

**ILLINOIS  
DEPARTMENT OF HUMAN RIGHTS**

**FISCAL YEAR 2015  
AFFIRMATIVE ACTION PLAN**

**ROCCO J. CLAPS  
DIRECTOR**

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# **PART I**

**EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION  
PROGRAM CERTIFICATION**

AGENCY Illinois Department of Human Rights

ADDRESS 100 W. Randolph Street, Suite 10-100

TELEPHONE NUMBER (312) 814-6200

CHIEF EXECUTIVE OFFICER Rocco J. Claps, Director

EEO/AA OFFICER Michelle Dirksen

This is to certify that the attached document represents the Equal Employment Opportunity/Affirmative Action Program of this agency.

\_\_\_\_\_  
Signature Chief Executive Officer Date

\_\_\_\_\_  
Signature EEO/AA Officer Date

## **Director's EEO/AA Policy Statement**

It is the Policy of the Illinois Department of Human Rights to provide equal employment opportunity and to vigorously pursue affirmative action efforts in instances of underutilization. The Department will fully comply with all non-discrimination and affirmative action requirements of state and federal laws, rules, regulations, and executive orders.

In furtherance of this policy, the following agency policies are hereby reaffirmed:

1. Decisions regarding recruitment, hiring, training, promotion, renewal of employment, layoffs, tenure or terms, privileges or conditions of employment, discipline and discharge will be made without regard to race, color, sex, sexual orientation/transgender status, religion, marital/parental status, age, national origin/ancestry, military status, unfavorable discharge from military service, citizenship status, physical or mental disability, political affiliation and/or beliefs, or any other non-merit status and order of protection status.
2. It is the responsibility of the Department's EEO/AA Officer to monitor the agency's employment status and personnel transactions, and to advise me as to whether or not the agency is in compliance with this policy.
3. Employees shall not discriminate, harass in any manner, or cause intentional harm or disrespect to any fellow employee.
4. Reasonable accommodation will be provided to applicants and employees with disabilities, unless such accommodation would cause the agency to experience undue hardship.
5. Affirmative action will be taken to correct the underutilization of minorities, females and people with disabilities at all levels of employment.
6. It is the responsibility of each individual employee to refrain from sexual harassment in the workplace. No employee should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from sexual harassment.
7. Any employee or applicant who feels that he/she has been discriminated against, should feel free, absent fear or retaliation, to file a discrimination complaint with the agency's EEO Officer, Michelle Dirksen.
8. The support of all executive, managerial, and supervisory staff in implementing this policy and ensuring compliance with non-discrimination and affirmative action laws and policies in this agency is expected. All employees are directed to fully comply with the provision of this policy.

The failure to comply with the provisions of this policy may result in disciplinary action up to and including discharge.

Date:

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Rocco J. Claps  
Director

## AGENCY PROFILE

The Department of Human Rights administers the Illinois Human Rights Act, which prohibits discrimination because of race, color, religion, sex, sexual orientation, national origin, ancestry, citizenship status (with regard to employment), familial status (with regard to real estate transactions), age, marital status, physical or mental disability, military service (which includes veteran status), or unfavorable military discharge.

The Act prohibits discrimination in connection with employment opportunities, real estate transactions, access to financial credit, and the availability of public services and public accommodations. It also provides protection from sexual harassment in employment, sexual harassment of students in higher education, and retaliation for having filed a discrimination charge.

### Organizational Structure

The Department is organized into three divisions consisting of Administration, Charge Processing and Legal with additional offices and programs under each one.

Organizationally, the Administrative Division consists of the following program areas: Fiscal, Legislative Operations, Management Operations, Personnel, Public Information, and Research Planning and Development.

The Charge Processing Division receives and investigates charges of discrimination in connection with employment opportunities, housing and real estate transactions, access to financial credit, or the availability of public services and public accommodations, sexual harassment in employment, sexual harassment of students in higher education, and retaliation for having opposed discrimination. The Charge Processing Division is the largest division in the Department, consisting of the Intake unit, Investigation groups and the Quality Control unit.

The Legal Division oversees the investigation works of the Department and monitors the Liaison Unit and the Public Contracts Unit.

The Institute for Training and Development provides a broad range of workshops and seminars in the areas of equal employment opportunity and fair housing, etc. to enhance the sensitivity and technical knowledge of human rights organizations, municipal agencies, and the business sector.

The Illinois Department of Human Rights is at the following locations:

Chicago Office  
100 West Randolph Street, Suite 10-100  
Chicago, Illinois 60601  
(312) 814-6200  
(866) 740-3953 (TTY)

Springfield Office  
222 South College, Room 101A  
Springfield, Illinois 62704  
(217) 785-5100  
(866) 740-3953 (TTY)

Marion Office  
2309 W. Main Street, Suite 112  
Marion, IL 62959  
(618) 993-7463

## IDENTIFICATION OF THE INDIVIDUAL DESIGNATED AS RESPONSIBLE TO THE CHIEF EXECUTIVE FOR EEO/AA FUNCTIONS

The individual assigned the responsibility of discharging the EEO/AA functions for the Illinois Department of Human Rights is Michelle Dirksen, 222 S. College Street, Room 101A, Springfield, IL 62704, 217-785-5123. EEO/AA responsibilities include but are not limited to the following:

1. Develop EEO/AA policy statement for approval by the IDHR Director.
2. Develop the agency's Affirmative Action Plan, goals and objectives for the Director's approval.
3. Develop internal audits and reporting systems for measuring the effectiveness of agency programs indicating need for remedial action and determining the degree which the agency's goals and objectives have been obtained.
4. Provide assistance to executive/management staff in identifying and finding solutions to EEO problems.
5. Serve as liaison between the agency and EEO enforcement authorities.
6. Serve as ADA Coordinator for Employment.
7. Conduct internal reviews periodically of IDHR operations to ensure that it is in compliance with the mandate of this plan.
8. Make quarterly reports to the agency's Director regarding the status of the agency with respect to meeting its goals and objectives.
9. Evaluate employment policies and practices and report immediately to the Director any such policies, practices and evaluation mechanisms that have adverse impact on minorities, women and disabled persons.
10. Inform management of new developments related to EEO.
11. Regularly confer with managers and supervisors to assure that the agency's EEO policies are being observed.
12. Report to the Director all internal complaints of discrimination against the agency.
13. Investigates internal complaints of discrimination, and participate in the investigation of external charges of discrimination.



14. Analyze Layoff reports, Reorganization reports, Hiring and Promotion monitors and Exit Interview Questionnaires.
15. Provide counseling for any aggrieved employee or applicant for employment who believes that he or she has been discriminated against because of race, sex, sexual orientation, creed, religion, color, marital or parental status, age, national origin, ancestry, political affiliation and/or beliefs, mental and/or physical disability, military status, citizenship status, or other non-merit factors.
16. Immediately notify the Director and Liaison staff when unable to resolve employment practices or conditions, which have or tend to have disparate impact on minorities, women, or people with disabilities.
17. Develop methods by which to disseminate the agency's Affirmative Action Plan.

