



STATE OF ILLINOIS

ILLINOIS HUMAN RIGHTS COMMISSION: QUARTERLY NEWSLETTER

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JULY– SEPTEMBER 2020

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ADA30



Americans with Disabilities Act

Celebrate the ADA! July 26, 2020

This year marks the 30th anniversary of President George H.W. Bush signing the Americans with Disabilities Act (ADA) into law. The Illinois Human Rights Commission recognizes, and proudly celebrates, this momentous occasion in the enforcement of the ADA's protections in vindicating the rights of people with disabilities across the country.

A Note from the Executive Director Tracey B. Fleming

Hello, my name is Tracey Fleming, and September 30th will mark the end of my first full month as Executive Director of the Illinois Human Rights Commission.

I would like to thank Governor JB Pritzker for the honor of being appointed to serve alongside our learned and dedicated Commissioners and staff. The idea of being involved with the important work of the Commission is not something I could have imagined as a kid growing up on Chicago's South Side.

As I learn more about how the Commission functions, I am simultaneously getting to know our colleagues and our partners across State government, who are critical to our ability to effectively and efficiently serve all residents of Illinois. The central mission of the Commission, to be a neutral forum to adjudicate claims of discrimination under the Illinois Human Rights Act, is no less urgent today than it was when the Act was first signed into law in 1979 by Governor James R. Thompson.

I am impressed by how the Act and the Commission have both evolved — with continuing leadership from civil rights advocates and the legislative and executive branches of our government — to be of greater utility to all Illinoisans over the past 40 years.

This newsletter recognizes and celebrates the 30th anniversary of the Americans with Disabilities Act (ADA). Like our own Act, the ADA has been adapted and modified over time to provide for greater improvements in the areas of employment, and public accommodations, just to name a few areas.

For myself, I am excited for the opportunity to build on the strong foundation in place here at the Commission and to communicating about this work in future newsletters.

With warm regards,

Tracey

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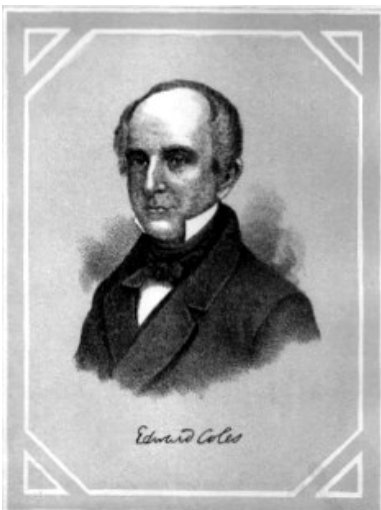
This Quarter in Civil Rights History

- ♦ **August 11, 1945:** Congress approved a joint resolution establishing National Employ the Physically Handicapped Week during the first week of October of each year. The law directed nationwide ceremonies to be held “to enlist public support for and interest in the employment of otherwise qualified but physically handicapped workers.” President Harry S Truman issued a Proclamation on September 22, 1945, calling upon the people of the United States to observe National Employ the Physically Handicapped Week. On October 8, 1970, Congress approved a joint resolution deleting the word “physically.”
- ♦ **September 1, 1883:** Gallaudet University, the first school for advanced education for the deaf and hard of hearing, establishes its first collegiate football team. Paul Hubbard, a Gallaudet football player, is often credited with inventing the football huddle in the early 1890s.
- ♦ **September 25, 2008:** President George W. Bush signs the ADA Amendments Act of 2008 (ADAAA) into law, broadening the definition of “disability” and greatly extending coverage to affected individuals.

Every August, Chicago hosts the Chicago Duck Derby, a fundraising event benefiting the Special Olympics. This year, the event will benefit over 35,000 Special Olympics athletes! Though typically more than 60,000 rubber ducks are dumped into the Chicago river to “race”, this year's Duck Derby will be held virtually due to Covid-19. You can “adopt a duck” for a small donation, and the winners of the derby receive one of several prizes, all while supporting a great cause. Check it out here: <https://www.duckrace.com/Chicago>.



August 7th is national Purple Heart Day, designed to honor the brave people who were wounded on the battlefield, about 25% of whom now have disabilities as a result of their service.



