7/1/2021 - 6/30/2022

# ANNUAL REPORT



DHR.ILLINOIS.GOV

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Deputy Bautista, volunteer Harper, and Executive Assistant Buttell at DuQuoin State Fair 2021



Donna Hardy facilitates a retreat style workshop for the Institute for Training and Development while Kori Clemons participates.



Director Bennett visits the Chinese American Service League.



Marcio Mendoza from IDHR Institute for Training and Development producing content for a course.



Chicago Office moving day was full of smiles.

# **LETTER FROM THE DIRECTOR**

At the Illinois Department of Human Rights, we aim to secure for all individuals within the state of Illinois freedom from unlawful discrimination and to establish and promote equal opportunity and affirmative action as the policy of this state for all its residents.

IDHR and our sister organization, the Illinois Human Rights Commission, are two agencies created through the Human Rights Act – a law providing one of the most comprehensive sets of civil rights protections in the nation. In simplest terms, IDHR is a law enforcement agency that conducts neutral investigations on allegations of discrimination, and the Commission adjudicates cases where substantial evidence has been found.

Regarding our investigations, I'm proud to share that we have not missed a beat. During FY2022, we successfully maintained continuity of operations during the COVID-19 pandemic, accommodating barriers faced by complainants and respondents. We renewed our work-sharing agreement with the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD) to perform investigations, for which we receive a reimbursement.

Given the difficulties people faced during the pandemic, IDHR worked diligently with the General Assembly to expand protections within the Act. We were able to add conviction record protections, source of income, and protection for caretakers to those who are disabled. But even with our expansion of protections, we know the inquiries we get, and complaints filed are underreported. We must ensure Illinoisans know of their rights if these protections are to become real and meaningful.

It is also a part of our mission to prevent discrimination before it happens. We are working to provide the education and tools at our disposal to make that happen.

Our Institute for Training and Development expanded its impactful work. For some time, we've been training government entities, the public, and community organizations to educate the public about their rights and responsibilities. But this year, the reach expanded exponentially – one was by developing an asynchronous training video on Diversity, Equity, Inclusion and Accessibility (DEIA) that reached over 66,000 state employees.

Even more profound is the expansion of our workplace Sexual Harassment Prevention (SHP) Program. The training team responded to more than 300 direct inquiries and training requests from the private and public sector. Our training materials were also downloaded over 6,000 times on our website.

And we are constantly trying to improve the quality of the training because the goal is not to check a box to show compliance - it's to increase awareness and decrease the incidents of sexual harassment throughout Illinois.

We've all seen the increase in hate crimes in the news. Part of the solution to address this growing problem is the Illinois Commission on Discrimination and Hate Crimes (CDHC) empaneled for the first time in over a decade. In order to improve the response to hate crimes holistically, we organized community town hall meetings during FY22 to learn from impacted communities.

It is an honor to lead an agency that provides our entire state with the tools to prevent discrimination and affirm the human rights protections that make Illinois one of the best states in the nation that meaningfully and purposefully ensures justice for all. In accordance with 20 ILCS 5/5- 650, I am pleased to present the IDHR Fiscal Year 2022 Annual Report.

James L Bernett

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# IDHR OUT AND ABOUT













Clockwise from top left: DuQuoin State Fair, Firefighters Memorial, Springfield Pride Parade, Illinois State Fair Butter Cow, Illinois State Fair, Outreach event, Governor Pritzker signs HB121. (WILL ADD DETAILS)

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Top: IDHR Executive Committee, from Left to Right, Martin Duncan, Adam Flores, Chris Smith, Steven Monroy, Betsy Buttell, Alex Bautista, Jim Bennett, Alan Brazil, Brent Harzman, Deanne Medina, Oral Bennett, Donna Hardy, Bryant Dunbar, Betsey Madden.

Bottom left: IDHR staff at Springfield Pride Fest

Bottom right: Springfield staff participate in GLAAD Spirit Day

## MISSION

To secure for all individuals within the State of Illinois freedom from unlawful discrimination; and, to establish and promote equal opportunity and affirmative action as the policy of this state for all its residents.

#### FISCAL YEAR 2022

## VISION

We, the employees of the Illinois Department of Human Rights, believe that everyone has an inalienable right to live free from discrimination of any kind, in every aspect of life. We are dedicated to delivering quality service to the people of Illinois with integrity, honesty, and respect.

## **CORE VALUES**

#### **Neutrality**

We are fair and impartial in our interaction and in the investigation of discrimination allegations.

#### <u>Communication</u>

We communicate honestly, frequently, and in a timely manner to ensure internal and external stakeholders have the information they need when they need it.

#### <u>Efficiency</u>

We maximize IDHR's and our stakeholders' time and resources in new, innovative, and effective ways to ensure greater levels of success in implementing the agency's mission.

#### <u>High Morale</u>

We work together to build a culture of engagement in a workplace where we all contribute to our fullest potential.



HUMAN RIGHTS

Illinois Department of Human Rights

## HISTORY IN THE MAKING...

The Illinois Human Rights Act, [775 ILCS 5] et seq. (the Act) prohibits discrimination in Illinois concerning employment, financial credit, public accommodations, and real estate transactions on the bases of race, color, religion, sex (including sexual harassment), national origin, ancestry, military status, age (40 and over), order of protection status, marital status, sexual orientation (which includes gender-related identity), unfavorable military discharge and physical and mental disability. The Act also prohibits sexual harassment in education, discrimination because of citizenship status and arrest record in employment, and discrimination based on familial status in real estate transactions.

On December 6, 1979, Governor James R. Thompson signed the bill, creating Public Act 81-1216 at the Chicago Historical Society. The Act formed two separate administrative agencies with distinct functions to enforce the newly created law: the Illinois Department of Human Rights (IDHR) and the Illinois Human Rights Commission (Commission). IDHR receives, investigates, and conciliates charges of unlawful discrimination and undertakes affirmative action and public education activities, and the Commission adjudicates cases brought before it by the Department. The Act also repealed and replaced the state laws administered by the predecessor agencies and some other Illinois statutes addressing civil rights issues. Age and marital status were new protections added to the Human Rights Act.

