

ILLINOIS HUMAN RIGHTS COMMISSION: QUARTERLY NEWSLETTER

JUNE 24, 2020

APRIL–JUNE 2020

VOLUME 2, ISSUE 2

A Note from the Executive Director Philip Dalmage

It is hard to believe that it has only been three months since I last had an opportunity to speak with you. When I last spoke with you, Governor Pritzker had recently issued a Disaster Proclamation due to the COVID-19 outbreak. As a result of the Gubernatorial Disaster Proclamation, and various Proclamations and Executive Orders put in place thereafter to allow the State of Illinois to continue operations, all while preserving the health and safety of all Illinoisans, the Commission refocused its efforts and implemented procedures, to ensure the uninterrupted administration of justice to the residents of Illinois afforded by the Illinois Human Rights Act.

To do our part, the Commission remained open to continue to service the residents of the State of Illinois. We instituted intensified sanitation measures for all Commission staff. Where possible, we allowed administrative and supervisory staff to work from home to reduce the concentration of people in our locations. We eliminated community outings that involve interaction with the public in order to reduce exposure to others. We implemented electronic filing procedures to allow Illinois residents to file pleadings with the Commission safely from their homes. We instituted Commission meetings, Commissioner panel meetings, settlement conferences, and motion calls telephonically and in virtual formats, to allow Commission business to proceed with public participation.

While sheltering in place, across the US and the world, we learned to adopt a “new normal”. We celebrated our front-line heroes, pitched in to respond to the sick and hungry, when so desperately needed, and mourned the loss of life cut short by COVID-19 - whether friends, family, or faceless names on our television screens, regardless of the individual’s race, color, citizenship status or economic status.

Then in recent weeks, as a nation, we witnessed the tragic death of George Floyd, as well as other African Americans, including Breonna Taylor and Ahmaud Arbery, caused by centuries of individual and systemic racism in our country. I am deeply saddened to see once again that the ideals on which our country is founded are far from the reality of many people’s lives. Witnessing the senseless injustice of systemic racial discrimination in the US, now more than ever, it is critically important to ensure every resident of Illinois is aware of the protections afforded by the Illinois Human Rights Act - one of the broadest civil rights acts in the US.

Our country and our State are built upon the principles that all of us are entitled to equal protection and due process under the law. And our Illinois courts and related adjudicative forums, like the Commission, are tasked with putting these principles into action by allowing people to seek redress for their grievances, with the assurance that they will be heard and treated fairly. When so many members of our community are not seen, not heard, and not treated fairly, we must renew our efforts to the principles embodied in the Illinois Human Rights Act.

The Commission recognizes that as a quasi-judicial body we adjudicate civil rights and human rights disputes under the Illinois Human Rights Act every day, but the impactful images and stories we have seen and felt in these past weeks should help us continue to make these ideals real again by dedicating the Commission’s efforts to ensuring that we provide an accessible and impartial forum for the just resolution of all cases.

We at the Commission, support Governor JB Pritzker’s prescription as he vows "in the months ahead to dismantle the architecture of inequality". In keeping with the Governor’s sentiments, to effectively address the social and economic difficulties that black people, and people of color, face rooted in systemic racism, all people, black people, people of color, and white people, must cultivate a spirit of oneness, cooperation and community. Such a collective effort and awareness will accelerate our efforts in nurturing an unbiased culture capable of negating the misconceptions held about black people and other people of color.

Difficult, but necessary and painful, conversations are taking place. And as we work through these difficult conversations, we must remember to celebrate our differences. At the Commission we are celebrating the 40th Anniversary of the Illinois Human Rights Act. In celebration, we honor Black History Month in February, Women’s History Month in March, Asian Pacific Heritage Month in May, Jewish American Heritage Month in May, Juneteenth and Gay Pride Month in June, Independence Day in July, National Hispanic Heritage Month in September, Disability Awareness Month in October, Polish American Heritage Month in October, Native American Heritage Month in November, and all other classifications of individuals protected by the Illinois Human Rights Act. We celebrate in their uniqueness, in race, color, religion, sex, national origin, ancestry, age, marital status, sexual orientation, gender identity and physical or mental disability, in each and every month of the year.

“The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.”
Martin Luther King, Jr.

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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 being conducted virtually. Please check the HRC website (www.illinois.gov/ihrc) for details regarding panel meetings.
- ⇒ **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.

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!

From the Chief Administrative Law Judge, Michael J. Evans

All public hearings have been postponed until July. 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 allowing parties to file written status reports on discovery progress, rather than having status hearings.

Please visit www.illinois.gov/ihrc for the latest information and changes due to COVID-19.

Notes from the Commissioners

I have always liked working in a shared space. Even with my own office, knowing other people were around gave me a sense of comfort. I was even fine with being in the office alone. There is something about being in an office space that forces my mind to focus and alerts my brain that there is work to be done. I did not mind working from home occasionally, but I never imagined I would have to work from home full-time. The last couple of months have forced me to retrain my brain. Getting ready for work no longer means dressing in business or business casual and traveling forty-five minutes to the office. It now means putting on loungewear and heading to my couch with my laptop.

