

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

**Third Annual Report  
July 1, 1982 - June 30, 1983**



**Manuel Barbosa  
Chairperson**

**The Honorable  
James R. Thompson  
Governor**



OREGON MEDICAL BOARD  
**Oregon Medical Commission**  
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## TABLE OF CONTENTS

Chairperson's Transmittal Letter .....	1
Overview of Commissioners and Commission Responsibilities .....	1
The Administrative Law Section .....	2
Statistical Overview .....	3
Breakdown of Disposition of Charges .....	3
Disposition of Complaints on the Merits .....	4
Breakdown of Disposition .....	5
The Commission .....	6
Summary of Decisions .....	6
Data Summaries of Orders and Decisions .....	7
Chart on Requests for Review .....	8
Chart on Settlements .....	8
Listing of Orders and Decisions .....	10
Expenditures for FY81 - FY83 .....	15

\_\_\_\_\_  
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**Human Rights Commission**  
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**Howard R. Veal, Sr.**  
Springfield  
**Alfred C. Whitley**  
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**Oscar S. Williams**  
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TO THE  
HONORABLE JAMES R. THOMPSON  
GOVERNOR OF ILLINOIS  
AND THE  
HONORABLE MEMBERS OF THE  
ILLINOIS GENERAL ASSEMBLY

In accordance with Section 25 of the Civil Administrative Code, I hereby transmit to you a report of the activities of the Illinois Human Rights Commission for Fiscal Year 1983.

Respectfully submitted,

Manuel Barbosa  
Chairperson

March 1, 1984

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
ANNUAL REPORT JULY 1, 1982 - JUNE 30, 1983**

On December 6, 1979 Governor James R. Thompson signed into law the Illinois Human Rights Act, which created the broadest and deepest civil rights coverage for the people of Illinois in the history of the state. The Act created a bifurcated enforcement apparatus: a Department to investigate and a Commission to adjudicate, charges of civil rights violations in housing, employment, public accommodations, and financial credit. Such charges are brought by individuals and/or, in certain circumstances, the Director of the Department of Human Rights.

The nine-member Commission was appointed by the Governor to begin serving on July 1, 1980. In January 1981, Governor Thompson re-appointed four Commissioners to serve until January, 1985. They are:

RANDALL RAYNOLDS.....	SPRINGFIELD
HOWARD R. VEAL, SR. ....	SPRINGFIELD
ALFRED C. WHITLEY .....	CHICAGO
MARION N. BARUCH .....	CHICAGO

MANUEL BARBOSA, an attorney from ELGIN, ILLINOIS, is the appointed Chairperson of the Commission.

The remaining four members are:

LILLIAN A. MITCHELL .....	CARLYLE
WALLACE L. HEIL .....	TAYLORVILLE
REBECCA SIVE-TOMASHEFSKY .....	CHICAGO
ARNOLD P. JONES .....	CHICAGO

In June, 1983, Governor Thompson re-appointed Commissioner Wallace L. Heil to a term ending January, 1987. He was re-confirmed by the Illinois Senate.

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

The Commission staff consists of five administrative law judges (ALJs), four clerical support staff, and an executive assistant. All are totally devoted to supporting one or more of the functions listed above. Although FY83 was an extremely difficult year budgetarily for all state agencies, the Commission was able, through prudent management, to actually increase its productivity in several measurable areas. However, due to lack of sufficient funds, Chairperson Barbosa eliminated Commission meetings devoted to public education in various sections of the state.

Commission meetings consist of a panel adjudicating settlements, requests for review and recommended orders and decisions, including oral arguments by attorneys. Perhaps the most significant of these items are recommended orders and decisions issued by staff administrative law judges. In the following section, Chief Judge Patricia A. Patton describes how the public hearings, which result in recommended orders, are conducted and the comparative data of the Administrative Law Section for FY81, FY82 and FY 83.



Human Rights Commission, at a meeting in Elgin, Illinois, September, 1982.