The Governor then appointed a 95-member implementation task force headed by James Compton of the Chicago Urban League, with other members coming from bar associations, the U.S. Department of Housing and Urban Development, the Civil Rights Commission, the League of Women Voters, the NAACP, Operation PUSH, Senators Harold Washington and Dawn Clark Netsch, and Representatives Barbara Flynn- Currie, Jim Reilly, and Jim Taylor. The task force created plans to consolidate the personnel, rules, records, and activities of the Fair Employment Practices Commission, the Illinois Department of Equal Employment Opportunity, and the Commission on Human Relations without disrupting ongoing operations. They also proposed and obtained legislative approval for several clarifications and modifications to the new law. They also needed to develop the four-million-dollar budget for the new agency and get it approved. Most importantly, this group screened candidates and made recommendations to the Governor for the following positions: Director of the Illinois Department of Human Rights and Commissioners for the Illinois Human Rights Commission.

On June 19, 1980, the Governor named Joyce E. Tucker as the first director of the Illinois Department of Human Rights. She was the first African-American female to become a permanent head of a state cabinet department. The new Department began operations on July 1, 1980.



# Illinois Department of Human Rights **KEY ATTRIBUTES OF ENFORCEMENT**

- **Protects More Groups:** While federal laws cover certain categories, the coverage is not as broad as Illinois law. Categories that are expressly covered under state law but not federal law include: military status, sexual orientation, gender identity, order of protection status, arrest record and reasonable accommodation of pregnancy. Also, the Illinois definition of "disability" may be broader than the federal definition. For local communities within Illinois, the Human Rights Act grants authority for municipalities and counties to establish a department or commission to address discrimination. However, not every community has the resources, expertise or the categories of protection covered by IDHR.
- <u>Assists Economically Disadvantaged Persons</u>: Indigent persons who believe they have been discriminated against have a State agency where they can raise their allegations of discrimination and can receive a copy of their completed investigation to assist them in securing representation.
- **Partners with the Federal Government:** IDHR's partnerships with the federal anti-discrimination agencies (EEOC and HUD) support IDHR's investigation, training and outreach efforts without duplicating their services. Additionally, IDHR is more intimately involved than federal agencies with the public in Illinois and can more quickly respond to changing conditions.
- **<u>Conducts Outreach and Education</u>**: IDHR conducts training for government entities and the public and interacts with numerous community organizations to educate the public as to their rights and responsibilities. Indirect training through investigations also serves to educate the public and promotes anti-discrimination activities.

# Human Rights



### Illinois Department of Human Rights FISCAL YEAR 2022 INSTITUTE FOR TRAINING AND DEVELOPMENT

The Illinois Department of Human Rights' Institute for Training and Development (Institute) was established in fiscal year (FY) 1999. In its first full year of operation, FY2000, the Institute trained 750 people in the areas of Diversity Awareness, Sexual Harassment Prevention, Americans with Disabilities Act Laws, Conflict Resolution, and Interpersonal Communication Skills.

The Institute continues to offer training modules to public and private organizations and companies throughout Illinois. The Institute's courses provide accurate and timely information on a range of subjects to support individual and organizational learning and growth. The training courses are designed to build knowledge, skills, and abilities of employers to support the development and promotion of safe, diverse, accessible, and inclusive work environments.

The 2022 Fiscal year brought new opportunities for growth related to state of Illinois training mandates and for our monthly public course offerings.

#### Diversity, Equity, Inclusion, and Accessibility

#### **Learning Collaboratives**

As part of the individual and organizational support, the Training Institute provide additional learning collaboratives for the DEIA participants that completed the Train the Trainer experience between May and June 2021. The learning collaboratives, offered between July and November 2021, provided support to more than 400 individuals on DEIA training development and implementation strategies.

#### **The State Advances DEIA**

The Training Institute developed and released an asynchronous DEIA training video through the state's OneNet training platform to more than 66,000 state employees on June 1, 2022. The training content was transitioned from the inperson training delivery to a more efficient method of delivery for all state agencies. The expectation is that each agency will use the video as a starting point for continued conversation that supports organizational change and improvements centered on diversity, equity, inclusion, and accessibility.

#### Sexual Harassment Prevention (SHP) Compliance Mandated Training and Accessing SHP Materials

IDHR continues to provide mandated training materials to employers of all sizes. The Sexual Harassment Prevention Compliance Training content may be accessed by using downloadable PowerPoint, PDF documents, and Video presentations in both English and Spanish to support employer training deliveries for both General employers as well as Restaurants and Bars.

#### **Tracking Employer Compliance**

The Institute continues to support the Illinois mandate to provide annual sexual harassment compliance training to employers. Maintaining a commitment to system improvements, IDHR developed a new system for requests for access and downloads for SHP materials. The Institute received more than 6,000 website requests for SHP materials, representing several hundred thousand covered employees across multiple employment sectors. Additionally, the Training team responded to more than 300 direct inquiries and training requests from nonprofits, private corporations, and state agencies.

#### **Professional License Renewals**

Effective January 2022, Illinois Department of Financial and Professional Regulation (IDFPR) approved IDHR's Sexual Harassment Prevention Compliance Training content for the 1 CEU credit needed for Illinois professional license holders! The new rule change allows individuals to meet both the annual employer mandate and provides for a "no cost" option for meeting mandated license renewal mandates as approved.

### Illinois Department of Human Rights FISCAL YEAR 2022 INSTITUTE FOR TRAINING AND DEVELOPMENT

#### **Institute Total Numbers**

In 2022, the Institute provided direct training to diverse audiences across a broad range of public and private sectors. The Institute used a combination of departmental newsletters and the Central Management Servies (CMS) platform to market our Open to Public (OTP) courses to promote the Institute's existing and new course offerings.

The Institute provided direct training to 4,126 participants. On June 1, 2022, through the State of Illinois OneNet Training Platform, the DEIA Mandated training developed by the Training Institute in partnership with the Equity Office within the Governor's Office was released to all 66,000+state employees.

To promote continuous learning and development, the Institute was excited to launch and complete an inaugural learning series for IDHR staff and leadership between June 2021 through June 2022.

To date, the Institute has trained approximately 74,666 individuals and organizations. For FY2022, the training team received an average of 96% for the overall annual customer satisfaction rate.