## METHODS OF DISSEMINATION OF THE AFFIRMATIVE ACTION PLAN AND POLICY

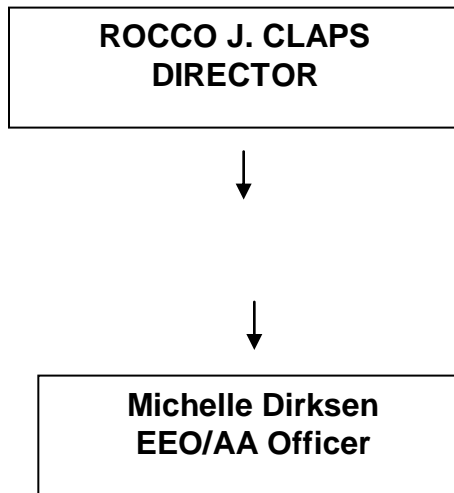
### I. INTERNAL

- (1) A copy of the Affirmative Action Plan will be available for review in both the Springfield and Chicago offices;
- (2) A Copy of the Plan will be made available to all agency managers, supervisory personnel and staff;
- (3) Original copy of the Plan will be submitted to the Liaison Unit;
- (4) Copies of the Director's Policy Statement will be posted in strategic areas throughout the agency.
- (5) Display EEO/AA Posters in conspicuous locations.

### II. EXTERNAL

- (1) Copies of the agency's Affirmative Action Plan will be sent to the State Library, Acquisitions Division, and Illinois Document Division;
- (2) A copy of the Plan will be available to all recruitment sources, minority/female organizations, state and federal regulatory agencies, etc.
- (3) A copy will be available on the department's website.

**ORGANIZATIONAL CHART OF AGENCY'S  
EEO NETWORK**



## **PART II**

## PART II

### GROUPING OF DEPARTMENT OF HUMAN RIGHTS JOB TITLES BY EEO JOB CATEGORIES

#### OFFICIALS/MANAGERS:

Senior Public Service Administrator  
Public Service Administrator

#### PROFESSIONALS:

Accountant  
Accountant Supervisor  
Administrative Assistant I, II  
Human Rights Specialist I, III  
Human Rights Investigator I, II & III  
Human Rights Mediator  
Management Operations Analyst I  
Technical Advisor II, III  
Public Administrator Intern  
Public Information Officer IV  
Information Systems Analyst II  
Information Services Specialist II

#### TECHNICIANS:

Account Technician I, II  
Data Processing Specialist  
Data Processing Supervisor I  
Data Processing Technician  
Data Processing Administrative Specialist

#### PARA-PROFESSIONALS:

Executive Secretary I, II, III  
Office Coordinator  
Private Secretary II

#### OFFICE/CLERICALS:

Office Assistant  
Office Associate  
Office Aide

## Internal Workforce Analysis

The Illinois Department of Human Rights has 143 employees in three offices around the state, Chicago, Springfield, and Marion. The largest office is Chicago, with 123 employees; the Springfield office has 18 employees, and the Marion office 2. Overall, the agency is diverse. As the charts below show, 68% of the staff is female, 36% African American, and 21% Hispanic. Twenty percent of the staff has disabilities and three percent of the staff is Asian. The Department does not have any Native American or Hawaiian/Pacific staff members. The following figures are as of 6-30-14.

### IDHR Employees by Race

White	African American	Hispanic	Asian	Native American	Hawaiian Pacific
59	51	29	4		
41%	36%	21%	3%	0%	0%

### IDHR Employees by Race and Sex: Male

White	African American	Hispanic	Asian	Native American	Hawaiian Pacific	Total
26	10	9	1	0	0	46
18%	7%	6%	1%	0%	0%	32%

### IDHR Employees by Race and Sex: Female

White	African American	Hispanic	Asian	Native American	Hawaiian Pacific	Total
33	41	20	3	0	0	97
23%	29%	14%	2%	0%	0%	68%

### IDHR Employees with Disabilities

Male	Female	Total
12	16	28
8%	10%	20%

Females are well utilized in all levels of employment within the agency: 68% of Officials/Managers; 62% of Professionals; 75% of Technicians; and 83% of Office/Clerical. African American employees are well distributed among the EEO job categories: 32% of Officials/Managers; 27% of Professionals; 100% of Technicians; 86% of Para-Professionals; and 50% of Office/Clericals. Hispanics make up 25% of Officials/Managers; 17% of Professionals; and 39% of Office/Clericals. There are four Asian employees in the agency; all are in the Professional category.

The Department hired ten people in FY14: one African American male (10%); one Asian male (10%) and one White male (10%); one White female (10%); five African American females (50%); and one Asian female (10%). In regards to discipline imposed during the year, there were only two suspensions, one White/male and one White/female, a significant improvement from previous fiscal years but will continue to closely monitored during FY15. No other transactions in FY14 were worth noting.

PROMOTABLE CATEGORIES

OFFICIALS/MANAGERS:

Professionals

PROFESSIONALS:

Technicians  
Para-Professionals  
Office/Clericals

TECHNICIANS:

Para-Professionals  
Office/Clericals

PARA-PROFESSIONALS:

Office/Clericals

OFFICE/CLERICALS:

None



## COUNTIES BY REGION

### REGION I

McHenry  
Kane  
Kendall  
Grundy  
Lake  
Cook  
DuPage  
Will

### REGION II

JoDavies  
Carroll  
Whiteside  
Stephenson  
Ogle  
Lee  
Winnebago  
Boone  
DeKalb

### REGION III

Rock Island  
Mercer  
Henderson  
Warren  
Henry  
Bureau  
Stark  
Knox

### REGION IV

Peoria  
Fulton  
Mason  
Woodford  
Tazewell

### REGION V

LaSalle  
Putnam  
Marshall  
Livingston  
McLean  
Kankakee

### REGION VI

Iroquois  
Ford  
Champaign  
Douglas  
Vermillion

### REGION VII

Logan  
Menard  
Sangamon  
Macoupin  
Montgomery  
Christian  
Macon  
DeWitt  
Piatt

### REGION VIII

Hancock  
Adams  
Pike  
Calhoun  
McDonough  
Schuyler  
Brown  
Cass  
Morgan  
Scott  
Greene  
Jersey

### REGION IX

Madison  
St. Clair  
Monroe  
Bond  
Clinton  
Washington

### REGION X

Moultrie  
Shelby  
Fayette  
Marion  
Clay  
Effingham  
Coles  
Cumberland  
Jasper  
Edgar  
Clark  
Crawford  
Lawrence  
Richland

### REGION XI

Randolph  
Perry  
Jackson  
Union  
Alexander  
Pulaski  
Jefferson  
Franklin  
Williamson  
Johnson  
Wayne  
Edwards  
Wabash  
Hamilton

Hardin  
Pope  
Saline  
Massac  
Gallatin  
White

## **Note on Final Availability Worksheets**

In some worksheets, value weights assigned to some factors exceed the DHR parameters. The reason for the variation is to make adjustment for zero factors.

