

Its
Second
Decade
of
Service

ILLINOIS DEPARTMENT OF



**HUMAN
RIGHTS**

Jim Edgar
Governor

Rose Mary Bombela
Director



Jim Edgar
Governor



Rose Mary Bombela
Director

To The Honorable Jim Edgar
Governor of Illinois and the
Honorable Membership of the General Assembly

I am pleased to share with you the activities of the Illinois Department of Human Rights for Fiscal Year 1994.

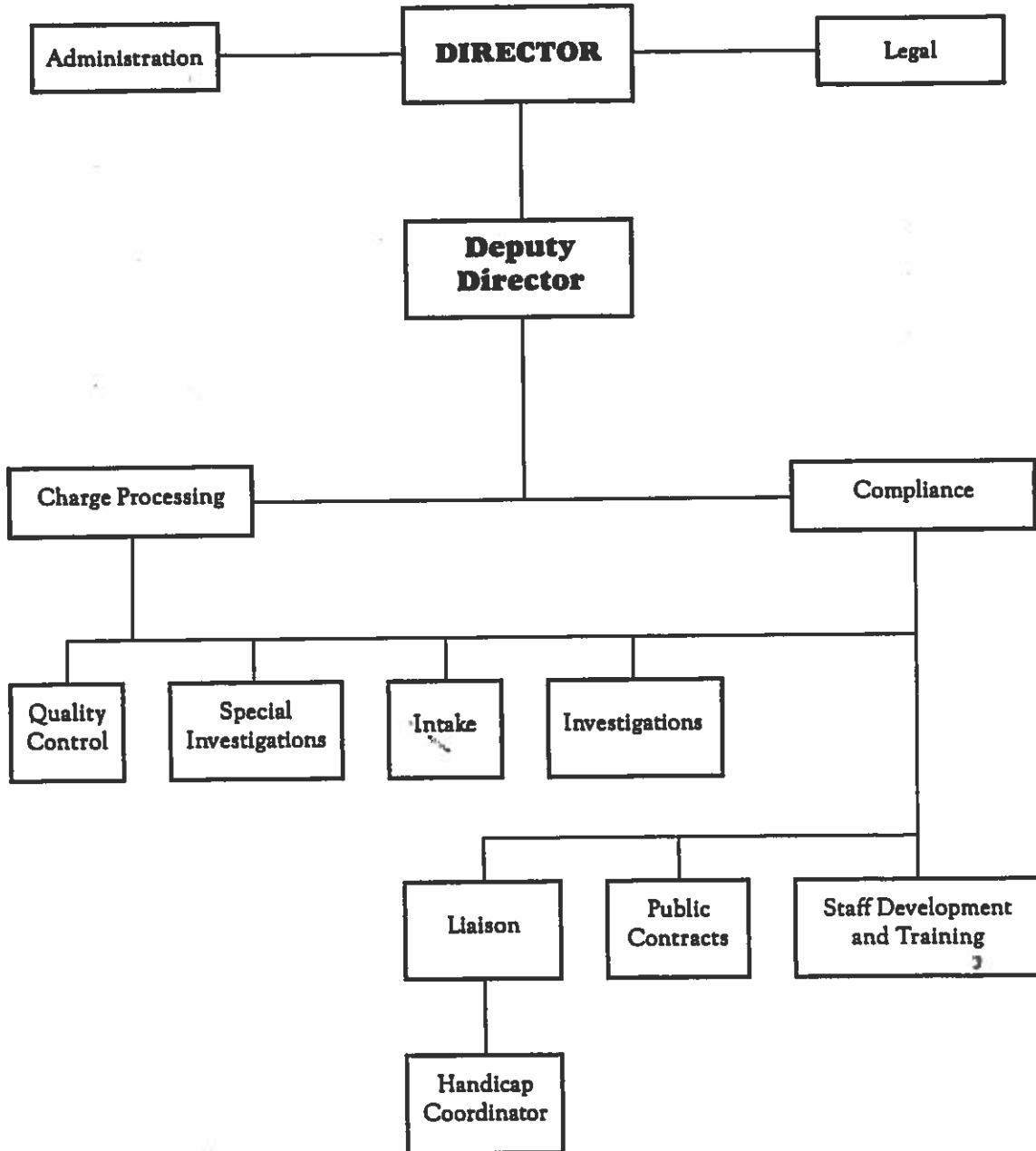
This report reflects the strong and active programs the Department is implementing on behalf of the people of Illinois.

The Department of Human Rights is committed to continue the advancements we have made and we are proud of the accomplishments depicted in the Fiscal Year 1994 Report herewith presented for your review.

A handwritten signature in cursive script that reads "Rose Mary Bombela". The signature is written in dark ink and is positioned above the typed name.

Rose Mary Bombela, Director
Illinois Department of Human Rights

CHART OF ORGANIZATION



INTRODUCTION

The Administration Division is the managerial and administrative body for the Illinois Department of Human Rights (IDHR) and is responsible for the following functions: Financial Management, Fiscal Planning, Procurement, Inventory, Auditing, Legislative Bill Review and Analysis, Governmental Relations, Personnel, Public Information/Communications, General Office Services, Information Systems and Operational Planning.

Organizationally, the Administration Division consists of the following program areas: Fiscal, Legislative Operations, Management Operations, Personnel, Public Information and Research Planning and Development. The primary accomplishments of each of these program areas in Fiscal Year 1994 is as follows:

DEPUTY DIRECTOR'S OFFICE:

During FY'94, IDHR collaborated with the Department of Commerce and Community Affairs (DCCA) to initiate a Housing and Urban Development (HUD) funded project to provide technical assistance to Capitol Development Block Grant (CDBG) eligible local units of government in the State of Illinois to identify and analyze impediments to fair housing. The project will result in the development of a manual designed to assist in the analysis and elimination of barriers to fair housing, as well as, scheduled training seminars to discuss this issue.

Additionally, Director Bombela actively participated as a member of the Blue Ribbon panel selected by the Governor to serve on the Governor's Human Resources Advisory Committee, a committee with a mandate to review and completely revamp the existing personnel system. IDHR's Personnel Officer served as a staff member to the committee and an active member of one of the subcommittees for Classification, Compensation and Career Development.

