

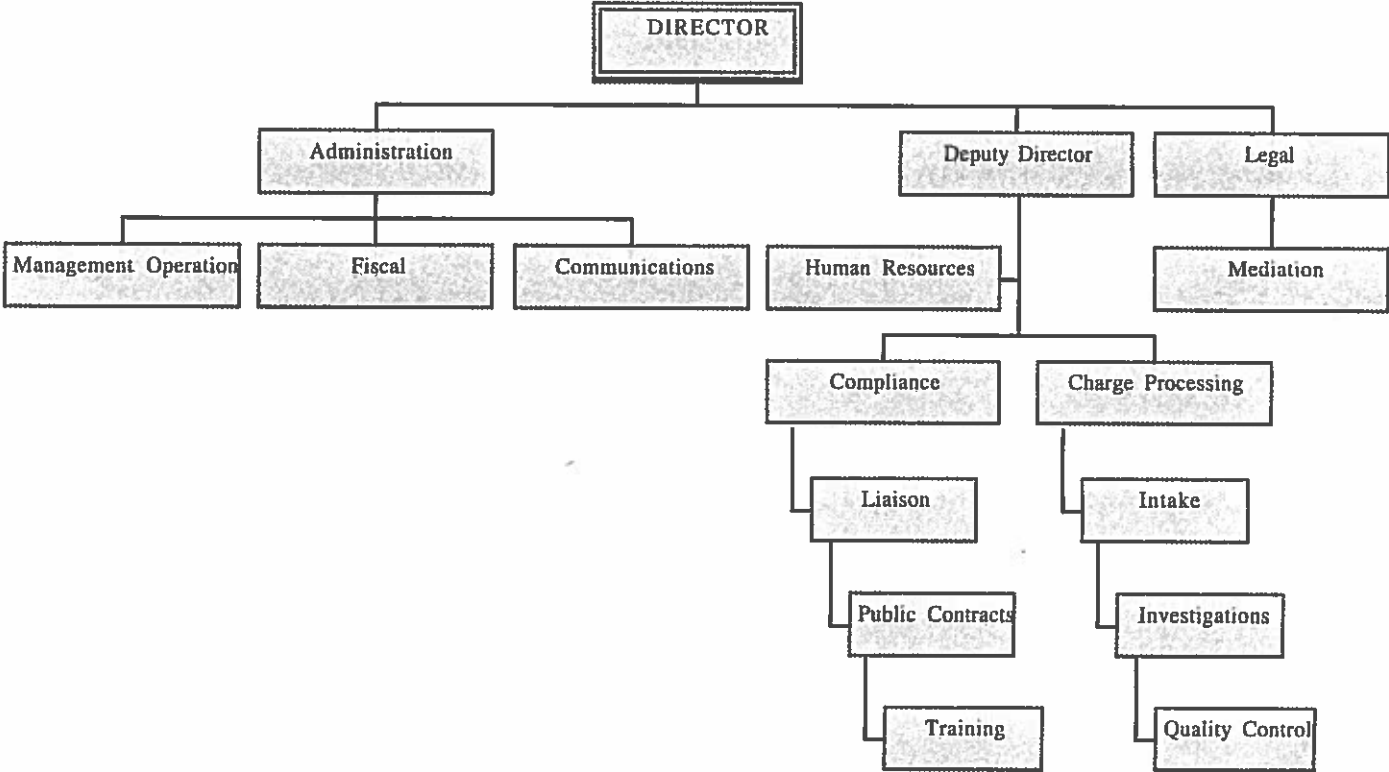
INTRODUCTION

ILLINOIS DEPARTMENT OF HUMAN RIGHTS **MISSION STATEMENT**

TO SECURE FOR ALL INDIVIDUALS WITHIN THE STATE OF ILLINOIS FREEDOM FROM UNLAWFUL DISCRIMINATION OR SEXUAL HARASSMENT IN EMPLOYMENT AND IN HIGHER EDUCATION. TO ESTABLISH AND PROMOTE EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION AS THE POLICY OF THIS STATE IN ALL OF ITS DECISION, PROGRAMS AND ACTIVITIES. TO MAKE THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS AN ADMINISTRATIVE STANDARD OF EXCELLENCE IN TERMS OF THE QUALITY AND QUANTITY OF ITS WORK PRODUCT AND THE WORK ENVIRONMENT FOR ITS EMPLOYEES.

SEPTEMBER 30, 1991

IDHR TABLE OF ORGANIZATION



THE HISTORY OF THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS AND ITS PREDECESSOR AGENCIES: 1947 -1997

SECURING AN ANTI-DISCRIMINATION LAW IN ILLINOIS

In 1933, the Illinois General Assembly enacted legislation prohibiting employment discrimination because of race or color on public works projects. No remedy for discrimination or enforcement mechanism was provided in the statute and it proved ineffective in eliminating the open and systematic discrimination suffered by minorities at the time and exacerbated by the effects of the great depression. The law did serve to indicate some concern over the problem of discrimination and embodied the principle of positive governmental action in protection of citizen's rights.

The rapid industrialization accompanying the eruption of World War II gave rise to a fresh perspective to the issue of discrimination. Despite a tremendous need for workers in the defense industries, minorities and women continued to be excluded from these jobs. In 1941, A. Phillip Randolph, International President of the Brotherhood of Sleeping Car Porters, threatened to lead 100,000 African-American in a march on Washington and in subsequent work stoppages absent some remedial efforts at the national level. Threatened with potential paralysis of the national railway system, President Franklin Roosevelt created, by executive order, a Fair Employment Practices Commission and outlawed discrimination in defense industries. The Commission lacked funding and substantive authority and its overall effect was negligible. It soon became apparent, however, that the immense need for defense workers could be met only by tapping the pool of available minorities and females. For the first time, members of these groups entered the industrial workforce in large numbers and made an essential contribution to the national war effort.

The war's conclusion saw rapid erosion of the minority and female employment gains. The attention of those seeking equity in employment decisions again turned to securing governmental protection of citizen's

rights. In 1945, New York enacted the first state Fair Employment Practice (FEP) law. By 1961, sixteen other northern industrial states had passed such a law, with Illinois being the sole exception. In 1964, Congress enacted the Civil Rights Act, Title VII, which made employment discrimination because of race, color and discriminatory origin unlawful and created the Equal Employment Opportunity Commission to investigate and conciliate charges of discrimination. The next year saw the promulgation by President Lyndon Johnson of Executive Order 11246 prohibiting discrimination and mandating affirmative action by federal contractors.

That Illinois lacked a FEP law in 1960, was by no means due to want of effort. Each session of the General Assembly between 1945 and 1960 saw some effort to pass such a law with major campaigns being launched in 1949, 1951, 1953, and 1959. In each of these years, FEP legislation passed the Illinois House of Representatives but failed to win Senate approval.

The initial attempts at passing the FEP law were made by a coalition of groups led by the Anti-Defamation League of B'nai B'rith. The coalition included such groups as the National Association for the Advancement of Colored People (NAACP), the Urban League, and Friendship House. They were joined in subsequent efforts by the United Auto Workers, the Congress of Industrial Organizations (CIO), the American Jewish Congress, the Church Federation of Greater Chicago, and a number of influential Roman Catholics including Bishop Bernard Sheil. In 1949, the Fair Employment Practice Committee was created to coordinate the legislative effort with ADL's Albert J. Weiss serving as its first head. In 1953, it was replaced by the Illinois Committee for Equal Job Opportunities (ICEJO). These groups launched an extensive education and lobbying effort aimed at legislators, business interests, labor organizations, churches, community groups and the general public during each of the legislative campaigns but were greatly hampered by a lack of funds and workers. Within the legislature, the effort was led by Represen-

tative Corneal Davis with the support of progressive legislators on both sides of the aisle.

On each occasion, the FEP bill was strongly opposed by the State Chamber of Commerce, the Associated Employers, the Illinois Manufacturers Association, and other business interests. These groups wielded a strong collective influence in the General Assembly and succeeded in keeping the bill from passing the Senate each time it was introduced. The opponents felt that an FEP law would unduly intrude on the rights of business owners to operate their firms, would require them to hire unqualified persons, that no law could create an atmosphere of tolerance and good will among people, and that the cost of complying with the law would drive businesses out of the state.

The proponents countered these arguments by pointing out that the law would not compel employers to hire anyone unqualified. They also argued that discrimination was much more costly to business since welfare benefits were paid from tax revenues. Finally, they stressed that the law was remedial and not punitive in nature and that no order of the proposed commission would become final until a court of law so ordered, thus protecting the due process rights of employers.

By the late 1950's, the social climate in Illinois had changed in several ways that made the passage of an FEP law more probable. Perhaps the most important factor influencing the change was the birth and rapid growth of the civil rights movement led by Dr. Martin Luther King Jr. and his associates. The movement led to increasing demands for equality in all aspects of life for all Americans and equality of employment opportunity became a critical issue. Another major factor was some change in the intransigence of the business community towards a FEP law led by such enlightened employers as Inland Steel, Carson Pirie Scott and Company, and the Yellow Cab Company. The president of Bell and Howell, Charles Percy, became a strong advocate of the law. Strong support by the media was increasing, even in some downstate areas. Finally, the groups making up the Illinois Committee for Employment Job Opportunity continued their unceasing efforts to educate and influence key legisla-

tors to support the law and were joined in the effort by the League of Women Voters, the Chicago Bar Association, the Catholic Interracial Council, and the Chicago Association of Commerce and Industry.

The cumulative effect of the factors noted above proved decisive during the 1961 legislative session. Bipartisan support for the FEP bill had grown substantially in comparison to prior legislative sessions but its chances for Senate approval remained doubtful. The House sponsors, led by Representative Corneal Davis invoked a routinely ignored provision of the Constitution requiring that all bills be read in their entirety. This move had the effect of precluding consideration of all bills sent over from the Senate and brought the legislative process to a standstill. A series of negotiations ensued and resulted in bipartisan Senate Bill 609, sponsored by Senators Arrington, Smith, Sprague, O'Brien, Korshak, and Meyer, which passed the Senate on a vote of 31 ayes and 24 nays. The House rapidly concurred and, on June 30, 1961, the bill was sent to the governor for signature.

On July 21, 1961, Governor Otto Kerner signed the Illinois Fair Employment Practices Act. Its stated purpose, contained in its preamble, was "to promote the public health, welfare and safety of the People of Illinois by reducing denial of equality of employment opportunity." A major victory for the civil liberties of all Illinois citizens had been won by the passage of the FEPA. A new challenge now emerged, that of transforming the legal mandate into structures and procedures to make equal employment opportunity in Illinois a reality.

**THE ILLINOIS FAIR
EMPLOYMENT PRACTICES
COMMISSION:
1961 -1980**

The Illinois Fair Employment Practices Act (FEPA) of 1961 prohibited employers, labor organizations, and employment agencies from discriminating against employees and applicants because of race, color, religion, and ancestry. Also prohibited was any retaliation by an employer against an employee opposing employment discrimination. At the outset, only employers with 100 or more employees were covered by the Act.

The Act created the Fair Employment Practices Commission (FEPC) which was empowered to receive, investigate, and resolve charges of discrimination filed by aggrieved parties. The Commission would consist of a chairman and four commissioners with the authority to establish rules and regulations, set operating policies, render final decisions in charges of discrimination, and hire staff as needed. Charles W. Gray was appointed the first chairman; Helen Foreman, Robert J. Meyers, James Kemp, and George L. Seaton became the first commissioners and John G. Cheeks was appointed the first executive director. The first staff consisted of a secretary, Emma Jean Black, and two field representatives. Operations were commenced on January 24, 1962 with an initial appropriation of \$100,000.

The Commission immediately set about the task of formulating rules and regulations and establishing procedures for the receipt, investigation, and resolution of charges. The format established at that time remained fundamentally unchanged during the Commission's existence. A complainant would file a charge of unfair employment practice and the respondent employer, labor organization, or employment agency would be served notice of the charge. A Commission field representative would investigate the charge by interviewing both sides and examining relevant documents. A report would then be prepared for the Commission recommending a finding of substantial evidence or dismissal for lack of substantial evidence, lack of jurisdiction, or failure to proceed. If the Commission found substantial evidence it would

order a licensed attorney to attempt conciliation of the matter. If conciliation attempts were unsuccessful, a Complaint of Unfair Employment Practice would be issued by the Commission and the case assigned to a hearing examiner for public hearing. The Commission would then issue a final order and decision based on the hearing officer's recommendation. The Commission had the authority to issue subpoenas and to seek enforcement of its orders in the Illinois courts. By January 1, 1965, FEPC had received 569 charges. Of these, about 180 were adjusted or conciliated by the Commission and the rest were dismissed. The policy of the Commission at that time was to resolve charges wherever possible through mediation with the complainant and respondent. Because the staff was small investigations tended to be limited in scope and depth. Despite the Commission's jurisdiction being limited to employers with 100 or more employees, charges continued to mount.

By January, 1970, FEPC had received 3,791 charges. Full-time staff attorneys and hearing examiners were hired to assume duties previously handled by the Commissioners themselves and the investigative staff was strengthened.

In 1971, the Act was amended to prohibit discrimination because of sex a response to the increasing demands of women for job equality, it increased the Commission's workload substantially.

In 1973, the Act was again amended to require that all parties contracting with state agencies practice affirmative action in employment to eliminate the current effects of discrimination. This legislation was sponsored by Representative Harold Washington and was modeled on federal Executive Order 11246 mandating affirmative action by federal contractors. Its enactment marked an important addition to the state's civil rights philosophy because of its focus on changing employer patterns and practices that were systemic in nature and the requirement that employers actively recruit and hire members of protected class groups hitherto excluded from workforce participation. This concept was further expanded in 1975 by an amendment authorizing the Commission to initiate charges of unfair employment practices.