Edward Coles Fellowship

In Summer 2020, we offered our Coles Fellowship in an all-virtual format. The Commission would like to thank this year's Fellows for their hard work: Kara Krause (University of Illinois); Rachel Lee (Northwestern University); Marlee Rich (Northwestern University). This issue of the newsletter contains a series of case notes written by our Coles Fellows, to celebrate the 30th anniversary of the Americans With Disabilities Act.

For more information regarding our Coles Fellowship program, please visit <https://www2.illinois.gov/sites/ihrc/about/Pages/Coles.aspx>

Case Note: *Vos. v. City of Newport Beach*, 892 F.3d 1024 (9th Cir. 2018)

Kara Krause, Coles Fellow

In 2018, the Ninth Circuit in *Vos v. City of Newport Beach*, 892 F.3d 1024 (9th Cir. 2018) decided that the ADA’s prohibition of discrimination against individuals with disabilities applies to law enforcement investigations and arrests. Gerrit Vos, who suffered from schizophrenia, was running around a 7-Eleven convenience store, yelling things such as “kill me already,” and holding a pair of scissors. Several Newport Beach Police Department officers arrived at the scene after someone called 911. Vos had cut an employee’s hand and locked himself in a back room. The officers knew that he was “potentially mentally unstable and under the influence of drugs.” He later tested positive for amphetamine and methamphetamine. Eventually, Vos ran out of the back room, two officers shot him four times, and he subsequently died. His parents sued under 42 U.S.C. § 1983, Title II of the ADA, and the Rehabilitation Act. The district court granted summary judgment to the defendants, and his parents appealed to the Ninth Circuit.

Title II of the ADA prohibits discrimination, which includes failure to reasonably accommodate, on the basis of disability by a public entity. The ADA defines “public entity” as including any instrumentality of a state or local government. The district court relied on a prior Ninth Circuit decision involving Title II: *Sheehan v. City & County of San Francisco*, 743 F.3d 1211 (9th Cir. 2014). In *Sheehan*, San Francisco Police Department officers forced their way into a schizophrenic woman’s bedroom and pepper-sprayed her face before shooting her multiple times. *Sheehan* held that there was a triable issue whether the officers failed to accommodate the plaintiff’s disability because they could have waited for backup and employed less confrontational tactics.

The district court held that because the Newport Beach police officers never provoked Vos (unlike the officers in *Sheehan*) they did not need to accommodate his disability. But the Ninth Circuit reversed the grant of summary judgment on the ADA claims, explained that *Sheehan* did not impose a provocation requirement, and noted that the police officers could have de-escalated the situation instead of shooting Vos. In reversing, the court declined to address the defendants’ argument that the ADA and the Rehabilitation Act do not apply because his behavior stemmed from illegal drug use.

Judge Carlos Bea dissented. He argued that although a police officer should consider a person’s disability, the use of deadly force should not be diminished when an officer is confronted with a disabled person who is armed and recently committed a crime.

There is a circuit split on whether the ADA applies to investigations and arrests.

Earlier this year, the Seventh Circuit assumed, without deciding, that the ADA applies to investigations and arrests in *King v. Hendricks Cty. Comm’rs*, 954 F.3d 981 (7th Cir. 2020). Bradley King, who had schizophrenia, allegedly ran towards a police officer with a knife in Hendricks County, Indiana. The officer fatally shot him. The Seventh Circuit affirmed summary judgment to the defendants, reasoning that the plaintiff failed to prove but-for causation: the officer would have shot King, who was running towards him with a knife, regardless of his disability. Likewise, in the past twenty years, the Fourth Circuit in *Seremeth v. Board of County Commissioners Frederick County*, 673 F.3d 333 (4th Cir. 2012), the Eleventh Circuit in *Birrell v. Miami-Dade County*, 480 F.3d 1072 (11th Cir. 2007), and the Tenth Circuit in *Gohier v. Enright*, 186 F.3d 1216 (10th Cir. 1999) have all decided that the ADA applies to investigations and arrests.

However, in 2000, the Fifth Circuit in *Hainze v. Richards*, 207 F.3d 795 (5th Cir. 2000) decided that it does not. Three police officers showed up to a convenience store after Kim Michael Hainze’s aunt called 911. Hainze, who had a history of depression, was carrying a knife and threatening to kill himself. One of the officers shot him twice in the chest, and he nearly died. The Fifth Circuit reasoned that forcing officers to comply with the ADA in exigent circumstances would pose an “unnecessary risk to innocents.”

