

State of Illinois

Rod R. Blagojevich, Governor

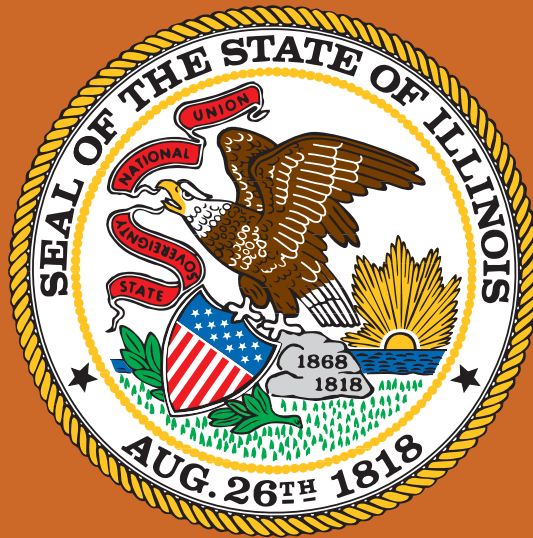
Illinois Human Rights Commission

Abner J. Mikva, Chairman

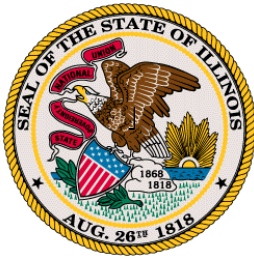
N. Keith Chambers, Executive Director



2006-2007 Annual Report



Illinois Human Rights Commission



STATE OF ILLINOIS

Human Rights Commission

Rod R. Blagojevich, Governor

Commissioners

Abner J. Mikva
Chairman

Marti Baricevic

David Chang

Robert S. Enriquez

Marylee V. Freeman

Sakhawat Hussain

Spencer Leak, Sr.

Munir Muhammad

Rozanne Ronen

Gregory G. Simoncini

Yonnie Stroger

Diane M. Viverito

N. Keith Chambers
Executive Director

Letter to the Honorable Governor Rod R. Blagojevich, Members of the General Assembly, and the People of Illinois:

The Illinois Human Rights Commission hereby submits to you a combined Annual Report for Fiscal Years July 1, 2005 through June 30, 2006 and July 1, 2006 through June 30, 2007.

The Commission is pleased to report that despite tight budget constraints, the Commission has successfully kept pace with substantial increases in demand for services, maximized resources and enhanced overall value in the ongoing mission to eradicate discriminatory practices in Illinois.

It is clear, the strategic partnerships that the Commission has built with the Office of the Governor, the Illinois Legislature, the Department of Human Rights and other key stakeholders have been and continue to be essential to assuring that the Commission can deliver on its mission year in and year out.

The Commission takes great pride in serving the citizens of Illinois and providing a fair and impartial forum for those who have suffered or have been accused of discrimination as defined in the Act.

This report provides an overview of the Commission's structure of operations, its staff, the process for filing and our results for the report period.

The Commission is excited that Illinois continues to be a leader in the battle to eliminate discrimination in society and on behalf of the Commission, we thank you for your strong and continued support.

Abner J. Mikva, Chairman

N. Keith Chambers, Executive Director

OUR MISSION

The **Illinois Human Rights Commission** is dedicated to promoting freedom from unlawful discrimination as defined by the **Illinois Human Rights Act**.

The **Act** forbids...

discrimination based on sex, age, race, color, religion, arrest record, marital status, handicap, citizenship, national origin, ancestry, unfavorable military discharge, retaliation, sexual orientation and sexual harassment;

discrimination in employment, real estate transactions, higher education, public accommodations and access to financial credit.

The **mission** is to provide a neutral forum for resolving complaints of discrimination filed under the **Illinois Human Rights Act**.

Our primary responsibility...

is to make impartial determinations of unlawful discrimination as defined by the **Illinois Human Rights Act**, and to furnish information to the public about the **Act** and the **Commission**.

Core values of the Commission are to provide professional, competent, efficient and effective service to everyone who seeks information from or who has a case before the **Commission**.

