

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
COMPLIANCE EXAMINATION**

For the Two Years Ended June 30, 2019

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
COMPLIANCE EXAMINATION  
For the Two Years Ended June 30, 2019

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**COMMISSION OFFICIALS**

Chair (7/1/19 – Present)	James Ferg-Cadima
Interim Chair (2/6/19 – 6/30/19)	Cheryl Mainor
Chair (7/1/17 – 1/19/19)	Rose Mary Bombela-Tobias
Director (8/17/20 – Present)	Mr. Tracey B. Fleming
Interim Director (8/4/20 – 8/16/20)	Ms. Kellee M. Chube
Director (6/16/18 – 8/3/20)	Mr. Philip Dalmage
Director (7/1/17 – 6/30/18)	Mr. N. Keith Chambers
Chief Fiscal Officer	Dr. Ewa I. Ewa
General Counsel (1/1/19 – Present)	Ms. Kellee M. Chube
Acting General Counsel (10/3/18 – 12/31/18)	Mr. Lester Bovia, Jr.
General Counsel (7/1/17 – 10/2/18)	Ms. Donyelle Gray

**COMMISSION MEMBERS (until 1/19/19 – 13 members)**

Commissioner (7/1/17 – 1/19/19)	Rose Mary Bombela-Tobias
Commissioner (7/1/17 – 1/19/19)	Duke Alden
Commissioner (7/1/17 – 1/19/19)	Mike Bigger
Commissioner (7/1/17 – 1/19/19)	Eleni Bousis
Commissioner (7/1/17 – 1/19/19)	Robert A. Cantone
Commissioner (7/1/17 – 1/19/19)	Hamilton Chang
Commissioner (7/1/17 – 1/19/19)	Nabi Fakroddin
Commissioner (5/26/18 – 1/19/19)	Vacant
Commissioner (7/1/17 – 5/25/18)	Charlene Foss-Eggemann
Commissioner (7/1/17 – 1/19/19)	Hermene Hartman
Commissioner (8/11/17 – 1/19/19)	Steven Kim
Commissioner (7/1/17 – 8/10/17)	Vacant
Commissioner (7/1/17 – 1/19/19)	Amy Kurson
Commissioner (7/1/17 – 1/19/19)	Cheryl Mainor
Commissioner (7/1/17 – 1/19/19)	Patricia Bakalis Yadgir

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**COMMISSION MEMBERS (after 1/19/19 – 7 members)**

Commissioner (7/1/19 – Present)	Steven Andersson
Commissioner (3/4/19 – 6/30/19)	Vacant
Commissioner (1/20/19 – 3/3/19)	Mike Bigger
Commissioner (7/1/19 – Present)	Barbara Barreno-Paschall
Commissioner (3/4/19 – 6/30/19)	Vacant
Commissioner (1/20/19 – 3/3/19)	Eleni Bousis
Commissioner (7/1/19 – Present)	Robert A. Cantone
Commissioner (1/20/19 – 6/30/19)	Vacant
Commissioner (7/1/19 – Present)	James Ferg-Cadima
Commissioner (5/22/19 – 6/30/19)	Vacant
Commissioner (1/20/19 – 5/21/19)	Steven Kim
Commissioner (8/1/20 – Present)	Vacant
Commissioner (7/1/19 – 7/31/20)	Jeffrey Shuck
Commissioner (3/5/19 – 6/30/19)	Vacant
Commissioner (1/20/19 – 3/4/19)	Cheryl Mainor
Commissioner (7/1/19 – Present)	LeDeidre Turner
Commissioner (1/20/19 – 6/30/19)	Patricia Bakalis Yadgir
Commissioner (10/1/19 – Present)	Vacant
Commissioner (7/1/19 – 9/30/19)	Manny Barbosa
Commissioner (1/20/19 – 6/30/19)	Vacant

**SPECIAL TEMPORARY PANEL**

Member (3/4/19 – 8/31/19)	Mike Bigger
Member (3/4/19 – 8/31/19)	Cheryl Mainor
Member (3/4/19 – 3/6/19)	Eleni Bousis

Note: Prior to January 19, 2019, the Human Rights Act (Act) (775 ILCS 5/8-101(A)) required the Commission to consist of 13 members. Pursuant to Public Act 100-1066, (775 ILCS 5/8-101(B)), “Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Illinois Human Rights Commission is abolished on January 19, 2019. Incumbent members holding a position on the Commission that was created by Public Act 84-115 and whose terms, if not for this amendatory Act of the 100<sup>th</sup> General Assembly, would have expired January 18, 2021, shall continue to exercise all of the powers and be subject to all of the duties of members of the Commission until June 30, 2019 or until their respective successors are

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appointed and qualified, whichever is earlier.” Following January 19, 2019, the Commission shall consist of seven members. Additionally, Public Act 100-1066 updated the Act (775 ILCS 5/8-101(H)) to create a 3-member, special temporary panel to serve for the earlier of 18 months or until Commission’s case load is sufficiently reduced. The special temporary panel served from March 4, 2019, to August 31, 2019. All Commission members are appointed by the Governor with the advice and consent of the Senate.

