet monthly. A panel or full commission meeting was held nearly every Wednesday of Fiscal Year 81, to rule on motions, approve settlements, consider requests for review, and adjudicate recommended orders and decisions of Commission ALJ's. The results for FY81 are set forth in the following statistical table.

STATISTICAL SUMMARY OF DECISIONS OF THE

ILLINOIS HUMAN RIGHTS COMMISSION

JULY 1, 1980 - JUNE 30, 1981

Settlements Approved	375
Requests for Review Decided	227
Motions Decided	105
Orders and Decisions	43
Total Decisions:	<hr/> 750

FURTHER BREAKDOWN

Requests for Review:

DHR Dismissal Affirmed*	201
DHR Dismissal Vacated*	26
Percentage of Dismissals Affirmed	88.5%
Percentage of Dismissals Vacated	11.5%

Orders and Decisions:

Recommended Order & Decisions Affirmed, in whole or in part	39
ROD's Reversed	4
Percentage of ROD's Affirmed, in whole or in part	90.7%
Percentage of ROD's Reversed	9.3%

Terms of Settlement:

Settlements Disapproved	1
Settlements Deferred and later Approved	5
Percentage of Settlements Disapproved	.26%
Percentage of Settlements Approved	99.74%

\* In cases where the Department does not oppose the request for review the Commission automatically vacates the dismissal by having the Executive Assistant issue a form order. Those cases are not included in this tabulation.



SIGNIFICANT COMMISSION ORDERS

Although much of the first year was devoted to growth and efficiency, the majority of the people of the state and especially the professional legal community know the Commission by the quality and scope of decisions it makes. Perhaps the most notable of these in FY81 was the case of William Prince, et al v. Board of Trustees, Community College District 508. The Human Rights Act protects people from unlawful discrimination because of age (40-70). The Board of the City Colleges of Chicago believed that their policy of retiring tenured professors at age 65 did not violate that section of the Act. Three professors were notified in August, 1980, that they would be retired before the start of the Fall 1980 semester. They filed charges with the Department. After being advised that many other professors at the City Colleges would be affected and realizing that other colleges and universities had a vital interest in the outcome, Director Joyce Tucker initiated a charge of civil rights violation against the same respondent. The Department was granted a temporary injunction to prevent the complainants' forced retirement, and the Department filed a complaint with the Commission. The Commission found that the Board of Trustees had indeed violated the Act and ordered it to cease and desist from retiring complainants, and those similarly situated, before age 70.

The Board of Trustees appealed, and in the Fall of 1981 the Illinois Supreme Court upheld the Commission's decision.

Two additional matters of some note were requests for review of DHR dismissals in which Commission panels vacated the dismissals and ordered the Department to enter findings of substantial evidence. In the matter of the request for review of George F. Dedic, Jr., the Commission held that substantial evidence of civil rights violation existed where termination from employment was due to the possibility of future injury rather than ability to perform the job. Similarly, in the matter of

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the request for review of Turl Whitecotton, the Commission held that in cases alleging failure to hire due to handicap the investigation must focus on whether the handicapped person can perform the job in question, not whether there is some uncertain possibility of future injury. The Whitecotton case resulted in a settlement agreement and the Department issued a complaint in the Dedic case on which a public hearing will be held.

THE ADMINISTRATIVE LAW DIVISION

The Administrative Law Division of the Illinois Human Rights Commission is charged under Section 8-106 of the Illinois Human Rights Act with the responsibility of conducting public hearings on complaints of discrimination filed by the Department of Human Rights. A staff of five Administrative Law Judges, all of whom are licensed attorneys, conduct hearings throughout the State of Illinois. Because of the complex nature of the relevant law, substantial preparation by the parties, including discovery proceedings and motion practice, is generally necessary. Public hearings, which are formal and conducted in accordance with the rules of evidence used in the courts, typically last a day and a half.

After the transcripts of the hearing and the post hearing briefs are completed, the Administrative Law Judge prepares a recommended decision, which includes findings of fact and a discussion of the applicable statutory provisions, court and Commission decisions, and other relevant authority. These recommendations are then referred to Commission review, during which the parties are given the opportunity to present argument for and against them. A Commission panel of three members has the option of adopting, reversing, remanding for further hearing, or modifying the recommended decision. Parties dissatisfied with a panel decision have the right to seek rehearing before the Full Commission.

In addition to the duties outlined above, the Administrative Law Division may also be called upon to assist the Commissioners in reviewing requests for review of the Department of Human Rights' dismissal of charges for lack of substantial evidence or refusal to accept a settlement. The division may also hear disputes regarding failure to comply with settlements.