Persons with physical and mental handicaps unrelated to job-performance ability were added to the list of persons protected by the FEPA in 1975 in recognition of the mounting evidence of widespread employment difficulties faced by these individuals. That same year, the Act was further amended to prohibit discrimination against persons holding less-than honorable (not dishonorable) discharges from the military, an outcome of many with military service during the Vietnam era.

In 1976, the jurisdiction of FEPC was extended to all employers with 15 or more employees. This made the Fair Employment Practices Act one of the most comprehensive laws of its kind in the United States. Unfortunately, these expansions of coverage were unaccompanied by increases in funding and FEPC was finding it difficult to operate with the vastly increased workload. During Fiscal Year 1974, 3,200 persons had sought the Commission's assistance and 1,668 charges had been docketed. During Fiscal Year 1979, 16,103 persons were interviewed by Chicago and Springfield intake staff and 2,343 charges were docketed. The investigation of a charge had become increasingly sophisticated during the 1970's and was taking longer.

The Commission's investigative staff of 20 had not increased for several years. Despite the initiation of an expedited charge processing system and computerization of case records the backlog of unprocessed charges continued to grow. To further complicate the situation, the Illinois Supreme Court ruled, in early 1978, that FEPC had lost jurisdiction over approximately 2000 charges it had been unable to process within 180 days of their being filed and final disposition of these cases remained uncertain due to the Commission's decision to contest the Supreme Court's ruling and legislative attempts to provide complainant remedies.

By 1978, voices from within and without state government were questioning whether the State's civil rights laws were being enforced in the most effective and appropriate manner possible. FEPC's chronic backlog was but one component of a larger problem caused by the existence of eleven separate state civil

rights laws, some with conflicting provisions, and three state civil rights agencies, FEPC, the Illinois Commission on Human Relations, and the Illinois Department of Equal Employment Opportunity. Before discussing the means through which the problem was solved, some historical background on the other two agencies is appropriate.

THE ILLINOIS COMMISSION ON HUMAN RELATIONS: 1947 - 1980

In 1943, a number of persons interested in interracial and interfaith harmony formed a private Commission on Human Relations. This body was given status as a state agency in 1947 under the name Illinois Interracial Commission. Dr. Martin Hayes Bickham was appointed the first chairman by the governor and Mr. A. Leon Bailey became the first executive director. In 1949, the agency's name was changed to the Illinois Commission on Human Relations (ICOHR), the name retained until its merger into the Illinois Department of Human Rights in 1980.

The Commission was charged with "investigating the most effective means of affording employment opportunity in profitable employment to all persons, with particular reference to training and placement, and cooperation with civic, religious, and educational organizations in promoting tolerance and good will." It was initially made up of fourteen commissioners and a staff of two and eventually expanded to twenty commissioners and a staff of twenty-eight.

From the outset, the Commission adopted a philosophy that its mandate of fostering equal employment opportunity and interracial harmony could best be accomplished through a mix of activities featuring education, communication, mediation, and community action. It operated an extensive program of public education directed at schools, labor organizations, churches, and civic groups of all kinds and designed to inform these groups about individual rights under the law. It published a series of reports addressing issues of race, sex, religious, and economic discrimination and issued numerous pamphlets and newsletters on these topics. Commission staff organized and

presented countless workshops throughout Illinois featuring such topics as housing discrimination, police-community relations, affirmative action, anti-Semitism, and interracial tolerance.

For years, the Commission maintained a program of mediating individual and group employment disputes where issues of discrimination arose. Prior to FEPC commencing operations in 1962, ICOHR was the sole forum for bringing a complaint of discrimination and while the Commission lacked law enforcement authority, it was nonetheless frequently able to resolve disputes through staff intervention and mediation efforts.

Recognizing that many civil rights issues needed to be addressed at the community level, the Commission set out to organize and form coalitions of local human relations commissions. ICOHR and these agencies collaborated in a wide variety of conferences, workshops, and seminars on housing problems, reduction of neighborhood hostilities, bilingual education, team building, and staff training and development.

**STATE WORKFORCE
AFFIRMATIVE ACTION AND
THE ILLINOIS DEPARTMENT OF
EQUAL EMPLOYMENT OPPORTUNITY:
1973 - 1980**

As the civil rights movement grew during the 1960's, agencies of federal, state, and local government came under increasing scrutiny over the underrepresentation of minorities, females, and persons with disabilities in their workforces. Advocates of equal employment rights reasoned that governmental entities

should be mandated to take a leading role in affirmative action efforts as a means of setting examples for other employers and in order to make government truly representative of the people it governed.

The State of Illinois' response to this issue came in the form of Executive Order 9, promulgated by Governor Daniel Walker in 1973. This order created the State Equal Employment Opportunity Office with the head reporting to the governor and housed administratively within the Department of Personnel. The office was charged with collecting data regarding the number of minorities, females, and persons with disabilities employed by state government, with developing policies and programs for increasing protected class representation in state agencies, and with monitoring agency compliance with the governor's order.

The office set about the formidable task of compiling data on the number of minority, female, and disabled workers in state agencies. Policies and procedures were established requiring each agency to develop and implement an affirmative action program to eliminate workforce underutilization. In response to a crying need for staff training in affirmative action techniques, workshops and seminars on these subjects were organized. The office played an important role in the first Hispanic State Employees conference held in December 1975, organized the first statewide training class for agency affirmative action officers in April 1976, and coordinated the first statewide survey of handicapped employees in September 1975 in conjunction with the newly formed Inter-Agency Committee on Handicapped Employees. By the end of its first three years of operation, the office was able to report an increase of 4,607 minorities in state government.

In 1976, Public Act 79-1441 was signed by Governor Walker. This Act gave statutory authority to the Equal Opportunity Office and expanded coverage to the state universities and the offices of the state constitutional officers. It also required each state agency to appoint an EEO officer and to submit an annual affirmative action plan.

The state's affirmative action programs were further strengthened when Governor James Thompson signed a bill creating the Illinois Department of Equal Employment Opportunity (DEEO). With this action, the State EEO Office was elevated to cabinet-level status and made independent of the Department of Personnel, actions necessary both to emphasize the importance of affirmative action and to assure the neutrality of the agency's monitoring programs.

The DEEO commenced operation on January 1, 1979. It was to exist for only eighteen months before its merger into the new Department of Human Rights. It nevertheless initiated a number of programs directed at eliminating discrimination in state government and increasing the representation of minorities, women, and people with disabilities in state agencies.

Through its Liaison and Agency Compliance Division, DEEO monitored state agency affirmative action plan development and implementation. Technical support and assistance was provided to agencies in identifying problem areas and means of resolving them.

The Training and Special Projects Division carried out a wide variety of EEO/AA training for EEO officers, managers and supervisors, and the public with over 3,000 persons receiving training during 1979 and 1980. Division staff also instituted a unique project of reviewing discrimination charges filed against state agencies in order to identify causal factors, systemic problems, and costs incurred to the state because of discrimination.

The Legal Research Division provided legal counsel to the Director and other departmental units. Staff members also received, investigated, and conciliated cases of discrimination filed against state agencies.

Despite its short-lived existence, the Department of Equal Employment Opportunity will be remembered for the substantial contributions it made towards assuring that state departments, agencies and instrumentalities promote equality of opportunity and affirmative action in all personnel decisions.

THE CREATION OF THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS

The creation of the Illinois Department of Human Rights can be attributed to actions precipitated by two events occurring during 1978. The first involved the formation by Governor James R. Thompson of a Cost Control Task Force which was charged with examining the structures of all state agencies to see how a more effective and efficient state government could be created. The second was the national convention of Operation PUSH in Kansas City convened in response to the Bakke decision where civil rights advocates identified a pressing need for a restatement and strengthening of all state civil rights laws. These two events set the stage for a major re-examination of civil rights law enforcement in Illinois.

One clear problem was the existence of eleven Illinois statutes covering various aspects of discrimination. State laws prohibited employment discrimination, prohibited age discrimination, required equal opportunity for the handicapped, required affirmative action in state government, required fairness in lending, prohibited discrimination in credit card issuance, prohibited real estate brokers from discriminating, prohibited blockbusting, and prohibited discrimination against families with children in real estate transactions. The various prohibitions were enforceable through a variety of administrative, civil, and criminal mechanisms although in some instances, no enforcement mechanism had been established. The limited type of discrimination covered by criminal statutes were generally not enforced. Some remedies depended on the filing of a lawsuit and were thus not realistically available to the many complainants unable to afford an attorney. The major administrative agency handling discrimination, the FEPC, was limited to employment matters and was laboring under a

severe backlog of charges it was unable to process. ICOHR and DEEO had no enforcement authority. A person experiencing discrimination was thus left with the frustrating task of sorting out which, if any, governmental unit would cover the type of injury sustained. Some laws overlapped and some actually conflicted in several defining categories of discrimination. The only action available to a victim of housing discrimination, for example, was to request the state's attorney to file a criminal complaint or to hire an attorney, and these avenues were only available if the complainant was handicapped. If not handicapped, the only remedy available was the potential revocation of the broker's real estate license.

Businesses, labor organizations, government agencies, and real estate interests were also frustrated by the lack of legal and administrative clarity. Defending against unfounded charges of discrimination and taking steps to comply with the various laws and administrative rules was very difficult and costly.

Both the Governor's Task Force and the various members of the civil rights community saw the need for the consolidation of both the laws and the administrative mechanisms pertaining to civil rights in Illinois. Governor Thompson took the first step in this direction by introducing Senate Bill 1377, the Illinois Human Rights Act, in 1979. The Act would prohibit discrimination in employment, housing, public accommodations, and financial credit because of race, color, sex, religion, ancestry, national origin, age, physical or mental handicap, unfavorable military discharge, and marital status. Also to be prohibited was retaliation against anyone opposing discrimination and/or filing a charge under the Act. The Act would create the Department of Human Rights to receive, investigate, and conciliate charges of unlawful discrimination, and to undertake affirmative action and public education activities. Also to be created was the Illinois Human Rights Commission, a body with the function of hearing and adjudicating cases brought before it by the Department. The purpose behind creating the Commission was the separation of the enforcement and judicial functions.

An action this sweeping in nature was bound to create controversy, opposition, and debate. Some African-American members of the General Assembly felt that the bill would weaken existing civil rights protection, would cause African-American state employees in affected agencies to lose their jobs, and would restrict minority group members from exercising their private rights of action in the courts. Some advocates for the handicapped feared that the rights of this group would be weakened. Real estate interests opposed what they believed was unwarranted governmental intrusion into operations of their businesses. Some employer associations felt that the prohibitions against age and marital status discrimination would engender a flurry of time-consuming and costly claims.

Proponents of the bill countered with a variety of persuasive arguments. One major argument was that the Act would reduce confusion and improve the efficiency of the state's civil rights protection effort. A group of African-American state senators, led by Senator Harold Washington, issued a position statement in support of the Act. They argued that the criminal sanctions and private remedies contained in the various laws were largely unenforceable and that the most realistic remedy for discrimination was to be found in a single administrative agency. They also pointed out that the Act provided for the transfer of all personnel and records of the affected agencies into the new Department and for the preservation of all existing claims and decisions. Other groups, representing a variety of minority, female, disabled, and other interests contended that a comprehensive anti-discrimination strategy, linking employment, housing, public accommodations, and credit issues, was the only feasible means for achieving progress in this area.

The Act's proponents and opponents engaged in lively debate during the Fall 1979 General Assembly session. In the House alone, ninety amendments were offered, giving rise to a lengthy series of negotiations among the parties involved. In the Senate, the Act was sponsored by Senator Harold Washington. The House sponsor was Representative Jim Reilly. After extensive consideration, SB 1377 passed the Senate with 54 out of 59 Senators voting in favor. Soon the House also passed the Act and it was sent to the governor for signature.

On December 6, 1979, Governor James R. Thompson signed into law Public Act 81-1216, The Illinois Human Rights Act. The signing took place at the Chicago Historical Society in the presence of legislators and members of the civil rights community. The Governor signed the bill on the desk used by President Abraham Lincoln to sign the Emancipation Proclamation in 1863, a fitting focus for the most comprehensive piece of civil rights legislation in Illinois' history.

The new law was to take effect ninety days after the Governor signed it. In order to make it a truly effective vehicle for eliminating unlawful discrimination in Illinois, the Governor appointed a 95 member implementation task force and appointed Mr. James Compton of the Chicago Urban League as the group's head. The group was broadly based and included Representatives from the Chicago and Cook County Bar Association, the Department of Housing and Urban Development and the Civil Rights Commission, the League of Women Voters, the NAACP, Operation PUSH, Senators Washington and Netsch, and Representatives Flynn-Currie, Reilly, and Taylor.

The task force members wasted no time in setting about the formidable task of making plans for consolidating the personnel, rules, records, and activities of three agencies without disrupting on-going operations. One major task was proposing and getting legislative approval for several clarifications and modifications to the new bill. Another task involved developing the new department's Fiscal Year 1981 budget of four million dollars and securing its approval. The most important task before the group however, was the screening of candidates for the positions of Director of the Department of Human Rights and Commissioners for the Illinois Human Rights Commission and making recommendations to the Governor. The committees responsible for this task labored many hours in its attempt to recommend the most appropriate persons to provide leadership to the new entities.

On April 2, 1980, the Governor appointed the nine-member Illinois Human Rights Commission. Attorney Manuel Barbosa, of Elgin, was named Chairperson. The other Commissioners named were: Marion

Baruch, Wallace Heil, Arnold Jones Jr., Lillian Mitchell Randall Reynolds, Rebecca Sive-Tomashefsky Howard Veal, and Alfred Whitley.

