



State of Illinois  
Department of Central Management Services  
Illinois Human Rights Commission  
Illinois Department of Human Rights

# Final Progress Report on Implementation of Executive Order 2018-08

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*“An Executive Order Reforming the Administration and Eliminating the Backlog of Anti-Discrimination and Equal Opportunity Hearings at the Human Rights Commission”*

A photograph of wooden blocks arranged on a light-colored wooden surface. The blocks are arranged in two rows, spelling out "HUMAN RIGHTS". The top row consists of five blocks with the letters H, U, M, A, N. The bottom row consists of six blocks with the letters R, I, G, H, T, S. Several other wooden blocks with letters are scattered around the main arrangement, including A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.

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## To Governor Pritzker, Honorable Members of the General Assembly, and the People of Illinois

The Illinois Department of Central Management Services (CMS) is pleased to present this fourth and final progress report pursuant to Executive Order 2018-08, celebrating the deep-rooted changes that finally ended a longstanding backlog of human rights cases awaiting adjudication at the Illinois Human Rights Commission (Commission), and improved service delivery at both the Commission and Department of Human Rights (IDHR).

Three-and-a-half years ago, this team issued a comprehensive action plan to transform the administration of civil and human rights in our state. Prior progress reports have dissected the challenges which led to the backlog and detailed the tremendous work undertaken to transform the experience of Illinoisans seeking to assert their rights. This report highlights the successes achieved in implementing this transformational plan and reflects on lessons learned to aid agencies contemplating cross-agency collaboration.

Though the formal directives of Executive Order 2018-08 end with issuance of this report, the collaborative spirit, culture of continuous improvement, and community engagement that have grown out of this journey will not cease. The global pandemic served as an important test of the strength and durability of this transformation. Undeterred by operational challenges presented by the pandemic, the team swiftly coordinated to implement new and innovative ways of meeting the public need, increasing access to remote services, modifying procedural rules to facilitate better service, and expanding critical guidance and outreach opportunities.

We look forward to continued collaboration, both with one another, the Office of the Governor, the General Assembly, and people of Illinois to continuously improve access to the civil and human rights in our state and remain a leader in our nation.

Submitted by December 31, 2021

An intergovernmental partnership between the Illinois Department of Central Management Services, the Illinois Human Rights Commission, and the Illinois Department of Human Rights

# The Illinois Human Rights Act

## One Act, Two Agencies

The Illinois General Assembly enacted the Illinois Human Rights Act (Act) in part, to promote the public health, welfare, and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State. 775 ILCS 5/1-102(E).

The Act establishes two distinct yet interrelated agencies that give full force and effect to the rights and responsibilities available to all Illinoisans under the Act. The Illinois Department of Human Rights (IDHR) was established to receive and investigate charges of discrimination, sexual harassment, harassment, and retaliation. The Illinois Human Rights Commission (Commission) was established to impartially adjudicate (decide or determine) whether unlawful discrimination has occurred as defined by the Act.

Although two separate agencies, IDHR and the Commission comprise one administrative process designed to resolve charges of unlawful discrimination. To ensure fair and equitable access to justice, it is imperative that both agencies be efficient, independent, and collaborative. We are living a particularly momentous time in our state and national history, a time when we must take significant and sustainable action to protect our state and its communities from the insidious harms occasioned by discrimination, sexual harassment, harassment, and retaliation for asserting one's rights. Fortunately, the rights afforded under the Illinois Human Rights Act are some of the broadest in the country, offering Illinoisans additional protections not contained in federal law. However, in 2018, a growing backlog at the Commission had threatened the vibrancy of the Act, with Illinoisians sometimes waiting years for an enforceable determination of their rights.