## **PART III**

PART III

**NUMERICAL GOALS AND TIMETABLES**

Areas to be addressed:

Region I: Underutilization of 1 - Asian/Official/Managers  
Underutilization of 2 - Asian/Professionals  
Underutilization of 1 - African American/Professional

Region VII: Underutilization of 2 - African American/Professionals

Goal:

Eliminate underutilization of 1 Asian Official/Manager in Region 1.

Objective:

As vacancies occur, hire/promote into underutilized categories.

<u>Action Item</u>	<u>Assignment of Responsibility</u>	<u>Completion Target Date</u>	<u>Monitoring Procedure</u>
Notify relevant recruitment sources of potential vacancies for referrals of qualified applicants	EEO & Recruiting Officers	Quarterly	Review quarterly Vacancy Reports
Employ 1 – Asian Official/Manager	Appropriate Interviewing Officer	6/30/2015	Review of hires and promotions by EEO Officer

Goal:

Eliminate underutilization of 2 Asian Professionals in Region 1.

Objective:

As vacancies occur, hire/promote into underutilized categories.

<u>Action Item</u>	<u>Assignment of Responsibility</u>	<u>Completion Target Date</u>	<u>Monitoring Procedure</u>
Notify relevant recruitment sources of potential vacancies for referrals of qualified applicants	EEO & Recruiting Officers	Quarterly	Review quarterly Vacancy Reports
Employ 2 – Asian Professionals	Appropriate Interviewing Officer	6/30/2015	Review of hires and promotions by EEO Officer

Goal:

Eliminate underutilization of 1 African American/Professional in Region 1.

Objective:

As vacancies occur, hire/promote into underutilized categories.

<u>Action Item</u>	<u>Assignment of Responsibility</u>	<u>Completion Target Date</u>	<u>Monitoring Procedure</u>
Notify relevant recruitment sources of potential vacancies for referrals of qualified applicants	EEO & Recruiting Officers	Quarterly	Review quarterly Vacancy Reports
Employ 1 – African American Professional	Appropriate Interviewing Officers	6/30/2015	Review of hires and promotions by EEO Officer

Goal:

Eliminate underutilization of 2 African American/Professionals in Region 7.

Objective:

As vacancies occur, hire/promote into underutilized categories.

<u>Action Item</u>	<u>Assignment of Responsibility</u>	<u>Completion Target Date</u>	<u>Monitoring Procedure</u>
Notify relevant recruitment sources of potential vacancies for referrals of qualified applicants	EEO & Recruiting Officers	Quarterly	Review quarterly Vacancy Reports
Employ 2 – African American Professionals	Interviewing Officer	6/30/2015	Review of hires and promotions by EEO Officer

Recruitment Sources

Governor's Liaison to Asians & African Americans  
Statewide Illinois Worknet Offices  
CMS Diversity Enrichment Program  
DHR Speakers Bureau Job Fairs Team  
NAACP Springfield & Chicago  
Frontiers Organization  
Local Asian & African American Churches  
Local Colleges/Universities/Sororities

**PROGRAMMATIC GOALS**

GOAL:

Plan to attend at least 2 professional development courses during FY15 plan year.

OBJECTIVE:

Update my knowledge of current EEO issues and trends to be shared within our agency.

Action Item	Assignment of Responsibility	Completion Target Date	Monitoring Procedure
Research current available Training courses dealing with EEO issues.	EEO/AA Officer	12/31/2014	
Schedule first training by End of 2 <sup>nd</sup> Quarter.	EEO/AA Officer	12/31/2014	Memo requesting permission to attend.
Schedule second training by End of 4 <sup>th</sup> Quarter.	EEO/AA Officer	6/30/2015	Memo requesting Permission to attend.

GOAL:

Distribute to all staff information on 2 new amendments to the Human Rights Act (pregnancy accommodations and unpaid interns).

OBJECTIVE:

Assure all employees are aware of the 2 new amendments.

Action Item	Assignment of Responsibility	Completion Target Date	Monitoring Procedure
Request assistance from the Chief Legal Counsel for the Distribution of information.	EEO/AA Officer	3/31/2015	
Distribute the information to all Agency employees via email.	EEO/AA Officer	6/30/2015	

## **PART IV**

## PART IV

### DISCRIMINATION COMPLAINT PROCESS

Any employee of the Department of Human Rights wishing to file a complaint alleging discrimination may contact any one of the following without fear of reprisal:

Equal Employment Opportunity Officer  
Michelle Dirksen  
Department of Human Rights  
222 South College Street, Room 101A  
Springfield, Illinois 62704  
Telephone: 217-785-5100  
TTY: 866-740-3953

Equal Employment Opportunity Commission  
500 West Madison Street, Suite 2800  
Chicago, Illinois 60661  
Telephone: 312-353-2713  
TDD: 312-353-2421

Equal Employment Opportunity Commission  
1222 Spruce Street, Room 8-100  
St. Louis, Missouri 63103  
Telephone: 314-539-7800  
TDD: 314-425-6547



## DISCRIMINATION COMPLAINT INVESTIGATION PROCEDURE

### A. PURPOSE

In accordance with the Statement of Policy outlined in Part I of this Plan, the Department of Human Rights affirms its commitment to a policy of non-discrimination through the implementation of a Discrimination Complaint Investigation Procedure, which promotes the internal resolution of employee complaints of alleged discrimination. It is the conviction of this Agency that the establishment of this Discrimination Complaint Investigation procedure will provide an internal avenue of redress to informally resolve complaints of alleged discrimination at the lowest organizational level, reducing the backlog, delay, and expense of a prolonged formal complaint process.

To that end, supervisors and managers are responsible for the resolution of valid complaints of discrimination within their organization level. The EEO/AA Officer shall advise management and investigate complaints of discrimination, document facts, present findings, and make recommendations to resolve the dispute.

The use of this internal investigation procedure does not preclude the right of an employee to file a charge directly with the Equal Employment Opportunity Commission. The filing of any complaint of alleged discrimination will not be used as a basis for future retaliation adversely affecting the rights of any employee.

### B. PROCEDURES

Any complaint alleging discrimination shall be in writing and shall clearly indicate the date, nature, and other pertinent information of the complaint of alleged discrimination submitted to the EEO Officer for investigation. The attached Discrimination Form may be used.

#### 1. Scope of Timeliness

Unless of a continuing nature, all complaints must be received by the EEO officer in writing within thirty (30) working days of the date of the alleged discrimination. The scope of the investigation shall be restricted to the specific allegations cited in the charge.

#### 2. Intake Screening

Immediately upon receipt of a complaint, the EEO Officer shall review the complaint to determine the validity and thoroughness of the information submitted in the complaint.

The EEO Officer shall inform the employees in writing of the acceptance of the complaint for investigation within ten (10) working days of the receipt of the complaint. The complainant shall be promptly notified if further information or documentation is required to support the charge.