On June 19, 1980, the Governor named Joyce E. Tucker as the first Director of the Illinois Department of Human Rights. Ms. Tucker, a licensed attorney and graduate of the University of Illinois and the John Marshall Law School, brought with her extensive experience in the areas of equal employment opportunity and affirmative action. She had served as Chief of Affirmative Action for the Illinois Department of Mental Health and, in 1979, had been appointed by the Governor as Acting Director of the Department of Equal Employment Opportunity, one of the agencies to be merged into the new department. Ms. Tucker's appointment was confirmed by the Senate on June 23, 1980, thus making her the first African-American female to become a permanent head of a state cabinet department.

With the appointment of Director Tucker, Chairperson Barbosa, and the members of the Human Rights Commission, the work of the implementation task force was complete. For the leaders and staffs of the Department and Commission, however, the work was just beginning.

THE FIRST YEAR OF THE DEPARTMENT OF HUMAN RIGHTS

The first weeks of the new department's first year were filled with activity as Director Tucker and her staff set about the task of merging three agencies into one capable of meeting the new challenges of the Illinois Human Rights Act.

Drafting new administrative rules to guide the Department's operations became the major task of General Counsel Stuart Garbutt and the legal staff. Through their efforts, new administrative rules were promulgated and became effective September 17, 1980. Meanwhile, a major review of agency administrative, fiscal, and personnel policies was undertaken with the view of creating an efficient and effective civil rights agency for the State of Illinois.

The new Department occupied space spread over five floors of two buildings three blocks apart. Plans were immediately set in motion to consolidate operations and by June, 1981, the Department was operating in remodeled quarters at 32 W. Randolph. It would remain there until its March 1985 move to the tenth floor of the new State of Illinois Center at 100 W. Randolph. The Springfield office was also consolidated, first to the Alzina Building at 100 N. First, and subsequently to the sixth floor of the William G. Stratton Building.

The Department's functions were organized into five divisions: Administration, Charge Processing, Compliance, Community Relations, and Legal. The Administration Division was assigned responsibility for accounting, budget, personnel, public information, and information systems functions. The Charge Processing Division, the Department's largest, was assigned the task of receiving and investigating charges of unlawful discrimination. Within that division were located the Intake Section and the New Jurisdictions Section, the unit charged with investigating housing, public accommodations, and financial credit discrimination charges. The Compliance Division became responsible for monitoring affirmative action in state agencies and by public contractors, for conducting systemic investigations, for staff training and development, and for the program assisting persons with disabilities. Within a few months, the Illinois Affirmative Recruitment Program was added to its responsibilities. The Community Relations Division was given many of the public outreach and community education functions previously performed by the Illinois Commission on Human Relations. The Legal Division was given the responsibility for a wide variety of tasks including review and drafting of substantial evidence findings and complaint drafting, review of legislation and administrative rules affecting the Department, and the role of providing legal guidance and support to the other divisions.

This structure has remained essentially unchanged since 1980. The sole major structural modification involved the elimination of the Community Relations Division in 1983 due to budgetary constraints and the

absorption of its functions by the Staff Training and Development Unit of the Compliance Division.

During its first year, the Department carried out its organizational tasks while at the same time carrying out its statutory mission of receiving, investigating, and resolving charges of unlawful discrimination. Major activities of Fiscal Year 1981 included the following:

- *receipt of 20,575 inquiries about unlawful discrimination, docketing of 2,432 charges, and completion of 1,905 cases*
- *initiating a charge the City Colleges of Chicago that its mandatory retirement policies violated the Act and securing a ruling from the Human Rights Commission that these policies constituted unlawful discrimination*
- *starting the Illinois Affirmative Recruitment Program through which minority, female, and disabled applicants were screened and referred for state employment*
- *conducting a statewide series of public information sessions regarding the new Act and the Department*

In its 18 year history, the Department has expanded its programs to meet the challenges of workload expansion and development of civil rights law in Illinois. In the next few sections, the development of each of the major program arm is discussed.

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ADMINISTRATION REPORT

Annual Report - FY96 - FY97

Management Operations

Management Operations is administratively responsible for all general office services for the Department, insuring that IDHR employees are provided the necessary tools to effectively and efficiently perform their respective tasks. The functions of Management Operations includes Information Systems, Telecommunications Services, Operational Planning and Office Management. In addition to serving the Department's 201 employees, Management Operations staff assisted approximately 11,000 visitors to the Chicago Office in Fiscal Year 1997.

In Fiscal Years 1996 and 1997, Management Operations continued to automate the Department and was responsible for fulfilling the expanded space needs of the Springfield and Chicago offices. Significant accomplishments of Management Operations in Fiscal Years 1996 and 1997 are as follows:

- Implementation of the Intake Registration System. This new system is the basis for further Intake and Charge Processing automation efforts.
- Implementation of the Direct Event Entry System. This new system was developed to allow staff to directly enter event codes into the Department's existing Case Management Information System on the AS/400. It eliminated the time lag associated with batch processing, providing more efficient reporting for staff and/or management and increased accuracy for proper case management by limiting indirect involvement of centralized entry.
- Access to the Internet was provided to designated personnel for the purpose of legal, management, business and governmental research and development; expansion of communication opportunities; and greater access to information.

- Expansion of the Department's office space in both Chicago and Springfield to accommodate the additional staffing hired in Fiscal Year 1996 as a result of HB741.

- Case Management Information System (CMIS) continues to be enhanced to provide additional project management tools for staff. The system currently provides:

- Case status reporting used to track a charge;

Reports for managing case loads and establishing priorities;

Case statistics used to provide a variety of statistical reports;

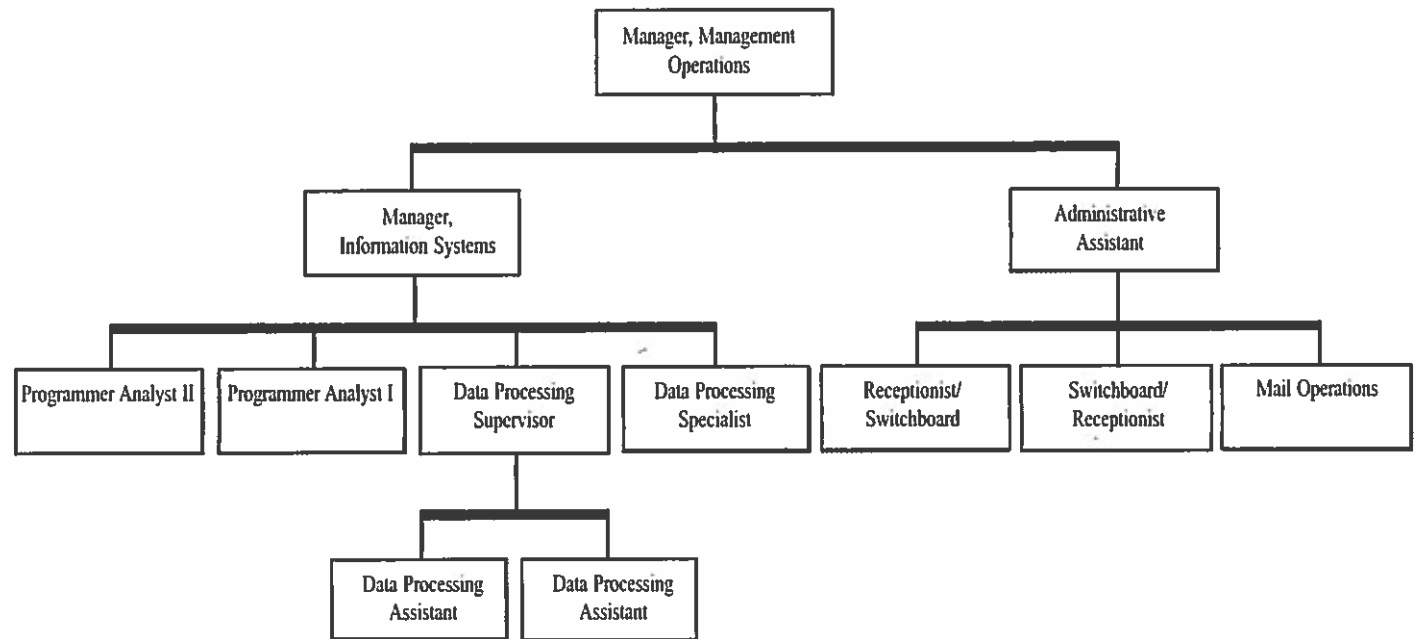
Answering case status inquiries;

- Maintaining information on all closed files.

This system additionally provides necessary projections, information requested by outside sources, and data for special projects.

- Provides the Illinois Human Rights Commission with access to the Case Management Information System (CMIS).
- The Public Contracts Information System (PCIS) contains information on vendors who are registered with the State of Illinois. All new requests for bidder numbers are entered into the PCIS.
- Access is provided for additional data center applications made available through Central Management Services, Bureau of Communication and Computer Services.

Management Operations Organization Chart



Annual Report - FY96 - FY97
Research, Planning and Development Unit

Fiscal Year Activities, 1996

RPD headed the Quality Control Task Force, which identified quality problems in investigation reports through data analysis, and focus group meetings with staff involved in all stages of charge processing. Also, RPD served as the co-chair of the Fact Finding Conference Task Force to review the Department's fact finding conference procedure. The recommendations from these two task forces have been under implementation since October, 1996.

RPD developed the Department's home page on the Internet as a part of the State of Illinois web pages. The Department's web site provided a broad array of information about the Department, from the procedure for filing a charge of discrimination to the links to other civil rights agencies' home pages. The Illinois Human Rights Act and Rules/Regulations are also downloadable from this site as well as the Department's pamphlets, such as the ones on *How to File a Charge*, *Sexual Harassment*, *Housing Discrimination*, *Mediation Program*, *Public Contractor's Policy*, etc.

RPD completed the analysis of home mortgage lending patterns of 531 lending institutions operating in the Chicago Metropolitan Area. The HMDA (Home Mortgage Disclosure Act) data research project was conducted under a contract with the United States Department of Housing and Urban Development. The eighteen month project successfully explored and established a new statistical model, reaching beyond the commonly resorted "logistic regression analysis" of loan approval-denial rates in the lenders' reported data. The two-part research report also identified patterns of conventional discriminatory practices, including redlining, exhibited by numerous lending institutions. In addition, the project team has published a PC manual for HMDA data users and distributed over 200 copies to the state and local governments and fair housing organizations in the nation.

The project team also developed program diskettes for IBM compatible PC's, distributable to the HMDA data users.

Fiscal Year Activities, 1997

RPD reviewed the adequacy of data and information generated by the Department's Information Systems Unit for the Department's division managers, program administrators and outside agencies. The recommendations from the findings include the needs for improving the Department's charge case tracking system, by enhancing the unit's programming capacity, substantially changing the format of the case monitoring data and overhauling the event code system, etc.

Working with the Public Contracts Registration Process Task Force, RPD compiled the information on public contractor registration and monitoring systems of 18 other states. It also analyzed the Department's computerized records of 33,733 public contractors. Based on the RPD's findings and the recommendations of the task force, the Department is overhauling its public contractor registration and monitoring system.

RPD analyzed the mediation evaluation data collected by the mediation team of the Legal Division during 1995-1996, and prepared a report in FY97. The analysis of 1,243 evaluation forms established that the parties participating in the Department's mediation of charges are highly satisfied with the procedure, information they received, and the mediators' performances, regardless of the results from settlement attempts. It also identified reasons for unsuccessful resolution and areas to be improved in mediation efforts.

RPD completed the second phase analysis of quality problems in the Department's investigation reports. The analysis of 3,690 case reports (completed from July, 1995 to December, 1996) identified the patterns of quality problems checked by the four-tier review system and gauged the effectiveness of the Department's quality control. The recommendations from this study are being reviewed by the management for implementation.

**Annual Report - FY96 - FY97
Fiscal Unit**

The legislature approved appropriations for the Department of Human Rights in the amount of \$6,282,400 in General Revenue Funds and \$1,169,385 in Special Projects for FY96 and \$7,492,900 in General Revenue Funds and \$1,342,500 in Federal Spending Authority for FY97. The Special Projects Fund or federal dollars is generated from a contract the Department has with the Equal Employment Opportunity Commission (EEOC), to investigate charges filed alleging employment and or age discrimination.

In FY96, the Department was appropriated \$1,200,000 in General Revenue to implement what the Department

called "Project Backlog". Project Backlog was initiated as a result of the passage of HB741 which required the Department of Human Rights to process charges of discrimination within 365 days. As a result of the passage of HB741, it was necessary for the Department to implement a plan to eliminate the 7000 cases in its backlog that were 300 days old, so that it could begin processing new charges on January 1, 1996, the effective date of the bill. The agency anticipates that it will take three years to complete the Backlog Project. In FY97 the agency was appropriated \$2,285,200. The Departments headcount increased by 65 staff because of the project.

Expenditures for the Department totaled \$6,256,393 in General Revenue Funds and \$1,128,908 in federal funds in FY96 and \$7,443,400 and \$982,000 respectively in FY97.