The backlog in 2018 did not occur overnight, rather it had accumulated steadily for nearly a decade under compounding conditions. A recessionary increase in filings, fluctuation in staffing, unfunded mandates, and weaknesses in processes all contributed. These challenges were further exacerbated by the Commission's lack of infrastructure available to process and track its voluminous filings. To preserve critical protections afforded under the Act, a problem-solving and process improvement strategy was necessary, requiring an all-hands-on deck approach.

# Executive Order 2018-08

The growing backlog in 2018 at the Commission was a challenge ripe for inter-agency collaboration. Executive Order 2018-08 (Order), issued June 20, 2018, directed a multi-agency collaborative effort to eliminate within 18 months the growing backlog of cases pending before the Commission, and to further improve how our State communicates and delivers important services to its residents under the Act. The Order leveraged and focused the transformational experiences of the Department of Central Management Services' Bureau of Administrative Hearings (CMS BAH), with the technical expertise and resources of the Commission and IDHR to develop a plan to eliminate the backlog and maximize progress.

Participating agencies welcomed this opportunity to attack longstanding backlog collectively by sharing resources, ideas, and applying best practices to achieve greater efficiencies. Legal, technical, and operational leaders at each agency mobilized a transformation team to implement the following objectives contained within the Order.

## Objectives of Executive Order 2018-08

- 1) Developing a benchmark system and plan, eliminating backlog within 18 months;
- 2) Identifying where legislation, rules, and internal policies may streamline process;
- 3) Executing intergovernmental agreements to share resources;
- 4) Developing technological solutions and shared case management systems;
- 5) Tracking and reporting total number of pending cases, average and median length of time for case resolution, and other information to capture backlog or delay;
- 6) Soliciting feedback and surveying parties appearing before the Commission and IDHR and incorporating suggestions for better service; and
- 7) Developing and participating in training programs, including Rapid Results.

Highlighting CMS BAH's successes in providing coordinating services to State agencies resulting in the identification and implementation of model best practices, the Order tasked CMS BAH with coordinating the inter-agency effort to eliminate the backlog and to provide monitoring and reporting on progress and overall improvements.

## A Comprehensive Action Plan

With time being of the essence, the transformation team turned to CMS' Office of Operational Excellence to lead a special, targeted Rapid Results workshop, training more than a dozen staff in proven continuous process improvement techniques. There, the team mapped the entire life cycle of a case across agencies, from initial complaint at IDHR to final adjudication at the Commission. Using the tools learned in the workshop, the interagency team identified bottlenecks, developed streamlined processes, and instituted more rigid timeframes for each step in the case filing and review process. The team meticulously identified and catalogued each backlogged case and its respective stage in the process to effectively aid resolution.



The team's comprehensive analysis culminated in its ***Strategic Plan to Eliminate Backlog at the Illinois Human Rights Commission and Improve Overall Service*** - a multi-faceted plan to address deficiencies that led to formation of backlog and implement further improvements to transform service to Illinoisans seeking to enforce their rights.

By applying efficient business processes, leveraging a shared technology platform, increasing staffing as needed, and continuously monitoring, reporting, and adapting performance, the team projected the 2,558-case backlog could be eliminated within 15 months, and pledged that by December 2019, incoming Requests for Review (which had comprised the bulk of the backlog) would be completed within 365 days, all without sacrificing due process or quality of Commission decisions. The team embraced its call to action with enthusiasm and commitment and diligently worked with all stakeholders toward achieving its shared vision.

### Key Elements of the Plan to Eliminate Backlog and Improve Service Delivery

- Adoption of consistent, streamlined processes and timeframes for resolution;
- Temporary injection of additional human resources to reverse growing backlog;
- Long-range plans to normalize staffing upon elimination of backlog;
- Oversight of assignments, regular monitoring of productivity, and robust training;
- Shared modern, electronic case management system to improve transparency, accountability, service, and provide significant time savings;
- Improved accessibility and public service through outreach and education; and
- User-friendly web resources, and stakeholder feedback to inform improvement.