FISCAL

The General Assembly approved appropriations for the department of \$4,546,415 in General Revenue Funds and \$1,793,700 in federal monies, called Special Projects. Monies for Special Projects came from two federal agencies: the Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD).

The department contracted with EEOC to investigate charges of discrimination filed alleging employment and age discrimination. During FY'94, EEOC contracts totaled \$1,516,500 for charges related to employment and age discrimination. The department also contracted with HUD to investigate charges of discrimination related to housing issues. This contract was for \$134,800.

The department allocated \$34,800 of its federal dollars to the Human Rights Commission to fund the position of an Assistant General Counsel who will assist in the eradication of discrimination in Illinois.

Of the \$4,546,415 in General Revenue Fund, \$698,916 was reappropriated specifically to the department to settle a ten year old class action lawsuit **Bennett vs. Bombela**. The funds allocated were for investigation or a \$350 per case settlement for charges closed by the predecessor agency of the Department of Human Rights, the Fair Employment Practices Commission (FEPC), from 1974 through 1978, without a full investigation.

The department processed approximately 2,000 invoice vouchers for \$5,826,900 in FY'94. This includes \$4,225,200 in General Revenue Funds and \$1,601,700 in federal funding. Unused expenditures were due to turnover and hiring lag and \$311,900 was reappropriated to FY'95 to continue payment of the **Bennett** settlement.

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LEGISLATIVE OPERATIONS

The Department of Human Rights worked on a mixture of legislative initiatives in Fiscal Year 1994. Senate Bill 433 (Senator Hawkinson/Representative Turner) was introduced and suggested major changes to the Human Rights Act. This legislation did not pass, but started negotiations on suggested changes to the Act which will continue into Fiscal Year 1996.

Other Senate initiatives were as follows:

Senate Bill 1560 (Senator Jones), Senate Bill 1712 (Senator Geo-Karis) and Senate Bill 1803 (Geo-Karis) all dealt with the Minority and Female Business Enterprise Act and delaying the Act's repeal until 1999. Senate Bill 1803 was the compromise bill that was passed and it changed the name of the Act to the "Business Enterprise for Minorities, Females, and Persons with Disabilities Act". It also extended the repeal of the Act until September 6, 1999, and is now Public Act 88-0597.

The House legislation was as follows:

House Bill 09 (Representative Ryder/Senator Maitland) Fiscal Year 1995 omnibus appropriation for the Department and Commission and for Illinois State Government. Public Act 88-0551.

House Bill 1411 (Moore, Andrea), House Bill 2569 (Meyer), House Bill 2729 (Morrow), House Bill 3223 (Jones), House Bill 3483 (Deuchler), and House Bill 3995 (Santiago) all dealt with the Minority and Female Business Enterprise Act and the extension of its repeal until 1999. Senate Bill 1803 passed extending the repeal of MAFBE, and so all the above bills failed to pass with the exception of House Bill 1411 which made changes to State Universities and their applicability regarding the Act. Public Act 88-0377.

MANAGEMENT OPERATIONS

Management Operations is administratively responsible for all general office services for the department, insuring that IDHR employees are provided the necessary tools to effectively and efficiently perform their respective tasks. The functions of Management Operations includes information systems, telecommunications services, operational planning, and office management.

In Fiscal Year 1994, Management Operations continued its on-going efforts to increase the Department's overall efficiency through automation. The Department replaced its IBM System/36 with an IBM System AS/400 to allow expansion of the system to accommodate additional users and to further automate specific Department functions.

Although, the Department made this acquisition, all of the equipment installed on the System/36 was utilized on the AS/400.

Another major accomplishment in Fiscal Year 1994 was the installation of the automated attendant and voice mail in the Chicago office allowing the Department to be more responsive to the public. The Springfield office currently has voice mail and will have automated attendant installed in the near future.

OFFICE OF COMMUNICATIONS

The Department's Office of Communications has distinguished itself in a number of areas, beginning with eight sexual harassment seminars held throughout the state in cooperation with local Chambers of Commerce.

The pilot program seminars dealt primarily with the responsibilities of business owners, managers, and CEO's in the areas of sexual harassment, and people with disabilities. The seminars have met

with resounding success, and chambers and their members have congratulated the Department for its role as educator and not just enforcer.

Intervention was a new initiative for the Department and this unit. The Office of Communications identified a number of communities experiencing problems which, if ignored, could have festered and ended up with charges being filed with the Department. Instead, staff met with parties involved, and they are currently working toward resolution, thus avoiding the rancor that so often accompanies the filing of a charge.

RESEARCH, PLANNING AND DEVELOPMENT

This unit is responsible for the internal gathering of information, which gives the department a clearer understanding of its own inner workings, and in turn helps develop more efficient programs. Additionally RPD analyzes data used in charges brought by the department. RPD's analysis of time required to process charges led to the department's streamlining of the procedure. As a result, most charges are being completed in 115 days of assignment. RPD's work in the area of housing discrimination led to the receipt of a grant from the Northshore Community Housing Resource Board to research lending practices by 22 lenders in the Northshore area.

The unit also received an 18 month \$130,000 grant to develop a statistical model and technical manual for the sharing of data with other states through the use of PC's. The year also saw the completion of the department's Sexual Harassment study, which compared the patterns and consequences of sexual harassment charges filed with the Department between 1989 to 1994.

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Charge Processing Division FY'94 Annual Report

INTRODUCTION

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The Human Rights Act prohibits discrimination in Illinois with respect to employment, financial credit, public accommodations and real estate transactions on the bases of race, color, sex, national origin, ancestry, military status, age, marital status, unfavorable military discharge and physical and mental handicap. The Act also prohibits the use of arrest information or expunged conviction information and citizenship status as bases to discriminate in employment, discrimination against families with children in real estate transactions and sexual harassment in higher education.