Left to Right: Richard J. Puchalski (General Counsel), Lillian A. Mitchell, Howard R. Veal, Sr., Marion N. Baruch, Arnold P. Jones, Manuel Barbosa (Chairperson), Alfred C. Whitley, Wallace L. Hell, Rebecca Sive-Tomashefsky, Randall Reynolds, David Strauss (Executive Assistant)

## ANNUAL REPORT OF THE ADMINISTRATIVE LAW SECTION OF THE ILLINOIS HUMAN RIGHTS COMMISSION

The Administrative Law Section of the Illinois Human Rights Commission is charged under Section 8-106 of the Illinois Human Rights Act with the responsibility of conducting public hearings on complaints of discrimination filed by the Department of Human Rights. A staff of five Administrative Law Judges, all of whom are licensed attorneys, conduct hearings throughout the State of Illinois. In accordance with Section 8-106 of the Act public hearings are held at a location that is within 100 miles of the place at which the civil rights violation is alleged to have occurred. As a consequence, the Administrative Law Judges traveled in the course of FY'83 to numerous sites throughout the state ranging from Rockford to Carbondale and from Quincy to Urbana. Sixty percent (60%) of all public hearings were conducted in Chicago and were devoted to charges originating in Cook County and adjacent counties. Of the hearings convened outside of Chicago, 50% were conducted in southern Illinois, 38% in central Illinois and 12% in the northwest part of the State.

Because of the complex nature of the relevant law, substantial preparation by the parties, including discovery proceedings and motion practice, is generally necessary. As a consequence both parties are almost invariably represented by legal counsel. Public hearings, which are formal and conducted in accordance with the rules of evidence used in the courts of Illinois, typically last a day and a half. They may, however, consume less than half a day at one extreme or more than three weeks at the other.

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

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

The following data represents a breakdown of the disposition of cases within the Administrative Law Section during the first three years of its operation under the Human Rights Act. With the exception of the last two sections the statistics reflect charges rather than complaints. A charge is the working document filed by the complaining party with the Department. A complaint is a formal pleading drafted by the Department incorporating meritorious charges. The vast majority of the complaints heard in the Administrative Law Section are based upon a single charge; it is not unusual, however, for a complaint to consolidate more than one charge. This may occur when a single complainant has filed more than one or because similar charges filed by several different complainants against the same employer have been merged into a single complaint.

<b>I. OVERVIEW:</b>	<b>FY'81</b>	<b>FY'82</b>	<b>FY'83</b>
Charges carried over from the previous fiscal year .....	244	274	294
Charges entering Administrative Law Section .....	<u>190</u>	<u>222</u>	<u>289</u>
Total number of charges .....	434	496	583
Number of Dispositions .....	160	202	206
Balance carried over to next FY .....	274	294	377

The above statistics indicate that the caseload of the Administrative Law Section increased significantly in the course of FY'83. The number of charges entering the section was 30% greater than it had been in FY'82. The number of Administrative Law Judges, however, remained the same. As a consequence, the quantity of cases carried over to the next fiscal year is substantially greater than it had been the prior year despite the fact that production remained constant. Further, two of the five Administrative Law Judges resigned in FY'83. In view of the lag time in filling these positions and the orientation period of the new Administrative Law Judges, it was an achievement to match production of the previous year.

Cases from the "new jurisdictions," those areas added by the Human Rights Act to the scope of the Fair Employment Practices Act, continued to increase in FY'83. Twenty-two charges based upon alleged discrimination in housing and public accommodations entered the Administrative Law Section in the last fiscal year; the prior year produced only 12 charges in these areas.

<b>II. BREAKDOWN OF DISPOSITIONS OF CHARGES</b>	<b>FY'81</b>	<b>FY'82</b>	<b>FY'83</b>
1. Decisions for Complainants — on the merits .....	44	25	31
2. Decisions for Respondents — on the merits .....	11	26	28
3. Decisions for Complainants — not on the merits .....	1	1	0
4. Decisions for Respondents — not on the merits .....	24	25	9
5. Decisions for Complainant and Respondent — on the merits .....	3	9	3
6. Settlements .....	38	63	69
7. Final Orders and Decisions by Administrative Law Judges .....	39	50	64
8. Damages/Fact Finding Decisions .....	<u>0</u>	<u>0</u>	<u>2</u>
TOTAL .....	160	202	206

Decisions "not on the merits" are those that were rendered without a hearing on the facts underlying the claim of discrimination. These decisions arise in a variety of situations. A frequent cause is the failure by a party to proceed either to prosecute or to defend. A second frequent cause is the Commission's lack of jurisdiction over the complaint. Such lack of jurisdiction may be found, for example, where a complainant does not fall within a group protected by the Act or where he/she has failed to file a charge within the time limit provided by the statute. The number of dismissals based upon jurisdictional grounds may be expected to diminish because of a ruling by the United States Supreme Court in *Logan v. Zimmerman Brush Co.*, 453 U.S. 422 (1982), wherein the Court held that a claim could not properly be dismissed because of the failure of an administrative agency to comply with statutory time limits. Thus, a complaint cannot be dismissed in instances where the Department fails to file a timely complaint, as was the case under earlier rulings by the Illinois Supreme Court.