### 3. Investigation

Within thirty (30) working days of the acceptance of the complaint, the EEO Officer shall initiate a thorough investigation of the allegation(s) of discrimination cited in the complaint. In order to document the merits of the charge, the investigation shall entail the verification of information with the immediate supervisor, staff and witnesses to the alleged discriminatory act. The investigation shall be concluded within sixty (60) working days after acceptance of the complaint.

### 4. Withdrawal of Complaint

The complainant, or any part of the complaint allegation, may be withdrawn by the employee during the investigation of the complaint upon receipt by the EEO Officer of a written request for withdrawal by the complainant.

### 5. Adjustment During Investigation

If, during the investigation of the complaint, a settlement is reached between the immediate supervisor and the employee, the settlement agreement shall be obtained in writing with the approval of line management before the complaint shall be considered closed by the EEO Officer.

### 6. Dismissal of the Complaint

If, after an analysis of the merits of the complaint, there is a lack of substantial evidence to believe that discrimination has occurred, the complainant shall be notified of the findings in writing, and informed of the right to appeal to the Director.

### 7. Investigation Findings

If, however, at the conclusion of the investigation, there exists reasonable cause to believe that discrimination may have occurred, the EEO Officer shall submit a written notice to the Director with the findings and recommendations to resolve the complaint. Within five (5) working days, conciliation efforts shall be initiated and the EEO Officer shall participate to seek an equitable resolution of the complaint.

## 8. Conciliation Efforts

The EEO Officer shall conduct and coordinate conciliation efforts by conferring with the parties in an attempt to secure a settlement. A conciliation conference may be convened, which all parties may attend in person or by representative, to propose, discuss, and agree to a resolution of the complaint.

If the complaint cannot be satisfactorily resolved at this level within five (5) working days, the EEO Officer shall document the efforts made to resolve the complaint and shall provide a written explanation of the reasons why the complaint was not able to be resolved.

The findings, conciliation efforts, and proposed settlement shall be forwarded to the Director for the final review, approval or other determination. The Director shall make known to the EEO Officer the final decision within ten (10) working days of the receipt of the EEO Officer's written report.

NOTE: An employee who files an internal complaint through the EEO Officer also has the right to file such complaint with the Equal Employment Opportunity Commission simultaneously.

The General Counsel shall represent the Agency in responding to any charges by the Equal Employment Opportunity Commission.

**POLICY STATEMENT ON SEXUAL HARASSMENT**

As Director of the Department of Human Rights, I am committed to providing a workplace that is free from sexual harassment. Any employee's behavior that fits the definition of sexual harassment will not be tolerated and may result in disciplinary action, up to and including dismissal.

The accompanying procedures defines sexual harassment, summarizes the rights and responsibilities of individual employees, describes the responsibility of supervisors in enforcing the policy, and outlines procedures for filing a complaint.

Full compliance with the policy by all employees in the agency is expected. Training on this sexual harassment policy will be a component of all ongoing training programs.

Rocco J. Claps  
Director

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Signature

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Date

## IDHR Discrimination Procedure on Sexual Harassment

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It is the responsibility of each individual employee to refrain from sexual harassment, and it is the right of each individual employee to work in an environment free from sexual harassment.

### Definition of Sexual Harassment:

According to the Illinois Human Rights Act, sexual harassment is defined as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when –

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or;
- (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991.

One such example is a case where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity.

Other conduct commonly considered being sexual harassment includes:

- Verbal: Sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy – or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

## IDHR Discrimination Procedure on Sexual Harassment

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- Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing “ noises.
- Visual: Posters, signs, pin-ups or slogans of a sexual nature.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the courts is to assess sexual harassment by a standard of what would offend a “reasonable woman” or a “reasonable man”, depending on the gender of the alleged victim.

An example of the most subtle form of sexual harassment is the use of endearments. The use of terms as “honey”, “darling”, and “sweetheart” is objectionable to many women who believe that these terms undermine their authority and their ability to deal with men on an equal and professional level.

Another example is the use of a compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman in the workplace:

“That’s an attractive dress you have on.”

“That’s an attractive dress. It really looks good on you.”

“That’s an attractive dress. You really fill it out well.”

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment, depending on individual perceptions and values. To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach, or to err on the side of caution.

## IDHR Discrimination Procedure on Sexual Harassment

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### Responsibility of Individual Employees:

Each individual employee has the responsibility to refrain from sexual harassment in the workplace.

An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accordance with departmental policy or a bargaining agreement, as appropriate.

### Responsibility of Supervisory Personnel:

Each supervisor is responsible for maintaining the workplace free of sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as with all other forms of employee misconduct.

The courts have found that organizations as well as supervisors can be held liable for damages relate to sexual harassment by a manager, supervisor, employee, or third party (an individual who is not an employee but does business with an organization, such as a contractor, customer, sales representative, or repair person).

Liability is either based on an organization's responsibility to maintain a certain level of order and discipline, or on the supervisor acting as an agent of the organization. As such, supervisors must act quickly and responsibly not only to minimize their own liability but also that of the agency.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint, with seriousness, takes prompt action to investigate it, report it and end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior considered sexual harassment but does not want to make a formal complaint.

In addition, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

## IDHR Discrimination Procedure on Sexual Harassment

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The Agency's Equal Employment Opportunity (EEO)/Affirmative Action (AA) Officer is available to consult with supervisors on the proper procedures to follow.

### Procedures For Filing A Complaint:

An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the supervisor and/or EEO/AA Officer and offending employee. It is not necessary for sexual harassment to be directed at the person making a complaint.

The following steps may also be taken: document or record each incident (what was said or done, the date, the time, and the place). Documentation can be strengthened by written records such as letters, notes, memos, and telephone messages.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

The process for making a complaint about sexual harassment falls into several stages.

- Direct Communication. If there is sexually harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor or the EEO/AA Officer. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision or the EEO/AA Officer.
- Formal Written Complaint. An employee may also report incidents of sexual harassment directly to the EEO/AA Officer. The EEO/AA Officer will immediately begin the investigation process. If it is first reported to the supervisor, the supervisor will notify the EEO/AA Officer who will in turn conduct the investigation.

Upon completion of the investigation the EEO/AA Officer will make a recommendation to the Director. If an investigation reveals that sexual harassment has occurred, appropriate disciplinary action will be taken against the offender.



## IDHR Discrimination Procedure on Sexual Harassment

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- Resolution Outside Department. It is hoped that most sexual harassment complaints and incidents can be resolved within the Agency. However, an employee has the right to contact the EEOC Commission (EEOC) about filing a formal complaint. A complaint with the EEOC must be filed within 300 days. An IDHR employee may file a complaint with the IDHR, however, per the work sharing agreement, the complaint will be forwarded to the EEOC for investigation. The number for the EOC is 312-353-3713.

An employee who is suddenly transferred to a lower paying job or passed over for promotion, after filing a complaint with EEOC, may file a retaliation charge, also due within 300 days of the alleged retaliation.