# Celebrating Success: Transformation Highlights

For a detailed account of all aspects of the three-and-a-half-year transformation, readers are encouraged to review the [First, Second, and Third Annual Progress Reports](#).



Trained over one dozen leaders in principles of Operational Excellence

Conducted the first comprehensive cross-agency analysis of case processing, from initial complaint through final adjudication

Improved case assignment processes at the Commission to increase oversight in monitoring backlog, and developed standardized training and onboarding materials for new employees to ensure consistency and quality in written determinations



Resolved a backlog of 2,558 cases in 15 months, ahead of 18-month deadline

Designed a shared technology solution to allow IDHR and the Commission real-time access to robust case information, eliminating duplicative entries and increasing ability to forecast trends

Conducted thousands of hours of outreach and education concerning the Illinois Human Rights Act to the attorney bar, governmental organizations, nonprofits, students, and the public



Established user-friendly resources for the public including remote videoconferencing, updates to IDHR's and the Commission's websites, brochure information, and social media

Increased the availability and accessibility of alternative dispute resolution options at IDHR

# Renewed Resolve in a Global Pandemic

The global pandemic served as an important test of the strength and durability of this transformation. The team is pleased to report that the deep-rooted changes to service delivery in accordance with the carefully laid transformation plan have left IDHR and the Commission well-poised to tackle the unique operating challenges presented by the pandemic. These agencies did not waiver from their fundamental mission to serve all those who live and work in Illinois in exercising and protecting their human and civil rights. With a robust communication plan and collaborative culture already in place, each agency effectively mobilized to serve Illinoisians in new and innovative ways when help was needed most.

## New and Innovative Ways of Meeting the Public Need

Throughout the pandemic, IDHR's and the Commission's offices have remained available to the public in person and increasingly virtual, and its work on behalf of the people who live and work in Illinois has continued unabated. In April 2020, the Commission filed emergency rules to allow it to implement an interim electronic document filing (e-filing) system. Now, complainants and respondents are no longer required to travel to the Commission's offices or rely on the postal service to file required documents to advance their claims of discrimination under the Act. In Fiscal Year 2021 alone, 1,318 electronic filings were made at the Commission, up from zero before the onset of the pandemic. In March 2020, IDHR notified the public that during COVID-19, it would accept charges of discrimination via e-mail in addition to fax and mail. As the pandemic worsened, IDHR filed emergency rules to permit parties to file documents and responses with IDHR via email in order to avoid delays in case processing and help the public protect themselves from risking COVID infection in order to file or mail documents. The emergency rules also provided parties an alternative to notarizing of charges (verification by certification) given that it was burdensome for the public to secure notarization during the pandemic.



Additionally, the Commission's Administrative Law Section (ALS), implemented new processes and procedures to maintain progress on its caseload. Administrative Law Judges (ALJs) transitioned to utilizing virtual platforms for certain routine proceedings and expanded the Commission's website as a tool for complainants and respondents to gain valuable information on proceedings, best practices, and answers to frequently asked questions. In addition, all Administrative Law Section (ALS) status and motion calls are conducted by telephone or virtually, utilizing WebEx platform. As with the ALS, the Commissioner Panels and En Banc proceedings managed by the Commission's Office of General Counsel transitioned to an accessible virtual format for much of the year due to the ongoing public health emergency. IDHR responded to the difficulties experienced by parties during the pandemic by moving fact-finding conferences and mediations to virtual formats (telephone or video) and providing parties with extensions of time as needed.

## Critical Guidance Tailored to the Unique Challenges of the Pandemic

In response to the pandemic, IDHR developed several guidance documents providing the public with critical information concerning their rights under the Illinois Human Rights Act as it relates to healthcare, including vaccination and hospitalizations, employment, and housing and face coverings. Information was disseminated through press releases, IDHR's website, and non-profit human and civil rights organizations.