Those dispositions designated "Decisions for Complainant and Respondent" in Table III consist of complaints in which neither party prevailed on all aspects of the complaint. In some instances, for example, a complainant may have proven that she was denied a promotion because of her sex, yet failed to prove that her discharge violated the Act. Another example of a mixed decision is a case in which race discrimination and retaliation were charged in the same complaint, and the complainant prevailed as to one claim but not the other. As a consequence of the mixed nature of these decisions, their disposition has not been set forth in Table IV.

An Administrative Law Judge closes a case by means of a Final Order and Decision (FOD) where charges are withdrawn by the complainant because he/she has decided not to pursue his/her claim before the Commission. Such withdrawals may occur for a variety of reasons. The most frequent cause is a decision by the parties to settle without making the terms of settlement public. In some instances the complainant has elected to proceed in federal court rather than to seek a remedy under the Act.

Section 8-108 of the Act provides for the award of reasonable attorneys fees and costs to prevailing complainants. Often the determination of the amount of these fees and costs requires the participation of the Administrative Law Judge who heard the case. In order to expedite this process the Commission promulgated new rules at the end of FY'83, according to which an Interim Recommended Order and Decision is issued in cases where it is recommended that the complainant prevail. After the fees and costs have been determined, the Recommended Order and Decision is prepared and transmitted to the Commission for review. As a result of the new regulations, the Commission can review both the merits of the Recommended Order and Decision and the fees award at the same time and thus adjudicate the case more expeditiously. Eleven Interim Recommended Orders and Decisions were entered near the end of FY'83. This figure has not been included in Sections II, III, or IV because these cases will not be removed from the Administrative Law Section until the determination of fees is completed.

The statistics cited in Section II above indicate that the Administrative Law Section is an effective vehicle for settlement, as well as for resolution by means of hearing. The Administrative Law Judges have continued to improve their performance in this regard. Prehearing conferences have been used extensively at various stages in the processing of complaints. As a consequence, settlements have been reached after the filing of the respondent's answer, after rulings by the Administrative Law Judge on crucial motions, and after the completion of discovery. In some cases settlements have been effected after the hearing has begun.

If the trends encountered in FY'83 continue, it is apparent that a systematic effort at settlement will become even more important in the functioning of the Administrative Law Section. The overall rate of increase in the number of charges entering the section was 30%. Data from the early months of FY'84 indicates that the increased productivity of the latter part of FY'83 is continuing. If the staffing level of the Administrative Law Section is forced to remain constant as a consequence of present budgetary constraints, increased efficiency in settling cases is the only hope for minimizing, if not avoiding, the formation of a substantial backlog.

III. DISPOSITIONS OF COMPLAINTS ON THE MERITS	FY'81	FY'82	FY'83
1. Decisions for Complainants .....	10	25	23
2. Decisions for Respondents .....	11	24	28
3. Decisions for Complainants and Respondents .....	3	6	3
TOTAL .....	24	55	54

In the five years of its operation under the Fair Employment Practices Commission the Administrative Law Section consistently demonstrated its impartiality in the balance of its decisions between complainants and respondents. The first three years of its operation under the Human Rights Commission have shown that same balance. It is important to analyze such statistics in terms of complaints, rather than charges, because a decision on one large multi-charge complaint can radically skew the total number of charge dispositions in favor of one side or the other. A finding of discrimination in a single complaint can, for example, result in 25 charges in favor of complainants where the complaint consolidates as many charges. In FY'83 the statistics relating to dispositions on the merits for charges and for complaints are quite similar. This is true because there were no large multi-charge dispositions in a single complaint.

**IV. BREAKDOWN OF DISPOSITIONS OF COMPLAINTS ON THE MERITS**

	FY'81		FY'82		FY'83	
	C	R	C	R	C	R
<b>A. Employment</b>						
Race .....	3	3	11	9	10	12
Sex .....	5	4	8	4	6	6
Handicap .....	1	2	6	9	5	6
National Origin .....	0	1	1	2	1	1
Age .....	1	0	0	0	0	4
Retaliation .....	0	1	1	3	0	1
Religion .....	0	0	1	0	1	0
<b>TOTAL</b> .....	<u>10</u>	<u>11</u>	<u>28</u>	<u>27</u>	<u>23</u>	<u>30</u>
	<b>FY'83</b>					
	C	R				
<b>B. Housing</b>						
Exclusion of children .....	1	1				
Race .....	0	1				
<b>TOTAL</b> .....	<u>1</u>	<u>2</u>				

The number of dispositions exceeds the number of complaints because in some instances more than one issue was resolved in a single complaint.