CASE STUDY NO. 1

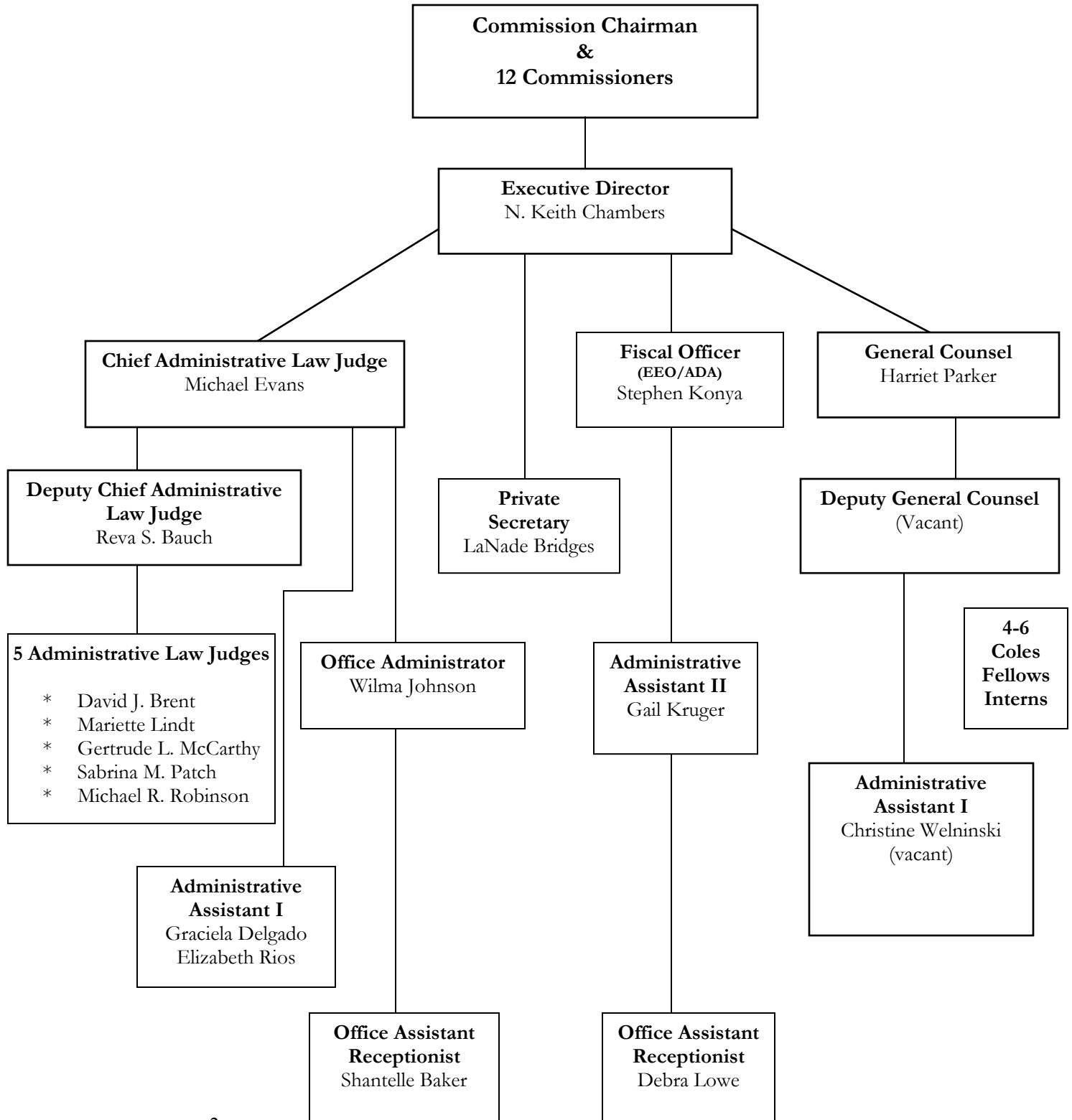
Litigants are strongly encouraged to seek help from an attorney. The Commission strives to provide fair service to those who do not have a lawyer.

.....