# Illinois Department of Human Rights FISCAL YEAR 2022

The Illinois Department of Human Rights (IDHR), receives and investigates charges of discrimination involving residential and commercial real estate transactions on the bases of race, color, religion, sex (including sexual harassment), national origin, familial status (children under 18), pregnancy, ancestry, age (40 and over), marital status, physical and mental disability, sexual orientation (including gender related identity), military status, unfavorable discharge from military service, arrest record, and order of protection status. IDHR also investigates charges of discrimination involving retaliation, intimidation, interference, or coercion in connection to a person's enjoyment of any of the protected housing rights. A person may file a Fair Housing charge with IDHR within one year of an occurrence of an alleged civil rights violation. Once a charge is docketed, an investigator investigates the charge and discusses the possibility of a voluntary settlement with the parties. In many cases, the investigator conducts an on-site investigation to interview witnesses and obtain pertinent documentation. The Human Rights Act requires that Fair Housing charges be completed within 100 days of filing - unless it is impracticable to do so. If IDHR dismisses the case (based on lack of substantial evidence, lack of jurisdiction, or failure to proceed) the Complainant has 90 days to file a Request for Review (appeal) of that dismissal with the Human Rights Commission. Where the investigation finds substantial evidence of discrimination, and conciliation is not successful, the Complainant or Respondent (the party alleged to have discriminated) can elect to have the case heard administratively before the Illinois Human Rights Commission or in circuit court, in which case the Illinois Attorney General's Office represents IDHR.

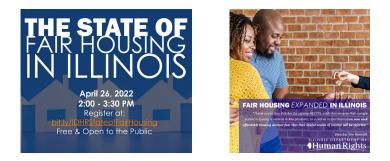
**IDHR's Federal Partnership** IDHR partners with the U.S. Department of Housing and Urban Development (HUD) through HUD's Fair Housing Assistance Program (FHAP). Under the Fair Housing Assistance Program, HUD enters into cooperative agreements with state or local governmental agencies, under which HUD refers housing discrimination charges to the FHAP agency for investigation. For a state or local agency to participate in the Fair Housing Assistance Program, HUD must certify that the agency's laws are substantially equivalent to the federal Fair Housing Act. "Substantial equivalency" means that the agency

is essentially like HUD regarding the substantive rights protected by the agency, the procedures followed by the agency, the remedies available to the agency, and the availability of judicial review of the agency's actions. IDHR was recognized as a FHAP agency on an interim basis in 2002 and was fully certified in 2006. IDHR's certification was first renewed in 2012. IDHR's certification was renewed in 2012 and again in 2018 for another five years.

#### **Fair Housing Affiliations**

To promote and further fair housing in Illinois, IDHR maintains close working relationships with various stakeholders:

- IDHR collaborates with fair housing organizations (including the Chicago Area Fair Housing Alliance), municipalities, and other stakeholders.
- IDHR is a member of the Illinois Housing Task Force on Affordable Housing, which coordinates strategies to meet the goals and objective identified to increase affordable housing for Illinois residents.



#### Fair Housing Case Investigations

It is the goal of the Fair Housing Division to complete its investigations in a timely and thorough manner. During FY2022, IDHR completed 237 fair housing investigations. HUD's goal for FHAP agencies in FY2022 is to complete at least 50% of its investigations within 100 days. In FY2022, IDHR completed 23% of its investigations (55 out of 237) within 100 days. Further, the average length of time for the Fair Housing Division to complete an investigation in FY2022 was 207 days.

## **INVESTIGATIONS:** FAIR HOUSING

#### FY2022 Housing Inquiries, Charges Filed, and Completed Investigations

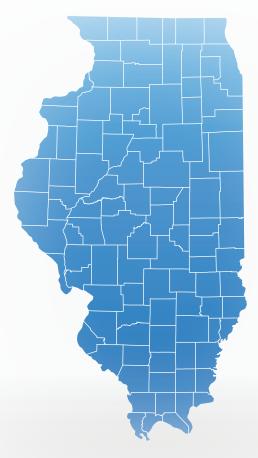
- Inquiries: 1149
- Charges Filed: 310
- Completed Investigations: 288

#### FY2022 Housing Charges by Bases of Discrimination

- Mental Disability: 118
- Race: 99
- Physical Disability: 60
- Retaliation: 44
- National Origin: 30
- Sex Discrimination: 22
- Family Status: 15
- Religion: 10

#### FY2022 Housing Charges Filed by County

(COUNTIES NOT LISTED HAD NO HOUSING CHARGES FILED IN FY2022)



## INVESTIGATIONS: EMPLOYMENT AND NON-HOUSING

Since January 1, 1996, when Public Act 89-370 (also known as House Bill 741) became effective, the IDHR has 365 days from the date a perfected charge of discrimination is filed to investigate and determine whether or not substantial evidence of discrimination exists. The parties to a charge may mutually agree to extend the time for investigation.

## Where the IDHR's investigation finds substantial evidence of discrimination, Complainant has the option of:

- 1. Requesting within 30 days the IDHR's Legal Division to file a complaint on Complainant's behalf with the Human Rights Commission (Commission), a separate adjudicatory agency;
- 2. Filing a complaint with the Commission within 90 days; or
- 3. Commencing within 90 days a civil action in a state circuit court of appropriate venue.

## Alternatively, if IDHR dismisses the charge of discrimination, the Complainant has 90 days to either:

- 1. File a Request for Review (appeal) of that dismissal with the Commission; or
- 2. Commence a civil action in a state circuit court of appropriate venue.

IDHR may dismiss a charge upon finding a lack of jurisdiction, a lack of substantial evidence of discrimination or if complainant fails to proceed with the charge investigation.

#### Voluntary Mediation and Alternative Dispute Resolution

During an investigation, IDHR investigators investigate and attempt to amicably resolve those charges over which IDHR has jurisdiction. Since 1994. parties to employment and public accommodations charges have had the opportunity to participate in voluntary mediation of their charges. IDHR mediators schedule mediation conferences and meet with the parties to facilitate communication towards a possible resolution of the charge. IDHR mediators offer the parties the opportunity to mediate before the charge is assigned for investigation, prior to the scheduling of a fact-finding conference, and where IDHR finds substantial evidence of discrimination.