The caseload of the Administrative Law Section has continued to increase and diversify in the course of FY'83. The challenge that faces the Administrative Law Judges in FY'84 and the years to follow is both quantitative and qualitative. They must master the law relevant to the expanded jurisdictions and at the same time continue to keep abreast of the decisions in the employment area, which are in a constant state of flux. In addition they must increase their productivity to keep pace with the increasing volume of complaints. In so doing, they will be able to produce decisions that are high in quality, impartial, and prompt. It is apparent, however, that if increases in incoming charges continue, these goals can only be met by comparable increases in staff.



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<b>A. Employment</b>						
Race .....	3	3	11	9	10	12
Sex .....	5	4	8	4	6	6
Handicap .....	1	2	6	9	5	6
National Origin .....	0	1	1	2	1	1
Age .....	1	0	0	0	0	4
Retaliation .....	0	1	1	3	0	1
Religion .....	0	0	1	0	1	0
<b>TOTAL</b> .....	<u>10</u>	<u>11</u>	<u>28</u>	<u>27</u>	<u>23</u>	<u>30</u>
	<b>FY'83</b>					
	C	R				
<b>B. Housing</b>						
Exclusion of children .....	1	1				
Race .....	0	1				
<b>TOTAL</b> .....	<u>1</u>	<u>2</u>				

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## THE COMMISSION

The Commissioners dispose of cases primarily through meetings of three member panels. Each panel meets once a month, as does the full Commission. One panel meets regularly in Springfield, the others and the full Commission meet in Chicago in Suite 920 of 32 West Randolph Street. Thus, as in FY82, a panel or full Commission meeting took place nearly every Wednesday of Fiscal Year 1983.

A typical panel meeting included a routine approval of up to twenty settlements sent up by the Department; ten or more requests for review (appeals) by complainants of Department dismissals; and two recommended orders and decisions, one of which required an hour of oral argument by attorneys for each party. Additionally, a panel would usually have a variety of motions, usually requests for extensions of time, to consider. Decisions requiring special research or commentary were assigned to the Commission's general counsel, an attorney in private practice on a part time contract, for preparation.

Below is a statistical summary of the Commission's activities for FY83 with comparative data for FY82 and FY81 (where available). It should be noted that the Commission received more settlements and requests for review in the housing and public accommodations areas in FY83 than in FY82. However, employment remained the area where over 95% of Commission work was generated. Financial credit appears to be an almost non-existent source of discrimination charges — at least, for those charges which reach the Commission.

### SUMMARY OF DECISIONS OF THE ILLINOIS HUMAN RIGHTS COMMISSION

	FY'83	FY'82	FY'81
Settlements Approved .....	446	512	375
Requests for Review Decided .....	274	340	227
Orders and Decisions Issued .....	55	49	43

The drop in settlements and requests for review in FY83 from FY82 is related to the state fiscal crisis. Most settlements are reached during the investigation stage, as are dismissals which result in requests for review. During FY83 the Department was unable to fill all its investigator positions, thus resulting in fewer settlements and dismissals. The Commission's output of orders and decisions issued after recommendations from staff ALJs increased somewhat despite the fact that the fiscal crisis required cutting funds for the contractual general counsel. Without the cutback, it is likely output would have increased much more. In addition, some of the orders and decisions issued in FY82 and FY81 involved cases in which the issue was whether or not the Department (or its predecessor, the FEPC) had issued the complaint within the statutory deadline. The figure for FY83 represents only those cases considered on the merits of the allegation of discrimination. In addition, the Commission issued eight orders dismissing cases for failure of the complainant to pursue his or her claim; four orders dismissing the complaint for lack of jurisdiction (such as an employee alleging discrimination [for reasons other than handicap] against a private employer of fewer than fifteen workers); two orders defaulting respondents; and one order dismissing a complaint because the complainant refused respondent's offer of a full relief settlement.

## DATA SUMMARIES

The fifty-five orders and decisions issued during FY83 are grouped three ways in the following charts: first, by whether the decision favored the complainant, respondent, or both; second, the source of discrimination, with FY82 comparative data, and finally, whether or not the Commission decision affirmed or reversed the administrative law judge's recommended order.

<u>Orders &amp; Decisions for Complainant</u>	<u>Orders &amp; Decisions for Respondent</u>	<u>Orders &amp; Decisions for both</u>
21	30	4

### Orders & Decisions by Source of Discrimination

	<u>FY'83 Number</u>	<u>Proportion of total</u>	<u>FY'82 Number</u>	<u>Proportion of total</u>
Race .....	22	37.2%	14	30.4%
Color .....	0	0	0	0
Religion .....	2	3.4%	1	2.2%
Sex .....	19	32.2%	14	30.4%
National Origin .....	3	5.1%	1	2.2%
Ancestry .....	0	0	0	0
Age .....	0	0	0	0
Marital Status .....	1	1.7%	0	0
Physical/Mental Handicap .....	8	13.6%	13	28.3%
Unfavorable Military Discharge .	0	0	0	0
Retaliation .....	4	6.8%	3	6.5%
	59*	100%	46*	100%

\* NOTE: Some cases involved more than one source of alleged discrimination.