Within 180 days (one year for real estate transactions) of the occurrence of an alleged civil rights violation, one may file a charge of discrimination with the Department. The Charge Processing Division reviews the charges and investigates (and attempts to amicably resolve) those over which the Department has jurisdiction. If an investigation reveals substantial evidence of discrimination, the Legal Division staff encourages conciliation between the affected parties. If conciliation efforts are unsuccessful, the Department files a formal legal complaint with the Human Rights Commission. After three hundred days from the filing of a perfected charge of discrimination, an individual has a 30 day period within which to file his or her own complaint with the Commission if the investigation has not already been completed.

Activities and Accomplishments

Understanding the necessity to operate as efficiently as possible during times of tight resources, the Department has embarked upon several new initiatives in recent years.

One of those initiatives grew out of the work of a Case Management Task Force, comprised of employees from throughout the agency. The task

force recommended streamlined investigation processing guidelines which were implemented on October 1, 1993. One major component of the new guidelines is that the Department investigator no longer negotiates dates for fact finding conferences with the parties, but sets a date 60 to 90 days in the future so that, in most instances, parties will have the necessary time to clear their calendars. Another major element is that an investigator is required to complete his or her investigation of a charge and have a recommended finding on the supervisor's desk within 180 days of the date the charge was assigned for investigation.

Another initiative was the agency wide implementation of a new investigation report format. The new format provides the investigator with an enhanced ability to focus on the pertinent issues. Investigators have found that the format encourages them to be more focused at the beginning of the investigation, thereby saving time. The format is also shorter, which allows the support staff who type the reports to save time.

These efforts have reduced the average processing time (from assignment to completion of the investigation) from 162 days in fiscal year 1993 to 130 days in fiscal year 1994.

Similar streamlining efforts are planned for fiscal year 1995 with an Intake task force and a Special Investigations task force to study the processes and make recommendations for those program areas respectively.

The following charts provide a statistical summary of the Charge Processing Division's activities during the year.

DISPOSITION OF COMPLETED INVESTIGATIONS

Fiscal Years 1990 - 1994

	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>
Inquiries Received	20,985	25,328	28,725	28,001	29,703
Charges Filed	4,646	4,887	4,727	4,391	4,491
Completed Investigations	3,955	5,721	4,878	3,677	3,538

	<u>1990</u>		<u>1991</u>		<u>1992</u>		<u>1993</u>		<u>1994</u>	
	#	%	#	%	#	%	#	%	#	%
Substantial Evidence	440	11.1	802	14.0	753	15.4	418	11.4	350	9.9
Settlements	957	24.2	1448	25.3	1432	29.3	1174	31.9	1137	32.1
Withdrawn by Complainant	671	17.0	768	13.4	615	12.6	479	13	452	12.8

Dismissals:

Lack of Substantial Evidence	1022	25.8	1172	20.5	938	19.2	865	23.5	842	23.8
Lack of Jurisdiction	203	5.1	208	5.1	167	3.4	126	3.4	155	4.4
Failure to Proceed	662	16.7	1323	23.1	973	20.0	611	16.7	602	17.0

CHARGES DOCKETED BY JURISDICTION

Fiscal Years 1990-1994

Charges Filed

<u>Jurisdiction</u>	<u>1990</u>	<u>%</u>	<u>1991</u>	<u>%</u>	<u>1992</u>	<u>%</u>	<u>1993</u>	<u>%</u>	<u>1994</u>	<u>%</u>
Employment	4387	(94)	4556	(93)	4348	(92)	3949	(90)	4001	(89)
Housing	112	(2)	113	(2)	197	(4)	263	(6)	289	(6)
Financial Credit	5	(-)	8	(-)	7	(-)	4	(-)	10	(-)
Public Accommodations	140	(3)	199	(5)	171	(3)	173	(4)	185	(4)
Sexual Harassment, Higher Education	<u>2</u>	(-)	<u>11</u>	(-)	<u>4</u>	(-)	<u>2</u>	(-)	<u>6</u>	(-)
TOTAL	4646		4887		4727		4391		4491	

EMPLOYMENT CHARGES

Respondent Type

	1990	1991	1992	1993	1994
Private Employers	3765	3722	3584	3294	3393
State Government	123	166	121	145	136
Local Government	218	287	271	293	286
Colleges and Universities/Public	28	49	60	49	46
Colleges and Universities/Private	16	22	42	43	29
Elementary and Secondary Schools/Public	33	52	63	67	54
Elementary and Secondary Schools/Private	7	4	12	1	3
Unions	61	42	46	22	33
Joint Apprenticeship Program	0	13	1	6	12
Private Employment Agencies	7	35	11	6	1
State Employment Agencies	0	5	0	0	2
Individuals	<u>129</u>	<u>159</u>	<u>137</u>	<u>2</u>	<u>6</u>
TOTALS	4387	4556	4348	3949	4001

EMPLOYMENT DISCRIMINATION

Issues alleged as Act of Discrimination* Fiscal Year 1994

Issue	Number	Issue	Number
Discharge	2141	Probation	64
Harassment	377	Training/Apprenticeship	34
Terms and Conditions	305	Racial Harassment	65
Sexual Harassment	339	Forced Resignation	60
Suspension	318	Oral Reprimand	38
Failure to Accommodate	243	Overtime	20
Hiring	263	Forced Medical Leave	38
Promotion	230	Exclusion	13
Layoff	218	Job Classification	11
Written Reprimand	203	Qualification/Testing	1
Demotion	191	Forced Retirement	4
Constructive Discharge	190	Employment Reference	6
Wages	165	Severance Pay	7
Transfer	148	Failure to Reassign	5
Performance Evaluation	97	Segregated Facility	1
Recall	92	Seniority	2
Failure to Return/Medical Leave	98	Tenure	1
Unequal Pay	74	Referral	3
Intimidation/Reprisal	24	Drug Testing	2
Union Representation	21	Aiding and Abetting	6
Benefits	55	Vacation	2
Position Elimination	76	Segregated Local	1
Unequal job assignments	70	Others	68
Reduction in Hours	70		
		TOTALS	6460