CLARA BEASLEY V. ARBY'S

The complainant in this case conducted a public hearing without an attorney. She proved she was not allowed to apply for a job due to a handicap—she used a walker.

Organization Chart



Commissioners

Abner J. Mikva, Chairman
Appointed 2006



- Former Chief Judge, US Court of Appeals for the District of Columbia
- Former Counsel to President Clinton
- Professor University of Chicago Law School

Marti Baricevic
Appointed 2003



- Business Industry Training Representative for Southwestern Illinois College.
- Civic Leader

David Chang
Appointed 2003

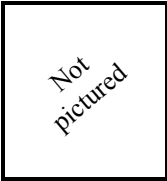


- Civic Leader
- Leader in Chicago's Asian American Community.

Robert S. Enriquez
Appointed 2005



- Business owner
- President, The Aurora Hispanic Chamber of Commerce
- US Marine Officer-Served



Marylee V. Freeman
Appointed 1999

- Former Director of Inter-Governmental Outreach for the City of Chicago Department of Building, working with aldermen, elected officials, community groups, churches and schools.



Sakhawat Hussain
Appointed 1994

- Gastroenterologist
- President of the medical staff at Chicago's Advocate Trinity Hospital.



Spencer Leak, Sr.
Appointed 2001

- President of Leak and Sons Funeral Home
- Civic Leader

Munir Muhammad
Appointed 2003



- Community Activist
- Founder and Host of "Muhammad and Friends" and "The Munir Muhammad Show."

Rozanne Ronen
Appointed 2004



- Business owner specializing in information technology
- Civic Leader

Gregory G. Simoncini
Appointed 2005



- Vice president of The Scofield Company
- Board member of the Academy for Urban School Leadership.