### O & Ds as related to Recommended Orders and Decisions (RODs)

	FY'83	FY'82	FY'81
RODs Affirmed .....	48	40	39
RODs Reversed .....	5	8	4
RODs Affirmed in part, reversed in part . .	2	1	0
	55	49	43

The Commission also affirmed fourteen RODs not dealing with the merits of discrimination, reversed one, and affirmed in part and reversed in part one such ROD.

Before turning to other types of cases, one more set of statistics must be reported. In FY83, the Commission issued nine orders awarding specific amounts of attorney fees to prevailing complainants, totalling about \$35,000. The determination of reasonable attorney fees plagued the Commission throughout FY81 and much of FY82; in many instances, disputes as to the reasonableness of fee requests resulted in remands to administrative law judges for additional fact finding. Such remands often meant significant delays in achieving final resolution. Accordingly, during the latter half of FY83 the Commission proposed rules to rationalize and speed up the process of determining such fee awards; after adjustments following public comment, the rules were adopted in July, 1983. The FY84 report will contain an analysis of the effects of the new rules governing awards of attorney fees.

## REQUESTS FOR REVIEW

The Department will dismiss a charge if, after investigation, the Director believes there is no substantial evidence (probable cause) of a civil rights violation. Additionally, a dismissal may occur if the Department believes it has no jurisdiction over the charge or if the complainant fails to comply with duly promulgated rules and regulations. If a respondent fails to appear or be properly represented at a fact finding conference, the Department can issue a default order. In any of the above situations, the aggrieved party can ask the Commission, through a request for review, to vacate the dismissal or default order. After a timely filed request for review is filed with the Commission the Department, which is the "respondent" during the request for review process, prepares a response. If the Department's legal division believes that the request for review has merit, a DHR attorney will ask the Commission to vacate the dismissal or default order. The Commission, through its executive assistant, always complies with this request. In FY83, the Commission's executive assistant vacated one hundred dismissals at the Department's request. In the remaining cases, the Department opposes the request for review and a three member panel of Commissioners must decide what course of action to take. The data for FY83 and prior years is presented in the following chart:

	FY'83	FY'82	FY'81
Total requests for review <sup>1</sup> .....	274	340	227
DHR Dismissal Affirmed <sup>2</sup> .....	211	283	201
DHR Dismissal Vacated .....	63	57	26
Percentage of Dismissals Affirmed .....	77%	83.2%	88.5%
Percentage of Dismissals Vacated .....	23%	16.8%	11.5%

<sup>1</sup> Only those cases in which the Department opposed the request for review are included.

<sup>2</sup> Over 98% of requests for review were from DHR dismissals. Defaults are infrequent and requests for review of defaults are rare.

## SETTLEMENTS

The parties to a charge are encouraged to settle the case at all stages, from Department Intake through Commission public hearing. Once such an agreement is reached, they are further encouraged to submit the settlement to the Department and Commission. If both agencies approve the terms of settlement, they are enforceable should either party violate the agreement. During FY83, the Commission approved 446 settlements. Not all of them involved financial transactions; some complainants sought neutral letters of reference, the clearing of their personnel files, the ability to rent a particular apartment, or the guaranteed access to a public accommodation. However, most settlements did involve money being paid to the complainant. The amounts negotiated at different stages of proceedings and the grand total appear below.

Stage at which agreement signed	Number of Settlements	Amount	Average amount per settlement
During Investigation	337	\$1,005,755	\$ 2,984
During conciliation	29	44,796	1,545
During Public Hearing	78	430,550	5,520
After ROD Issued	<u>2</u>	<u>35,200</u>	<u>17,600</u>
	446	\$1,516,301	\$ 3,400

Computer-generated data also suggest that a complainant is likely to receive a slightly better financial settlement if he or she is represented by an attorney.

## REHEARINGS EN BANC

After a three-member panel issues an order and decision, the losing party can request a rehearing before the full nine member Commission. Such rehearings are granted only in cases involving significant legal issues or issues on which three-member panels have disagreed.