END OF YEAR HEADCOUNT

Division	FY93	FY94	FY95	FY96	FY97
Administration	12	12	12	12	12
Charge Processing	107	107	107	172	172
Compliance	17	17	17	17	17
Total	136	136	136	201	201

INCOME AND EXPENDITURES STATEMENT

	FY96		FY97	
	APPROPRIATIONS	EXPENDITURES	APPROPRIATIONS	EXPENDITURES
Personal Services	4,811,300	4,793,147	4,968,500	4,788,700
Retirement	192,600	184,106	249,100	237,900
Retirement (PU)	231,000	229,338	198,000	185,600
Social Security	368,900	359,409	376,000	356,700
Group Insurance	100,300	75,937	100,300	60,200
Contractual Services	207,600	205,920	313,100	206,600
Travel	197,405	97,269	94,500	94,200
Commodities	29,880	29,876	34,100	30,600
Printing	14,462	14,262	15,000	12,000
Equipment	36,654	36,654	17,100	10,800
Telecommunications	134,000	134,000	183,100	182,300
Project Backlog	1,200,000	1,197,500	2,285,200	2,259,800
DCCA Grant	27,885	27,885		
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$ 7,451,785	\$ 7,385,301	\$ 8,834,400	\$ 8,425,400

Annual Report - FY96 - FY97
Office of Communications

During FY96, the Office of Communications handled over 300 media inquiries. The majority of these calls were to confirm the existence of charges filed with the Department. Others dealt with policy, statistics, rules and regulations, and the Human Rights Act itself.

FY97 saw an increase in media calls, due mostly to the Department moving into its second year of a three year backlog elimination program.

Outreach and Education

In FY96, the Office of Communications unit members conducted more than twenty sexual harassment seminars with local business organizations, and branching out to local governmental bodies. This by far is one of the most extensive educational programs in the state. The number of business CEOs, resource people, and managers reached by our seminars numbered in the thousands.

In FY97, that number increase to more than thirty seminars: the largest audience being reached via a statewide AT&T conference hook up that allowed AT&T managers and supervisors around the state to participate in a half day sexual harassment training session that was conducted in Arlington Heights. AT&T managers located in East St. Louis were able to ask questions from their location and watch a training video.

Local governmental entities such as the municipalities of Greyslake and Maywood required all administrators and supervisors to attend our training sessions. Members of our unit have traveled from Peoria to Rantoul, and all areas in between. One session in Rockford, held in conjunction with the Rockford Chamber of Commerce, saw business people from Iowa, who do business in our state attend the session, as well as twenty managers from the Diamond Star plant.

FY97 was witness to businesses from as far away as Milwaukee, Wisconsin attend a day long training session in Crystal Lake High School. The jam-packed auditorium had organizers scrambling for chairs to seat the standing room only crowd.

FY96 saw the addition of ADA seminars added to our list offerings, and while the demand for this training is not as high as for sexual harassment we managed to conduct five training events in the first year.

Members of our unit received training in the area of conflict resolution, and immediately saw results when the Department was alerted to a situation that existed in Waukegan. The Hispanic community complained that it was be harassed by members of the local police department. The Department of Human Rights was able to bring both sides on the issue together to discuss the problem. Over the next several months, the problem was addressed jointly by DHR and local officials. This led to a request from the police chief for sensitivity training for his supervisors and staff. The intervention resulted in no charges being filed with the Department and periodic checks with the principles indicates that the situation is improving.

FY97 found conflict resolution training coming into play again when the Department intervened in a housing dispute in the Quad Cities. Once again, the Department was able to bring opposing parties together, and get them talking. To date no charges have been filed with the Department and even though the issue is not fully resolved, both sides coming closer together and negotiations are continuing.

Speakers Bureau

Another major outreach initiative is the Department's Speakers Bureau. FY96 and FY97 saw an increase in requests for speakers from the Department to address different aspects of DHR's charge. Of the 160 requests for speakers, the majority of requests were after work hour

assignments and were filled voluntarily by investigators, lawyers, and primarily members from the Communications Unit. Speakers addressed law students studying civil rights laws, legal groups, community based organizations, business groups, both mainstream and ethnic radio talk shows, housing groups, and educational institutions from the primary grades to the university level. The Communications Unit also arranged for the Director to participate in broadcast discussions about the Department and on specific, timely issues such as the reduction of the backlog and sexual harassment as the media focused its attention on allegations coming out of Washington, DC.

Video Production

In FY97, the Communications Unit gained the capacity to develop its own in-house training videos. The first project was the development of an informational video. This video will be shown in the reception area in an effort to educate and inform those coming to the Department to file a charge. It explains the responsibilities and limitations of the Department, as well as the responsibilities and rights of potential complainants. Too often, complainants have misconceptions regarding the services DHR can provide.

It is our belief that this video will lead to better understanding of the DHR process thus better preparing complainants for the investigation ahead.

Several future informational videos are planned: one dealing with mediation and another dealing with the fact finding portion of an investigation.

Internet

FY97 saw the development of the State of Illinois' web site, and its linkage with our new DHR web page. Communications was, and continues to be, very involved in the process of disseminating information electronically, including making copies of the Human Rights Act and Department's Rules and Regulations accessible on the Web. Additionally, all of the Department's informational pamphlets and brochures are available on our web site, thus making it possible for anybody who can access the Web to access the Department of Human Rights.

CHARGE PROCESSING DIVISION

CHARGE PROCESSING REPORT

Annual Report - FY96 - FY97 Charge Processing Division

The Illinois Human Rights Act states that it is the public policy of the State to secure for all individuals within Illinois freedom from discrimination based on race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status or unfavorable discharge from the military service in connection with employment, public accommodations, real estate transactions and access to financial credit. The Act also prohibits sexual harassment in employment and higher education, discrimination because of citizenship status in employment and discrimination based on familial status in real estate transactions.

Within 180 days (one year for real estate transactions) of the occurrence of an alleged civil rights violation, one may file a charge of discrimination with the Department. The Charge Processing Division investigates and attempts to amicably resolve those charges over which the Department has jurisdiction. If an investigation reveals substantial evidence of discrimination, a Department staff attorney will attempt to conciliate the matter. In the event of an unsuccessful conciliation, the Department will file a formal legal complaint with the Human Rights Commission.

Beginning in FY96, the Department's modus operandi was radically altered by Public Act 89-370, better known as House Bill 741 (HB741). HB741 requires that within 365 days of filing, the Department shall either file a complaint or order that no complaint be issued on all charges filed after January 1, 1996. Before HB741 was passed, the Department had 45 investigators, a backlog of over 7100 charges, and nearly 4500 new charges filed per year. Under these circumstances, it would have been impossible to process charges within the period of a year, since 45 investigators would not even have been able to process the annual intake.

Fortunately, the General Assembly appropriated funds for the Department to nearly double its investigative staff (to a high of 87 investigators) and hire additional supervisory, support and legal staff. The Department made a commitment to develop a plan to keep current with incoming charges and eliminate the backlog within three years.

Beginning in October, 1995, new staff were hired and got off to a fast start. Despite the fact that it takes about six months for a new employee to become productive, nearly 5000 cases were completed the first year of the backlog program. The backlog was reduced by almost 1000 cases that year, taking into consideration the almost 4000 new charges filed.

The second year of the backlog project, which ended June 30, 1997, was even more successful. The Department took in approximately 4300 new charges and case production rose to over 6700. As a result, the backlog was reduced by about 2500 cases. The end of the year backlog was at 3345 with just over 1000 of the original 5730 unassigned charges left.

As we move into the final year of the backlog project, we look forward to the elimination of the entire backlog within the Department. Complainants and respondents are all enjoying an efficient process, with all parties knowing that charges will be routinely completed within one year of filing.

The charts and graphs below present a summary of the activities of the Charge Processing Division during this period.

EMPLOYMENT DISCRIMINATION
Issues alleged as Act of Discrimination*
Fiscal Years 1995 - 1997

Issue	FY95	FY96	FY97	Issue	FY95	FY96	FY97
Discharge	2063	1997	2008	Forced Resignation	53	35	31
Terms and Conditions	321	339	552	Recall	55	30	48
Sexual Harassment	416	338	472	Oral Reprimand	42	25	21
Harassment	308	293	391	Forced Medical Leave	29	24	17
Suspension	238	271	283	Training/Apprenticeship	40	22	44
Hiring	235	236	253	Overtime	20	20	40
Failure to Accommodate	247	232	255	Union Representation	21	12	16
Promotion	288	226	276	Intimidation/Reprisal	16	10	6
Layoff	171	187	151	Employment Reference	18	10	7
Constructive Discharge	215	176	211	Forced Retirement	13	9	11
Written Reprimand	169	160	192	Severance Pay	9	8	7
Wages	162	147	171	Failure to Reassign	4	7	6
Demotion	150	119	145	Exclusion	6	6	4
Transfer	131	117	139	Job Classification	3	5	2
Unequal Pay	50	103	99	Aiding and Abetting	2	4	2
Position Elimination	77	84	67	Qualification/Testing	8	3	2
Racial Harassment	67	70	59	Vacation	6	1	9
Failure to Return/Medical Leave	68	66	46	Referral	0	1	4
Performance Evaluation	89	64	74	Advertising	1	0	1
Reduction in Hours	67	57	71	Seniority	2	0	3
Unequal Job Assignments	55	51	44	Tenure	1	0	2
Probation	52	47	46	Drug Testing	1	0	2
Benefits	52	38	35	Others	64	81	126
				Totals	6105	5731	6451

*Includes charges alleging more than one issue as acts of discrimination.

CASELOAD INFORMATION

	FY88	FY89	FY90	FY91	FY'92	FY93	FY94	FY95	FY96	YTD FY97
Docketed	4953	5077	4646	4887	4727	4391	4491	4393	3997	3451
Completed	3636	3635	3955	5721	4878	3677	3538	3861	4832	5813
Complaints filed by Complainants	178	222	225	249	345	281	319	323	306	106
Carryover	5779	6999	7465	6382	5886	6319	6953	7162	6021	3458
Charges completed per month	8.6	8.2	4.5*	7	6.9	6.8	6.6	7.8	7.2	6.9
End of Year Investigators (employment)	32	32	72	68	58	45	45	41	55	67

*Not all staff were on board all year.

EMPLOYMENT CHARGES BY BASIS

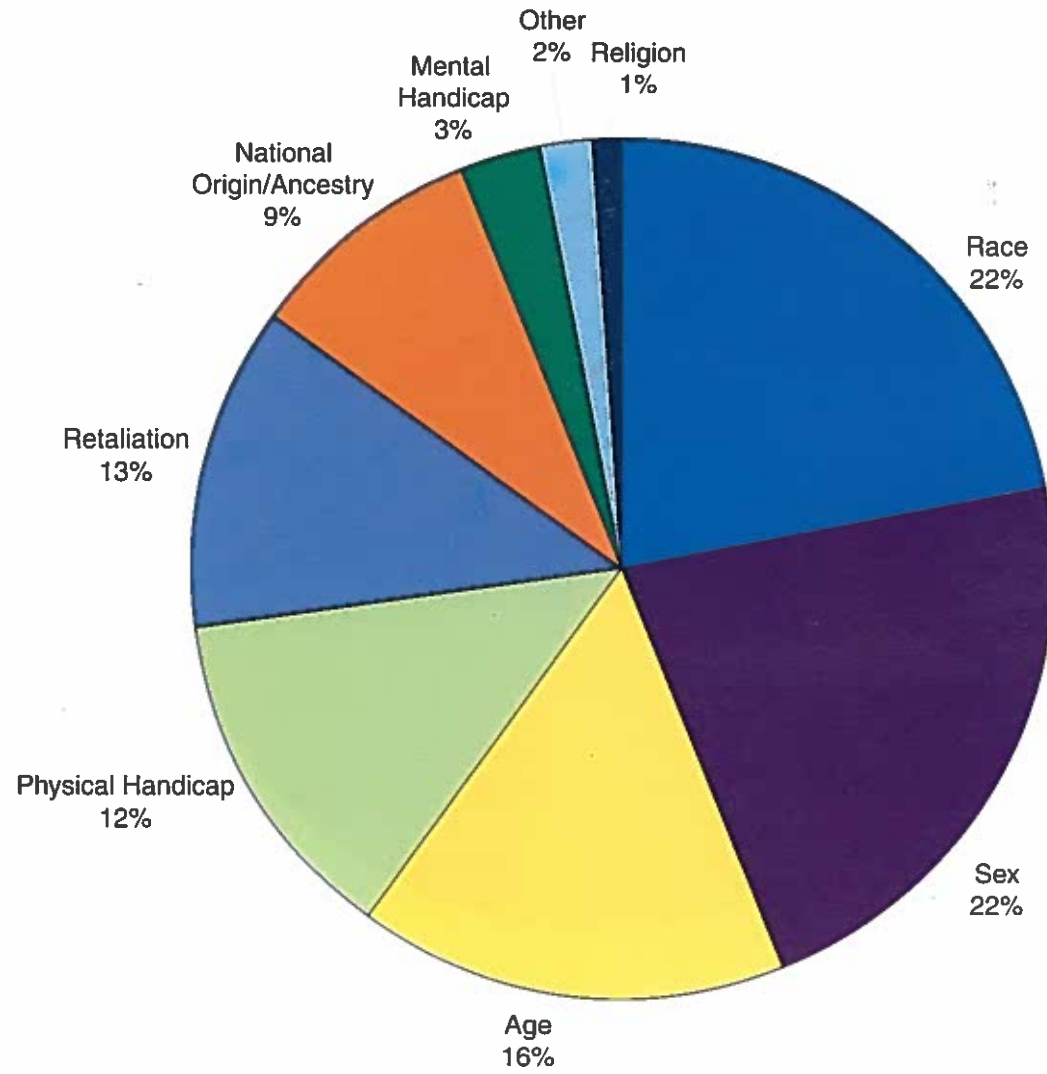
	FY92	% of Total	FY93	% of Total	FY94	% of Total	FY95	% of Total	FY96	% of Total	FY97	% of Total
Bases of Discrimination												
Race	1305	30.0%	1245	31.5%	1248	31.2%	1200	30.9%	1196	31.9%	1269	31.0%
Sex	1198	27.6%	1121	28.4%	1155	28.9%	1192	30.7%	1013	27.0%	1175	28.7%
Age	1034	23.8%	905	22.9%	900	22.5%	746	19.2%	443	11.8%	844	20.6%
Physical Handicap	1061	24.4%	834	21.1%	805	20.1%	734	18.9%	679	18.1%	652	15.9%
Retaliation	636	14.6%	585	14.8%	555	13.9%	634	16.3%	553	14.8%	724	17.7%
National Origin/Ancestry	532	12.2%	456	11.5%	505	12.6%	536	13.8%	544	14.5%	471	11.5%
Mental Handicap	133	3.1%	165	4.2%	154	3.8%	150	3.9%	134	3.6%	147	3.6%
Marital Status	83	1.9%	65	1.6%	66	1.6%	58	1.5%	33	0.9%	19	0.5%
Religion	87	2.0%	66	1.7%	64	1.6%	60	1.5%	60	1.6%	62	1.5%
Color	19	0.4%	23	0.6%	18	0.4%	15	0.4%	8	0.2%	6	0.1%
Aiding/Abetting	13	0.3%	13	0.3%	7	0.2%	4	0.1%	0	0.0%	0	0.0%
Citizenship Status**	0	0.0%	0	0.0%	4	0.1%	4	0.1%	0	0.0%	0	0.0%
Coercion/Interference	7	0.2%	6	0.2%	1	0.0%	3	0.1%	0	0.0%	4	0.1%
Arrest/Conviction Record	2	0.0%	5	0.1%	34	0.8%	29	0.7%	26	0.7%	27	0.7%
Military Discharge	2	0.0%	1	0.0%	0	0.0%	0	0.0%	1	0.0%	1	0.0%
Military Status**	0	0.0%	0	0.0%	0	0.0%	2	0.1%	0	0.0%	0	0.0%
Other***	22	0.5%	24	0.6%	20	0.5%	13	0.3%	11	0.3%	27	0.7%
TOTAL	6134		5514		5536		5380		4701		5428	