**COMMISSION OFFICES**

The Human Rights Commission’s primary administrative offices are located at:

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

Sangamo Complex  
1000 East Converse, Suite 1232N  
Springfield, Illinois 62702



# STATE OF ILLINOIS Human Rights Commission

**JB Pritzker**  
Governor

## Commissioners

October 16, 2020

**James A. Ferg-Cadima, Chair**  
**LeDeidre S. Turner, Vice Chair**  
**Steven A. Andersson**  
**Barbara R. Barreno-Paschall**  
**Robert A. Cantone**

Honorable Frank J. Mautino  
Auditor General  
State of Illinois  
740 East Ash Street  
Springfield, Illinois 62703-3154

Auditor General Mautino:

**Tracey B. Fleming**  
Executive Director

We are responsible for the identification of, and compliance with, all aspects of laws, regulations, contracts, or grant agreements that could have a material effect on the operations of the State of Illinois, Human Rights Commission (Commission). We are responsible for and we have established and maintained an effective system of internal controls over compliance requirements. We have performed an evaluation of the Commission's compliance with the following specified requirements during the two-year period ended June 30, 2019. Based on this evaluation, we assert that during the years ended June 30, 2018, and June 30, 2019, the Commission has materially complied with the specified requirements listed below.

- A. The Commission has obligated, expended, received, and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Commission has obligated, expended, received, and used public funds of the State in accordance with any limitations, restrictions, conditions, or mandatory directions imposed by law upon such obligation, expenditure, receipt, or use.
- C. The Commission has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.
- D. State revenues and receipts collected by the Commission are in accordance with applicable laws and regulations and the accounting and recordkeeping of such revenues and receipts is fair, accurate, and in accordance with law.

Yours truly,

Human Rights Commission

**SIGNED ORIGINAL ON FILE**

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Mr. Tracey B. Fleming, Executive Director

**SIGNED ORIGINAL ON FILE**

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Dr. Ewa I. Ewa, Chief Fiscal Officer

**SIGNED ORIGINAL ON FILE**

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Ms. Kellee M. Chube, General Counsel

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
STATE COMPLIANCE EXAMINATION  
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**COMPLIANCE REPORT**

**SUMMARY**

The compliance testing performed during this examination was conducted in accordance with *Government Auditing Standards* and the Illinois State Auditing Act.

**ACCOUNTANT’S REPORT**

The Independent Accountant’s Report on State Compliance, on Internal Control Over Compliance, and on Supplementary Information for State Compliance Purposes does not contain scope limitations, disclaimers, or other significant non-standard language.

**SUMMARY OF FINDINGS**

<u>Number of</u>	<u>Current</u>	<u>Prior</u>
Findings	Report	Report
Findings	4	4
Repeated Findings	3	3
Prior Recommendations Implemented or Not Repeated	1	4

**SCHEDULE OF FINDINGS**

<u>Item No.</u>	<u>Page</u>	<u>Last Reported</u>	<u>Description</u>	<u>Finding Type</u>
FINDINGS (STATE COMPLIANCE)				
2019-001	12	2017	Decisions Not Published Timely	Significant Deficiency and Noncompliance
2019-002	14	2017	Weaknesses Regarding Cybersecurity and the Security and Control of Confidential Information	Significant Deficiency and Noncompliance
2019-003	16	New	Inadequate Controls over Performance Reporting	Significant Deficiency and Noncompliance
2019-004	18	2017	Vacancies on the Illinois Torture Inquiry and Relief Commission	Noncompliance

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**SCHEDULE OF FINDINGS (Continued)**

<u>Item No.</u>	<u>Page</u>	<u>Last Reported</u>	<u>Description</u>	<u>Finding Type</u>
PRIOR FINDINGS NOT REPEATED				
A	20	2017	Inadequate Controls over System Access and Segregation of Duties	

**EXIT CONFERENCE**

The findings and recommendations appearing in this report were discussed with Commission personnel at an exit conference on October 15, 2020.

Attending were:

Human Rights Commission

Tracey B. Fleming, Executive Director  
Kellee M. Chube, General Counsel  
Dr. Ewa I. Ewa, Chief Financial Officer  
Gail Kruger, Administrative Assistant II

Illinois Torture Inquiry and Relief Commission

Robert Olmstead, Executive Director

Office of the Auditor General

Megan Green, Audit Manager  
Dennis Gibbons, Audit Manager  
Christian Cortes, Audit Supervisor

The responses to the recommendations were provided by Tracey B. Fleming, Executive Director, in correspondence dated October 16, 2020.

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OFFICE OF THE AUDITOR GENERAL  
FRANK J. MAUTINO

**INDEPENDENT ACCOUNTANT'S REPORT  
ON STATE COMPLIANCE, ON INTERNAL CONTROL OVER COMPLIANCE, AND  
ON SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES**

Honorable Frank J. Mautino  
Auditor General  
State of Illinois

and

Governing Board  
State of Illinois, Human Rights Commission

**Compliance**

We have examined compliance by the State of Illinois, Human Rights Commission (Commission) with the specified requirements listed below, as more fully described in the *Audit Guide for Financial Audits and Compliance Attestation Engagements of Illinois State Agencies (Audit Guide)* as adopted by the Auditor General, during the two years ended June 30, 2019. Management of the Commission is responsible for compliance with the specified requirements. Our responsibility is to express an opinion on the Commission's compliance with the specified requirements based on our examination.