In FY83, the Commission conducted two "rehearings *en banc*", in which the full nine member Commission reheard a case which had been decided by a three member panel of the Commission. In *May v. Chicago Transit Authority*, 5 Ill. HRC Rep. 154 (*en banc* 1982) the Commission was asked to consider the duty of an employer with respect to a disabled employee. Under Section 1-103(l)(1) of the Human Rights Act, a person who is handicapped is entitled to relief under the Human Rights Act only if the handicap "is unrelated to the person's ability to perform the duties of a particular job or position". In the *May* case it was undisputed that the Complainant could not perform his job duties without a reasonable accommodation from the employer. The employer argued that it owed no duty to accommodate the Complainant. The full Commission ruled that when an employee is handicapped within the meaning of the law, his or her employer has a positive obligation to take reasonable steps to accommodate the handicap. On September 15, 1982 the Commission promulgated its *Interpretive Rules on Handicap Discrimination in Employment*. These rules adopt the holding of the *May* case, and describe in detail the burdens of the employee and the employer with regard to the accommodation of an individual's handicap.

The second rehearing before the full Commission occurred in the case of *Campea v. Bremen School District No. 228*, 6 Ill. HRC Rep. 65 (*en banc* 1982). This case involved a charge by the coaches of girls high school athletic teams that they were being paid less than the coaches of boys high school athletic teams. The Complainants asserted that the differences in pay amount to sex discrimination within the meaning of the Human Rights Act. The Commission ruled that a prerequisite for recovery in this sort of case is a showing that the jobs which were compared involved equal skill, effort and responsibility. The full Commission found that the Complainants had failed to meet their burden in this regard. Accordingly, the Commission found that there was no showing of sex discrimination in this case.

The various panels of the Commission issued a wide variety of opinions in FY83. Examples of cases which will have an impact beyond the mere resolution of the dispute between the parties, include the following opinions. In *Clark v. Champaign National Bank*, 4 Ill. HRC Rep. 193 (1982) the Commission tackled the thorny issue of determining the proper amount of attorney's fees to be awarded in Human Rights Commission cases. The Commission panel provided a flexible framework by which attorneys could draft their petitions, and administrative law judges could evaluate the propriety of requested fee awards. In FY83 the Commission proposed amendments to its procedural rules, which will streamline the process of determining attorney's fees. The combination of an explicit framework for the calculation of fees, and a streamlined procedure for determining fees, should help to expedite the processing of cases in front of the Commission.

In the case of *Podgurski v. Rackow*, 7 Ill. HRC Rep. 137 (1982) the Commission decided a case of first impression interpreting the provisions of the Human Rights Act prohibiting discrimination in housing. The Commission found that the Respondents had violated Section 3-104 of the Act, which prohibits the exclusion of children in the rental of real estate. The panel decision also considers the question of damages in housing cases. The Commission holds that there can be no assumed damages because of humiliation, embarrassment, loss of dignity, etc. resulting from a violation of the Act. Although the panel did not exclude the possibility that damages could be awarded for these factors, it ruled that in the particular case presented, such an award would be speculative.

## FY83 HUMAN RIGHTS COMMISSION ORDERS AND DECISIONS

The following cases represent the important decisions of FY83. They are the orders and decisions rendered by three member panels, pursuant to recommended orders and decisions issued by staff administrative law judges. The citations refer to volumes of Commission decisions (available for a fee from Tower Records of Illinois, 323 South Franklin Street, Chicago, 60606), followed by the page number on which the decision begins. Thus, "7 Ill. HRC Rep. 27" would be found on page 27 of Volume VII of Orders and Decisions of the Illinois Human Rights Commission.

<b>TYPE OF DISCRIMINATION</b>	<b>CASE NAME AND DATE DECISION WAS ISSUED</b>	<b>CHARGE #</b>	<b>CITATION #</b>
Sex	Ana Marie Parent v. Board of Regents, Illinois State University July 13, 1982	1978SF0167	5 Ill. HRC Rep. 31
Sex	Billie Raymer v. Woodward Governor Company August 3, 1982	1980CF0843	5 Ill. HRC Rep. 45
Retaliation	Robert Lipsey v. Chicago-Cook County Criminal Justice System August 11, 1982	1979CF0261	5 Ill. HRC Rep. 80
Race	James A. Rehfeldt v. Chicago Board of Education August 26, 1982	1979CF0988	5 Ill. HRC Rep. 100
Handicap	Mark Griffin v. State of Illinois, Department of Law Enforcement August 3, 1982	1980CN0035	5 Ill. HRC Rep. 120
Handicap	Carl May v. Chicago Transit Authority <i>REHEARING EN BANC ORDER</i> July 8, 1982	1979CN0545	5 Ill. HRC Rep. 154
Race	Dennis Todd v. Northwestern Memorial Hospital August 2, 1982	1979CF0652	6 Ill. HRC Rep. 5
Sex/Equal Pay	Lorraine Campea, et al., v. Bremen School District #228 <i>REHEARING EN BANC ORDER</i> November 3, 1982	1978CF0518, 0516, 0539, 0523, 0510, 0525, 0508, 0514, 0519, 1051, 0527, 0504, 0521, 0533, 0522, 0520, 0509, 0513, 0506, 0542, 0524, 0503, 0512, 0507, 0529, 0517, 0511, 0505	6 Ill. HRC Rep. 65