Case Note: *Eshleman v. Patrick Indus.*, 961 F.3d 242 (3d Cir. 2020)

Rachel Lee, Coles Fellow

The Third Circuit recently clarified that for an individual's impairment to qualify under the Americans with Disabilities Act's (ADA) "transitory and minor" exception to the "regarded as" prong, the impairment must be both transitory and minor. William Eshleman was employed at Patrick Industries as a truck driver. He took two months of medical leave for a lung biopsy procedure and six weeks later, two vacation days for an upper respiratory infection. Upon his return, his employer discharged him because it believed Eshleman suffered from a long-term or chronic medical condition which would make him "unreliable, a liability, and unable to perform a wide variety of jobs." Eshleman, 961 F.3d at 245. Eshleman brought this suit alleging that his employer incorrectly applied the "regarded as" prong and erroneously regarded him as an individual with a disability under the ADA.

While the ADA provides protection from employment discrimination to employees who are "regarded as" having a disability, it excludes impairments that are "transitory and minor." 42 U.S.C. §§ 12102(1)(C), 12102(3)(B) (1990). If an impairment fits this exception, employees cannot hold employers liable for "regarded as" disability discrimination. The district court held that Eshleman's impairment lasted less than six months, being "transitory and minor," and therefore did not qualify under the "regarded as" prong.

The Third Circuit disagreed with the district court's analysis and remanded for further proceedings. The Third Circuit held that the district court should have evaluated whether Eshleman's impairment was objectively "transitory" independently from its evaluation of whether his impairment was "minor." It pointed to the presence of a definition of "transitory" and a lack of definition of "minor" in the ADA as evidence that the two inquiries are separate prongs. § 12102(3)(B) ("A transitory impairment is an impairment with an actual or expected duration of 6 months or less."). Additionally, it deferred to the Equal Employment Opportunity Commission's (EEOC) guidance, which states that the "transitory and minor" exception "requires a showing that the impairment is both transitory and minor, and clarifies that the six-month time limit applies only to the 'transitory' prong of the exception." Eshleman, 961 F.3d at 248. Further, it held that applying the exclusion to impairments that are both transitory and minor was consistent with Congress' intent to expand ADA coverage. *Id.* In evaluating whether a condition is "minor," a court should consider "such factors as the symptoms and severity of the impairment, the type of treatment required, the risk involved, and whether any kind of surgical intervention is anticipated or necessary—as well as the nature and scope of any post-operative care." Eshleman, 961 F.3d at 249.

Moreover, the Third Circuit distinguished *Budhun v. Reading Hosp. & Med. Ctr.*, because there, the employee's objective non-serious injury (a broken pinky finger) allowed the temporary nature of the impairment to serve as a "proxy for the lack of severity." Eshleman, 961 F.3d at 249 (citing *Budhun*, 765 F.3d 245 (3d Cir. 2014)). There, the employer perceived the employee's condition as transitory. Here, however, Eshleman's employer perceived his medically-related absences as signs of a chronic medical condition. Lastly, the Third Circuit cited the Seventh Circuit's decision in *Silk v. Board of Trustees, Moraine Valley Community College*, which held that the six-month time definition applies to "transitory" but not "minor." 795 F.3d 698, 706 (7th Cir. 2015). There, the Seventh Circuit treated "transitory" and "minor" as independent inquiries, consistent with the ADA's intent.

The Eshleman decision is relevant because it aligns the Third Circuit with the Seventh Circuit's approach to the "regarded as" prong. To be compliant with the ADA, employers must consider not just whether an employee's impairment lasts less than six months, but also whether it was non-minor. This holding stresses the importance of accurately assessing and characterizing an employee's impairment. For employees, this interpretation of the "transitory and minor" exception provides more coverage under the ADA. However, even if the employee is successful in its claim, the Seventh Circuit has held that the ADA does not require provisions of reasonable accommodations to a "regarded as" individual. 42 U.S.C. § 12201(h); see *Majors v. Gen. Elec. Co.*, 714 F.3d 527, 535 n.4 (7th Cir. 2013). Thus, while the Eshleman decision provides some protection to employees, it still operates under certain constraints.