Although it took me some time to get used to my new “normal,” I now embrace working from home. I have been waking up after 6:00 am for the first time in at least ten years. It is nice! I can start work a little later than I normally would and work later into the night. I can spend longer periods of time researching various topics because I am in comfortable space. Additionally, I have been able to save money because I have not been tempted to eat at one of the many downtown restaurants or go shopping during the lunch hour. I have been able to try new hairstyles because if I fail, there is no one around to see it. I miss the presence of my colleagues; however, I am enjoying this time because it will probably never happen again. I just hope my work clothes and shoes still fit!

LeDeidre S. Turner, Vice-Chair

As a Commissioner, our job is heavily focused on the written word. So for me that means I can continue doing my job from home pretty easily. All the documents I need are available via computer. What remains foremost in my mind however is the importance of doing this job in a careful, balanced and impartial way. The rights of all litigants that come in front of us are of paramount concern. Granted it is the first time in my life that I have conducted hearings via a “zoom-like” environment, but even that is going very well (OK, admittedly, I did have to dial in a few times to get the hang of it)! The most important thing is to remember that the Illinois Human Rights Act is in full force and effect, even during this unusual time! Be well!

Steven A. Andersson, Commissioner

Michael J. Evans, Chief Administrative Law Judge

ILLINOIS HUMAN RIGHTS COMMISSION

SUPREME COURT OF THE UNITED STATES

BOSTOCK v. CLAYTON COUNTY, GEORGIA

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT No. 17-1618.

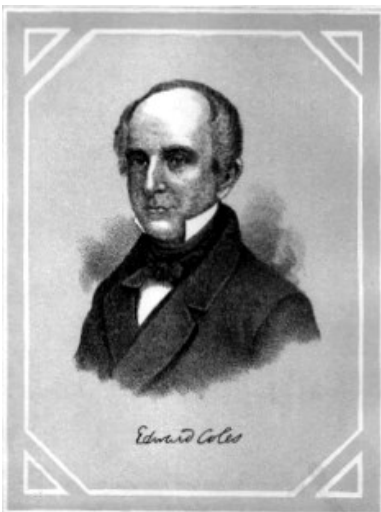
Argued October 8, 2019—Decided June 15, 2020*

On June 15, 2020 the United States Supreme Court handed down its decision in the case of *Bostock v. Clayton County*. In *Bostock*, the Court resolved a dispute among federal courts of appeal by ruling that the Title VII prohibition on sex discrimination in employment also applies to discrimination on the bases of homosexuality and transgender status.

Bostock is a landmark in the expansion of federal protections and the culmination of decades of advocacy and litigation. It opens the doors of the federal courts to workplace discrimination claims brought by members of the LGBTQ community.

It is worth noting, though, that the protections that were just vindicated in *Bostock* have long been available under Illinois law. Since 2006, the Illinois Human Rights Act has explicitly included “sexual orientation” as a protected class. The Act defines “sexual orientation” as “actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person’s designated sex at birth.”

Bostock now makes clear that there is a federal remedy for LGBTQ workplace discrimination. The Human Rights Act makes clear that such discrimination also has a state remedy.



Edward Coles Fellowship

We are pleased to welcome our Summer 2020 Coles Fellows:

Kara Krause (University of Illinois);
Rachel Lee (Northwestern University); and
Marlee Rich (Northwestern University)

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

*We are pleased to offer this year’s Coles Fellows Internship in a virtual format.

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 services 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!





Welcome Back! Lunch & Learn via WebEx

Please visit www.illinois.gov/ihrcc for WebEx information

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

Location : WebEx

July 21, 2020, 12:00 PM—1:00 PM

Presenter: Conrad C. Nowak, Partner, Hinshaw & Culbertson LLP, and Honorable Alison C. Colon, Circuit Court of Cook County

Topic: COVID-19 Impact on Judiciary Proceedings

August 17, 12:00 PM—1:00 PM

Presenter: Lester G. Bovia, Jr., Interim Inspector General, Illinois Department of Children and Family Services

Topic: TBD

September 22, 2020, 12:00 PM—1:00 PM

Presenter: Mary Rosenberg, Access Living

Topic: Hot Topics in Reasonable Accommodations under the Fair Housing Act

CONTACT US:

Chicago

James R. Thompson Center
100 W. Randolph Street
Suite 5-100
Chicago, Illinois 60601

Tel: 312-814-6269
TDD: 312-814-4760
Fax: 312-814-6517

CONTACT US:

Springfield

Human Rights Commission
1000 E. Converse
Suite 1232N
Springfield, Illinois 62702

Tel: 217-785-4350
TDD: 217-557-1500
Fax: 217-524-4877