An employee who has physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

### False and Frivolous Complaints:

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith, which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

DEPARTMENT OF HUMAN RIGHTS

Discrimination Complaint Form  
To: EEO/Affirmative Action Office

1. Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Home Address \_\_\_\_\_

2. Are you currently employed by the department? Yes \_\_\_\_\_ No \_\_\_\_\_

3. Indicate your present job title, status, work unit, address, telephone number and length of service in your current title:

Job Title	Status	Unit
Location	Telephone	Length of Service in Classification

4. Date of alleged discriminatory practice: \_\_\_\_\_

5. Basis of the alleged discriminatory practice:

- |                          |                          |                   |
|--------------------------|--------------------------|-------------------|
| _____ Sexual Orientation | _____ Transgender Status | _____ Race/Color  |
| _____ Ancestry           | _____ Disability         | _____ Retaliation |
| _____ Sex                | _____ Religion           | _____ Age         |
| _____ National Origin    | _____ Other (Specify)    |                   |

6. The discrimination occurred on connection with:

- |                        |                           |                            |
|------------------------|---------------------------|----------------------------|
| _____ Interview        | _____ Downward Allocation | _____ Transfer             |
| _____ Hiring Selection | _____ Disciplinary Action | _____ Lay Off              |
| _____ Promotion        | _____ Compensation        | _____ Training Opportunity |
| _____ Other (specify)  |                           |                            |

7. The facts of the alleged discriminatory employment practice are:

\_\_\_\_\_  
\_\_\_\_\_  
(continue on additional sheets, if necessary.)

8. Name (s), Title (s), Work Location (s) and Telephone Number(s) of Person(s) who you believe discriminated against you.

\_\_\_\_\_  
\_\_\_\_\_

9. Please supply supporting evidence to document the basis for the discriminatory practice you are claiming, as indicated in your response to Number 5 of the form.

I have attached supporting evidence: Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, describe attachments:

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10. Have you made an effort to resolve the discrimination through your supervisors, the grievance procedure or with any public or private organization? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, please Explain, indicating the outcome of the efforts:

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(continue on additional sheets if necessary)

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Complainant's Signature and Date Filed

EEO/AA Officer's Signature and Date Received

# **PART V**

PART V

AMERICAN WITH DISABILITIES ACT COORDINATOR

NAME: Michelle Dirksen

TITLE: EEO/AA Officer

ADDRESS: 222 So. College, Room 101A, Springfield, IL 62704

TELEPHONE #: (217) 785-5123- /TTY (866) 740-3953

FAX #: (217) 785-5106

# AFFIRMATIVE ACTION PROVISIONS FOR PEOPLE WITH DISABILITIES

## Introduction

The Department is required by state and federal law to provide equal employment opportunity for people with disabilities. The Americans with Disabilities Act, which for purposes of its employment title was effective July 26, 1992, prohibits discrimination against applicants and employees with disabilities. The Department's ADA Coordinator for Employment is Michelle Dirksen, 222 So. College, Room 101A, Springfield, 62704. Also, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination by recipients of federal funds. The Department receives federal funding from the Equal Employment Opportunity Commission.

The Department is also covered by the Illinois Human Rights Act, which prohibits discrimination against applicants or employees with current disabilities, those with histories of disabilities, and those who are perceived to have disabilities. This Act also requires state executive agencies to practice affirmative action in regards to employment of persons with disabilities. As the enforcement agency under the Human Rights Act, the Department is committed to the practice of fair and equitable treatment of all disabled employees and affirmative action as required by the Department of Human Rights' rules on Equal Employment Opportunity and Affirmative Action. This part of the plan sets forth steps the agency will take to comply with these legislative and regulatory requirements. Although the plan is primarily concerned with employment-related issues, this part of the plan will also address the Department's policy and practice of providing services to disabled clients in an accessible manner.

### I. Number of Employees with Disabilities

Employees wanting to identify their disabilities must complete the on-line Disability Survey Form by logging into [www.2.illinois.gov/disability\\_survey/](http://www.2.illinois.gov/disability_survey/). All new employees are required to login to this website and voluntarily provide their disability information or indicate they do not have a disability. For those who choose not to fill out the on-line form they simply click the "Skip Survey" button to indicate receipt and acknowledgement that they elect not to participate in the survey. Employees are free to change their disability status, should they become disabled or recover from a disabling condition. To do so, they would merely complete a new survey form.

The Agency did not return any employees to work under the Alternative Employment Program in FY14.

Number of Disabled Employees	28
Total Number of Employees	143
Percentage of Disabled Employees	20%

## II. Pre-employment Inquiries/Physical Examinations

### A. Pre-employment Inquiries

The Department does not use any written inquiries of applicants regarding disabilities. In compliance with the American with Disabilities Act (ADA), no questions concerning an applicant's disability will be posed during an employment interview. Department managers have been informed of this policy. Managers are responsible for ensuring that interviewing officers within their divisions comply with this policy.

### B. Physical Examinations

The Department does not require any applicant for employment to undergo a physical examination.

## III. Employment Criteria and Testing

### A. Employment Criteria

The Department relies on employment criteria established by the Department of Central Management Services. Before any internal criteria's are established, the agency EEO Officer will determine whether the criteria in question are job-related, and he/she has the authority to prevent the use of such criteria when they are not significantly related to job performance.

### B. Employment Testing

The Department conducts no employment testing of its own. In all cases, when testing is required of applicants, the Department of Central Management Services conducts such tests through the Accommodated Testing Program. The Accomodated Testing Program provides the following types of accommodations for applicants with disabilities:

1. Braille exams;
2. Reader and/or marker for the exam;
3. Certified American Sign Language interpreter
4. Zoom Text;
5. High Contrast;
6. Closed-captioning; and
7. Extra Time.

## PHYSICAL ACCESS (ADA COMPLIANCE)

### A. Access Issues

The Department's offices in both the 222 S. College building in Springfield (Region 7) and the James R. Thompson Center in Chicago (Region 1) are generally physically accessible to disabled individuals. The Chicago and Springfield offices have TTY's.

Some accessibility problems have been identified in the public areas of the College building including:

1. The dimension of the elevator;
2. Thresholds used to enter into the building exceed maximum height.

It is the Department's policy to provide sign language interpreters for deaf clients who request them. Meetings and conferences sponsored by the Department are held in facilities that are accessible to disabled people.

### B. Emergency Evacuation of Employees with Disabilities

All new employees are given the opportunity (on the disability survey form) to identify their need for assistance in emergency evacuation. Burley Howard in the Chicago Office; Doreen Books and Karen Bice in the Springfield Office are responsible for ensuring that appropriate assistance is provided to disabled staff members during an evacuation. The EEO/AA Officer will check the disability survey report on a regular basis verifying the evacuation needs for the department and will as needed relay information regarding evacuation needs to the appropriate evacuation staff.