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Case Note: *Eshleman v. Patrick Indus.*, 961 F.3d 242 (3d Cir. 2020)...continued

Rachel Lee, Coles Fellow

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individual. 42 U.S.C. § 12201(h); see *Majors v. Gen. Elec. Co.*, 714 F.3d 527, 535 n.4 (7th Cir. 2013). Thus, while the *Eshleman* decision provides some protection to employees, it still operates under certain constraints.

Moreover, this issue may arise more frequently given the current COVID-19 pandemic. The EEOC recently addressed the ADA and pandemic planning in the workplace, corroborating the non-minor nature of COVID-19 by suggesting that it is more serious than the seasonal influenza or the 2009 spring/summer H1N1 virus. However, it also classifies COVID-19 as a “direct threat” that is not protected under the ADA because the restrictions on public gatherings and closure orders for businesses and schools “support a finding that a significant risk of substantial harm would be posed by having someone with COVID-19, or symptoms of it, present in the workplace at the current time.” U.S. Equal Emp’t Opportunity Comm’n, EEOC-NVTA-2009-3, *Pandemic Preparedness in the Workplace and the Americans with Disabilities Act*, <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act> (last updated March 21, 2020) (emphasis added). Whether this “direct threat” classification applies to only symptomatic or asymptomatic individuals remains uncertain, so it is unclear who exactly is a COVID-19 affected employee and whether they may raise a successful “regarded as” claim.

Case Note: *Shell v. Burlington Northern*, 941 F.3d 331 (7th Cir. 2019) Introducing a 21st Century Nuance to Disability Law

Marlee Rich, Coles Fellow

Statutes are written to try to both prevent and solve problems. However, they can never be fully inclusive of all potential issues, often filled with unforeseen loopholes and consequences. Despite making great strides for the rights of people with disabilities, the Americans with Disabilities Act is no exception to this rule. *Shell v. Burlington Northern Santa Fe Ry. Co.*, 941 F.3d 331 (7th Cir. 2019), brings one of these unforeseen issues before the Seventh Circuit, and has implications beyond the facts of the case.

Ronald Shell applied for a “safety sensitive” job with Burlington Northern. The job responsibilities included working with heavy equipment and machinery. Per their policy, Burlington Northern did not allow people over a certain BMI (body mass index) to hold these types of positions for safety reasons. Burlington Northern refused to hire Shell because of his obesity and used a business necessity defense to justify their decision: they believed the risk was too high that his obesity would develop into medical conditions that could suddenly incapacitate him on the job, such as sleep apnea, diabetes, and heart disease. As a result, Shell brought this case against Burlington Northern for alleged disability discrimination under the ADA.

Shell argued that he was discriminated against for a disability under the “regarded as” prong of the ADA: “being regarded as having [a physical or mental] impairment.” 42 U.S.C. § 12102(1)(C). On its own, obesity is not considered a disability under the ADA; it requires proof of another underlying condition that causes obesity. See *Richardson v. Chicago Transit Authority*, 926 F.3d 881 (7th Cir. 2019). Because Shell did not have an underlying condition, he claimed that Burlington Northern regarded him as having the medical conditions that they feared he might develop, and thus was protected under the ADA. The Court stated that the evidence was clear that Burlington Northern did not believe that Shell actively suffered from any of the impairments they feared. Therefore, the question before the court became whether the potential of future disease or disability is protected by the ADA.

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Case Note: *Shell v. Burlington Northern*, 941 F.3d 331 (7th Cir. 2019) Introducing a 21st Century Nuance to Disability Law...continued.

Marlee Rich, Coles Fellow

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The Court, following the reasoning of similar cases in the Eighth, Ninth, and Tenth Circuits, held that future disease or disability is not protected under the ADA. They came to this conclusion primarily through a textual analysis of the statute. The Court used basic rules of grammar to analyze the ADA's regarded as prong: "being regarded as having [a physical or mental] impairment." 42 U.S.C. § 12102(1)(C). The key word, "having," is understood to mean presently and continuously. The Court reasoned that "no one would understand the sentence, 'Shell is being regarded as having sleep apnea,' to mean anything other than Shell is viewed today as currently suffering from sleep apnea." 941 F.3d at 336. Finally, the Court settled any technical debates by confirming that "having" is a present participle, defined as a "nonfinite verb form ending in -ing and used in verb phrases to signal the progressive aspect". *Id.* (quoting Bryan A. Garner, *Garner's Modern American Usage* 1020 (4th ed. 2016)). Other interpretations cannot overcome the plain meaning of the text. The Seventh Circuit seemed to be making a strong nod to Congress that if it wants obesity or its related conditions to be protected under the ADA, then it should amend the act.