Retaliation	Ernest Darnell v. State of Illinois, Department of Personnel August 26, 1982	1978TF0029	6 III. HRC Rep. 75
Race	Don Spaulding v. Borden Chemical Company July 13, 1982	1980SF0236	6 III. HRC Rep. 85
Sex	Lynn Barton v. Eldorado Community Unit District #4 September 24, 1982	1974SN0116 1975CF0063	6 III. HRC Rep. 95
Race	Frank White v. Dann Dee Display Fixtures September 24, 1982	1980CF0828	6 III. HRC Rep. 103
Sex	Ozia Brewington v. State of Illinois, Department of Corrections November 3, 1982	1980CF0113	6 III. HRC Rep. 110
Race	Robert Ford v. Mervis Industries, Inc. August 26, 1982	1980SF5153	6 III. HRC Rep. 123
Sex & Race	Betty McShan v. Granite City Steel Division National Steel Corporation November 22, 1982	1979SF0183	6 III. HRC Rep. 132
Race	Carolyn S. Hutton v. Board of Trustees, University of Illinois December 16, 1982	1980CF0529	7 III. HRC Rep. 1
Race	Jan Blaylock v. ATI, Inc. August 2, 1982	1979SF0433	7 III. HRC Rep. 13
Race	Pamela Gibson v. Illinois Bell Telephone Company December 23, 1982	1981CF0417	7 III. HRC Rep. 27
Race	Charles Clay v. State of Illinois, Department of Corrections December 23, 1982	1980SF0331	7 III. HRC Rep. 46
Handicap	Ray Plott v. City of Anna December 13, 1982	1980SN0365	7 III. HRC Rep. 70
Handicap	James Thompson v. Advance United Transportation, Inc. December 23, 1982	1980CN0898	7 III. HRC Rep. 89
Race	Robert Buckhalter v. Pepsi-Cola General Bottlers, Inc. November 3, 1982	1979CF0126	7 III. HRC Rep. 96
Race	Barbara Patton v. Carson, Pirie, Scott & Company November 24, 1982	1979CF0321	7 III. HRC Rep. 116

Housing/ Exclusion of Children & Marital Status	Myron Podgurski v. John J. Rackow & Associates November 22, 1982	1981CH0005	7 III. HRC Rep. 137
Sex	Shana Holub v. Payco American Corporation November 22, 1982	1981CF0176	7 III. HRC Rep. 161
National Origin	Juan Lopez v. Coca cola Bottling Company November 22, 1982	1980CF1645	7 III. HRC Rep. 176
Sex/Equal Pay	Pamela Sue Wehrle v. State Security Insurance Co. November 22, 1982	1981SF0008	7 III. HRC Rep. 189
Jurisdiction	Randy Sigler v. Burlington Northern, Inc. November 22, 1982	1980CN0550	7 III. HRC Rep. 189
Sex	Panaglota Drakakas v. Klein Tools, Inc. November 22, 1982	1979CF1608	7 III. HRC Rep. 218
Jurisdiction	Margie Mitchell v. M. Lowenstein Corporation March 25, 1983	1982CF0549	8 III. HRC Rep. 5
Race	Henriette Roberts v. Baird & Warner, Inc. January 28, 1983	1981CF0173	8 III. HRC Rep. 24
Sex/ Retaliation	Judith Sobek v. Central Telephone Company January 27, 1983	1978CF0581	8 III. HRC Rep. 33
Religion	Leo Friedman v. Signal Products Division January 18, 1983	1980CF0236	8 III. HRC Rep. 70
Race	Vickie Crider v. K Mart Corporation January 28, 1983	1980SN0432	8 III. HRC Rep. 87
Race	Joe Clark v. Western Union Telegraph Company January 11, 1983	1979CF0763	8 III. HRC Rep. 100
Jurisdiction	Charles Larrance v. Country Casualty Insurance Company, et al. <i>REMAND ORDER</i> January 7, 1983	1980SN0206, 0207, 0208, 0209, 0210, 0211	8 III. HRC Rep. 123
Retaliation	William Murray v. Nalco Chemical Company January 28, 1983	1979CF1288	8 III. HRC Rep. 129
Race	Tony Childress v. State of Illinois, Department of Corrections January 7, 1983	1979CF1780	8 III. HRC Rep. 155