Yonnie Stroger
Appointed 2004



- Humanitarian
- Civic Leader



Diane M. Viverito
Appointed 2005

- Director of International Student Affairs at Moraine Valley Community College

STAFF
CHICAGO & SPRINGFIELD



N. Keith Chambers
Executive Director

Chicago Office



Shantelle Baker, Office Assistant -
Receptionist



Reva Bauch, Deputy Chief
Administrative Law Judge



David Brent, Administrative Law
Judge



Lanade Bridges, Private
Secretary



Graciela Delgado, Administrative
Assistant



Michael Evans, Chief
Administrative Law Judge



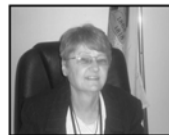
Wilma Johnson, Office
Administrator



Stephen Konya III, Fiscal
Officer



Mariette Lindt, Administrative
Law Judge



Trudy McCarthy, Administrative
Law Judge



Harriet Parker, General Counsel



Sabrina Patch, Administrative
Law Judge



Elizabeth Rios, Administrative
Assistant



Christine Welninski, Administrative
Assistant

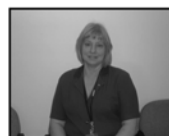


Matthew Hammoudeh, Acting
Deputy General Counsel

Springfield



Gail Kruger, Administrative
Assistant



Debra Lowe, Office Assistant
Receptionist

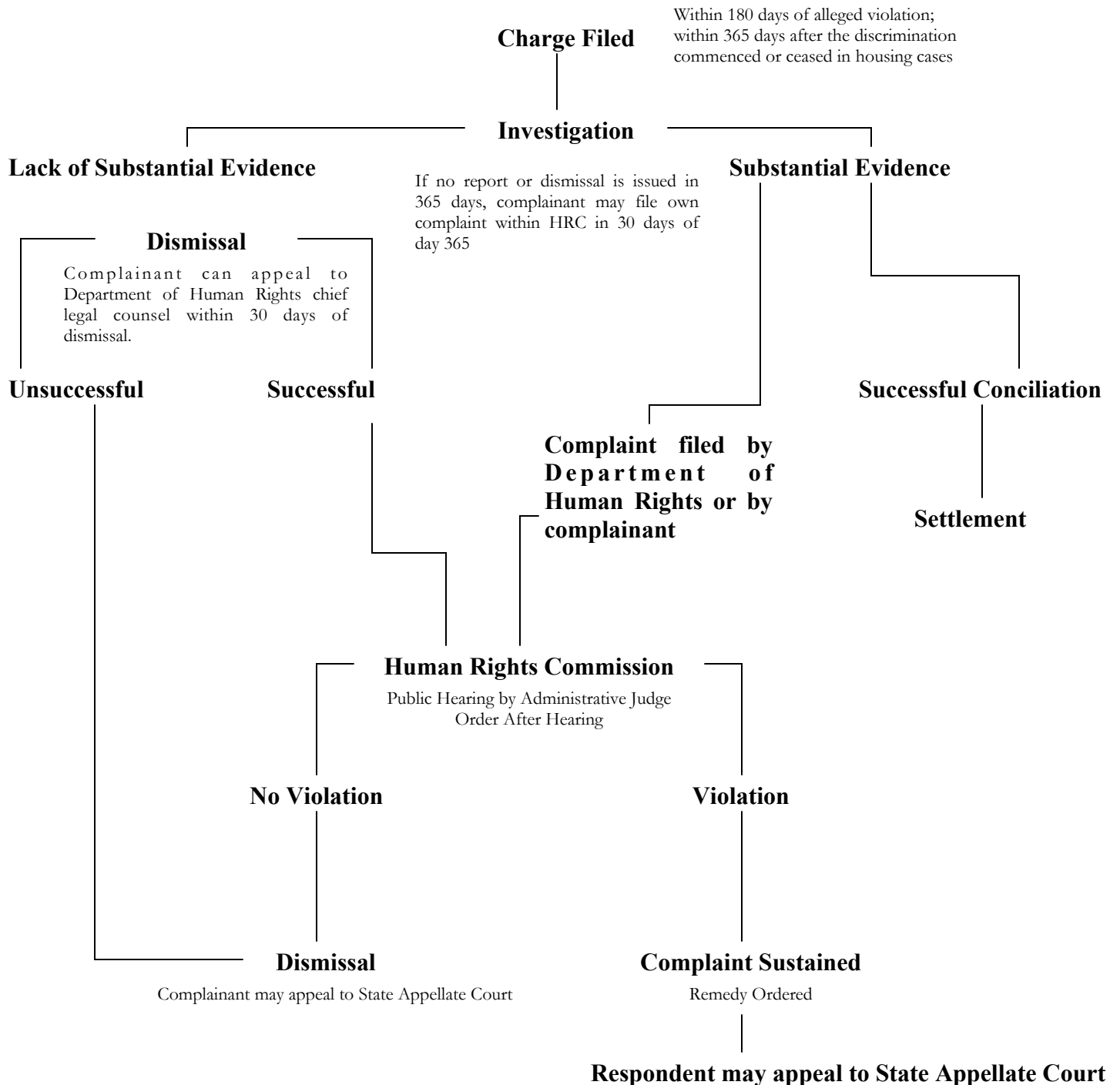


Michael Robinson, Administrative
Law Judge

Illinois Human Rights Commission

Rod R. Blagojevich, Governor

The Charge Process At A Glance



Administrative Law Section

The Administrative Law Section of the Illinois Human Rights Commission is the trial level division of the Commission, charged with the responsibility of conducting pre-trial and public hearings pursuant to complaints of discrimination filed by the Department of Human Rights or by individual Complainants.

The Administrative Law Judges are all licensed attorneys. The section consists of a Chief Administrative Law Judge, a Deputy Chief Administrative Law Judge, one Administrative Law Judge based in Springfield and four Administrative Law Judges based in Chicago, preside over all hearings and rule on all motions filed with the Administrative Law Section.

Preparing a Case for Hearing

The Respondent is served with a copy of the complaint within five days after the complaint has been filed by the Department of Human Rights or by the Complainant. The first hearing date must be scheduled within 30 to 90 days after service of the complaint, and the hearing site must be within one hundred miles of the alleged discriminatory conduct.

The Respondent has 30 days from the date of service of the complaint to file an answer. When a Respondent fails to admit or deny an allegation contained in the complaint, that allegation is considered admitted unless the Respondent alleges lack of sufficient knowledge or information to form an opinion regarding the allegation. If the Respondent fails to file an answer to the complaint such failure is considered an admission of all allegations contained in the complaint.