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

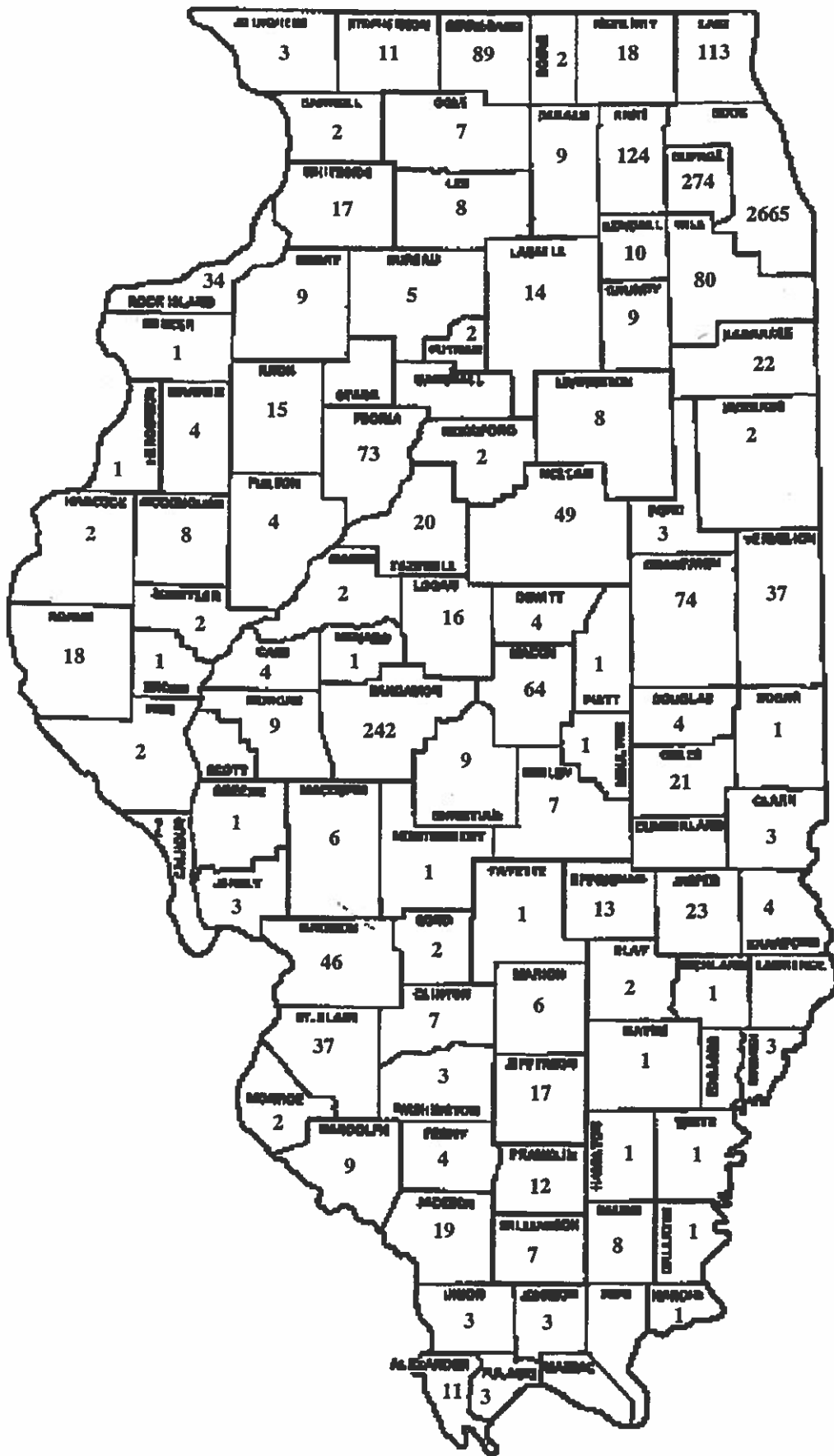
EMPLOYMENT CHARGES BY BASIS

Bases of Discrimination	FY 91		FY 92		FY 93		FY 94	
	Total	% of Total Charges*	Total	% of Total Charges*	Total	% of Total Charges*	Total	% of Total Charges*
Race	1510	33.1	1305	30.0	1245	31.5	1248	31.2
Sex	1244	27.3	1198	27.6	1121	28.4	1155	28.9
Age	983	21.6	1034	23.8	905	22.9	900	22.5
Physical Handicap	981	21.5	1061	24.4	834	21.1	805	20.1
Retaliation	628	13.8	636	14.6	585	14.8	555	13.9
National Origin/Ancstry	564	12.4	532	12.2	456	11.5	505	12.6
Mental Handicap	150	3.3	133	3.1	165	4.2	154	3.8
Marital Status	99	2.2	83	1.9	65	1.6	66	1.6
Religion	73	1.6	87	2.0	66	1.7	64	1.6
Color	46	1.0	19	.4	23	.6	18	.4
Aiding/Abetting	22	.5	13	.3	13	.3	7	.2
Citizenship status**							4	.1
Coercion/Interference	21	.5	7	.2	6	.2	1	0
Arrest/Conviction Record	9	.2	2	0	5	.1	34	.8
Military Discharge	0	0	2	0	1	0	0	0
Military Status**							0	0
Other***	17	.4	22	.5	24	.6	20	.5
TOTAL	6347		6134		5514		5536	

*Percent of total charges filed is greater than 100% because many charges out of the total charges filed were filed on more than one basis (e.g. race, sex, and physical handicap). There were 1240 multiple basis charges filed in FY'94.

**Prior to FY'94 these areas were not bases under the Human Rights Act or the Department's computer was unable to capture this information.

***Includes non-jurisdictional bases such as personality conflict.



BASES OF HOUSING DISCRIMINATION CHARGES

BASIS	1993		1994	
	Number	%*	Number	%*
Race	127	48.3	157	54.3
Color	1	.4	0	0
Religion	6	2.3	8	2.8
Sex	60	22.8	63	21.8
National Origin	36	13.7	31	10.7
Age	10	3.8	5	1.7
Marital Status	10	3.8	16	5.5
Physical H'cap	10	3.8	40	13.8
Mental H'cap	19	7.2	15	5.2
Familial Status	48	18.3	64	22.1
Retaliation	11	4.2	6	2.1
Other	0	0	2	.7
TOTAL CHARGES	263		289	

BASES OF PUBLIC ACCOMMODATIONS CHARGES

BASIS	1993		1994	
	Number	%*	Number	%*
Race	68	39.3	85	45.9
Color	1	.6	4	2.2
Religion	10	5.8	6	3.2
Sex	15	8.7	25	13.5
National Origin	17	9.8	14	7.6
Age	5	2.9	8	4.3
Marital Status	1	.6	3	1.6
Physical H'cap	47	2.7	69	37.3
Mental H'cap	15	8.7	4	2.2
Retaliation	14	8.1	6	3.2
Other	0	0	2	.1
TOTAL CHARGES	173		185	

*Percent of total charges filed is greater than 100% because some of the charges were filed under more than one basis (e.g., race and sex).