*Percent of total charges filed is greater than 100% because many charges out of the total charges filed were filed on more than one basis (e.g. race, sex, and physical handicap).

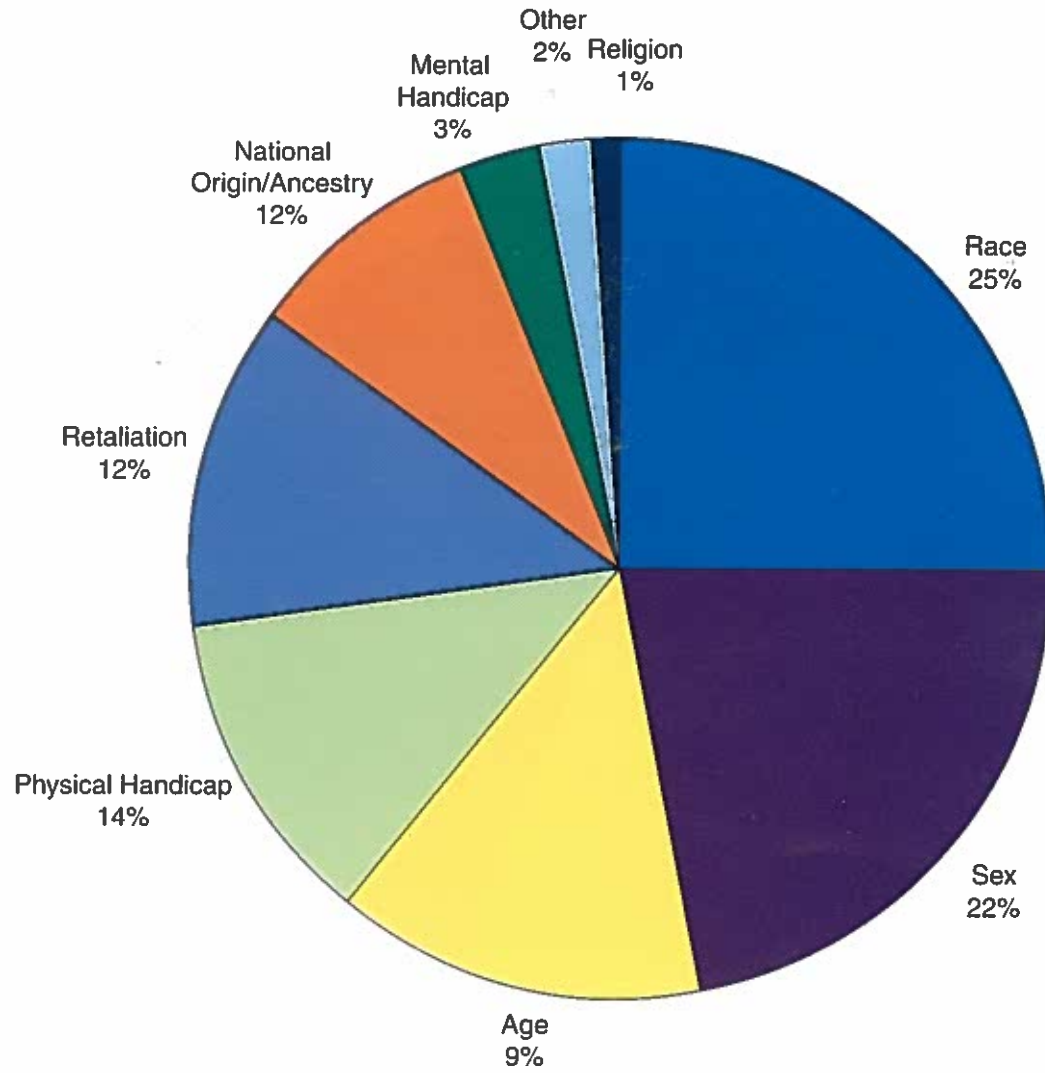
There were 1247 multiple basis charges filed in FY95, 1072 filed in FY96, and 1144 filed in FY97.

**Prior to FY94 these areas were not bases under the Human Rights Act or the Department's computer was unable to capture this information.

FY97 Employment Charges by Basis



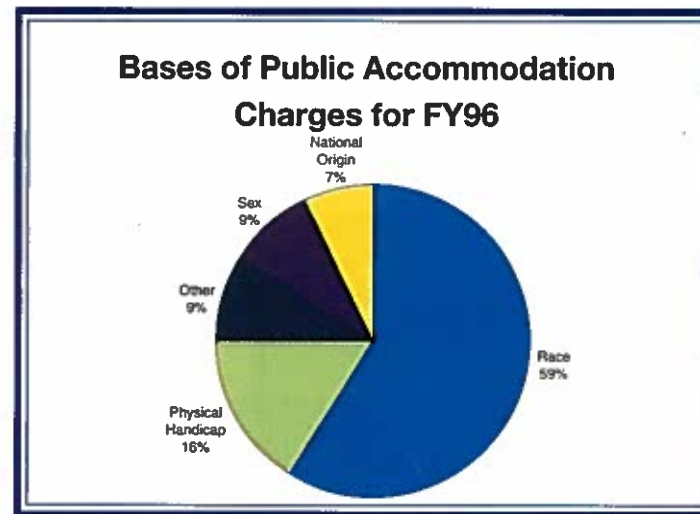
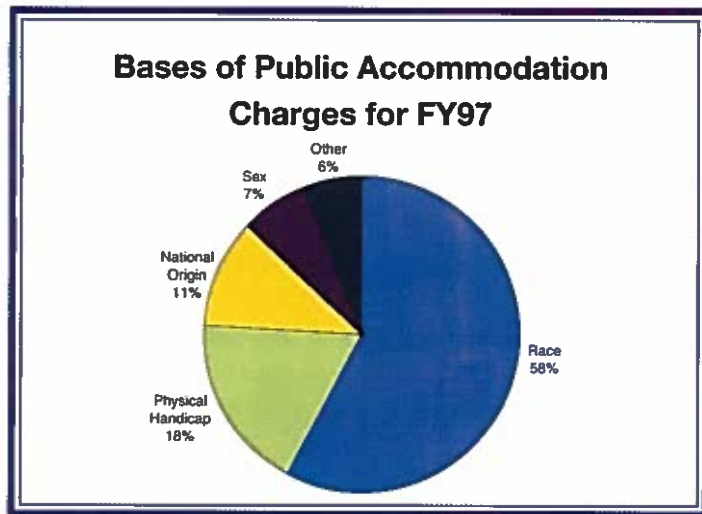
FY96 Employment Charges by Basis



BASES OF PUBLIC ACCOMMODATIONS CHARGES

BASIS	% of		% of		% of		% of	
	FY94	Total	FY95	Total	FY96	Total	FY97	Total
Race	85	45.9%	96	60.0%	86	67.2%	93	62.4%
Color	4	2.2%	2	1.3%	1	0.8%	0	0.0%
Religion	6	3.2%	6	3.8%	2	1.6%	1	0.7%
Sex	25	13.5%	16	10.0%	13	10.2%	11	7.4%
National Origin	14	7.6%	20	12.5%	11	8.6%	17	11.4%
Age	8	4.3%	5	3.1%	3	2.3%	3	2.0%
Marital Status	3	1.6%	1	0.6%	0	0.0%	0	0.0%
Physical Handicap	69	37.3%	33	20.6%	24	18.8%	28	18.8%
Mental Handicap	4	2.2%	3	1.9%	5	3.9%	1	0.7%
Retaliation	6	3.2%	8	5.0%	2	1.6%	3	2.0%
Other	2	1.1%	2	1.3%	1	0.8%	2	1.3%
TOTAL BASES	226		192		148		159	

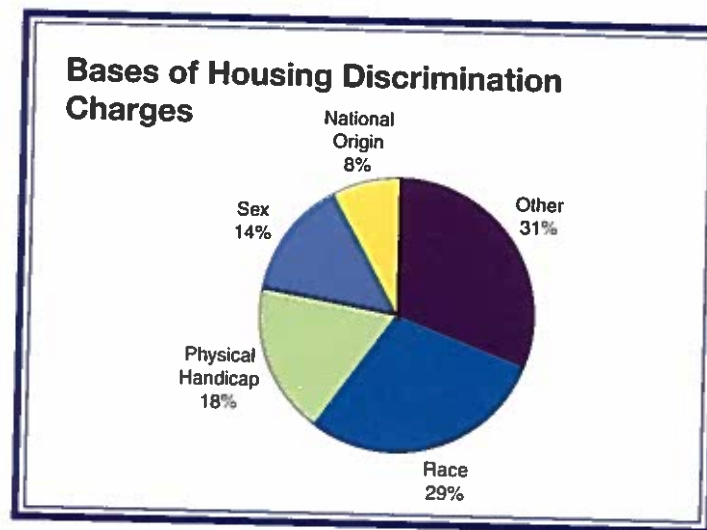
Note: Percent of total charges filed is greater than 100% because some of the charges were filed under more than one basis.



BASES OF HOUSING DISCRIMINATION CHARGES

BASIS	FY94	% of		% of		% of		% of	
		Total	FY95	Total	FY96	Total	FY97	Total	FY97
Race	157	54.3%	180	51.3%	54	44.6%	19	35.2%	
Color	0	0.0%	1	0.3%	1	0.8%	0	0.0%	
Religion	8	2.8%	9	2.6%	2	1.7%	1	1.9%	
Sex	63	21.8%	52	14.8%	13	10.7%	9	16.7%	
National Origin	31	10.7%	46	13.1%	14	11.6%	5	9.3%	
Age	5	1.7%	6	1.7%	4	3.3%	3	5.6%	
Marital Status	16	5.5%	4	1.1%	6	5.0%	1	1.9%	
Physical Handicap	40	13.8%	84	23.9%	30	24.8%	12	22.2%	
Mental Handicap	15	5.2%	18	5.1%	4	3.3%	3	5.6%	
Familial Status	64	22.1%	60	17.1%	8	6.6%	5	9.3%	
Retaliation	6	2.1%	11	3.1%	3	2.5%	6	11.1%	
Other	2	0.7%	12	3.4%	4	3.3%	1	1.9%	
TOTAL BASES	407		483		143		65		

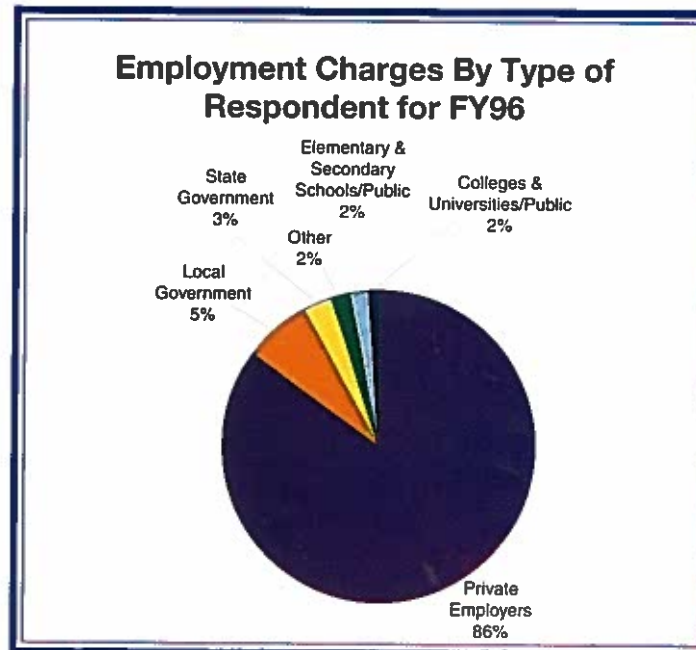
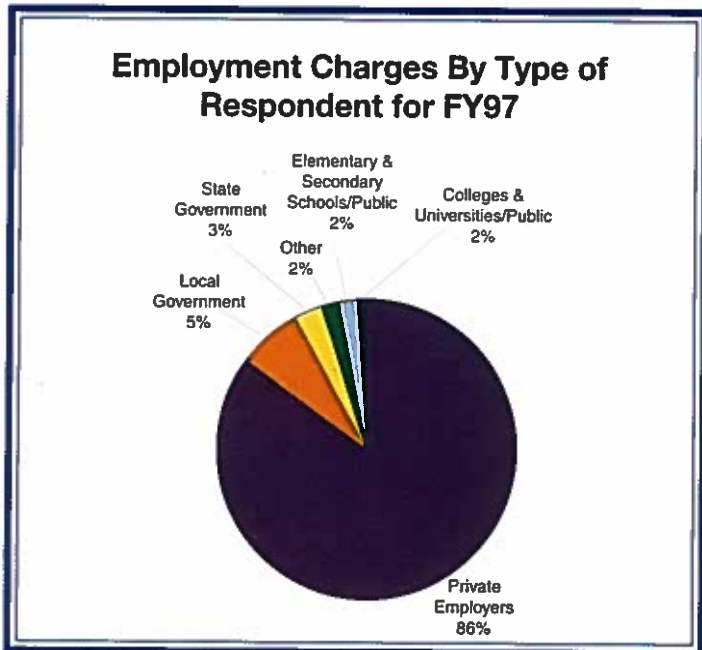
Note: Percent of total charges filed is greater than 100% because some of the charges were filed under more than one basis.