Because of the complex nature of these complaints, thorough preparation by the parties is essential. Discovery and the filing of motions are routine. As a consequence, all parties are encouraged to obtain legal representation and, in fact, parties appearing before the Commission are often represented by legal counsel.

Settlements

The Human Rights Act authorizes settlement of the complaint and its underlying charge(s) at any time during the proceedings, upon the mutual agreement of the parties, with or without the Commission's approval. All such settlements act as the full and final resolution of the case. As a consequence, settlements have been reached after the filing of Respondent's answer, after ruling by the Administrative Law Judge on material motions, after the completion of discovery, and during or after preparation of the Joint Pre-Hearing Memorandum. The parties in some cases settle after the public hearing has commenced or even after the Administrative Law Judge has issued a Recommended Liability Determination.

The Administrative Law Section encourages the parties to participate in settlement conferences, because such conferences, when successful, fully resolve the complaint without the need of a public hearing.

Public Hearings

In accordance with the Illinois Human Rights Act, public hearings on the complaints filed with the Illinois Human Rights Commission are held within 100 miles of the sites of the alleged civil rights violations. As a consequence, at least one of the Commission's Administrative Law Judges travels throughout the state, when necessary to preside over hearings.

The public hearings conducted by the Administrative Law Judges at the Commission are subject to the same rules of evidence applicable in state court civil law proceedings. These hearings typically last two to three days. They may, however, take less than a half a day at one extreme or several weeks at the other.

Decisions

At the close of all evidence and testimony, the Administrative Law Judge shall determine whether the respondent engaged in the civil rights violation alleged in the complaint. A decision sustaining the charge shall be based upon a preponderance of the evidence.

The Administrative Law Judge shall make findings of fact and, if the finding is against the Respondent, the Administrative Law Judge shall issue a Recommended Order and Decision including damages consistent with the Act.

Damages may include an award of reasonable attorney's fees and costs. In some instances when the decision is in favor of the Respondent, the Administrative Law Judge may also recommend an award of fees and costs for the Respondent.

If the Administrative Law Judge finds that the Respondent has not engaged in the discriminatory conduct alleged in the complaint, he/she shall make a finding of fact and issue a Recommended Order dismissing the complaint.

CASE STUDY NO. 2 & 3

Commissioners and staff "make law" and "study law" to stay current in legal thinking.

.....

SPINKS V. GENERAL MOTORS

AND

MANSKER V. PINNACLE LTD.

The law of sexual harassment is complex and evolving. In *Spinks*, the Respondent did not commit sexual harassment. In *Mansker*, the Complainant prevailed.

Commission Review

Following the issuance of a Recommended Order and Decision, parties may file Exceptions to that Order. A panel of three Commissioners has discretion to decide whether or not to accept the case for review. If no Exceptions are filed or if the Commission Panel declines to review the Recommended Order and Decision, it shall become the Order of the Commission.

The Commission accepts a case for review based upon the nature of the Exceptions presented by the parties. The Commission will not disturb an Administrative Law Judge's Recommended Order and Decision unless those findings are against the manifest weight of the evidence presented at the hearing. If the Panel accepts the case, after review of the record, it may adopt, modify or reverse in whole or in part, the findings and recommendations of the Administrative Law Judge.

A party may file an application for rehearing before the full Commission, (known as an en banc hearing), which consists of 13 Commissioners, within 30 days of service of the Commission Panel's Order or Statement declining review.

Applications for rehearing are unfavorably viewed and may only be granted by a vote of 6 Commissioners and only after a clear demonstration that the case raises what the Act characterizes as legal issues of significant impact, or that Commission Panel decisions are in conflict.

Significant Orders of the Commission for this fiscal year are summarized in the next section of this report.