The Court also rejected the EEOC's argument that part of the ADA's purpose is to combat "society's accumulated myths and fears about disability and disease" and thus should be inclusive of fears about obesity. *Id.* (quoting *Sch. Bd. of Nassau County, Fla. v. Arline*, 480 U.S. 273, 284 (1987)). Though *Burlington Northern's* policy may be based on a stereotype, the stereotypes associated with obesity (which is not caused by an underlying condition) is not a disability protected by the ADA. See *Richardson*, 926 F.3d at 888. The Court also pointed out that the EEOC's Interpretive Guidance defines "impairment" as not inclusive of "characteristic predisposition to illness or disease." 29 C.F.R. Pt. 1630, App §1630.2(h).

On first glance, there could be legitimate concern that this case has provided legal justification for fat-phobic hiring decisions. Fortunately, the facts of the case limit the application of this decision to, at most, jobs where there is a tangible safety concern. However, a "slippery slope" argument quickly arises. How "linked" must a future medical condition be to an individual's current health to justify a hiring decision or other adverse action? How tenuous of a relationship is acceptable justification? The opinion leaves open these questions.

Though at least four federal circuits have rejected obesity as a protected class, there are some protections available under state law. The Supreme Court of Washington recently held that obesity always qualifies as an impairment under the Washington Law Against Discrimination. *Taylor v. Burlington N. R.R. Holdings, Inc.*, 444 P.3d 606, 608 (Wash. 2019). The statute defines a disability as having an impairment that is "medically cognizable or diagnosable, [e]xists as a record or history, or [i]s perceived to exist whether or not it exists in fact." RCW 49.60.040(7)(a). Under Michigan's Elliott-Larson Civil Rights Act, an employer is prohibited from discriminating based on weight. Mich. Comp. Laws Ann. § 37.2202. Some municipalities, such as San Francisco, have also followed suit. Evelyn Nieves, *New San Francisco Ordinance Decrees That All Sizes Fit*, *NEW YORK TIMES*, <https://www.nytimes.com/2000/05/09/us/new-san-francisco-ordinance-decrees-that-all-sizes-fit.html> (May 9, 2000). However, with about one-third of adults in the United States considered obese, it is possible that other states may soon follow Michigan and Washington's lead and begin to codify protections for obesity or pressure Congress to amend the ADA.

JULY— SEPTEMBER 2020

In Memoriam



Jeff Shuck
1964—2020

The Honorable Jeff Shuck, of Athens – whom Governor Pritzker appointed in July 2019 to the Illinois Human Rights Commission (HRC) as a Commissioner – passed away on Friday, July 31, 2020.

Jeff embodied the best in public service, with accomplished tenures at the Illinois Attorney General's Office (AG), the State Board of Education (ISBE), Central Managements Services (CMS), and, most recently, HRC. Throughout his accomplished legal career and beyond, Jeff held a passion for preventing and addressing disability discrimination, including by being a role model of capability as a paraplegic since an automobile accident in 1982.

Prior to his HRC appointment, Jeff served three Attorneys General, including as an Assistant Attorney General, then later as a Senior Assistant Attorney General, in the Springfield General Law Bureau, where he represented agencies and employees in state and federal courts. Before rejoining the AG, he twice served CMS as its Deputy General Counsel for Personnel, advising on employment law matters. While at CMS, Shuck was appointed by Governor Quinn to serve as Chairman of the Task Force on Inventorying Employment Restrictions, resulting in a public report on employment restrictions complicating gainful employment for those with criminal histories. Shuck also twice served at ISBE, first as an Assistant Legal Advisor and later as Chief of Labor Relations.

Jeff was a true Illinoisan, hailing from Streator. In 1983, Jeff graduated as the Salutatorian of Illini Bluffs High School in Glasford; then graduated from University of Illinois (UI) in Champaign in 1988; and continued his education, graduating with a law degree, as Valedictorian, from Southern Illinois University (SIU) Carbondale School of Law in 1997. He also excelled outside of the classrooms and hallways of the schools he attended. For example, Jeff was on the intercollegiate wheelchair basketball team at UI, winning two National Championships in 1986 and 1987. Jeff also brought this sport to SIU Carbondale, where he also competed. He also let it be known that he was an avid Illini fan.