LEGAL

Most of the charges of discrimination filed with the Department cross the desk of a staff attorney at least once, and some several times, before the file is closed. Staff attorneys review all investigation reports that recommend a finding of substantial evidence and must approve the findings before they become final and the parties notified. Attorneys also attempt to conciliate these cases and complete the case by drafting settlement papers or a complaint to be filed with the Human Rights Commission. When a charge has been dismissed, complainant can request a review of the dismissal by the Human Rights Commission, in which case an attorney reviews the file and documentation submitted by both sides and responds to the Request for Review by drafting a response and order which are filed with the Commission.

REVISION OF DHR REGULATIONS

Revised Freedom of Information Act and Charge Processing regulations were adopted and became part of the Illinois Administrative Code. Additional sections of the existing regulations are also being revised.

MEDIATION PILOT PROJECT

The Legal Division initiated meetings with representatives from consumer groups and bar associations to formulate a plan for a Mediation Pilot Project. The Project will offer free mediation to DHR's clients, shortly after a charge is filed. An agreement to mediate will not prejudice the investigation of a charge nor will it delay assignment or investigation time.

Volunteer mediators are provided to DHR and will be scheduled by the not-for-profit Center for Conflict Resolution, which has an extensive program to train volunteers to provide free mediation services to Chicago-area residents.

PUBLIC REQUESTS FOR INFORMATION

The Legal Division also responds to all requests for file reviews, subpoenas and Freedom of Information Act requests. In FY'94, the Legal staff answered over 435 such requests.

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NUMBER OF DAYS FOR SELECTED EVENTS IN LEGAL DIVISION

	FY'90	FY'91	FY'92	FY'93	FY'94
Request for review	100	42	31	30	26
SE review	135	152	102	60	59
Conciliation and complaint	100	104	86	56	46

Request for review: includes receipt by Legal of the Request; assignment to an attorney for response; notification to respondent; drafting, typing and filing Response; and sending a copy to parties.

SE review: includes assignment to an attorney for review; return to CP for more work; Legal supervisor review; waiting for R/R time to elapse (for split cases); sending out SE notice and assignment to attorney for conciliation.

Conciliation and complaint: includes receipt by attorney; conciliation; drafting of either terms of settlement or complaint; typing and filing complaint; and typing and mailing notice of filing complaint.

LEGAL PRODUCTION

	FY'90	FY'91	FY'92	FY'93	FY'94
SE Reviews	789	839	1011	580	517
Complaints filed	659	551	956	806	426
Responses filed	550	534	754	670	545
Settlements	53	40	68	80	131

COMPLIANCE DIVISION ANNUAL REPORT

INTRODUCTION

The Compliance Division provides a broad range of services to Illinois residents, the legislature, businesses and others through three program units: Public Contracts, Liaison and Staff Development and Training. In addition, one specialty program is housed in this division, the Disabilities Program.

Accomplishments

The Staff Development and Training Unit, (SD/TU) co-sponsored with the Illinois Municipal Human Relations Association, a successful conference held in Springfield and helped sponsor a two-day conference for EEO Officers. In addition, special first time presentations were made to DHR staff through the coordination of the training unit. These presentations included Victim Sensitive Interviewing and Carpal Tunnel Syndrome training. Other presentations were given to enhance positive communication with the public, which are detailed in this report.

The Liaison Unit provides a wide range of ongoing and specialized technical assistance to state agencies and other entities to enhance, strengthen and promote their equal employment opportunity/affirmative action compliance obligations, addressing all aspects of employment issues, policies and procedures. The computerization process of state agency affirmative action plans was begun and the first full fledged conference for all EEO/AA officers was held.

The Public Contracts Unit continued its task of registering companies bidding on public contracts by adding over 3,600 companies to its roster of eligible bidders. PCU also responded to 5,579 inquiries regarding public contractors and eligible bidders, including over 1,200 requests for technical assistance in matters of equal employment

opportunity and affirmative action. Computerization of PCU records continued to the extent that, despite staff limitations, 26% of all public contractors and eligible bidders were tracked via the Public Contracts Information System by the end of FY'94. The Unit began a new initiative to enforce an amendment to the Act requiring public contractors and eligible bidders to have written sexual harassment policies. Finally, PCU staff engaged in several activities that contributed to the Department's success in exceeding its FY'94 contracting dollar goal for businesses owned by minorities, females, and persons with disabilities.

A videotape on disability rights, the script of which was co-authored by the Disability Program Coordinator, won a merit award from the national office of the American Cancer Society.

STAFF DEVELOPMENT UNIT

CONFERENCES

Illinois Municipal Human Relations Association

The Department co-sponsored IMHRA's two-day conference entitled: Coalition Building: Addressing the Crisis In Our Communities', held in May, 1994. Leaders from municipalities across the state came together to explore how business, government, community based organizations, schools, the media and others can work in partnerships to create positive changes.

EEO/AA Conference

This annual conference is sponsored by the Compliance Division's Liaison Unit. This year the Staff Development Unit played a key role in

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the development and implementation of the conference, which was held at Sangamon State University on June 21-22, 1994. In addition to a keynote address by Ms. Sue Suter, Deputy Director of the Rehabilitation Institute of Chicago, workshops were presented on the topics of Stress Management, Sexual Harassment Prevention and Subtle Racism. With a focus on networking, conference participants received valuable suggestions on how to improve service delivery by collaborative approaches to professional growth.