**IDHR's Equal Employment Opportunity Commission** Partnership as a Fair Employment Practices Agency IDHR partners with the U.S. Equal Employment Opportunity Commission (EEOC) as а Fair Employment Practices Agency (FEPA). EEOC contracts with state and local governmental agencies nationwide through work sharing agreements. The work sharing agreements provide for the dual-filing and processing of charges alleging employment discrimination where both agencies would have jurisdiction. In order for a state or local governmental agency to be qualified as a FEPA, EEOC must certify that the agency's laws prohibiting employment discrimination are substantially equivalent to federal laws, in regard to the substantive rights protected by the agency, the procedures followed by the agency, the remedies available to the agency, and the availability of judicial review of the agency's actions.

FEPA contracts undergo periodic performance reviews by EEOC and must be renewed every three years, with the two intervening years as extensions. IDHR began contracting with EEOC as a FEPA partner in 1974 (as the Fair Employment Practices Commission). During Fiscal Year 2020, the EEOC approved IDHR's certification for another three-year term, and the next review is scheduled for Fiscal Year 2023.

#### <u>FY2022 Employment and other</u> <u>Non-Housing Inquiries, Charges Filed, and</u> <u>Completed Investigations</u>

- Inquiries: 9,013
- Charges Filed: 1,652
- Completed Investigations: 2,280
- Mediations: 126
- Opt Outs: 121
- EEOC Contract Investigations: 1,250

#### FY2022 All Charges Docketed by Jurisdiction

- Employment: 1,514
- Public Accommodations: 136
- Financial Credit: 1
- Sexual Harassment in Education: 1
- Housing: 310
- TOTAL ALL AREAS: 1,962

# INVESTIGATIONS: EMPLOYMENT AND NON-HOUSING

### IDHR's partnership with EEOC is comprised of four different contract provisions:

- 1. <u>Intake services</u>: IDHR receives, processes and serves charges on EEOC's behalf where only EEOC has jurisdiction.
- 2. <u>Case processing</u>: IDHR undertakes and completes a thorough investigation of charges that are filed initially with IDHR and for which EEOC also has jurisdiction. IDHR also investigates charges that EEOC received initially and defers to IDHR for investigation.
- 3. <u>Engagement project:</u> IDHR and EEOC jointly identify and implement cooperative projects to address incidents of discrimination or to jointly conduct a large investigation. In Fiscal Year 2022, the two agencies cooperated to produce non-regulatory guidance related to transgender, nonbinary and gender non-conforming students. (see page 16)
- 4. <u>Mediation:</u> In FY2019, the EEOC approved a separate contract with the IDHR for the Mediation Unit to mediate charges filed at EEOC (see Mediation Program page 17 for procedures and information relating to IDHR's Mediation Unit). This contract is for one year and includes options to extend for up to four (4) years, with FY2022 as the third extension year.

#### Substantial Equivalency in Law and Process

In order to ensure that IDHR can maintain its eligibility as a FEPA agency under the contract with EEOC, IDHR must ensure that Illinois' laws prohibiting employment discrimination remain substantially equivalent with the federal equal employment laws. IDHR therefore reviews pending legislation to evaluate the impact the legislation may have on the substantial equivalency of Illinois' employment anti-discrimination laws. IDHR also recommends legislation that may be beneficial to maintaining the substantial equivalency of Illinois' employment antidiscrimination laws.

Similarly, the Charge Processing Division will recommend changes to IDHR's administrative rules and regulations which are necessary to maintain the substantial equivalency of Illinois' law. IDHR also monitors and, if necessary, intervenes, in litigation that may impact the interpretation of the Illinois Human Rights Act or IDHR's ability to enforce Illinois' laws in a manner that is substantially equivalent to the federal laws.



#### FY2022 Employment Charges by Bases of Discrimination

- Age: 225
- Aiding and Abetting: 2
- Arrest Record: 20
- Citizenship: 2
- Coercion: 3
- Color: 46
- Immigration Related Status: 2
- Marital Status: 11
- Mental Disability: 122
- Military Status: 21

- National Origin: 109
- Order of Protection: 1
- Other: 26
- Physical Disability: 269
- Race: 345
- Retaliation: 739
- Sex Discrimination: 518
- Sexual Harassment: 291
- Sexual Orientation (includes Gender Identity): 55
- TOTAL: 2,873

# INVESTIGATIONS: EMPLOYMENT AND NON-HOUSING

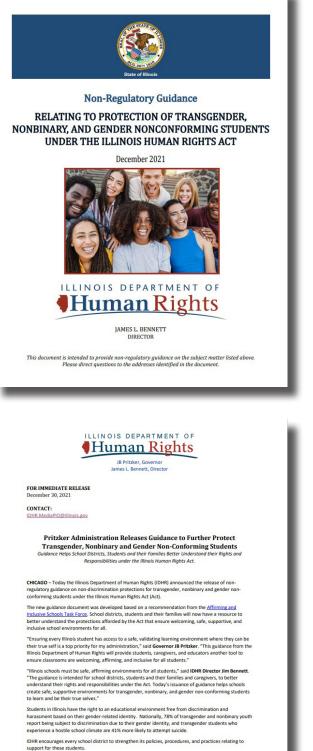
#### FY2022 Employment Charges by Respondent Type

- Charges against an Individual: 259
- Private Employer, 1-99 Employees: 588
- Private Employer, 100-500 Employees: 253
- Private Employer, 500 or More Employees: 157
- Government, Local: 109
- Government, State: 62
- College or University, Private: 12
- College of University, Public: 19
- Elementary and Secondary Schools, Public: 35
- Secondary Schools, Private: 5
- Private Employment Agency: 6
- State Employment Agency: 2
- Union: 2
- Other: 5
- TOTAL: 1,514

#### FY2022 Public Accommodations Charges by Basis of Discrimination

- Age: 16
- Citizenship: 5
- Color: 11
- Mental Disability: 29
- Military Status: 3
- National Origin: 20
- Other: 5
- Physical Disability: 33
- Race: 57
- Religion: 8
- Retaliation: 18
- Sex Discrimination: 21
- Sexual Orientation (& Gender Identity): 15
- TOTAL: 241

# INVESTIGATIONS: EMPLOYMENT AND NON-HOUSING



Click here to view the guidance online.