IDHR also retooled its Training Institute to move from an in-person training delivery model to online learning. Demand for trainings increased throughout the pandemic as the workforce sought opportunities to learn more about their rights and responsibilities in preventing and responding to discrimination.

## Alternative Dispute Resolution as an Effective Tool

IDHR worked diligently to retool its mediation service delivery model from an in-person delivery model located within its Chicago headquarters to a virtual service delivery model. IDHR's Mediation Unit, comprised of three mediators, continued to provide mediation services, and held 348 mediation conferences. Mediations were held by telephone in 104 cases and by video in 243 cases. Of the 348 mediation conferences held, 259 mediations resulted in a mutually agreeable settlement of discrimination charges.

As new protections were added to the Illinois Human Rights Act in 2020 and 2021, the demand for IDHR mediation services is projected to increase as parties seek to resolve charges of discrimination using win-win interest mediation. Thanks to this innovative retooling, IDHR will now be able to continue to offer its mediation services post-pandemic in virtual formats (telephone or video) to all communities in Illinois. From Rockford to Cairo, complainants and respondents wishing to resolve a charge of discrimination through IDHR mediations will be able to participate from the convenience of their home communities.

# Culture of Continuous Improvement

The incredible transformation spurred by Executive Order 2018-08 has engrained a culture of continuous improvement that will long outlast the finite term of the Order. That culture of continuous improvement, combined with an effective framework for collaboration, has yielded the necessary synergy in cross-agency operations to serve the public most effectively.

Having now witnessed the fruits of the ambitious and detailed plan first set in motion three-and-a-half years ago has boosted confidence that even seemingly insurmountable long-standing challenges can be tackled with a well-crafted plan, persistence, and resilience. With the backlog having been fully eradicated in 2019, leaders at each agency continue to build upon prior operational and service-delivery improvements, as well as develop new and innovative goals.

## Commitment to Highest Quality Decisions

One cannot consider timeliness without also considering accuracy. More than numbers, the team committed to high quality, well-reasoned decisions that withstand scrutiny on judicial review. In Fiscal Year 2021, 42 of 43 of the cases were upheld on appellate court review (the one case representing a voluntary remand by the Commission), demonstrating no sacrifice in due process or quality of decisions generated by the Commission.

## Enhanced Monitoring and Oversight of Existing Caseload

At the outset of this project, the Commission established a structure to effectively monitor its caseload, including productivity measures and dedicated oversight. The success of this monitoring mechanism is demonstrated by the Commission's ability to keep pace with new incoming cases, having resolved all 2020 cases within 12 months or less, despite pandemic-related obstacles.

## Leveraging Technology and Data Analytics

A key step in the strategic initiatives associated with Executive Order 2018-08 was updating the Commission's electronic case management system capabilities. In April 2021, in cooperation with the State's Department of Innovation and Technology (DoIT), a more than 20-year-old, antiquated and rigid system was replaced with a modern, stable, and configurable case management platform.

IDHR also continues to modernize infrastructure for every aspect of its work, including migrating to the case management system used by the Commission, which will dramatically improve the efficiency of the investigative process and eliminate duplicative work. IDHR is in the process of workflow documentation and validation. Full implementation of the new case management system is scheduled for mid to late 2022.

Throughout the implementation, IDHR has focused on ensuring the new system can capture the data necessary to discover, interpret, and communicate significant patterns in data. In addition to the focus on data, the new case management system will provide complainants and respondents a streamlined on-line environment to submit and respond to charges of discrimination and the capability to view the status of pending charges.

## Coordination of Robust Public Outreach Activities

Despite the pandemic, both virtually and in-person throughout 2021, the Commission and IDHR have engaged in providing information to the public, governmental organizations, and non-profit and professional organizations concerning rights and responsibilities under the Act.

Coordinated efforts between these two agencies ensure consistency in messaging and expand organizational capacity for outreach and education in communities across Illinois. The agencies worked together to cross-train staff and conduct key public outreach initiatives during the year, including at the **2021 Illinois State Fair**, where participants pledged Fairness + Equality.