Around HRC, however, Jeff was most known for his love of his family and local community. He firmly believed in protecting others, responsible gun use, and helping people regain a sense of agency after health challenges, including volunteering to train others on proper firearm use with one's non-dominant hand. He beamed with pride for his two sons, who he enjoyed watching play football and grow into strong young men. HRC's deepest condolences go to Jo, his wife of 28 years; his sons, Evan and Everett; and his extended family and community of friends.

An observer of one of Jeff's public presentations once succinctly described a common lesson that Jeff often imparted: "As we age, we all become disabled to a certain extent From one point of view, old age is a disability. From a different point of view, however, it just gives you a chance to experience things differently." Jeff, his wise words, and the example he set, will be deeply missed.



The Health and Wellness of our Guests and Staff is our First Priority!

During the COVID-19 outbreak the Illinois Human Rights Commission will remain open with certain services being provided remotely

The Commission will continue to service the residents of the State of Illinois as follows:

- ⇒ **Complaint and Request for Review Filing:** Effective April 7, 2020 and throughout the duration of the Gubernatorial Disaster Proclamation all motions, orders, notices and other pleadings required to be served under the Illinois Human Rights Act or the Commission Procedural Rules shall be served by in-person, by first-class U.S. mail, or by electronic mail. Commission Procedural Rule Section 5300.30(a). **For the health and safety of Illinois residents and the Commission staff while COVID-19 protocols are in place filing at the Commission by U.S. Mail or electronically is strongly encouraged.**
- ⇒ **Filing by U.S. Mail:** An item properly received by mail shall be deemed to have been filed on the date specified in the applicable proof of mailing. Proof of mailing shall be made by filing with the Commission a certificate of the attorney, or the affidavit of a person who is not an attorney, stating the date and place of mailing and the fact that proper postage was prepaid. The certificate or affidavit shall be filed with the Commission at the same time the item to which it refers is filed. If the certificate or affidavit does not accompany an item filed by mail, an item received by mail shall be deemed to have been filed when postmarked, properly addressed and posted for delivery. Commission Procedural Rule Section 5300.40(a). Service by mail shall be deemed complete 4 days after mailing of the document, properly addressed and posted for delivery, to the Person to be served. Commission Procedural Rule Section 5300.40(c).
- ⇒ **Filing Electronically:** Filing electronically will be completed by filing all required documents at HRC.NEWS@illinois.gov. A document submitted by electronic mail shall be considered timely if submitted before midnight (in the commission's time zone) on or before the date on which the document is due, unless it is submitted on a Saturday, Sunday or legal State holiday, in which case, it is deemed filed on the following business day. Filing electronically at the Commission will remain in place while the [Gubernatorial Disaster Proclamation](#) is in place.
- ⇒ **Weekly Request for Review Commissioner Panel Meetings:** Weekly Request for Review Commissioner Panel Meetings have been cancelled through April 17, 2020. Please check the HRC website (www.illinois.gov/ihrc) for details regarding panel meetings beginning the week of April 20, 2020.
- ⇒ **Administrative Law Section (ALS) Hearings:** Until further notice all ALS public hearings have been rescheduled. If you have questions regarding your appearance at a hearing, please contact the Judges' clerk by calling 312-814-6269.
- ⇒ **ALS Briefing and Motion Deadlines:** Effective April 3, 2020 and throughout the duration of the [Gubernatorial Disaster Proclamation](#) all post-hearing briefing deadlines and motion deadlines will be extended by 30 days. If you have questions regarding your briefing and motion deadlines, please contact the Judges' clerk by calling 312-814-6269.
- ⇒ **ALS Motion Call, Settlement Conferences and Status Hearings:** ALS Motion Calls, Settlement Conferences and Status Hearings will be conducted telephonically. If you have questions, please contact the Judges' clerk by calling 312-814-6269. The electronic filing system is not intended to handle voluminous filings. If you wish to file a motion with the Administrative Law Section (ALS) with extensive supporting documentation, you can file the motion itself electronically (meeting any applicable deadlines), but you should send hard copies of the supporting documents to the Commission through U. S. mail.

Questions: For any questions please contact the Commission by calling 312-814-6269 or by email at HRC.NEWS@illinois.gov.

Please: Let's Keep Each Other Safe!