CASE STUDY NO. 4

DANIKA CRUMP V. FEDEX

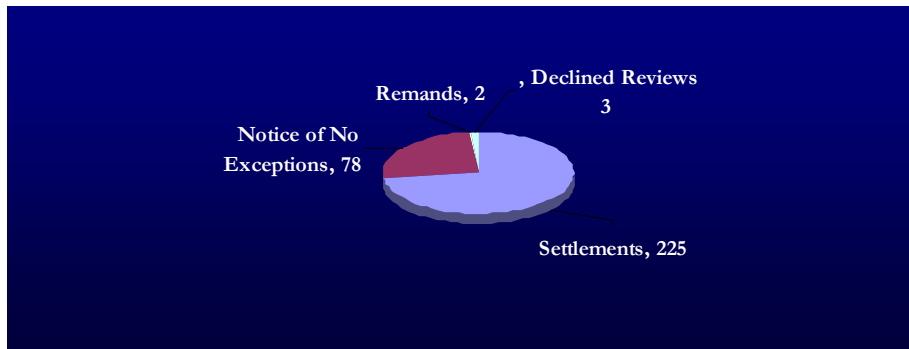
*Commission orders usually resolve the situation.
When they do not, the Commission will not
hesitate to take further action.*

.....

The Respondent settled a race discrimination claim with a former employee and was ordered to pay damages. The Complainant alerted the Commission that the agreement was not honored.

The Commission filed a law suit brought by the Attorney General and the Respondent made good on the agreement.

Commission Decisions - FY 2006
07/01/05 - 06/30/06



Remands

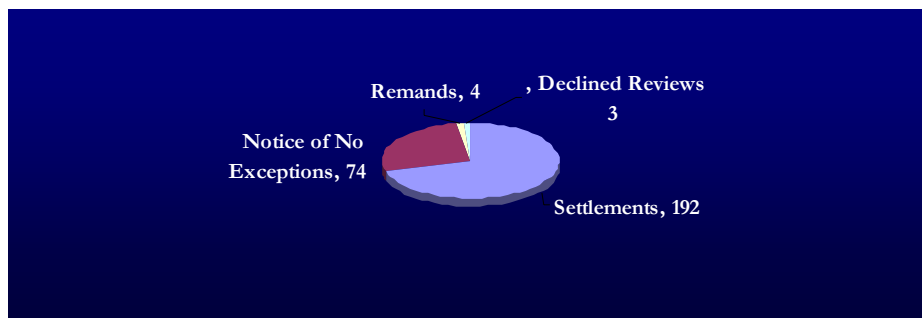
FY '06 - 07/01/05 — 06/30/06

- 11577 Obioma Little v. Tommy Gun's Garage Inc.
- 9486 Marlene Copeland v. State's Attorney of Cook County

Declined Reviews

- 05-011 Andre Kilpatrick v. Lifetime Fitness, Inc.
- 05-012 Julie Gill v. Lifetime Fitness, Inc.
- 04-359 Linette McGill v. Atlantic Express of Illinois, Inc.

Commission Decisions - FY 2007
07/01/06 - 06/30/07



Remands

FY '07 - 07/01/06 — 06/30/07

- 12306 Carla Campbell Jackson v. Radisson Hotel & Resorts
- S11197 Jimmey Garry v. Peoria Housing Authority
- 05-429 Makeba Warnell v. State of Illinois Department of Human Services
- 05-394 Karen Bailey v. United Parcel Service

Declined Reviews

FY '07 - 07/01/06 — 06/30/07

- 05-448 Pankaj Patel v. Office Depot
- 12045/12046 Evelia Hernandez and Antonia Espejo v. Q Sales
- 4109/5903 Leonard Horbas v. St. Joe's Container Co. & St. Joe's Container Corp.