*Lieutenant Governor Juliana Stratton demonstrates her commitment to Fairness + Equality at the 2021 Illinois State Fair.*

*Leaders from the Illinois Department on Aging and the Commission stop by the Commission's information booth to show their support.*



The Commission has continued the many programs it began at the start of this journey. This year, the Commission's **"Lunch and Learn" Series** continued to provide valuable opportunities to inform lawyers across the State about changes in the Act and how it may impact practitioners in civil rights law. The breadth and variety of topics this year, just to name a few, are:

- Illinois Address Confidentiality Program
- ADA & Pregnancy in the Workplace
- Domestic Violence: An Employer's Obligation Once Reported
- Civil Rights Challenges of the COVID-19 Pandemic for Racial and Religious Minorities
- The Path of a Discrimination Charge Under the Human Rights Act
- Fair Housing and the Pandemic: An Update on Law and Emerging Issues
- Criminal Convictions and Equal Pay and EEO Reporting, Oh My! A Zoo of New Employment Obligations for Illinois Employers
- No Longer Locked Out: The Rights of People with Criminal Records in Real Estate



The **Commission's 2020 Civil Rights Summit** was conducted virtually and at its height engaged more than 230 members of the public, legal community, civic and governmental leaders. Highlighting Governor JB Pritzker's keynote message on civil rights, the summit addressed matters critical in the fight to end discrimination in employment, access to financial credit, housing, public accommodations, and higher education.

In addition to educating the community and bar, the Commission continued its work educating the next generation of civil rights experts through the work of its **Coles Fellows Program**. In Fiscal Year 2021, the Commission hosted 4 interns in a virtual program providing valuable experience in writing and in learning about civil rights law in Illinois.

## Promoting Diversity, Equity, Inclusion, and Access

Both IDHR and the Commission have comprehensive Diversity, Equity, Inclusion, and Access (DEIA) plans that complement one another's efforts, and the agencies continue to coordinate outreach amongst state agencies and the community.

This past year, IDHR developed and facilitated a Train-the-Trainer program, in collaboration with the Governor's Office, to prepare state government to understand and utilize DEIA principles in the execution of their duties. This model, in which subject matter experts coach new trainers, has built a ready pool of facilitators that expands the reach of IDHR's training to employees at dozens of agencies across the state. IDHR's Training Institute continues to evolve its curriculum to meet the demand for training across Illinois agencies

## Commission on Discrimination and Hate Crimes

In furtherance of the commitment to remain proactive in protecting human and civil rights, IDHR worked diligently with the Governor's Office to re-empanel the state's Commission on Discrimination and Hate Crimes (CDHC) with a mission to identify and uproot sources of discrimination and bias at the source, while assisting with the development of resources, training, and information that allow for a swift and efficient response to hate-motivated crimes and incidents.

IDHR's Director serves as the CDHC Chair, and the Chair of the Commission serves as a CDHC Commissioner. The CDHC investigates the root causes of hate crimes, how Illinois responds to incidents, and what we, collectively, need to do differently in the future to ensure all communities have the tools needed to combat hate crimes and discrimination. The CDHC has held over ten public meetings and hosted two town hall events and launched a new website to keep the public informed of the CDHC's work, [www.illinois.gov/cdhc](http://www.illinois.gov/cdhc).

To successfully execute its mission, the CDHC has formed three committees focused on aspects essential to understanding, preventing, and responding to hate crimes and discrimination.

- The Committee on Legal and Regulatory Environment
- The Committee on Root Causes and Responses
- The Committee on Education and Outreach

IDHR and the Commission welcome the CDHC's entry into the shared space of protecting the dignity of all Illinoisians to be free from discrimination and hate incidents.