WORKSHOPS AND SEMINARS

Sexual Harassment Prevention

Executive Order #7 issued by the Governor in December, 1992 established that a model sexual harassment policy be developed by each state entity and that training be provided to all employees of state departments by July, 1993. In response, the Staff Development Unit developed, scheduled and provided training to all agency staff. In addition, training was provided to other state agencies upon request, including, the Department of Rehabilitation Services and Central Management Services.

Carpal Tunnel Syndrome

On February 18, 1994, Dr. Jay Goldberg, a recognized surgeon from the Center for Hand and Microvascular Surgery in St. Louis, presented two sessions on the subject of Carpal Tunnel Syndrome. In addition to explaining the symptoms and causes of this ever-increasing and sometimes work-related injury, Dr. Goldberg utilized slides of actual case histories to detail the surgical procedures available to correct or relieve the debilitating effects of this injury. He also provided alternative methods of treatment as well as preventative steps to avoid the onset of and complications often experienced by employees in diverse work settings. Brochures and articles on the topic

were made available to enhance this educational experience.

Victim Sensitive Interviewing

In order to provide IDHR Investigators with opportunities for professional development, a three-part session on Victim Sensitive Interviewing was held in December, 1993 and January, 1994. Dr. John Stutesman, Director of Emergency Psychiatric Services at Northwestern Hospital and Medical Center in Chicago, facilitated these sessions. He provided valuable information on the topic of crisis intervention to increase staff awareness of and sensitivity to clients who may suffer the symptoms associated with trauma and crisis relative to instances of discrimination. Dr. Stutesman engaged participants in discussions of the perceptual variances of persons in crisis and how investigators can utilize knowledge of crisis intervention to more effectively relate to those persons the Department services.

Other Activities

As part of the Agency's commitment to quality service, IDHR support staff participated in an Effective Telephone Communications workshop in October, 1993. The session focused on good business telephone skills and techniques for enhanced customer relations.

A comprehensive overview of the Agency's responsibilities and operations is provided to new employees of the Department as well as the Human Rights Commission. This orientation is critical to the successful integration of all staff to the mission and goals of the Department.

All Department supervisors are encouraged to attend quarterly supervisor's meetings as a means of achieving professional cohesion and growth. The meeting provides a forum for discussion of many common concerns and issues which they may be facing. In addition, this supervisor's group

met with the Director to discuss their recommendations for Agency improvements.

In July, 1993, supervisors and managers from the Charge Processing Division participated in an intensive two-day working retreat to identify issues requiring resolution.

DISABILITY PROGRAM

Overview

The Department's Disability Program provides information and advice to individuals and organizations around the state about disability issues and the requirements of disability-related laws. During the year, the Disability Program Coordinator responded to requests for printed materials, consultations, and speaking engagements on various subjects regarding disability. These efforts encourage voluntary compliance with the Act. The Disability Program Coordinator also serves as an internal expert, advising staff members concerning matters relating to disability. Illinois employers and people with disabilities have expressed continuing interest in information regarding the relationship of the Illinois Human Rights Act to the federal Americans with Disabilities Act.

Technical Assistance and Distribution of Materials

The Disability Program Coordinator responded to 107 requests for technical assistance in regards to compliance with the disability requirements of the Act during the year. These requests came from employers, attorneys, people with disabilities, and disability advocacy groups around the state. In addition to this form of technical assistance, 284 copies of publications on disability-related subjects were distributed. A brochure for employers on learning disabilities was revised to reflect changes in the law and reprinted this year. Among the materials distributed were 14 separate fact

sheets which detail the rights of people with different disabilities, brochures for employers on specific disabilities, sheets comparing the Americans with Disabilities Act and the Illinois Human Rights Act, and other materials issued by the state and federal governments. A large number of publications about the Americans with Disabilities Act were also distributed throughout the year. A referral guide for people with disabilities written by the Disability Program Coordinator last year was distributed this year within the Department and to other agencies. The Disability Program Coordinator was responsible for efforts to coordinate the survey of all state employees under the Governor's jurisdiction on disability status. Survey procedures were prepared and technical assistance was provided regarding survey questions.

Speaking Engagements

The Disability Program Coordinator made seven presentations to groups around the state about disability discrimination laws. Five of the speaking engagements concerned the employment provisions of the Americans with Disabilities Act and the Illinois Human Rights Act; two of these sessions were held in Springfield, two in Chicago, and one in Carbondale. The subject of discrimination against people with AIDS was also addressed at a gathering in Champaign. The final speaking engagement was with a group of Equal Employment Opportunity Officers for the Department of Mental Health and Developmental Disabilities in Peoria.

Committee Participation

The Disability Program Coordinator represents the agency in a number of committees dealing with disability issues, including the Interagency Committee on Handicapped Employees (ICHE), which the Director is a co-chair, the Springfield Disabilities Commission, and the Springfield Center for Independent Living's Access

Committee. The Disability Program Coordinator helped coordinate the annual conference sponsored by the ICHE. It attracted about 200 people, including employees with disabilities, and from centers for independent living around the state. The conference received good evaluations from people attending. During the conference, awards were presented to the following agencies for their performance in regards to employment of people with disabilities: Department of Human Rights, Department of Rehabilitation Services, Department of Revenue, Department of Transportation, and Department of Public Aid.

Analysis of Disability Cases

The following chart shows the nature of disabilities involved in charges filed with the Department in FY'94. It also reflects the changes in such charges from FY'93. Overall, disability charges were down 3.5% from FY'93; physical disability charges decreased 1.5%, and mental disability charges decreased 13.1%. For the fourth year, back conditions and mobility impairments make up the largest two categories of disability charges. Together they constitute 28% of the physical disability charges. It is also interesting to note that substance abuse and alcoholism charges are down 30% from FY'93. An amendment to the Act that limited coverage in cases involving substance abuse and alcoholism became effective in FY'94.

LIAISON UNIT

The Liaison Unit monitors the affirmative action programs for executive state agencies, boards, commissions, and instrumentalities as prescribed in Section 2-105(B) and 7-105 of the Illinois Human Rights Act. All covered entities must practice equal employment opportunity and affirmative action in employment. The Codified Rules & Regulations for the Department states the methods by which the Department monitors and assists agencies in meeting these obligations.