Engagement Project: in FY2022, in response to a recommendation from the Affirming and Inclusive Schools Task Force, IDHR created this non-regulatory guidance in response to the need in Illinois schools to better understand the rights of their transgender, nonbinary, and gender nonconforming students. The image to the left is linked to the full guidance document in PDF format housed on our website and available for download in English, Spanish, Polish, and Chinese.



"Ensuring every Illinois student has access to a safe, validating learning environment where they can be their true self is a top priority for my administration," said Governor JB Pritzker. "This guidance from the Illinois Department of Human Rights will provide students, caregivers, and educators another tool to ensure classrooms are welcoming, affirming, and inclusive for all students." (Excerpt from the press release regarding the guidance). Image to the left is linked to the full press release online. Visit our website at <u>dhr.illinois.gov</u> for more details.

## **MEDIATION**

IDHR's Mediation Program offers opposing parties the opportunity to negotiate a settlement of charges of discrimination rather than go through a full, timeconsuming investigation.

Mediation is a form of Alternative Dispute Resolution (ADR) and is conducted by a trained and experienced Mediator. Mediators facilitate communication and help to ensure that both parties are satisfied with the resolution. It is an informal process that gives both parties the opportunity to hear each other's concerns, address misunderstandings and work towards a resolution.

Since its inception as a pilot program in July 1994, IDHR's Mediation Unit has afforded the parties to employment, sexual harassment and public accommodations discrimination charges the opportunity to settle cases prior to an investigation. The parties meet with an IDHR Human Rights Mediator in a confidential and nonconfrontational atmosphere to discuss settlement options. Mediation provides opposing parties an opportunity to reach a voluntary negotiated resolution of a charge of discrimination. The Mediator helps facilitate communication between the parties as they explore terms of settlement to resolve the charge and eliminate the need for an investigation. If the parties fail to reach a resolution, the case is investigated. Mediation does not affect the investigation if there is no settlement.

#### FY2022 Mediation Data

- Conferences Held: 176
- Conferences with Resolution: 106
- # of Additional Cases: 20
- Known Monetary Recovery: \$2,296,426

#### **Mediation Highlights**

- In Fiscal Year 2019, the US Equal employment Opportunity Commission (EEOC) approved a contract with IDHR for the Mediation Unit to mediate charges filed at EEOC. The contract includes options to extend for up to four (4) years.
- In Fiscal Year 2022, the EEOC approved a third extension of IDHR's mediation contract.
- Due to the pandemic, in Fiscal Year 2021 the Mediation Unit successfully transitioned from all in-person conferences to video and telephone conference formats, and continued operations in this format through Fiscal Year 2022.
- In Fiscal Year 2022, Mediation has diverted a significant number of charges from the traditional investigation process, and participants have indicated they are very satisfied with all aspects of mediation.
- IDHR's Mediators participated in hours of continuous learning, professional development, and growth opportunities to expand skills and knowledge in delivering high quality Mediation services. Trainings included: Virtual Mediation Conferences: Best Practices, Mediators in Robes (A Judges Panel for "Best Practices in Mediation"), Diverse Neutrals/Mediators (led by some of the best Mediators in the country;), and the EEOC-FEPA Conference: Ensuring An Equitable Path Forward.
- IDHR's Mediators participated in Educational Outreach opportunities: Farmworkers and Landscapers Advocacy Project (FLAP), Mexican Consulate – Labor Week, Mexican Art Museum Outreach Conference, and HispanicPro Uplift Latina: The 2022 Latina Equal Pay Day Forum.
- The IDHR Mediation Team and Loyola University Mediation Advocacy Program Partnership (Free, voluntary legal representation for Complainants who allege discrimination).

## LEGAL DIVISION

#### **Functions**

The Legal Division (Legal) reviews the investigative work of the Illinois Department of Human Rights (Department or IDHR), manages the Liaison Unit and the Public Contracts Unit, and oversees the Department's ethics program. Additionally, Legal enforces the equal employment opportunity and affirmative action programs under the Illinois Human Rights Act (Act) and the Department Rules and Regulations, enforces provisions under the Act and Department Rules and Regulations as to public contractors and eligible bidders, reviews legislation and proposed legislation, represents the Department in responding to U-Visa Certification requests, and represents the Department on panels and workshops and other public speaking engagements.

#### **Legal Support for Investigations**

Attorneys in the Legal Division are assigned to the Fair Housing and Employment Units. Both units review substantial evidence determinations, conciliate cases, draft and file complaints with the Commission, respond to Requests for Review, respond to motions filed with the Commission and Orders issued by the Commission and Administrative Law Judges, conduct legal research and provide advice to Department staff. The Fair Housing attorneys also litigate Fair Housing cases before the Commission, respond to Freedom of Information Act requests, and subpoenas issued by parties before the Commission, Illinois Circuit Court, and Federal District Court.

#### FY22 Substantial Evidence Reviews

- Employment/Other Cases: 147
- Housing Cases: 20

#### FY22 Complaints

- Employment/Other Cases: 50
- Housing Cases: 15

#### FY22 Responses to Requests for Review

- Employment/Other Cases: 222
- Housing Cases: 28

### Equal Employment Opportunity and Affirmative Action for State Agencies

Government agencies came under scrutiny with the emergence of the civil rights movement in the 1960s over the underrepresentation of minorities, females and people with disabilities in their workforces. Advocates of equal employment rights reasoned that governmental agencies should be mandated to take a leading role in affirmative action efforts as a means of setting examples for other employers and 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, which reported to the governor while existing 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 state agency compliance with the governor's order. In 1976, Public Act 79-1441 was signed by Governor Walker, giving statutory authority to the Equal Opportunity Office and expanding coverage to state universities and the offices of the state constitutional officers. It required each state agency to appoint an EEO officer and submit an annual affirmative action plan.

Two years later, Governor James Thompson signed a bill creating the Illinois Department of Equal Employment Opportunity (DEEO), elevating the Office to cabinet-level status and making it an independent agency. The DEEO commenced operations on January 1, 1979, and 18 months later, it was merged into the new Illinois Department of Human Rights (IDHR).