The following data represent a breakdown of the disposition of cases within the Administrative Law Division during the first year of its operation under the new Human

Rights Act. With the exception of the last two sections the numbers reflect charges rather than complaints. The vast majority of the complaints in the Administrative Law Division are based upon a single charge; it is not unusual, however, for a complaint to consolidate several charges either because a single complainant has filed more than one or because the charges of several different complainants have been merged into a single complaint.

I. Overview of FY81 Statistics:

Charges carried over from the Fair Employment Practices Commission	244
Charges entering Administrative Law Division	190
	<hr/>
Total number of charges	414
Number of Dispositions	160
	<hr/>
Balance carried over to FY82	254

II. Breakdown of Dispositions:

1. Decisions for Complainants - on the Merits	44
2. Decisions for Complainants - not on the Merits	1
3. Decisions for Respondents - on the Merits	11
4. Decisions for Respondents - not on the Merits	24
5. Decisions for Complainant and Respondent - on the Merits	3
6. Settlements	38
7. Final Order and Decisions by Administrative Law Judges	39
	<hr/>
Total	160

"Decisions for Complainants - not on the Merits" refers to those rare instances where a respondent defaults and does not proceed with its defense. "Decisions for Respondents - not on the Merits" includes complaints that were dismissed either on

jurisdictional grounds or because the complainant failed to prosecute his/her case. "Decision for Complainant and Respondent" refers to complaints in which complainant filed a single charge containing multiple issues and did not prevail on all of them and/or failed to receive all of the prayed relief. An Administrative Law Judge closes a case with a Final Order and Decision where the charges are withdrawn. Such withdrawals may occur for a variety of reasons. Most frequently, they occur because a complainant has decided not to pursue his cause of action or because the parties wish to settle without disclosing terms. The latter event is clearly the more common resolution.

The statistics above indicate that the Administrative Law Division is effective as a vehicle for settlement, as well as for resolution by means of hearing and decision. In the past year an effort was made to improve performance in this regard by means of extensive use of prehearing conferences. Settlement discussions were also encouraged in some instances even after the hearing had begun, with the result that cases were settled after several hours of testimony.

Although the majority of withdrawals appear to be the result of undisclosed settlements, a number of complainants cited inability to retain counsel as the reason for their action. Although it is impossible to determine the diligence with which this group of complainants conducted their search, there seems cause to conclude that the attorney fees provisions in the Human Rights Act have not totally removed the cost of litigation as a bar to proceeding. Although complainants are advised of their right to proceed without counsel, this option is rarely exercised.

IV. Breakdown of Dispositions on the Merits:

	<u>Complainant</u>	<u>Respondent</u>	<u>Complainant &amp; Respondent</u>
Race	3	3	0
Sex	5	4	1
Handicap	1	2	1

	<u>Complainant</u>	<u>Respondent</u>	<u>Complainant &amp; Respondent</u>
National Origin	0	1	0
Age	1	0	0
Retaliation	<u>0</u>	<u>1</u>	<u>1</u>
Total	10	11	3

All of the above decisions dealt with issues of employment discrimination. Because of the length of time required to process charges under the Act, there were very few complaints relating to the jurisdictions that the Human Rights Act added to the Fair Employment Practices Act. One decision, that relating to age discrimination in employment, was based upon the added jurisdictions.

As the statistics above would indicate, FY81 was a period of transition for the Administration Law Division. The expanded jurisdiction of the new Human Rights Act has yet to make significant impact upon the division's caseload. Presumably, the number of cases from the newly added jurisdictional areas will increase during FY82. Also, one may expect that the division will be called upon to function in fact finding hearings in connection with requests for review of charges dismissed by Department of Human Rights and settlement disputes. Further, it is already apparent that internal policies adopted by the new Commission and increases in staff are having a significant effect on productivity. Thus, we can expect that the second year of the new Commission and the new Act will see important quantitative and qualitative changes in the work of the Administrative Law Division.

STAFFING AND FUNDING

The current organizational chart of the Commission is attached. In FY81, a budget of \$359,600 was appropriated for the Commission, consisting entirely of General Revenue Funds. Only \$310,200 was expended by the Commission. The prime factor in the lapsed funds was the freeze placed on hiring and creation of new positions in November, 1980. The accompanying chart shows the obligational authority and expenditures by line item for FY81. It should be kept in mind that all expenses for rent, utilities, postage and in-house xeroxing are found in the budget of the Department of Human Rights.

THE FUTURE

In FY82, the Commission expects to meet the challenge posed by declining state revenues by streamlining its public hearing guidelines so as to produce quicker case resolution. Additionally the Commission will continue to work with the Department of Human Rights to help educate the people of Illinois as to their rights and responsibilities under the Human Rights Act. Included in this will be promulgation of rules interpreting sections of the Act so that the protected classes and employers will know how to comply with the law without undergoing costly litigation.