# LABOR FORCE ANALYSIS FOR PEOPLE WITH DISABILITIES

Agency: Department of Human Rights

Fiscal Year: 2012

TOTAL EMPLOYEES:	140
PERCENT OF PEOPLE WITH DISABILITIES IN ILLINOIS LABOR FORCE:	4.40%
LABOR FORCE NUMBER:	6
NUMBER OF EMPLOYEES WITH DISABILITIES IN THE AGENCY:	23
UNDERUTILIZATION/PARITY:	P

## REASONABLE ACCOMMODATION POLICY

In compliance with the U.S. American with Disabilities Act of 1990 and the Illinois Human Rights Act it is the policy of the Department of Human Rights to reasonably accommodate known physical or mental limitations of otherwise qualified applicants and employees with disabilities. The Department of Human Rights recognizes the rights of a qualified applicant or employee with a disability to request accommodation to the job application procedure and to any aspect of his or her subsequent employment with the agency.

It is the responsibility of the Department of Human Rights to provide accommodation to qualified applicants and employees with disabilities, when such accommodation does not pose an undue hardship to the operation of the agency's business.

The agency's Equal Employment Opportunity Officer and American with Disabilities Act Coordinator can provide further information about the agency's policy in this area.

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Agency's Chief Executive  
Officer

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Date

## REASONABLE ACCOMMODATION POLICY

### Section 1. Introduction

- a) The American with Disabilities Act of 1990, 42 U.S.C. 12101 et. seq. (ADA), prohibits discrimination against a qualified individual with a disability in regard to job application procedures, the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment. [Section 102(a)].
- b) An employer must make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity has demonstrated that the accommodation would impose an undue hardship on the operation of the business of such covered entity. [Section 102(b)-(5) (A)]. Each individual is responsible for initiating the request for reasonable accommodation, (unless the need for accommodation is obvious) if such individual believes such accommodation is required to enable him/her to perform the essential functions of the job.
- c) The policy and procedures set forth herein are also intended to meet the requirements of the Illinois Human Rights Act, Ill. Rev. Stat., ch. 68, par.1-101 et seq. (1989) and Section 504 of the Rehabilitation Act of 1973 29U.S.C.794, as well as the ADA.

### Section 2. Policy

- a) In accordance with the laws and regulations of the U.S. American with Disabilities Act of 1990 and the Illinois Human Rights Act, it is the policy of the Department of Human Rights:
  - 1) To inform employees and applicants (the term “employee” shall include “applicants and prospective employees”) about the agency’s policies and of the right to reasonable accommodations, and;
  - 2) To provide any and all such reasonable accommodations in the most cost effective manner available unless it would impose “undue hardship”;
- b) This policy is intended to comply with the applicable laws and is not intended to create any legal or contractual rights or obligations.

### Section 3. Reasonable Accommodation

- a) Reasonable accommodation means modifications or adjustments to a job application process and the work environment that enables qualified applicants or employees to be considered for a position, to perform the essential functions of a position, and to enjoy equal benefits and privileges of employment. ADA regulations: 29C.F.R.1630.2(o) (1);
- b) Reasonable accommodation may include, but is not limited to:
  - 1) Making existing facilities used by employees readily accessible to and useable by individuals with disabilities;
  - 2) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modification of examinations; training materials or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities. Section 101(9) of the ADA.
- c) The determination of which accommodation is appropriate in a particular situation will be made on a case by case basis and involve the employer and employee in a flexible, interactive process whereby the employee identifies the precise limitations imposed by the disability, and along with the employer explores potential accommodations that would overcome those limitations.

NOTE: *The ADA permits employers to choose the accommodation, which is lowest in cost, if such accommodation provides similar result to a more costly accommodation.*

- d) Reasonable accommodations may be categorized in the following manner:
  - 1) Restructuring/modifications accommodations, include, but are not limited to: job restructuring by removal of non-essential tasks, job modifications, rearrangement of office furniture, removal of desk drawers, flexible time to allow for transportation and/or medical schedules, etc.;

- 2) Technological/accessibility accommodations include but are not limited to: dictating machines, voice activated equipment, push button telephone options, Telecommunications Device for the Deaf (TTY's), hand controls for dictating devices, speaker-phones, telephone amplifiers, typewriters, Braille typewriters, orthopedic desk chairs, and other adaptive office furniture, etc., as well as architectural modifications. Some types of accommodations need not be provided on individual basis if available at the work site and if used by two or more individuals and will not impede job performance;
- 3) Assistive care accommodations include the utilization of additional persons such as readers, drivers, interpreters, and attendants who specifically assist an individual in performing the essential duties of the job.

#### Section 4. Undue Hardship

- a) "Undue hardship" means significant difficulty or expense in, or resulting from, the provision of the accommodation. It refers to any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business of the agency.
- b) Whether an accommodation will impose an undue hardship must be analyzed on a case-by-case basis. Factors to be considered in determining whether an accommodation would impose undue hardship on the agency may include, but not be limited to: (1) the nature and net cost of the accommodation needed; (2) the overall appropriation of the agency with respect to the number of employees and number, type, and location of its facilities; (3) the type of operation or operations of the agency, including the composition, structure and functions of the workforce of such agency; and (4) the impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to be able to perform their duties and to conduct business.
- c) A requested accommodation may be denied if it is unduly disruptive to other employees or to the functioning of the business of the agency. To demonstrate that the accommodation would be unduly disruptive, the disruption must result from the provision of the accommodation, not from the fears or prejudices of other employees toward the individual's disability.
- d) When an accommodation would cause undue hardship and it is something which the employee can provide himself or herself (equipment, furniture, software), the employee can bring the item into the office and use it. Employees should inform their supervisor of their intent to bring in equipment or furniture. Software must be approved by Information Services to ensure compatibility and protect against introduction of viruses.

## Section 5. Reasonable Accommodation Committee (“RAC”)

### A. Purpose

The purpose of the RAC is to ensure the effective implementation of this policy.

### B. Committee Members

- . ADA Coordinator and EEO/AA Officer
- . Deputy Director
- . Office Manager
- . Fiscal Officer

### C. Duties

- 1) The RAC provides technical assistance to agency employees on technology, the ADA, Title V of the Rehabilitation Act, Accessibility standards and employee relations as it relates to requests or potential requests.
- 2) The RAC will maintain documentation regarding RAC requests in order to:
  - . Provide appropriate budget information and projected cost analysis for future budget cycles;
  - . Lend consistency to the system of the provision of accommodations and ensure non-discrimination in the treatment of employees;
  - . Ensure that requests are processed and approved accommodations provided in a timely manner; and
  - . Provide reports on employee accommodations and costs to regulatory agencies.

## Section 6. Procedures for Processing Requests for Reasonable Accommodations for Employees

The determination of reasonable accommodation for qualified employees who require such to overcome a physical or mental impairment in performance of job duties must be conducted at the request and with the consultation of the employee.

A person with a disability may be qualified for a certain job if the person satisfies the requisite skills, experience, education and other job-related requirements of the employment position, as set forth in a standardized Department of Central Management Services requirement, and with or without reasonable accommodations can perform the essential functions of the job.

Essential job functions vary with individual job descriptions and would include those physical, mental and inter-personal activities necessary to achieve the anticipated job performance effectively.

A determination as to a reasonable accommodation for one person will not be treated as a precedent for another person.