FAQs For Commission Filing Procedures During COVID-19 Outbreak

This FAQ is intended to provide the public with answers to routinely asked questions regarding the Commission's electronic filing procedures during the COVID-19 outbreak.

The Commission remains open to service the residents of Illinois during the COVID-19 outbreak with certain es being provided remotely. Currently filing can be completed electronically by filing all required documents at HRC.NEWS@illinois.gov. Please see the Commission Filing Procedures during COVID-19 Outbreak for details.

Q: How will I know that the Commission received my filing submitted to the HRC.NEWS@illinois.gov mailbox?

A: The Commission will send you an acknowledgement email confirming the filing and the date filed.

Q: Will facts and/or arguments in my email message be included in my filing?

A: No facts and/or arguments in the underlying email message will be included in your filing. All facts and/or arguments must be included in the filing forms themselves. For new Request for Review filings, all facts and/or arguments must be included in the Request for Review form generated by the Illinois Department of Human Rights. For Complaints, Motions, Appearance Forms, Pre-Hearing Memoranda, Responses, Replies, etc., all facts and/or arguments must be included in the applicable form and not in the underlying email message to the Commission. Please make sure to submit your documents in your filing in the order you would like the Commission to review, just as you would in a filing sent via U.S. Mail or hand delivered to the Commission.

*Sample filing forms can be found on the Commission website at www.illinois.gov/ihr.

Q: Do I need to provide my contact information in the email message?

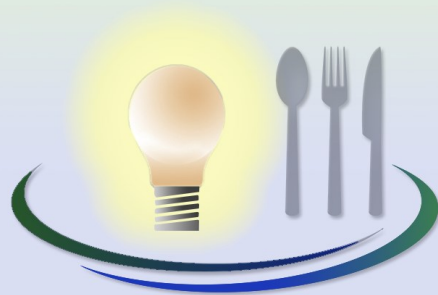
A: Yes, please provide your name, telephone number, mailing address and Charge No. in your email message to the Commission.

For any questions please contact the Commission by calling 312-814-6269 or by email at HRC.NEWS@illinois.gov.

Please Stay Safe and Healthy!

From the Chief Administrative Law Judge, Michael J. Evans

The Administrative Law Section (ALS) is encouraging litigants to submit filings by mail, or electronically, rather than filing in person. The Administrative Law Judges (ALJs) are holding motion call telephonically, and issuing written orders on motions. They are also sometimes allowing parties to file written status reports on discovery progress, rather than having status hearings.



LUNCH —AND— LEARN CLE

Lunch & Learn via WebEx

Please visit www.illinois.gov/ihr for WebEx information, registration and additional details.

CLE Credit: One hour of general CLE credit for Illinois attorneys (pending)

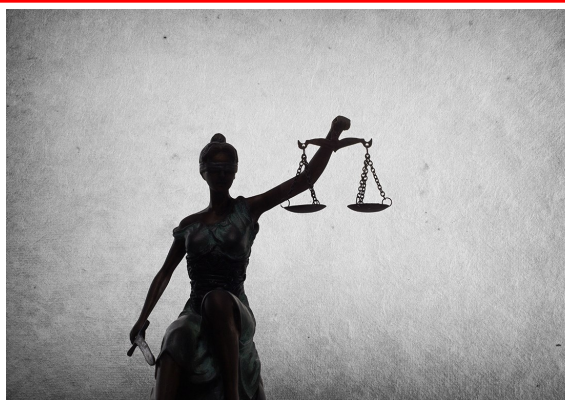
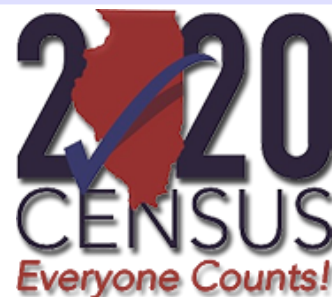
October 2020

Presenter: Azeema N. Akram, Administrative Law Judge, Transportation Division
Illinois Commerce Commission

Topic: Disability-Based Accommodations in Trial/Adjudicatory Settings

Complete the U.S. Census Before September 30, 2020
visit My2020Census.gov!

Be counted!



The Illinois Human Rights Commission announces its
Second Annual Summit on December 3, 2020.

Please see the HRC website under Events for details.
<https://www2.illinois.gov/sites/ihr/about/Pages/Events.aspx>

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