## LEGAL DIVISION: LIAISON UNIT

#### About the Liaison Unit Functions

IDHR administers and enforces the Equal Employment Opportunity and Affirmative Action provisions of the Act and Department Rules and Regulations through the State Agency Liaison Unit (Liaison Unit) The Liaison Unit ensures compliance by state executive departments, state agencies, boards, commissions, and instrumentalities (collectively, state entities). All state entities are required to submit affirmative action plans, guarterly reports, and layoff reports to the Department. The Liaison Unit reviews the reports for conformance with the Act and Department Rules and Regulations. Additionally, the Liaison Unit monitors each state entity to ensure compliance with goals established in the state entity's affirmative action plan. The Liaison Unit provides ongoing technical assistance and training to Equal Employment Opportunity/ Affirmative Action (EEO/AA) Officers of state entities on the requirements of the Act and Department Rules and Regulations. State entities that fail to meet their EEO/AA goals are required to establish training programs with the Illinois Department of Central Management Services. Further, IDHR is required to report the identity of any State agency that fails to comply with the requirements of the Act and the circumstances surrounding such violation. In FY2022, there were no agencies recommended to establish training with the Department of Central Management Services in accordance with Section 7-105 (H) of the Human rights Act.

#### To ensure state entities were meeting the minimum compliance criteria, the Liaison Unit:

- Responded to 671 technical assistance inquiries from state agencies.
- Approved 71 affirmative action plans submitted by state agencies.
- Participated in the US Census and US Department of Labor webinar on accessing data for race, ethnicity, and gender.

- Met with EEO/AA Officers regarding their agencies' affirmative action performance.
- Conducted an analysis of executive State Agencies' underutilization for each of the affirmative action groups.
- Discussed necessity of implementing ADA grievance procedures with Department of Healthcare & Family Services and Secretary of State.
- Provided numerous documents, publications, announcements and information to agency EEO/AA Officers and ADA Coordinators to assist recruitment efforts and give them updated, relevant information.
- Revised documents including the Technical Assistance Guide for Development of Affirmative Action Plans and Quarterly Reports for Illinois State Executive and; reasonable accommodation forms for applicants and employees; On-line disability survey form.
- Provided individual training sessions for new EEO/ AA Officers on the development of affirmative action plans and quarterly reports.
- Met with the Department of Central Management Services and Department of Innovation and Technology about revising the disability survey form and having the form on One Net system.
- Granted extensions for submitting the affirmative action plan to: Attorney General's Office, Department of Financial & Professional Regulation, Department of Military Affairs and Workers' Compensation Commission.
- Granted extensions for submitting the quarterly report to: Attorney General's Office, Department of Corrections, Department of Human Services and Department of Transportation.
- Quarterly Report Late Notices sent to: Capital Development Board, Deaf and Hard of Hearing Commission and Prisoner Review Board.
- Approved layoff reports for: Department of Corrections and Department of Human Services.

## LEGAL DIVISION: PUBLIC CONTRACTS UNIT

#### Origin, Purpose, and Public Policy

The Fair Employment Practices Act (FEPA), the predecessor law to the Illinois Human Rights Act, was amended in 1973 to require all parties contracting with state agencies practice affirmative action in employment to eliminate the current effects of discrimination. This legislation was modeled on federal Executive Order 11246, signed by President Lyndon B. Johnson in 1965, continuing a mandate for affirmative action by federal contractors. This legislation in Illinois marked an important addition to the state's civil rights philosophy because of its focus on changing systemic employer patterns and practices and the requirement that employers actively recruit and hire members of protected class groups that had previously been excluded from workforce participation.

In 1979, the Illinois Human Rights Act was passed, merging the Fair Employment Practices Commission (FEPC) into the new Illinois Department of Human Rights. The public contractor functions that had been handled by the FEPC were taken over by IDHR.

#### **Historical Highlights**

When it became effective in 1980, the Act included a provision authorizing debarment of a company that commits a civil rights violation while holding a public contract. Debarment could result in a fine, termination of the contract, and/or an order barring the company from participating in public contracts for a period up to three years. While this provision is rarely used, in FY2009, the Human Rights Commission ordered two companies disbarred. In response, IDHR created a "debarred companies" web page.

A major change to the Act came with Public Act 96-0786, effective January 1, 2010, which allowed IDHR to charge a \$75.00 registration fee for processing PC-1 forms for companies wishing to bid on state contracts. The purpose of the filing fee was to provide funds so that IDHR could more effectively perform its audit function, ensuring that companies bidding on or being awarded state contracts are following the Act. The Act restricts monies raised under this amendment to fund IDHR's public contracts compliance monitoring program and other Department programs and activities.

Over the six-year period 2010 through 2015, IDHR developed and improved its electronic systems for the bidder application and registration process. In FY2010, information for eligible bidders and public contractors was placed on IDHR's website; in FY2013, an online registration process was implemented; and as of FY2015, all services were electronically accessible. This process provided more efficient and effective service to the public.

The Public Contracts Unit (PCU) enforces the provisions of the Act and the IDHR Rules and Regulations that require public contractors and eligible bidders to refrain from unlawful discrimination, undertake affirmative action in employment and develop a written sexual harassment policy.

The PCU registers entities seeking to establish eligibility status for competitively bidding on state contracts. The PCU provides technical assistance and training on how to develop equal opportunity policies and procedures. Additionally, the PCU reviews entities' affirmative action plans to ensure compliance with established equal opportunity laws and guidelines. The PCU conducts audits to examine policies, procedures, and efforts expended by the contractor toward meeting its EEO/AA obligations.

In accordance with Department Rules, 44 Ill. Code, Section 750.140, the PCU reviews relevant information, reports, facilities, and personnel practices to determine compliance with the Act. In accordance with Department Rules, 44 Ill. Code, Section 750.210, persons seeking to establish eligibility status to be awarded a contract by a State agency are required to register with IDHR.