EMPLOYMENT CHARGES

Respondent Type

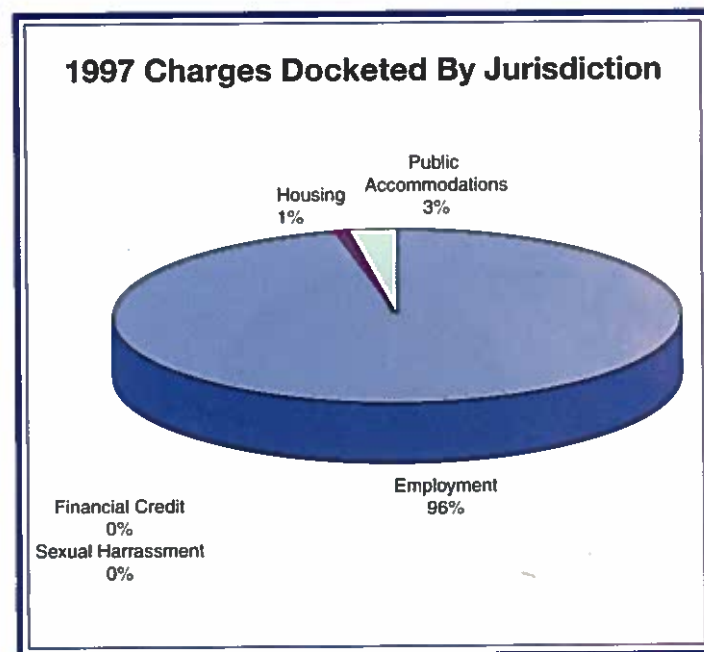
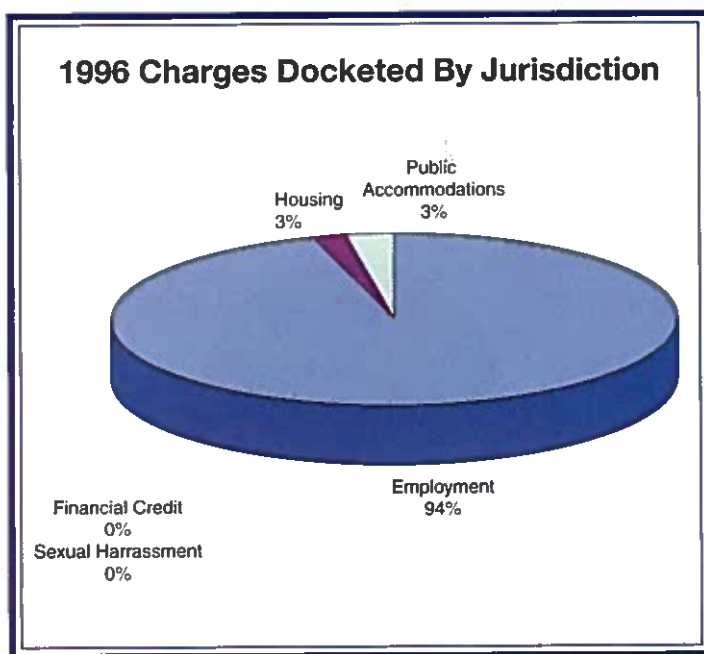
	FY91	FY92	FY93	FY94	FY95	FY96	FY97
Private Employers	3722	3584	3294	3393	3345	3232	3541
State Government	166	121	145	136	124	107	130
Local Government	287	271	293	286	242	247	220
Colleges and Universities/Public	49	60	49	46	49	36	68
Colleges and Universities/Private	22	42	43	29	14	19	10
Elementary and Secondary Schools/Public	52	63	67	54	43	57	74
Elementary and Secondary Schools/Private	4	12	1	3	10	7	14
Unions	42	46	22	33	29	25	34
Joint Apprenticeships Program	13	1	6	12	3	4	0
Private Employment Agencies	35	11	6	1	11	7	1
State Government Agencies	5	0	0	2	0	0	0
Individuals	159	137	2	6	8	7	5
TOTALS	4556	4348	3949	4001	3878	3748	4097



CHARGES DOCKETED BY JURISDICTION

Fiscal Years 1991 - 1997 Charges Filed

Jurisdiction	% of		% of		% of		% of		% of		% of		% of	
	FY91	Total	FY92	Total	FY93	Total	FY94	Total	FY95	Total	FY96	Total	FY97	Total
Employment	4556	93%	4348	92%	3949	90%	4001	89%	3878	88%	3748	93.8%	4092	95.4%
Housing	113	2%	197	4%	263	6%	289	6%	351	8%	121	3.0%	54	1.3%
Financial Credit	8	0%	7	0%	4	0%	10	0%	1	0%	0	0.0%	1	0.0%
Public Accommodations	199	5%	171	3%	173	4%	185	4%	160	4%	128	3.2%	149	3.5%
Sexual Harrassment, Higher Education	11	0%	4	0%	2	0%	6	0%	2	0%	0	0.0%	2	0.0%
TOTAL	4887		4727		4391		4491		4392		3997		4298	

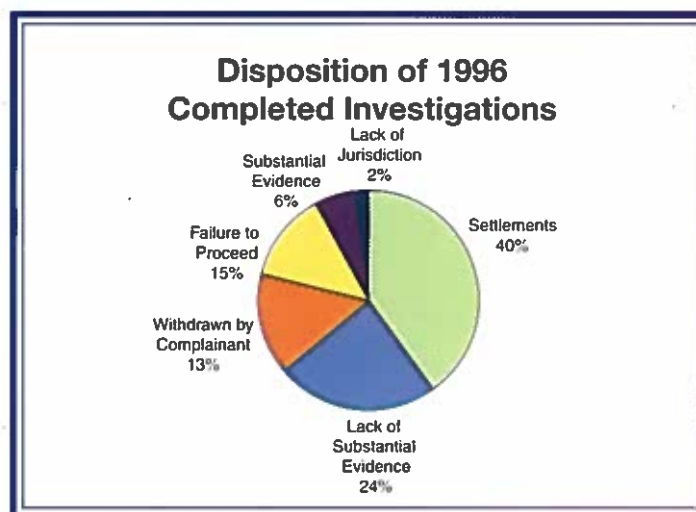
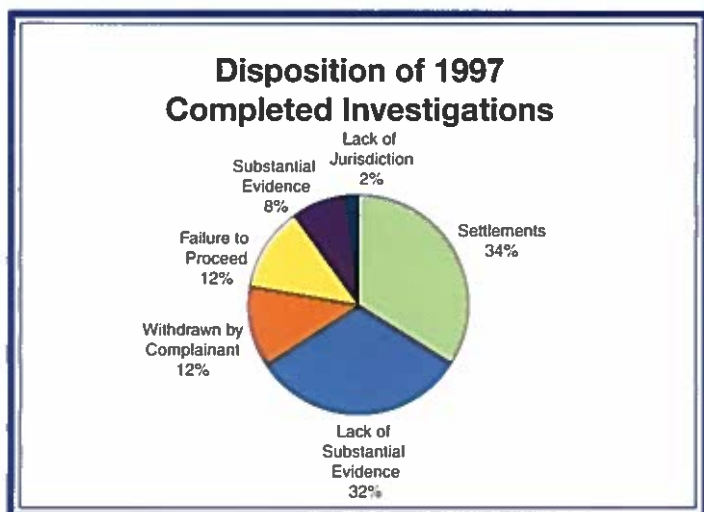


DISPOSITION OF COMPLETED INVESTIGATIONS

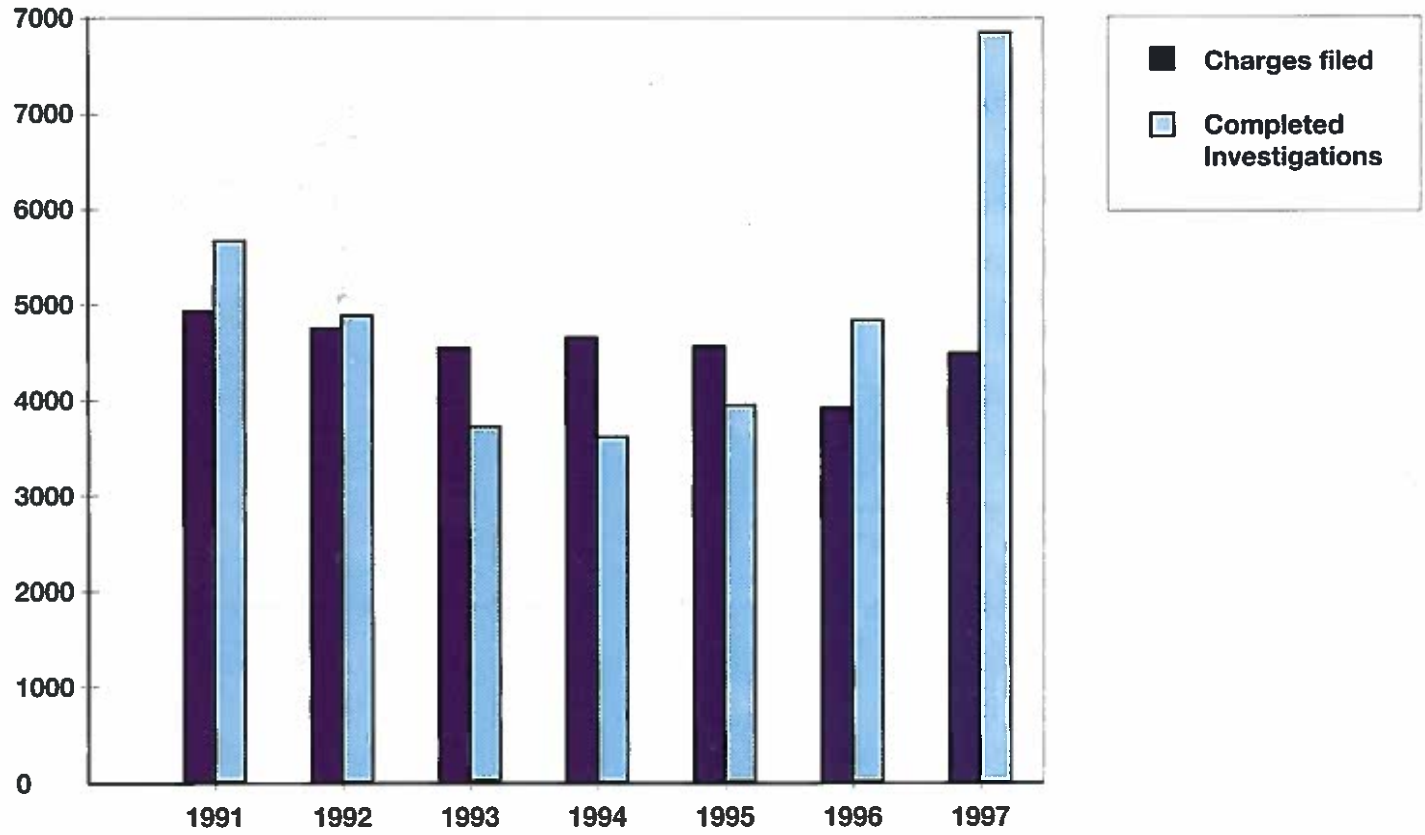
Fiscal Years 1991 - 1997

	FY91	FY92	FY93	FY94	FY95	FY96	FY97
Inquiries Received	25,328	28,725	28,001	29,703	29,174	28,165	26,720
Charges Filed	4,887	4,727	4,391	4,491	4,393	3,997	4,289
Completed Investigations	5,721	4,878	3,677	3,538	3,861	4,832	6,762
	% of	% of	% of	% of	% of	% of	% of
	FY91 Total	FY92 Total	FY93 Total	FY94 Total	FY95 Total	FY96 Total	FY97 Total
Substantial Evidence	802 14.0%	753 15.4%	418 11.4%	350 9.9%	296 7.7%	302 6.3%	498 7.4%
Settlements	1,448 25.3%	1,432 29.4%	1,174 31.9%	1,137 32.1%	1,318 34.1%	1,874 38.8%	2,173 32.1%
Withdrawn by Complainant	768 13.4%	615 12.6%	479 13.0%	452 12.8%	492 12.7%	613 12.7%	791 11.7%
Dismissals:							
Lack of Substantial Evidence	1,172 20.5%	938 19.2%	865 23.5%	842 23.8%	915 23.7%	1,181 24.4%	2,066 30.6%
Lack of Jurisdiction	208 3.6%	167 3.4%	126 3.4%	155 4.4%	176 4.6%	116 2.4%	160 2.4%
Failure to Proceed	1,323 23.1%	973 19.9%	611 16.6%	602 17.0%	664 17.2%	746 15.4%	758 11.2%
Administrative Closures*							316 4.7%

Prior to FY97, Administrative Closures were counted as part of Failure to Proceed



Charges Filed and Completed Investigations



**LEGAL
DIVISION**

LEGAL DIVISION REPORT

Annual Report - FY96 - FY97 Legal Division

Fiscal years 1996 and 1997 have seen many changes to the Legal Division's workload.