Significant Recommended Orders and Decisions

Orders - Recommended Orders and Decisions Adopted

o **FY '06 - 07/01/05 — 06/30/06**

- S-10996 Danny L. Conn v. Caterpillar
- S8915 Edward Books Jr. v. City of Normal, Normal Fire & Police
- 10777 Thelma Lasley v. Combined Insurance Co.
- S-11330 Donna Feliccia v. Sangamon County Sheriff's Office
- S-11798 Hal E. Barker v. State of Illinois, Department of Corrections
- 04-443 Cynthia Braden v. Jeff Thomas, Sheriff of Moultrie County
- 05-194 John Rodriguez v. Blockbuster, Inc.

o **FY '07 - 07/01/06 — 06/30/07**

- 05-247 Florentino Carranza v. Evanston Northwestern Healthcare
- 11813 Mary Ann Murphy v. Taft School District #90

Total =10

Orders & Decisions – Recommended Orders and Decisions Adopted

o **FY '06 - 07/01/05 — 06/30/06**

- S-11330 Donna Feleccia v. Sangamon County Sheriff's Office
- 03-059 Kenneth Clark v. Windy City Waste & Recycling
- S-10306 Lenard Trejo v. University of Illinois Psychology

o **FY '07 - 07/01/06 — 06/30/07**

- 05-247 Florentino Carranza v. Evanston Northwestern Healthcare
- 11936 Robin Hobson v. Larry Brown
- 12012 Jose Espiritu v. Randall Metals Corp.

Total = 6

Orders & Decisions - Modified

o **FY '06 - 07/01/05 — 06/30/06**

- 04-359 Linette McGill v. Atlantic Express of Illinois, Inc.
- 10850 Johnny Littleton v. Overnight Transportation

o **FY '07 - 07/01/06 — 06/30/07**

- 11835 Frank Roy Lemery v. Balmoral Racing
- 8282/8349 Raymond Pierson III M.D. & Joanne R. Werntz M.D. v. University Orthopedics, et al.
- S12080 Kelly Barnwell v. Select Management

Total = 5

Legislative Impact

SB 3186

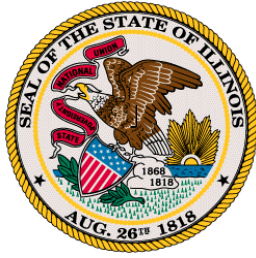
Amends the Illinois Human Rights Act. Provides that nothing in the Act shall be construed as requiring any employer, employment agency, or labor organization to give preferential treatment or special rights or implement affirmative action policies or programs based on sexual orientation. Provides that discrimination against a person because of his or her sexual orientation constitutes unlawful discrimination under the Act. Provides that it is a civil rights violation to engage in blockbusting in real estate because of the present or prospective entry of persons with a particular sexual orientation into the vicinity. Provides that the owner of an owner-occupied residential building with 5 or fewer units is not prohibited from making decisions regarding whether to rent to a person based upon that person's sexual orientation. Defines "sexual orientation". **Effective January 1, 2006.**

SB 0593

Amends the Illinois Human Rights Act. Provides that references throughout the Act to people with a disability will be by use of the term "person with a disability" or the term "disabled" (at present, "handicapped"). In the definition of "place of public accommodation," deletes the existing example and inserts language-listing facilities that are considered public accommodations for purpose of the Article. Provides that it is a civil rights violation to deny or refuse full and equal enjoyment of facilities, goods and services of any of public accommodation. Provides that it is not a civil rights violation for a health care professional to respond to a person protected under the Act by referring the person to another professional or to refuse to treat or provide services to that person, if in the normal exercise of his or her profession the health care professional would for the same reason respond in the same way to an individual who is not protected under the Act who seeks or requires the same or similar treatment or services. **Effective October 10, 2007.**

HB 4822

Amends the Illinois Human Rights Act. Provides that discrimination against a person because of the person's veteran status (status as a person who served on active duty as a member of the armed forces of the United States, a reserve component of the armed forces of the United States, or the Illinois Army National Guard or Illinois Air National Guard and who was discharged with other than a dishonorable discharge) constitutes unlawful discrimination under the Act. **Effective October 10, 2007.**