## LEGAL DIVISION: PUBLIC CONTRACTS UNIT

#### **Unit Activities**

The PCU registers potential public contractors and eligible bidders seeking to establish state bidder status through IDHR's Public Contracts Program. The PCU:

- Received a combination of 1,588 Employer Report Forms submitted by potential bidders, public contractors and eligible bidders seeking to establish state eligibility status to competitively bid on state contracts.
- Processed 580 Employer Report Forms from initial registrants applying for an IDHR number.
- Processed 1,008 Employer Report Forms from public contractors and eligible bidders seeking to renew their existing eligibility status.
- Responded to 5,489 inquiries from government and non-government contracting entities, eligible bidders reinstating their eligibility status, potential bidders applying for a new IDHR number, and other interested parties. Additionally, addressed EEO/AA questions relating to requirements for sexual harassment policies, contractor's EEO/AA obligations, audit questions, PCU registration process, procedures for monitoring a workforce as well as filled numerous requests for how to obtain an Employer Report Form (PC-1).
- Sent renewal notifications to 1,325 public contractors and eligible bidders reminding them that their IDHR Public Contracts Number was about to expire or had expired.

During FY21, the PCU cleared more than 95% of outstanding audits, better positioning IDHR to improve audit processes under a new system. In October 2019, the Public Contracts Unit transitioned from its legacy system for managing audit data and process and initiated the planning phase of a system upgrade to the enterprise-level licensing and permitting platform provisioned through the Dept of Innovation and Technology (DoIT). This new system, the Enterprise Licensing and Permitting system (ELP) is an online registration/ renewal system for all eligible bidders and vendors who wish to do business with the State of Illinois. On March 15, 2021, the Public Contracts Unit implemented the ELP system.

#### AS OF JUNE 30, 2022;

Total Number of Licenses: 38,511

Active: 8,850

Canceled: 719

Expired: 29,448

Inactive: 150

Revoked: 60



## SEXUAL HARASSMENT AND DISCRIMINATION HELPLINE



In the Fall of 2017, sexual harassment allegations against public figures in Hollywood, media, politics, and other industries began to make headlines and America saw the emergence of the #MeToo movement. Women, strong in unity and no longer silenced, were raising their voices against decades of sexual harassment and abuse in the workplace. The State of Illinois has taken steps to address such forms of sexual harassment and workplace abuses from occurring at both the state and local levels. One such remedy is the Illinois Sexual Harassment and Discrimination Helpline and Website (Helpline or SHDH). The Helpline provides a means through which persons may anonymously report sexual harassment and/or discrimination in both public and private places of employment.

Effective November 16, 2017, P.A. 100-0554 mandated that the Department of Human Rights (Department) develop and implement a Hotline to Report Sexual Harassment. (See 775 ILCS 5/2-107) On February 16, 2017, the Hotline went live providing services that include: assistance in the filing of sexual harassment charges, referral to counseling services, referral to legal services, and information on how to anonymously report sexual harassment. The Department selected the Chicago Lighthouse for the Blind and Visually Impaired (Chicago Lighthouse) and trained Chicago Lighthouse staff to operate the Hotline through its Call Center. Sexual Harassment & Discrimination Helpline (SH Helpline) and Sexual Harassment & Discrimination Helpline Website (SHD Website). The SH Helpline is still operated by the Chicago Lighthouse and the SHD Website is maintained by the Department. The Helpline and Website were established by the Illinois legislature to provide a centralized resource for all Illinoisans to obtain necessary information and assistance in the filing of sexual harassment and discrimination complaints. Information provided to the SHD Helpline and Website is confidential and not subject to disclosure through the Freedom of Information Act (FOIA).

Effective June 18, 2018, Public Act 100-0588 also mandated that the Department annually evaluate the SH Helpline and report the following information to the General Assembly: (i) the total number of calls received, including messages left during nonbusiness hours; (ii) the number of calls reporting sexual discrimination claims; (iii) the number of calls reporting harassment claims; (iv) the number of calls reporting sexual harassment claims; (v) the number of calls that were referred to each Executive Inspector General; and (vi) the number of calls that were referred to the Legislative Inspector General.

The number of calls in each category are as follows for Fiscal Year 2022, July 1, 2021, through June 30, 2022:

- Total Number of Calls Received Including Messages Left After Hours: 584
- Number of calls reporting sexual discrimination claims: 9
- Number of calls reporting harassment claims: 45
- Number of calls reporting sexual harassment claims: 148
- Number of calls there were referred to each Executive Inspector General: 5
- Number of calls that were referred to the Legislative Inspector General: 0

Effective June 18, 2018, P. A. 100-0588, mandated that the Department develop and implement the Illinois

## OUTREACH AND ENGAGEMENT: Legislative Affairs

The Legislative Affairs office of the Department works principally to help bring the Department's expertise to bear on all legislation that affects the Illinois Human Rights Act (the Act), as well as, at times, other related issue areas such as hate crimes and public safety. The Act is an evolving set of interconnecting laws and its strength, efficacy, and fairness are the product of its continuing refinement, renewal, and improvement.

In addition, the Department offers counsel and serves as a liaison to the General Assembly, other parts of the State, and community groups on the administration of the Act and the nature and impact of proposed legislation relevant to the mandate of the Department.

### This year's legislative and policy contributions from the Department include:

- **Public Act 102-0706:** Protections in real estate transactions and additional access to jury trials. Ensures access to jury trials in housing discrimination cases, access that already exists for other kinds of discrimination cases. Also updates the Act so Illinoisans may challenge even "neutral policies" from housing providers that may, even unintentionally, discriminate. This amendment adds new protections that bring State law in line with the protections of Federal law.
- Public Act 102-1102: CROWN (Create a Respectful and Open Workplace for Natural Hair) Act. Protects the diversity of ethnic and natural hair styles from discrimination. Amends the Act by adding to the definition of "race" to include " traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists." This new law creates a much-needed protection against a common form of racial discrimination that was previously able to operate under other guises. Illinois is now one of 18 states that have passed this type of law.

- **Public Act 102-0896:** Source of income discrimination protection. Amends the Act to offer protection from housing discrimination on the basis of one or one's family member's source of income, ensuring that no matter how Illinoisans earn their living, legally, they enjoy equal rights to housing access. Also amends the Homelessness Prevention Act to reduce the administrative burden in affordable housing matters, and so increasing housing access.
- **Public Act 102-0419:** Creates the same protections for family members, caretakers, and others of disabled persons. Amends the Act so that discrimination against those caring for the disabled is now unlawful, just as discrimination is against disabled persons themselves.
- **Public Act 101-0656:** Employee Background Fairness Act. Creates protections so that it is unlawful to discriminate on the basis of criminal conviction record, with exceptions in certain cases.