House Bill 741, effective for charges filed after January 1, 1996, added two new functions to the responsibilities of the Legal Division. First, the law mandated that the Department's Chief Legal Counsel hear and decide requests for review of dismissals. Second, the new law allowed the party against which the decision is entered to appeal to the Appellate Court the final Order of the Chief Legal Counsel. In order to efficiently administer these two new functions, the Legal Division created procedures to process Requests for Review and appeals. During FY97, the Legal Division received 538 Requests for Review filed under the new procedures.

The Legal Division also continued with its responsibility of reviewing investigation reports, recommending findings of substantial evidence of discrimination, conciliating cases for settlement, and, if settlement is not reached, filing complaints of civil rights violation with the Human Rights Commission (Commission). Additionally, division attorneys defended the Department in litigation. The Department's Mediation Program is also run by the Legal Division.

Litigation

Laches

In FY96, the Division successfully defended two cases containing similar issues of first impression before the Commission. In both cases, the Respondents alleged the doctrine of laches barred the complaints filed by the Department on behalf of the Complainants. Respondents contended the time it took to process these cases at the Department harmed Respondents and therefore they could not adequately defend the charges.

On October 24, 1997, a Commission Administrative Law Judge held that laches should not apply to bar a complainant from proceeding on a claim under the Illinois Human Rights Act.

Disclosure of Work Product

During FY97, the Department began litigating two cases before the Commission concerning the application of the Department's Rules and Regulations relating to disclosure of investigators handwritten witness interview and fact finding conference notes. The Department's regulations state that the actual investigators notes are privileged work product and are not disclosable. Further, this information is available to the parties because each investigation report summarizes witness statements.

In each case, one of the parties sought disclosure of the investigators notes. Asserting the privilege granted by its regulations, the Department did not disclose the notes. The parties filed pleadings with the Commission to compel the Department to produce the notes as of the end of FY97, the case are pending before the Commission.

**Annual Report - FY96 - FY97
Mediation Program**

Since its inception in July 1994, the Mediation Program has afforded the parties to over 7000 employment discrimination charges the opportunity to settle their cases prior to an investigation. Mediation is the process where parties to a charge meet in a nonconfrontational atmosphere with a neutral person to discuss settlement options. A mediator helps facilitate communication between the parties as they explore terms of settlement to resolve the IDHR charge and avoid an investigation. Mediation does not affect the investigation if there is no settlement, and gives the parties a chance to work on a solution to their problem.

The program allows parties to discuss their differences in an informal, objective, and confidential process. Conferences are scheduled to take place approximately 45 days after a charge is filed. Trained volunteer mediators facilitate communication and help ensure both parties are satisfied with the resolution. Mediation has maintained over a 50% settlement rate, and motivation among its participants is also high, with a greater than 90% attendance rate.

The program uses mediators from the non-profit Center for Conflict Resolution (CCR) to achieve maximum confidentiality and impartiality. All mediators are screened, trained and certified through CCR, which also schedules the mediators.

During FY96, the Program concentrated its efforts to offer mediation to backlog cases and newly filed charges. The Program scheduled 642 cases and processed 294 settlements, or 51% of the cases mediated.

During FY97, the program completed mediating cases from the backlog, continued mediating newly filed charges and began offering mediation to parties after a finding of substantial evidence. The program also initiated a pilot project to mediate charges filed in Springfield. The program saw an increase in the percentage of cases scheduling mediation and in the percentage of mediations resulting in settlements. In FY97, 497 conferences were scheduled and 56% of the mediated cases settled.

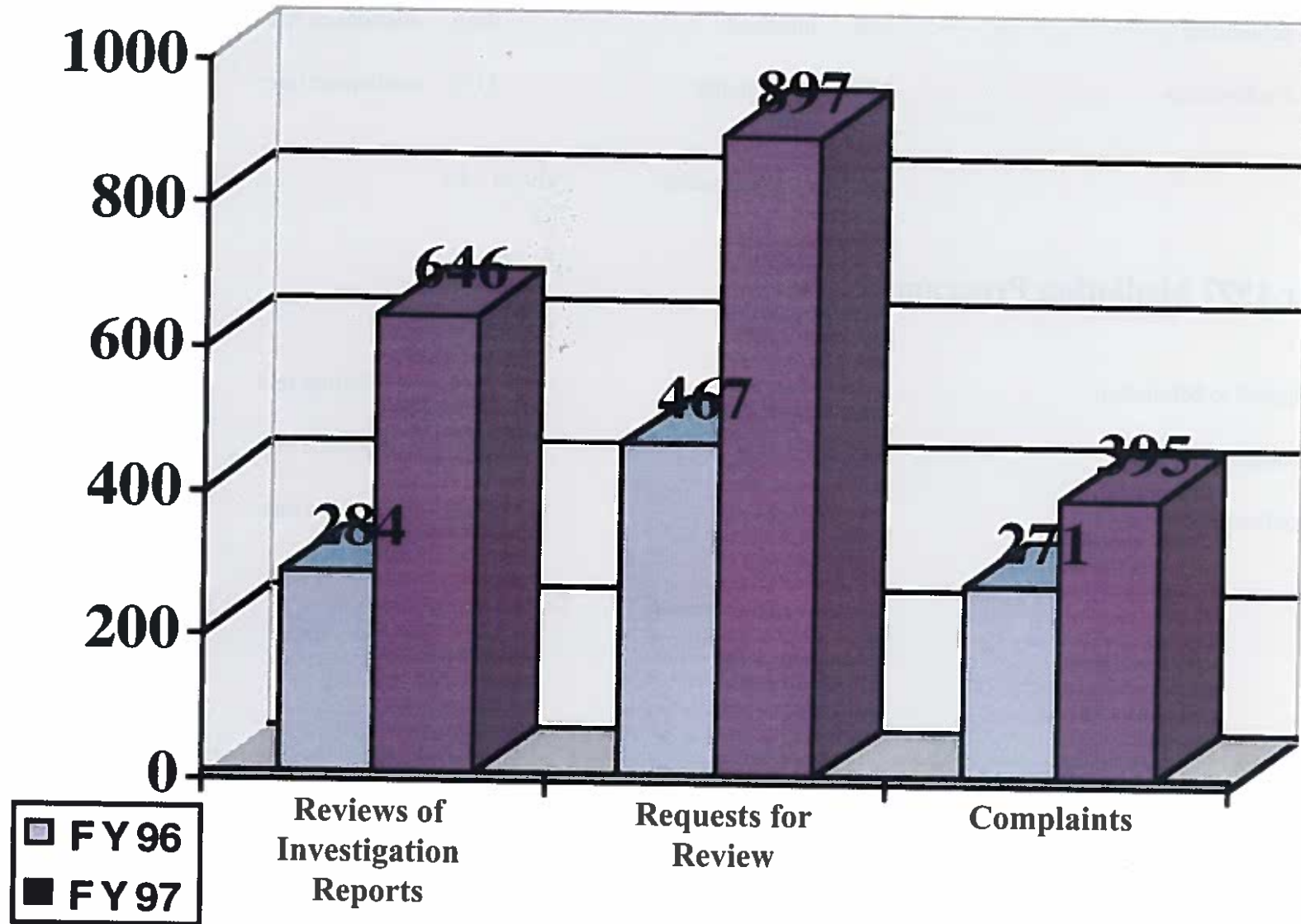
Fiscal Year 1996 Mediation Program Totals:

3972	files assigned to Mediation	642	scheduled:	16%	scheduling rate
642	scheduled	578	attended:	90%	attendance rate
578	conferences	294	settlements:	51%	settlement rate
		Monetary Settlements:		\$439,547.40	

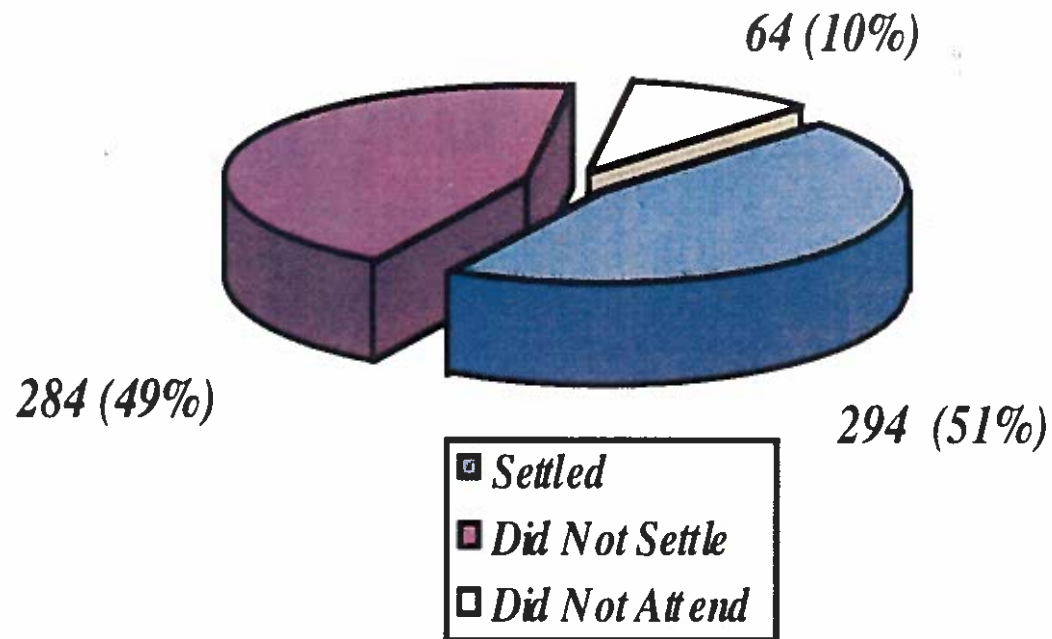
Fiscal Year 1997 Mediation Program Totals:

2528	files assigned to Mediation	497	scheduled:	20%	scheduling rate
497	scheduled	455	attended:	92%	attendance rate
455	conferences	256	settlements:	56%	settlement rate
		Monetary Settlements:		\$421,591.89	

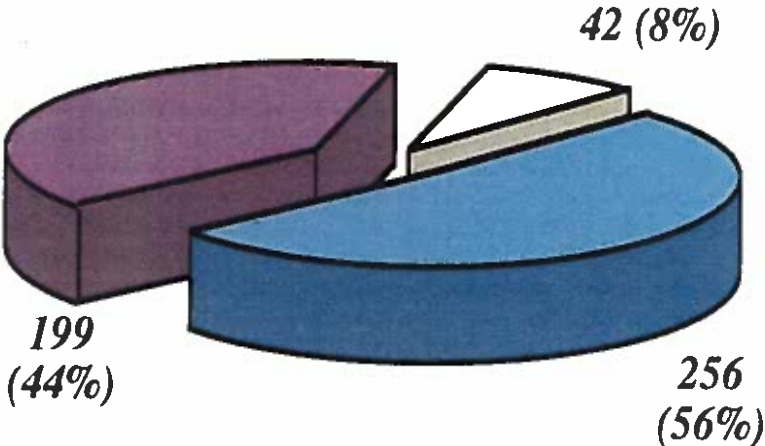
Legal Production FY 96 and FY97



FY96 Mediation Program Totals 642 Conferences Scheduled



**FY97 Mediation Program Totals
497 Conferences Scheduled**



- Settled
- Did Not Settle
- Did Not Attend

**COMPLIANCE
DIVISION**

COMPLIANCE DIVISION REPORT

Annual Report - FY96 - FY97 Compliance

The Liaison Unit enforces the statutory regulations to assure Equal Employment Opportunity and Affirmative Action compliance within state government. The Human Rights Act requires state executive departments, state agencies, boards, commissions and instrumentalities to rigorously take affirmative action and to provide equality of opportunity in state government.

To enhance knowledge, a training seminar for newly appointed EEO Officers was conducted, detailing requirements to develop effective equal employment opportunity programs. In addition an annual conference, entitled "Managing Multiple Roles To Ensure Program Effectiveness," covered a variety of topics to assist EEO officers in program development.

An "Affirmative Action Think Tank Committee" of EEO officers was convened. The committee proposed changes to the Human

Rights Act, and helped with the agency's guide on developing an Affirmative Action Plan and assisted in plans for the EEO/AA conference.

Continuous technical assistance was provided in the areas of legal developments and updates, recruitment, development of internal procedures, sexual harassment, discrimination complaints and disability compliance.

Liaison Unit Highlights

The Liaison Unit and other Compliance Division staff exhibited a team effort in conducting and successfully completing the Division's first in-depth compliance review on a state agency. The compliance review consisted of a desk audit, on-site reviews and other.