# Key Lessons Learned

## Implementing Cross-Agency Collaboration

Agencies can face a range of challenges and barriers when undertaking a collaborative project. Reflecting on its experiences during a three and a half-year journey under Executive Order 2018-08, the team shares the following lessons for effective collaboration and realization of common goals to encourage agencies contemplating similar cross-agency collaboration.

- Articulate a shared vision of success and how that vision complements each agency's mission
- Evaluate existing resources that may be devoted to collaborative efforts
- Develop specific, actionable goals to achieve the shared vision of success
- Develop and enforce measures that demonstrate whether goals are being met
- Agree upon each agency's roles and responsibilities early in the process
- Document each agency's commitment, roles, and responsibilities via inter-agency agreement
- Evaluate and address any confidentiality or similar concerns at the outset
- Determine where policies or procedures must be amended to operate across agencies
- Develop a cross-agency communication plan and shared repository for working documents
- Ensure resolute commitment and project priority from each agency's senior leadership
- Designate resilient project champions and empower them to fulfill stated goals
- Engage all relevant agency participants, including those closest to the work
- Encourage innovation, and give thoughtful consideration to all ideas presented
- Embrace process improvement as a powerful tool to improve service delivery and timeliness
- Map the full process to identify when elimination of waste in one area will impact another
- Focus not only on current demands, but forecast and proactively address future demands
- Consistently monitor results, and course-correct when necessary
- Reinforce individual and agency accountability by reporting results on a regular basis
- Engage external stakeholders for their ongoing feedback on service delivery
- Synchronize outreach plans and materials for consistent messaging and engagement
- Leverage third-party state agencies with specialized knowledge
- Celebrate successes, even the small wins!

# A Bright Future

Through the critical work undertaken by the Commission and IDHR with the support of CMS BAH and DoIT, the transformation team is pleased to report to the people of Illinois in this final progress report that the administration of the Illinois Human Rights Act is strong.

Since the height of the backlog in June 2018, the transformation team has reached zero backlog ahead of schedule. Cases are now initiated within the year filed, and Illinoisians can expect to receive a timely, well-reasoned decision bringing resolution to their case. The outcome here, though, is much greater than simply elimination of a longstanding backlog. The systemic changes at the Commission, coupled with increased coordination with IDHR and CMS BAH, have brought, and will continue to bring, value to the lives of Illinoisians through continuous improvement efforts. No longer hindered by the strains of backlog, the team may direct its efforts on new and innovative ways to improve access to justice, expand educational outreach, and further DEI work. The team pledges to continue improvements to increase the public's trust and confidence and be a model for government transformation and service.

The transformation team is grateful for this opportunity to share its journey and hopes that publication of its detailed plan, transformative work in prior progress reports, and key lessons learned in this report encourages other state agencies working through similar challenges to embrace a collaborative approach.

There are a great many individuals, past and present, that we thank for their efforts. Without their perseverance and steadfast commitment to achieving excellence in service to the people of our state, we would not be issuing this celebratory report of transformation. Though this marks the final report required by Executive Order 2018-08, we continue together in service to strengthen the protections afforded by the Illinois Human Rights Act.



“CMS congratulates the Commission and IDHR for their tireless efforts to transform the human rights landscape in our State. The involvement of CMS’ Bureau of Administrative Hearings and Office of Operational Excellence is one example of the many ways our agency strives to connect resources and model best practices to provide top quality service to agency customers and the public.”

**Janel L. Forde, Director**

Illinois Department of Central Management Services

“With the support and expertise that CMS BAH and DoIT provided the Commission and the Department, we have strengthened our ability to work collaboratively to protect the civil rights for the people of Illinois.”

**James L. Bennett, Director**

Illinois Department of Human Rights

“Typically, in State government, change is slow and maintaining progress is challenging. The work implemented under the auspices of this executive order gave a ‘jump-start’ to huge and necessary improvements in the Human Rights process in Illinois that will provide continuing benefits for decades to come.”

**Tracey B. Fleming, Director**

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