Sex	Debbie Johnson v. J.A.M.P. Special Education Service February 25, 1983	1981SF0151	8 III. HRC Rep. 169
Handicap	Lester Daniel v. Borden Chemical Company February 25, 1983	1980SN0224	8 III. HRC Rep. 184
Sex	Sarah Strunin v. Marshall Field & Company March 3, 1983	1980CF0764	8 III. HRC Rep. 199
Race	Christiana Clark v. Wieboldt Stores, Inc. March 3, 1983	1980CF0242	8 III. HRC Rep. 213
Race	Show-Jen Horng v. Board of Trustees, University of Illinois March 3, 1983	1980CF1318	8 III. HRC Rep. 227
National Origin	Jose Bilbao v. Kenny/Paschen, S & M Joint Venture March 17, 1983	1979CF0761	8 III. HRC Rep. 245
Sex	Dayan D. Albertson v. Curtis Detective Agency, Inc. March 25, 1983	1981SF0131	8 III. HRC Rep. 260
Sex	Tamara J. Vascara V. M.A. Inc., d/b/a Connor's Restaurant March 25, 1983	1981SF0302	8 III. HRC Rep. 270
National Origin	Gamaliel Roca v. Coca Cola Bottling Company March 25, 1983	1981CF1106	8 III. HRC Rep. 278
Handicap	Alvin Jones v. Yellow Freight Systems, Inc. March 22, 1983	1979SN0152	8 III. HRC Rep. 288
Sex	Joan Steele v. B.F. Goodrich Chemical Company June 16, 1983	1980CF0952	9 III. HRC Rep. 5
Sex	Laurel Peterson v. Schaumburg School District #54 April 15, 1983	1980CF0382	9 III. HRC Rep. 31
Religion	Daniel Walczak v. City of Chicago April 22, 1983	1980CF0072	9 III. HRC Rep. 51
Race	Rachel Anthony v. St. Anthony's Hospital May 26, 1983	1981SF0067	9 III. HRC Rep. 81
Sex/ Retaliation	Martha A. Bowser v. Board of Education, Community School District #200 April 22, 1983	1979CF0287, 1979CF1977, 1979CF1230	9 III. HRC Rep. 90

Sex	Maggie Bracey v. International Brotherhood of Painters and Allied Trades Local #1850 May 26, 1983	1978SF0172	9 III. HRC Rep. 112
Handicap	Judith Walsh v. Village of Oak Lawn Police Department <i>ORDER PURSUANT TO REMAND FROM CIRCUIT COURT</i> May 26, 1983	1979CF0342	9 III. HRC Rep. 129
Race	Thomas Hayes v. Foodmaker, Inc. May 26, 1983	1979CF0873	9 III. HRC Rep. 141
Race	Thomas Parker v. Eisner Food Stores, Inc. May 26, 1983	1980SF0143	9 III. HRC Rep. 151
Race	Ronald Carter, et al. v. City of Springfield Police Department June 23, 1983	1978SF0184, 0193, 0023, 0045	9 III. HRC Rep. 164
Handicap	Vandola Chambers v. Ford Motor Company June 24, 1983	1979CN0302	9 III. HRC Rep. 185

## THE FUTURE

The Commission will hire a full-time general counsel in FY84 to handle the increasing workload. Rules and regulations will continue to be crafted and promulgated in areas of the Human Rights Act requiring rulemaking. Commission procedures will be re-examined for maximum efficiency consistent with due process of law.

### HUMAN RIGHTS COMMISSION EXPENDITURES STATE FISCAL YEAR — JULY 1 - JUNE 30

Funds for Operations	FY'83 Expenditures	FY'82 Expenditures	FY'81 Expenditures
TOTAL GRF	\$355,400	\$370,000	\$310,200
Personal Services	219,200	213,500	179,700
Retirement Contributions	9,400	9,600	13,400
Social Security	14,400	13,900	11,400
Contractual Services	85,200	105,000	75,100
Travel	19,500	18,400	19,200
Commodities	1,200	2,200	3,100
Printing	700	2,700	2,700
Equipment	1,800	-0-	2,500
Telecommunication Services	4,000	4,700	3,100

The decrease in expenditures in FY83 from FY82 resulted from the state's fiscal crisis. Original appropriations were close to the 1982 level, but funds had to be reserved as part of the overall effort to keep the state budget from receding into deficit.