The following procedures should be used in processing reasonable accommodation requests from employees.

1. An employee may request an accommodation orally or in writing. The employee will be asked to complete a Reasonable Accommodation Request form. The employee is responsible for adequately responding to all applicable questions on the form. Once completed, the form shall be transmitted by the employee to the immediate supervisor (or by the prospective employee to the interviewing supervisor), and a copy given to the ADA Coordinator. This form may be obtained from the EEO/AA Officer or via the department's website.

If requested by management, the employee shall submit medical documentation to support the need for accommodation. Also, if additional information becomes available, the employee should submit it in writing to the immediate supervisor for transmittal to the ADA Coordinator. Technical assistance is available to the employee and supervisor from the ADA Coordinator upon request.

2. Unless the appropriate reasonable accommodations is so obvious to either or both the agency and the qualified individual with a disability, all reviewers using a problem solving approach, will:
  - a) Analyze the particular job involved and determine its purpose and essential functions;
  - b) Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;

- c) In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
  - d) Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the agency.
  - e) All reviewers shall consider the request based on the following criteria; (1) the relationship between the accommodation and essential job functions; (2) necessity; (3) cost effectiveness; (4) undue hardship; and (5) compatibility with existing equipment, where applicable.
3. If it is within the supervisor's authority to grant the accommodation, the immediate supervisor or interviewing supervisor shall make a recommendation regarding the employee's request within ten (10) working days of receipt, and then send the request directly to the ADA Coordinator, who shall have five (5) working days to provide a recommendation on the request. In cases where it is not within the Supervisor or Manager's authority to grant a needed accommodation, the request will be submitted by the ADA Coordinator to the Reasonable Accommodation Committee.
  4. If the needed accommodation is not within the supervisor's authority to grant, the supervisor and ADA Coordinator shall consult with the appropriate manager. If it is within the manager's authority to grant, the manager shall make a recommendation within five (5) working days of receipt. The request shall then be directed to the ADA Coordinator, who shall have five (5) working days to provide a recommendation on the request.
  5. Within five (5) working days, the RAC/EEO Officer will act upon the request and report recommendations to the Director.
  6. Within 30 days of receipt of the completed request, provided that appropriate medical documentation has been submitted, the agency shall inform the employee in writing of the decision to grant or deny the request. The Director will make the final decision. A copy of the Director's decision and the RAC/EEO Officer's recommendation will also be sent to the supervisor/manager, who will coordinate implementing the approved request with appropriate staff.
  7. If the accommodation is granted, the employee shall be apprised in writing of the status of the purchase or implementation of the request on a monthly basis.
  8. Approved accommodation requests shall be implemented within six months of receipt of the request, barring any extenuating circumstances.

### Section 7. Reconsideration

If the accommodation request is denied at the supervisor's, manager's level, or by the Reasonable Accommodation Committee, the employee has the right to ask for a review of the decision by the EEO/AA Officer within ten (10) working days of notification of the decision. The EEO/AA Officer shall review all aspects of the request, including but not limited to, the need for accommodation, the resulting job enhancement, cost, medical documentation and doctor's recommendation. After a complete review of the matter, the EEO/AA Officer shall make a recommendation to the agency Director. A decision shall be made and the employee notified within ten (10) working days of receipt of request.



The Director's decision shall constitute the final administrative action of the agency on the request.

### Section 8. Denial

An employee who has been denied accommodation has the right to file a complaint at the state level with the Illinois Department of Human Rights within 180 days of the denial of the request. An employee also has the right to file a complaint with the U.S. Equal Employment Commission, within 300 days of the denial of the request.

The agency should document any action taken on a reasonable accommodation request where indicated on the request form and shall retain completed accommodation request forms one year following final action in the matter.

### Section 9. Implementation

When implementing the approved request, the appropriate supervisor shall:

1. If the requested accommodation is within the restructuring or modification category, modify/restructure the job with assistance from the manager. When the supervisor, ADA Coordinator, and employee are all in agreement, the supervisor shall provide the accommodation; or
2. If the requested accommodation is of a technological/accessibility or assistive care nature, the appropriate supervisor and the office manager will coordinate purchase of equipment or devices, or initiate contracts.

DEPARTMENT OF HUMAN RIGHTS  
ACCOMMODATION REQUEST PROCEDURES FOR APPLICANTS

Qualified applicants and employees with disabilities have the right to request reasonable accommodation under the law. Applicants may request accommodation at any stage of the application process, including the employment application, examination procedure, or interviewing process. Once an individual with a disability has been hired, he or she has the right to request accommodation at the work site, work schedule or work process that would enable him or her to perform the job in question. The following procedures are for applicants requesting an accommodation.

Procedures

1. Applicants may request accommodations to the application process orally or in writing (either through correspondence or the use of the accommodation request form for applicants). If the request is made orally or through written correspondence, the agency EEO/AA Officer will complete accommodation request forms in the matter for purposes of processing and documenting the request.
2. Applicants shall submit accommodation requests to the interviewing officer, with a copy to the EEO/AA Officer. In cases where the EEO/AA Officer completes the form for the applicant, with a disability the EEO/AA Officer shall submit completed forms to the interviewing officer and retain a copy for the files.
3. The interviewing officer will provide a response to the request to the applicant within five days following receipt of the request.
4. If it is within the bounds of the authority of the interviewing officer to grant the request and he or she believes it to be reasonable, the accommodation will be provided. Information regarding the type of accommodation provided will be sent to the EEO/AA Officer.
5. If another official within the agency must be consulted in order for the accommodation to be provided, he or she will determine whether the agency will grant the request.
6. If the agency denies the request, the applicant has the right to file an internal complaint with the EEO/AA Officer and an external complaint with the Illinois Department of Human Rights within 180 days of the denial. He or she can also file with the U.S. Employment Opportunity Commission within 300 days of the denial.

## PART VI

## PART VI

### APPLICABLE EEO LAWS

#### I. EEO LAWS, WHICH AFFECT THIS AGENCY

1. Civil Rights Act of 1964, as amended.
2. Equal Employment Opportunity Act of 1972
3. Civil Rights Act of 1991
4. Age Discrimination in Employment Act of 1967
5. Rehabilitation Act of 1973.
6. Equal Pay Act of 1963
7. American with Disabilities Act of 1990
8. Family Medical Leave Act
9. Uniformed Services Employment and Reemployment Rights Act
10. GINA – Genetic Information Nondiscrimination Act of 2008
11. Pregnancy Discrimination Act
12. Illinois Human Rights Act of 1980
13. State of Illinois Executive Order 1 (1980)

## **APPLICABLE EEO LAWS**

### **FEDERAL**

#### **CIVIL RIGHTS ACT OF 1964, as amended**

Title VI prohibits discrimination on grounds of race, color, or national origin in federally assisted programs.

Title VII prohibits discrimination on the grounds of race, color, religion, sex or national origin by employers or unions with 15 or more employees. The designation employer includes the government of the United States, corporations wholly owned by the United States, and state or political subdivisions thereof.