AGENCIES REACH PARITY

These agencies achieved parity during this time period:	FY96	FY97
• Development Finance Authority	X	X
• Higher Education	X	X
• Human Rights, Department	X	
• Lieutenant Governor	X	
• Planning Council on Development Disabilities	X	X
• Property Tax Appeal	X	
• Educational Labor Relations Board		X
• Human Rights Commission		X

**AFFIRMATIVE ACTION
ACTIVITY BY AGENCY**

Departments and Commissions	FY96			FY97		
	Affirmative Action Plan Approved	FY96 Layoff	Establish Training	Affirmative Action Plan Approved	FY97 Layoff	Establish Training
1. Aging	X			X		
2. Agriculture	X			X		
3. Alcoholism & Substance Abuse	X			X		
4. Arts Council	X	X		X	X	
5. Attorney General	X	X		X		
6. Auditor General	X			X		
7. Banks And Trust **	X	X				
8. Banks And Real Estate				X		
9. Board Of Education	X			X		
10. Capital Development Board	X			X		
11. Central Management Services	X	X		X		
12. Children And Family Services	X		X	X		
13. Civil Service Commission	X			X		
14. Commerce And Community Affairs	X			X		
15. Commerce Commission	X			X		
16. Comptroller	X	X		X	X	
17. Corrections	X	X		X	X	
18. Criminal Justice Information Authority	X			X		X
19. Development Finance Authority	X			X		
20. Educational Labor Relations Board	X			X		
21. Elections, State Board Of	X			X		
22. Emergency Management	X			X		
23. Employment Security	X			X		
24. Environmental Protection Agency	X	X		X		
25. Financial Institutions	X			X		

	FY96			FY97		
	Affirmative Action Plan Approved	FY96 Layoff	Establish Training	Affirmative Action Plan Approved	FY97 Layoff	Establish Training
Departments and Commissions						
26. Governor's Office	X			X		
27. Guardianship And Advocacy	X			X		X
28. Health Care Cost Containment	X			X		
29. Higher Education	X			X		
30. Historic Preservation	X		X	X		
31. Housing Development. Authority	X			X		
32. Human Rights Commission	X			X		
33. Human Rights, Department of	X			X		
34. Industrial Commission	X			X		
35. Insurance, Department of	X			X		
36. Investment, State Board of	X			X		
37. Labor Relations Board	X			X		
38. Labor, Department of	X			X		
39. Law Enforcement Standard Board	X			X		
40. Liquor Control Commission	X	X	X	X		
41. Lottery	X			X		
42. Lt. Governor's Office	X			X		
43. Medical Center Commission	X			X		
44. Mental Health & Development. Disabilities *	X	X	X	X	X	
45. Military Affairs	X		X	X	X	X
46. Natural Resources	X			X		
47. Nuclear Safety	X		X	X		
48. Planning Council On Development. Disability.	X	X		X		
49. Pollution Control	X			X		
50. Prairie State 2000 Authority	X			X		
51. Prisoner Review Board	X	X		X		
52. Professional Regulation	X			X		
53. Property Tax Appeal	X			X		

	FY96			FY97		
	Affirmative Action Plan Approved	FY96 Layoff	Establish Training	Affirmative Action Plan Approved	FY97 Layoff	Establish Training
Departments and Commissions						
54. Public Aid	X	X	X	X		
55. Public Health	X	X		X		X
56. Racing Board	X		X	X		
57. Rehabilitation Services *	X		X	X	X	
58. Revenue	X			X		
59. Savings & Residential Finance **	X					
60. Secretary Of State	X			X		
61. State Fire Marshal	X			X		
62. State Police	X			X		
63. State Police Merit Board	X			X		
64. State Retirement System	X			X		
65. Student Assistant Commission	X			X		
66. Teachers Retirement	X			X		
67. Toll Highway	X			X		
68. Transportation	X			X		
69. Treasurer's Office	X			X		
70. Veterans' Affairs	X		X	X		

DEFINITIONS

Affirmative Action Plan Approved - Agency Affirmative Action Plan found to be in compliance with the Illinois Department of Human Rights Rules & Regulations, for content and format. Formal approval letter was sent to State agency.

Layoff - Agencies experienced reduction in workforce.

Establish Training - Agency found deficient in meeting its Affirmative Action goals and must establish a training program to assist in meeting the goals indicated in each agency affirmative action plan according to Section 7-105 of the Act.

* Agency was found deficient in meeting its Affirmative Action goals. However, it was not required to establish training due to its merger into the newly-formed Department of Human Services as of FY98.

**These agencies merged to form the Office of Banks and Real Estate in FY'97.

Staff Development & Training

The Staff Development and Training Unit provides an array of supportive and participative services related to outreach, education and professional development. Programs are made available to department staff, other state agencies, private employers and the community. Noteworthy initiatives include automation training for agency staff, diversity awareness workshops provided to a number of state agencies and a series of interpersonal skills enhancement workshops for agency staff.

Conferences

The Staff Development Unit conducted a workshop on conflict resolution at the annual conference of the Illinois Department of Mental Health and Developmental Disabilities. Audience participants included staff from personnel, affirmative action and labor relations sections. The workshop was well attended and well received.

IMHRA joined forces with the National Association of Human Rights Worker's Association to present a Regional conference on May 1-3, 1997. The Staff Development Unit provided technical assistance in the planning stages. This year's conference attracted participants from a six state area.

The Illinois Association of Agencies and Community Organizations For Migrant Advocacy (IAACOMA) held 2 training conferences this year; one was on April 22 in Oglesby, Illinois and the other on April 25 in Carbondale. The unit acted as presenters and provided conference planning services for the organization. Agencies and community organizations comprise the IAACOMA and address issues related to migrants and their families throughout Illinois.

One unit member was invited to serve as a panelist and facilitator at the Midwest Women's Center Annual Conference held in November of 1996.

Workshops

Interpersonal Skills Enhancement

This topic was developed and presented in a six-session series. Participants were staff members of the agency's Intake Unit. Workshops focused on the improvement of skills necessary for optimal performance in the delivery of services to department clients.

Automation and Orientation

Workshops on a variety of computer applications were provided to Agency staff. Topics included training on WORD and POWER POINT for Microsoft Windows applications. All new employees are provided with an overview of agency mission and structure. An important part of the orientation is the required workshop on sexual harassment and use of the AS400.

Diversity Awareness

This module has been requested by and presented to a number of state agencies including the State Treasurer's Office, the Department of Transportation, and the Office of Banks and Real Estate. Future sessions are being planned for the Illinois Finance Development Authority and Unity HMO.

ADA in Spanish

Unit bilingual staff have presented 10 workshops and outreach efforts to the Hispanic Community on the Americans With Disabilities Act. Initiatives included formal presentations to Community groups such as The American GI Forum and The Veteran's Outreach Program. Staff also participated in 3 radio call-in programs by La Mexicana, a station that broadcasts in Spanish. The radio programs were very successful resulting in many people calling and asking questions.

Other Initiatives

Investigator Training

The Unit continues to assist in coordinating and conducting new investigator training on select segments of the program required by the HRA. The unit also assists in grading all training tests and updates the Investigator's training manual on a quarterly basis.

Interagency Committee on Training

The Unit administrator serves as the agency representative on this committee whose purpose includes the correlation and sharing of information and resources available across state agencies in order to provide more effective and efficient training and learning experiences.

Public Contracts

The mission of the Public Contracts Unit (PCU) is to enforce provisions of the Illinois Human Rights Act and the Department's administrative rules that apply to public contractors and eligible bidders and require them to refrain from unlawful discrimination, undertake affirmative action in employment, and develop a written sexual harassment policy.

During FY96 and FY97, PCU continued to register entities seeking to establish eligibility for competitively bid state contracts, increase the number of bidders tracked through the Public Contracts Information System (PCIS), and provided technical assistance to public contractors and contracting agencies. The unit also resumed a limited effort at conducting compliance reviews of public contractors and eligible bidders. In addition, a special task force evaluated the present bidder registration system and submitted recommendations to the

Director aimed towards improving the effectiveness and efficiency of the bidder registration process.

Registration Of Bidders Seeking Eligibility For Competitively Bid Contracts

Department rules require that any prospective bidder on a public contract subject to the competitive bidding procedures of the Illinois Purchasing Act register with the Department prior to bid opening. Upon submission of a properly completed and notarized Employer Report Form, the registrant is assigned an IDHR Bidder Eligibility Number to evidence its eligibility to bid on state contracts. This number must accompany all bids on state contracts and is also required by many municipalities, school districts, and other public bodies as part of their procurement procedures.

Table I: Bidder Registration Activity Summary

	FY96	FY97
Forms pending at beginning of year	259	46
Forms received by PCU during year	3864	3831
PCU workload	4123	3877
Forms returned to filer unprocessed due to improper completion (-)	189	156
Forms processed during year (-)	3888	3638
Forms pending at end of year	-448	83

At the end of FY97, an estimated 79,204 entities had registered with IDHR (or its predecessor, the FEPC) since the program began in 1973.

In November, 1991, the Public Contracts Unit implemented a computerized Public Contracts Information System (PCIS) to track key information regarding eligible bidders. Since that time, all initial registrations (entities holding IDHR numbers starting with 70000 or higher) received by PCU have been processed via computer. In addition, unit staff have been gradually entering information regarding those bidders registered prior to the implementation of PCIS (entities holding IDHR numbers below 70000) in order to consolidate this information into one data base. PCIS activity is summarized in Table II:

Table II: Entries to Public Contracts Information System

	FY96	FY97
Entries with IDHR Number 70000 or higher	3196	2045
Entries with IDHR Number below 700000	2305	4248
Total Entries	5501	6293

Assisting The Public

During FY96, PCU staff logged 5,162 inquiries from prospective bidders, contractors, state contracting agencies, and the general public.

During FY97, PCU staff logged 7,008 inquiries from those same entities. These included inquiries regarding affirmative action, contracting procedures, personnel policies and practices, and sexual harassment. Some could be answered over the telephone while others required an in-person visit. These included requests for PC-1 forms, requests for verification of eligibility status made by state contracting agencies, requests for information regarding the state contracting process, and requests for copies of the model policy on sexual harassment. Many involved researching employment statistics, legal issues pertaining to affirmative action, and personnel theory and practice. During FY97, approximately 1,500 of the total inquiries received by PCU came from state vendors who were required to re-qualify with the Department of Central Management Services under a new procurement information system implemented by that agency.

These inquiries are summarized in Table III:

Table III: FY96 Inquiries received by PCU

Requests for PC-1 forms	2014
Requests regarding status of pending PC-1 form	416
Requests for Verification of Eligibility by contracting agencies	290
Requests for verification of Eligibility by others	1028
Requests for sexual harassment policy samples and technical assistance	166
Requests for information regarding EEO/affirmative action/ MFBE assistance	874
Other calls not elsewhere classified	374
TOTAL FY96 INQUIRIES	5162

Public Contractor Compliance Reviews And Related Activity

Compliance reviews of public contractors examine the contractor's affirmative action plan and the efforts made by the contractor in meeting the commitments made under the plan. The contractor's personnel practices as they pertain to the recruitment, selection, promotion, and compensation of minorities and female workers are also examined in the review.

The Public Contracts Registration Process Task Force

In August 1996, the Director convened a Department-wide task force for the purposes of reviewing the PCU bidder registration process and submitting recommendations directed towards making it more effective and efficient.

The task force undertook a series of activities to review the history, current operation, and operational problems surrounding the bidder registration process. It also collected and reviewed information from a survey of agencies in other states performing similar functions as well as agencies of Illinois government, such as the Department of Central Management Services and the CMS Business Enterprise Program that engaged in other forms of registration activity. At the end of FY97, the task force submitted its report to the Director. It recommended that the Department, over a period of three years require that all currently registered bidders be required to renew their eligibility by filing updated information regarding their employees and employment practices. It further recommended that all new registrants, and those renewing, be granted eligibility for a period of five years, after which time they would have to renew or be stricken from the list of eligible bidders. A series of recommendations were also made towards consolidating the computer database and manual data files. Once consolidated, all bidder information would be made available to state contracting agencies and other authorized parties via on-line access, something that is not currently possible. Finally, the report contained certain recommendations for modifications to rules, regulations, procedures, forms, and other administrative matters requiring attention to implement the recommended changes.

Disability Program

The purpose of the Department's Disability Program is to foster voluntary compliance with the Human Rights Act's disability provisions through public education and technical assistance. Because the disability law is developing quickly, the Department receives numerous requests for information and assistance in this area. With guidance regarding the law's requirements, parties can resolve their own disputes, so that formal charges are not necessary.

During FY96 and FY97, the Coordinator distributed nearly 800 disability-related publications. Although most of the publications were sent out to individuals and organizations within the State of Illinois, 100 learning disabilities brochures were also sent to the West New York Association for Learning Disabilities, to encourage employers to hire people with learning disabilities.

ICED AND LEGISLATION

The Interagency Committee on Employees with Disabilities (ICED) was established by statute to address issues of concern to state employees with disabilities. The Coordinator serves as the Director's representative on the ICED. In FY96, the Department undertook an extensive process to fill vacancies on the Committee. Twelve people were nominated by agency heads, interviewed and recommendations were subsequently made to the Governor. In FY97, new committee members were appointed by Governor Edgar. Also, preparations were made for the transition from the Department of Rehabilitation Services to the Department of Human Services as co-chair for the Committee, in accordance with PA 89-397. Finally, in replacing obsolete terminology, the committee's name was changed from the Interagency Committee on Handicapped Employees to its present name.