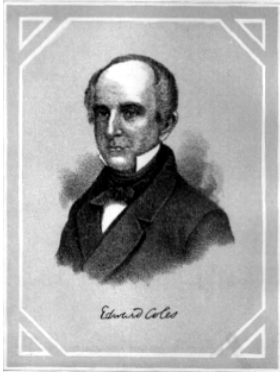


STATE OF ILLINOIS Human Rights Commission

BUDGET APPROPRIATIONS FOR FY 2006 & FY 2007

	<u>FY '06</u>	<u>FY '07</u>
Personal Services.....	\$ 950.6	1,044.3
Retirement - Contribution.....	\$.1	0.0
Retirement - Pension Pick-Up.....	\$ 74.1	120.5
Social Security.....	\$ 73.5	79.9
Contractual Services.....	\$ 100.0	115.0
Travel.....	\$ 25.0	20.5
Commodities.....	\$ 6.3	6.3
Printing.....	\$ 8.7	8.7
EDP.....	\$ 9.9	9.9
Equipment.....	\$ 6.8	13.6
Telecommunications.....	\$ 26.3	26.3
Total Appropriations.....	\$1,281.30	1,445.0
Federal Funds		
1900 - Special Projects Division	<u>100.0</u>	<u>100.0</u>
Total Appropriations w/ Federal Funds.....	\$1,381.30	1,545.0

Funding is appropriated annually from the state budget to cover all of the Human Rights Commission's statewide services to the people of Illinois.



Cole Fellowship

Promoting Civil Rights Law Practice



Governor Edward Coles Fellowship

The Illinois Human Rights Commission Governor Edward Coles Fellowship is a comprehensive internship program for first and second year law students interested in civil rights law.

The program is modeled after traditional summer associate programs found at many major law firms. The program offers students the opportunity to work on highly complex civil rights cases under the guidance of subject matter experts and gives students the opportunity to view the inner workings of the Commission.

2006

- M. Emily Arthur- DePaul University College of Law
- Meghan Paulas- Chicago Kent College of Law
- Carolyn Miller- University of Illinois College of Law
- David Holland- DePaul University College of Law

2007

- Matthew Brockmeier- DePaul University College of Law
- Catherine Diebel- DePaul University College of Law
- Emma Dorantes- University of Illinois College of Law
- Mary Neal- Chicago Kent College of Law
- Laura Rawski- Notre Dame Law School

Remembrance



MARY JEANNE 'DOLLY' HALLSTROM 1924 ~ 2006



It is with a deep sense of loss that the Illinois Human Rights Commission said goodbye to one of its most dedicated members on August 2, 2006 with the passing of Commissioner Mary Jeanne "Dolly" Hallstrom. Commissioner Hallstrom was a beloved member who served as a dedicated Commissioner for fifteen (15) years until she succumbed to a long battle with illness.

Commissioner Hallstrom was a former Republican legislator who worked tirelessly to end discrimination in our society and provided strong leadership that led to the passage of the Human Rights Act in 1989. She had long been involved in issues that addressed the needs of the disabled and she served on the White House Conference Commission on Mental Health from 1968 to 1970.

Governor Rod Blagojevich, who reappointed Mrs. Hallstrom to the Commission in 2003, issued a statement, upon her reappointment, that read, in part, "While we may come from different political parties, it was easy for me to recognize that Dolly brought value to the Commission."

A Commission hearing room has been dedicated in her name.

"Each step involved in resolving a claim helps ensure continuity and fairness for all involved parties."

-Dolly Hallstrom, Commissioner

We are here to serve you. Please contact us anytime.

Illinois Human Rights Commission

100 West Randolph Street, Suite 5-100

Chicago, Illinois 60601

Phone: (312) 814-6269

TDD: (312) 814-4760

OR

404 Stratton Building

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Springfield, Illinois 62706

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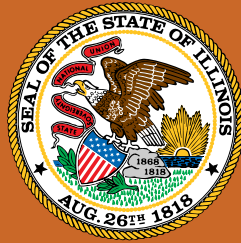
TDD: (312) 814-4760

Commission web site: www.state.il.us/ihr

“I am proud of the efforts of the Illinois Human Rights Commission. By developing innovative, new ideas and making service improvements, I am confident the Commission will continue to fight unlawful discrimination.”

- R. Blagojevich, Governor

STATE OF ILLINOIS ANNUAL REPORT OF THE
ILLINOIS HUMAN RIGHTS COMMISSION
FISCAL YEAR 2006-2007



State of Illinois
Illinois Human Rights Commission
www.state.il.us/ihr

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