During the year, the Liaison Unit began establishing, directing and implementing a statewide automation project for state agencies to computerize affirmative action plans. The automation will allow the Liaison Staff to maintain, analyze and retrieve statistical data for special reports and to establish a more technical and analytical sense for the status of affirmative action within each state agency. Phase II of this project will begin during FY 95.

The Liaison Unit also conducted its first Affirmative Action/Equal Employment Opportunity conference for state agency EEO Officers. The conference was a joint effort of the Liaison Unit and the Staff Development and Training Unit. Some of the topics presented were EEO Laws, Sexual Harassment, the Legislative Process and Stress Management. In previous years, this training served more as a day lecture session than a conference.

The Liaison Unit also provided a special training seminar for EEO Officers newly appointed to this position. Training included details on how to prepare an affirmative action plan and other reporting requirements.

The Liaison Unit insured that layoff plans were accurately calculated by reviewing and approving the accuracy of adverse impact analysis before layoffs were approved by Central Management Services.

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**TYPES OF DISABILITIES INVOLVED IN FY'94 CASES
ALL JURISDICTIONS**

<u>Type of Disability</u>	<u>Number Filed</u>	<u>Percentage of Cases</u>	<u>Percentage Change from FY'93</u>
Physical Disabilities			
Back Disorders	162	17.7%	-1.8%
Mobility Impairment	95	10.4%	-10.4%
Heart Disorder	52	5.7%	+6.1%
Neurological Disorder	48	5.3%	+54.8%
Respiratory Disorder	41	4.5%	+20.6%
Diabetes	40	4.4%	0%
Hearing Impairment	36	3.9%	-14.3%
Cancer	32	3.5%	+23.1%
Carpal Tunnel Syndrome	31	3.4%	-22.5%
Alcoholism	28	3.1%	-15.2%
Visual Impairment	28	3.1%	-15.2%
Degenerative Disease	27	3.0%	+42.1%
Neck and Shoulder	27	3.0%	-15.6%
Epilepsy	22	2.4%	-12.0%
Substance Abuse	19	2.1%	-44.0%
AIDS	17	1.9%	+6.3%
Arthritis	16	1.8%	-30.4%
Reproductive Disorder	12	1.3%	+9.1%
Hypertension	11	1.2%	-8.3%
Allergy	10	1.1%	-9.1%
Digestive Disorder	10	1.1%	0%
Kidney Disorder	8	.9%	+14.3%
Speech Impairment	6	.7%	0%
Hernia	5	.5%	0%
Physical Disabilities	0	0	0
Skin Disorder	0	0%	-100%
Perceived Disability	48	5.3%	-20.0%
Other	83	9.1%	+50.9%
TOTAL PHYSICAL DISABILITY CHARGES	914		-1.5%
Mental Disabilities			
Depression	70	40.5%	+20.7%
Bipolar Disorder	8	4.6%	-57.9%
Mental Retardation	4	2.3%	-75.0%
Learning Disability	20	11.6%	+42.9%
Perceived Mental Disability	29	16.8%	-11.5%
Other Mental Disability	42	24.3%	
Total Mental Disability Charges	173		-13.1%
TOTAL DISABILITY CHARGES	1087		-3.5%

FY 95 AFFIRMATIVE ACTION PLAN
ACTIVITY BY AGENCY

	<u>Affirmative Action Plan Approved</u>	<u>Layoffs Occurred During FY'94</u>
<u>Departments and Commissions</u>		
1. Abandoned Mined Lands Reclamation Council	X	
2. Aging	X	
3. Agriculture	X	X
4. Alcoholism & Substance Abuse	X	
5. Arts Council	X	
6. Attorney General	X	
7. Banks & Trust, Commissioner	X	
8. Capital Development Board	X	
9. Central Management Services	X	
10. Children & Family Services	X	
11. Civil Service Commission	X	
12. Commerce & Community Affairs	X	X
13. Commerce Commission	X	
14. Comptroller	X	
15. Conservation	X	
16. Corrections	X	X
17. Criminal Justice Information Authority	X	
18. Development Finance Authority	X	
19. Education, State Board of	X	
20. Education Labor Relations Board	X	
21. Elections, State Board of	X	
22. Emergency Management Agency	X	X
23. Employment Security	X	X
24. Energy & Natural Resources	X	
25. Environmental Protection Agency	X	
26. Financial Institutions	X	
27. Governor, Office of the	X	
28. Governor's Planning Council on Developmental Disabilities	X	X
29. Governor's Purchased Care Review Board	X	
30. Guardianship & Advocacy Commission	X	
31. Health Care Cost Containment Council	X	
32. Higher Education, Board of	X	
33. Historic Preservation Agency	X	
34. Housing Development Authority	X	
35. Human Rights Commission	X	
36. Human Rights, Department of	X	
37. Industrial Commission	X	X

**Affirmative
Action Plan
Approved**

**Layoffs
Occurred
During FY'94**

Departments and Commissions

38. Insurance, Department of	X	
39. Investment, State Board of	X	
40. Labor	X	X
41. Labor Relations Board	X	
42. Lieutenant Governor	X	
43. Liquor Control Commission	X	
44. Local Government Law Enforcement Officers Training Board	X	
45. Lottery	X	X
46. Medical Center Commission	X	
47. Mental Health & Developmental Disabilities	X	
48. Military Affairs	X	X
49. Mines & Minerals	X	
50. Nuclear Safety	X	
51. Pollution Control Board	X	
52. Prairie State 2000 Authority	X	
53. Prisoner Review Board	X	
54. Professional Regulations	X	
55. Property Tax Appeal Board	X	
56. Public Aid	X	
57. Public Health	X	
58. Racing Board	X	
59. Rehabilitation Services	X	
60. Revenue	X	
61. Savings & Loan Commission	X	
62. Secretary of State	X	
63. State Fire Marshal	X	X
64. State Police	X	X
65. State Police Merit Board	X	
66. State Employees Retirement	X	
67. Student Assistant Commission	X	
68. Teacher's Retirement System	X	
69. Toll Highway Authority	X	
70. Transportation	X	
71. Treasurer	X	
72. Veteran's Affairs	X	

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

Layoff - Agencies experienced reduction in workforce.