## OUTREACH AND ENGAGEMENT: PUBLIC AFFAIRS

#### Telling the Illinois Human Rights Story

The Illinois Department of Human Rights (IDHR) Office of Public Affairs uses various channels to communicate the agency's programs, services, and initiatives to the public.

At the height of the COVID-19 Pandemic, the Office modified its outreach strategy to continue serving diverse communities across the state. This strategy continued throughout FY 2022 as we restructured our Office and transitioned into in-person events.

Our fiscal year (FY) 2022 milestones include:

#### **External Communication**

At the agency-level, the Public Affairs Office worked with division heads to create marketing materials that promote the agency's activities, services, and resources. The Office used the IDHR's website, social media platforms, speaking engagements, stories, news releases, and events.

#### **Stakeholder Outreach**

In FY 2022, Public Affairs continued building its online presence to expand awareness of the Department and the services provided to Illinoisans. During this period, we created a LinkedIn account to target small businesses and working professionals. We also planned virtual events to honor monthly observances that align with our agency's mission, vision, and core values.

#### **Media Relations**

As the primary spokesperson to the media, the Public Information Officer responded to media inquiries ranging from requests to confirm the filing of discrimination charge to general questions about departmental rules, regulations, statistics, and the protections afforded under the Illinois Human Rights Act.



## ADMINISTRATION: MANAGEMENT OPERATIONS AND INFORMATION SYSTEMS

The Management Operations and Information Systems division of IDHR (MOIS) oversees and manages general office operations, facilities and equipment, and the core information systems that enable the IDHR to conduct its daily work of three offices in Chicago, Springfield, and Marion. IDHR's MOIS division operates in tandem and coordination with the State of Illinois Department of Innovation and Technology (DoIT) and Central Management Services (CMS) to ensure all employees have the tools, resources, and support to uphold the agency's mission and deliver on the IDHR's commitment to the people of Illinois.

In alignment with governance and support services from both DoIT and CMS, IDHR's MOIS division supports key resources and functions of the agency, including:

- Managing and supporting data and mainframe applications necessary for casework and investigations;
- IT equipment provisioning, maintenance and inventory control;
- Facilities management and security;
- IT systems support and security awareness and compliance;
- Communications infrastructure, such as phone, website, and networks;
- Reporting and data controls with information systems;
- Strategic planning for growth and technology expansion of the IDHR.

#### Highlights of FY2022 Accomplishments

- Coordinated and facilitated the Department's largest office relocation in 34 years, with IDHR's move of Chicago staff from the historic James R Thompson Center to a new State of Illinois building at 555 W Monroe St, Chicago, as well as the move of IDHR's Springfield staff from the IDPH Building to a newly renovated space at 524 S. 2nd Street, Springfield.
- Completed an agency-wide PC refresh project, providing all IDHR employees with modernstandard equipment and further enhancing IT resources and pandemic-era service delivery.
- Successfully processed more than 3,100 internal support requests from IDHR employees, in addition to regular operational and IT support activities.
- Supported internal communications platforms for IDHR employees, including an Employee Portal receiving more than 40,000 visits.
- Created and supported new automations and intake procedures for the Department's Institute for Training & Development, including online requests from more than 11,600 constituents and employers in Illinois.
- Advanced IDHR's multi-year, phased project to develop and implement a new electronic case management system to better serve constituents seeking IDHR investigations and charge processing.

### IDHR GETS A NEW HOME: CHICAGO AND SPRINGFIELD RELOCATE



Director Bennett happy about the move.



The new entrance at 555 W Monroe, Chicago



Movers hard at work in Springfield



IDHR employees hard at work in Chicago



IDHR employee hard at work unpacking in Chicago



Brand new cubicles in Springfield



The new view from Director Bennett's Springfield office



Deputy Bautista helping set up a monitor



Entry doors at 524 S. 2nd, Springfield



Fiber installation in Springfield

# ADMINISTRATION: FISCAL

FISCAL YEAR 2022

Funds were appropriated for IDHR in the amount of \$17,113,200 during FY2022. General Revenue Funds totaled \$11,718,400. Other State Funds were \$600,000 and Special Projects Funds or federal dollars appropriated were \$4,794,000 in contracts with:

- The U.S. Equal Employment Opportunity Commission (EEOC) to investigate dual-filed employment discrimination charges (\$1,214,148).
- The U. S. Department of Housing and Urban Development (HUD) to process dual-filed housing discrimination complaints and conduct special projects (\$665,298).

Expenditures for FY2022 totaled \$13,526,256, of which \$11,625,285 derived from General Revenue Funds, \$1,879,449 derived from Special Projects Funds, and \$21,52 derived from Other State Funds.

## During Fiscal Year 2022, The Department had the following accomplishments:

- Moved to new offices in both Springfield and Chicago that facilitate and significantly enhanced its capability to serve its customers.
- Implemented an improved online system that requires employers seeking sexual harassment material for their compliance to submit their information to access it online.
- Continued a multi-year project that will transfer data and case management processes from a decades-old, on-premises mainframe to a cloudhosted solution that will manage a Department core function, the investigation of charges of discrimination.

#### **END OF YEAR HEADCOUNT**

- FY20: 135
- FY21: 129
- FY22: 118

#### **EXPENDITURE STATEMENT: FISCAL YEAR 2022**

•	Personnel Services	•	10,032,244
•	Information Technology	•	821,705
•	State Conributions to Social Security	•	764,862
•	Contractual Services	•	544,352
•	State Contributions to State Retirement System	•	453,852
•	Rent	•	361,296
•	Telecommunications Services	•	302,919
•	Rental of Office Equipment	•	48,934
•	Repairs and Maintenance	•	35,655
•	Operation of Automotive Equipment	•	30,135
•	Commodities	•	18,018
•	Printing	•	17,064
•	Travel	•	17,001
•	Group Insurance	•	16,738
•	Other	•	14,922
•	Education and Instructional Supplies	•	13,832
•	Furniture and Equipment	•	7,641
•	Software	•	1,915
•	Office Supplies	•	1,170

#### **GRAND TOTAL**

\$13,526,256

FISCAL YEAR 2022 Annual Report



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