#### **EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972**

This is an amendment to the Civil Rights Act of 1964, which adds sex and religion to the Title VII portion and extends Equal Employment Opportunity (EEO) to state, local and municipal organizations, all employment agencies (private and public) and to labor organizations. This Act empowers EEOC to bring civil action against any organization, which is alleged to be practicing discrimination. The Act also gives the right to an individual to take a complaint directly to a court of law.

#### **CIVIL RIGHTS ACT OF 1991**

The Civil Rights Act of 1991 expands the protections afforded individuals under the Civil Rights Act of 1964. It provides for damages for intentional discrimination and unlawful harassment in the workplace and codifies the concepts of "business necessity" and "job related" as enunciated in various Supreme Court decisions. Additionally, it confirms statutory authority and provides guidelines for disparate impact suits under Title VII of the Civil Rights Act of 1964 and in response to recent Supreme Court decisions, expands the scope of relevant civil rights statutes.

#### **AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967**

This Act prohibits arbitrary discrimination against persons 40 years of age or older.

#### **REHABILITATION ACT OF 1973**

This Act sets the standards for promoting, expanding, and assisting in employment opportunities for the handicapped in all programs or activities receiving Federal financial assistance. Sections 503 and 504 provide for the prohibition of discrimination against qualified handicapped individuals. The Office of Federal Contract Compliance Programs (OFCCP), U. S. Department of Labor, enforces section 503. Section 504 is enforced by the agency providing the federal funds in question.

#### **EQUAL PAY ACT OF 1963**

This Act provides that an employer may not discriminate on the basis of sex by paying employees different wages for doing equal work on jobs requiring equal skill, effort, and responsibility, and which are performed under similar working conditions in the same establishment. The U. S. Equal Employment Opportunity Commission (EEOC) enforces this Act. The standards of "equal pay for equal work" set forth in this Act for determining what is lawful discrimination in compensation are applicable to Title VII of the Civil Rights Act of 1964.

## **AMERICANS WITH DISABILITIES ACT OF 1990**

Congress enacted the Americans with Disabilities Act of 1990 ("the ADA") to eliminate discrimination against individuals with disabilities in the areas of employment, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public service. Title I of the ADA prohibits discrimination in employment against individuals with disabilities and establishes the standards governing an employer's affirmative duty to accommodate an individual with a disability. Title II of the ADA prohibits discrimination against individuals with disabilities by state and local governments. The ADA Amendments Act of 2009 broadens the coverage of "disability" and thereby brings more individuals under the protection of the law. EEOC will issue new regulations under this Act.

## **FAMILY MEDICAL LEAVE ACT of 1993**

This act requires employers to provide up to 12 weeks of unpaid job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours during the year preceding the start of the leave, and be employed at a worksite where the employer employs at least 50 employees within a 75-mile radius. The U. S. Department of Labor's Wage and Hour Division is authorized to investigate and resolve complaints of violations. Unpaid leave must be granted for any of the following reasons:

To care for the employee's child after birth, or placement for adoption or foster care;

To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

For a serious health condition that makes the employee unable to perform the employee's job.

Section 585(a) of the National Defense Authorization Act (NDAA) amended the FMLA to provide eligible employees working for covered employers two important leave rights related to military service:

**Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

**Leave Entitlement.** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

## **UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. The U. S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

## **GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 (GINA)**

Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs – referred to as “covered entities”) from requesting or purchasing genetic information, and strictly limits the disclosure of genetic information.

## **PREGNANCY DISCRIMINATION ACT**

This law amended Title VII to make it illegal to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

## **STATE OF ILLINOIS LAWS:**

### **ILLINOIS HUMAN RIGHTS ACT**

The Illinois Human Rights Act (P.A.81-1216) as amended prohibits discrimination because of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, or unfavorable discharge from military service in connection with employment.

Public Act 82-709 amended the Illinois Human Rights Act to include national origin in affirmative action programs and reports.

### **STATE OF ILLINOIS EXECUTIVE ORDER**

Illinois Executive Order 1, (1980) defines and prohibits sexual harassment.

## PART VII



**EXIT QUESTIONNAIRE**

Instructions: This questionnaire will be provided to all employees at the time of their separation from the agency whether voluntary or involuntary. The completion of this questionnaire shall be at the employee's option. Please send the completed form in an envelope to the Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer shall maintain a separate file of all forms for possible review by the Department of Human Rights.

Name \_\_\_\_\_ Sex: Male \_\_\_\_\_ Female \_\_\_\_\_  
Age: \_\_\_\_\_

Disability \_\_\_\_\_ Race \_\_\_\_\_ Hispanic:  
Yes \_\_\_\_\_ No \_\_\_\_\_

Date of Employment \_\_\_\_\_ Separation  
Date \_\_\_\_\_

Position Title \_\_\_\_\_

Starting Salary \_\_\_\_\_ Current Salary  
\_\_\_\_\_

Who was your immediate supervisor?  
\_\_\_\_\_

Reason for leaving:  
\_\_\_\_\_  
\_\_\_\_\_

Were you terminated while still in your probationary period? If so, what could your agency have done to ensure you successfully met your probationary period resulting in certification?  
\_\_\_\_\_  
\_\_\_\_\_

Would you want to work here again? Yes \_\_\_\_\_ No \_\_\_\_\_

Explain:  
\_\_\_\_\_  
\_\_\_\_\_

Same Position? Yes \_\_\_\_\_ No \_\_\_\_\_ Explain:  
\_\_\_\_\_  
\_\_\_\_\_

Same Supervisor? Yes \_\_\_\_\_ No \_\_\_\_\_ Explain:  
\_\_\_\_\_

Do you feel the working conditions were satisfactory?

Yes \_\_\_\_\_ No \_\_\_\_\_ Explain:

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Do you have any suggestions for improving employee morale?

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Were you satisfied with the pay you received for the work performed and with promotions? Yes \_\_\_\_\_  
No \_\_\_\_\_

Explain:

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Did you receive bilingual pay? If so, do you feel it was an appropriate amount?

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Were you satisfied with the supervision and were you trained properly?

Yes \_\_\_\_\_ No \_\_\_\_\_ Explain:

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Do you think management adequately recognized employee contributions? If not, what recommendations would you make to improve this?

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Did you receive any equal employment opportunity / affirmative action orientation? Yes \_\_\_\_\_ No \_\_\_\_\_

Explain:

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During your employment did you request an accommodation based on your disability? Yes \_\_\_\_\_ No \_\_\_\_\_  
N/A \_\_\_\_\_

If yes, please explain:

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Did you personally experience any discrimination while working in your position?

Yes \_\_\_\_\_ No \_\_\_\_\_ Explain:

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Are you aware of instances where others have been discriminated against?

Yes \_\_\_\_\_ No \_\_\_\_\_ Explain:

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If you have answered "Yes" to the last two questions, have you discussed or given written notice of this discrimination to your supervisor or EEO/AA Officer?

Yes \_\_\_\_\_ No \_\_\_\_\_ Explain:

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Additional comments / concerns:

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Employee Signature \_\_\_\_\_ Date

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