PUBLIC CONTRACTS UNIT

The mission of the Public Contracts Unit is to monitor and enforce the compliance of enterprises holding public contracts with the non-discrimination and affirmative action requirements set forth in the Illinois Human Rights Act and the Public Contracts Rules and Regulations of the Illinois Administrative Code. This mission is accomplished by carrying out the following activities:

1. Registration of potential state bidders and the maintenance of records pertaining to bidder eligibility status.
2. Compliance reviews of public contractors to determine adherence to the Act and the Rules.
3. Technical assistance provided to individual contractors, contracting units, community organizations, and units of IDHR.
4. Oversight of the EEO/AA monitoring programs operated by other units of state government with regard to public contractors.
5. Assistance to Minority and Female Business Enterprises as necessary to fulfill the Department's responsibility as a statutory member of the Minority and Female Business Enterprise Council (MFBEC).

Fiscal Year 1994 Overview

Despite the limitations placed on its capacities through reductions in staff during FY'92, PCU was able to continue its task of qualifying prospective state bidders, substantially increasing the number of qualified bidders tracked via the computerized Public Contracts Information System. The PCU also provided technical assistance to bidders and contractors, initiating several compli-

ance enforcement efforts, assisted IDHR to exceed its FY'94 Minority, Female and Disabled Business Enterprise Goal, and implemented a new initiative directed at eliminating workplace sexual harassment.

Registration of Bidders Seeking Eligibility for Competitively Bid Contracts

Department Rules require that any prospective bidder on a public contract subject to the competitive bidding requirement of the Illinois Purchasing Act register with the Department prior to bid opening. Upon submission of a properly completed and notarized Employer Report Form, the registrant is assigned an IDHR Bidder Identification Number to evidence its eligibility to bid on state contracts. This number must accompany all bids on state contracts and is also required by many cities, school districts, and other public bodies. In completing the Employer Report Form, the prospective bidder provides the Department with information regarding the racial and gender composition of its workforce, employment trends, and policies and practices that bear on the hiring and promotion of minorities and women.

During FY'94, PCU received 4,103 Employer Report Forms from prospective bidders and processed 4,533 forms. FY'94 processing activity can be summarized as follows:

Forms pending at start of year	1,122
Forms filed by applicants	4,103
Improperly completed forms returned	<u>(684)</u>
PC-1 Forms workload	4,541

Notices mailed to eligible bidders	(4,533)
Forms pending at the close of year	8

At the end of FY'94, 73,869 vendors had registered with the program since its inception in 1973. Since November 18, 1991, PCU has tracked eligible bidders via the computerized Public Contracts Information System (PCIS). PCIS allows the

automated processing of all Employer Report Forms filed by prospective bidders. During FY'94, 6,528 state bidders were entered into PCIS. These entries included 3,629 bidders who were entered into the system for the first time, and 2,899 bidders entered who had registered with the Department prior to the conversion to PCIS. Since the inception of PCIS in 1991, 19,368 bidder records have been entered. At the end of FY'94, PCIS tracked about 26% of all the vendors registered through the Public Contracts Unit, the remainder being tracked by manual means.

PCU staff received and answered 5,579 inquiries from vendors, contracting agencies, and the public during FY'94. These requests can be broken down as follows:

PC-1 form requests	2,165
PC-1 forms processing status inquiries	809
Verifications of eligibility by contracting agencies	989
Verifications of eligibility by others	251
Requests for general information regarding EEO/AA	1,126
Sexual harassment policy information requests	<u>239</u>
Total Inquiries	5,579

Compliance Reviews of Public Contractors and Related Compliance Activity

Compliance reviews conducted on public contractors examine the contractor's affirmative action plan and the degree of effort expended by the contractor toward meeting the commitments made in the plan. The contractor's personnel practices as they pertain to the recruitment, selection, promotion, and compensation of minority and female workers are also examined during the review.

Compliance review activity was significantly affected during FY'94 by the continued staffing shortage in PCU and was further aggravated by the

Program Administrator's five-month absence. Despite these limitations, several compliance matters received attention during FY'94.

The most significant of these was the continued involvement by PCU in the case pending against the City of Belleville. Department staff participated in a fact-finding conference regarding allegations of discrimination in the testing and selection process for police officers with the city. PCU staff also provided statistical and other documentary evidence to support the Department's finding of substantial evidence in the matter. When conciliation efforts failed in the Spring of 1994, the Department filed a Complaint of Civil Rights Violation with the Illinois Human Rights Commission and provided assistance to Department legal staff in the preliminary phases of the adjudication process. The United States Department of Justice is also involved in this matter.

On July 1, 1993, Public Act 87-1257 took effect. This Act amended the public contracts portions of the Human Rights Act to require all parties to a public contract, and all eligible bidders, to develop written sexual harassment policies. PCU staff developed a Model Policy on Workplace Sexual Harassment to assist contractors and bidders to comply with this requirement. Staff also provided direct technical assistance to 239 companies in complying with this Act.

Minority and Female Business Enterprise Council Activity

Under the Minority and Female Business Enterprise Act of 1989, the Department is a statutory member of the Minority and Female Business Enterprise Council (MFBEC). PCU staff have been assigned the task of carrying out responsibilities accruing to IDHR as a result of its membership on the Council.

An IDHR representative served as a member of MFBE's Compliance Plan Committee and participated in the review and approval of the annual MFBE compliance plan submitted by each of the 65 agencies subject to the Act. This representative also attended periodic meetings of the Certification Committee, called to review investigation reports on companies seeking certification as minority or female businesses. As in past years, PCU staff participated in the MFBE Matchmaker programs held to acquaint minority and female business owners with state procurement opportunities and inform them regarding registration, qualification, and procurement procedures used by the various awarding agencies.

The Department of Human Rights, as an agency covered by the Minority and Female Business Enterprise Act, reported contract awards totalling \$66,334 to minorities, females, and enterprises owned by people with disabilities during FY'94. These dollars represented an attainment of 124% of the Department's FY'94 goal of \$53,700.

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