The specified requirements are:

- A. The Commission has obligated, expended, received, and used public funds of the State in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Commission has obligated, expended, received, and used public funds of the State in accordance with any limitations, restrictions, conditions, or mandatory directions imposed by law upon such obligation, expenditure, receipt, or use.

- C. The Commission has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations.
- D. State revenues and receipts collected by the Commission are in accordance with applicable laws and regulations and the accounting and recordkeeping of such revenues and receipts is fair, accurate, and in accordance with law.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants, the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the Illinois State Auditing Act (Act), and the *Audit Guide*. Those standards, the Act, and the *Audit Guide* require that we plan and perform the examination to obtain reasonable assurance about whether the Commission complied with the specified requirements in all material respects. An examination involves performing procedures to obtain evidence about whether the Commission complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgement, including an assessment of the risks of material noncompliance with the specified requirements, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

Our examination does not provide a legal determination on the Commission's compliance with the specified requirements.

In our opinion, the Commission complied with the specified requirements during the two years ended June 30, 2019, in all material respects. However, the results of our procedures disclosed instances of noncompliance with the specified requirements, which are required to be reported in accordance with criteria established by the *Audit Guide* and are described in the accompanying Schedule of Findings as items 2019-001 through 2019-004.

The Commission's responses to the compliance findings identified in our examination are described in the accompanying Schedule of Findings. The Commission's responses were not subjected to the procedures applied in the examination and, accordingly, we express no opinion on the responses.

The purpose of this report is solely to describe the scope of our testing and the results of that testing in accordance with the requirements of the *Audit Guide*. Accordingly, this report is not suitable for any other purpose.

### **Internal Control Over Compliance**

Management of the Commission is responsible for establishing and maintaining effective internal control over compliance with the specified requirements (internal control).

In planning and performing our examination, we considered the Commission's internal control to determine the examination procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the Commission's compliance with the specified requirements and to

test and report on the Commission's internal control in accordance with the *Audit Guide*, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with the specified requirements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that material noncompliance with the specified requirements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that have not been identified. Given these limitations, during our examination, we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify certain deficiencies in internal control, described in the accompanying Schedule of Findings as items 2019-001 through 2019-003 that we consider to be significant deficiencies.

As required by the *Audit Guide*, immaterial findings excluded from this report have been reported in a separate letter.

The Commission's responses to the internal control findings identified in our examination are described in the accompanying Schedule of Findings. The Commission's responses were not subjected to the procedures applied in the examination and, accordingly, we express no opinion on the responses.

The purpose of this report is solely to describe the scope of our testing of internal control and the results of that testing based on the requirements of the *Audit Guide*. Accordingly, this report is not suitable for any other purpose.

### **Supplementary Information for State Compliance Purposes**

Our examination was conducted for the purpose of forming an opinion on the Commission's compliance with the specified requirements. The accompanying supplementary information for the years ended June 30, 2018, and June 30, 2019, in Schedules 1 through 5 and the Analysis of Operations section are presented for purposes of additional analysis. Such information is the responsibility of Commission management. We have applied certain limited procedures as prescribed by the *Audit Guide* to the accompanying supplementary information for the years ended June 30, 2018, and June 30, 2019, in Schedules 1 through 5. We have not applied procedures to the accompanying supplementary information for the year ended June 30, 2017, in Schedules 3 through 5 and in the Analysis of Operations Section. We do not express an opinion, a conclusion, nor

provide any assurance on the accompanying supplementary information in Schedules 1 through 5 or the Analysis of Operations Section.

**SIGNED ORIGINAL ON FILE**

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JANE CLARK, CPA  
Director of Financial and Compliance Audits

Springfield, Illinois  
October 16, 2020

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**SCHEDULE OF FINDINGS – STATE COMPLIANCE FINDINGS**  
For the Two Years Ended June 30, 2019

2019-001. **FINDING** (Decisions Not Published Timely)

The Human Rights Commission (Commission) did not publish its decisions timely.

We noted the following:

- Fourteen of 18 (78%) decisions tested were published to the Commission’s website 126 to 805 days after the decisions were made.

Prior to August 24, 2018, the Illinois Human Rights Act (Act) (775 ILCS 5/8-110) required the Commission to publish its decisions within 120 calendar days of the completion of service of the written decision on the parties.

- Two of 22 (9%) decisions tested were published to the Commission’s website 404 days after the decisions were made. In addition, 9 of 40 (23%) decisions tested were not published to the Commission’s website as of the date of testing. As of the date of testing, 640 to 1,158 days had elapsed since these decisions had been rendered.

Effective August 24, 2018, Public Act 100-1066 amended the Act (775 ILCS 5/8-110) to require the Commission to make decisions available on the Commission’s website within 14 days after publication as required by subsection (J) of Section 8-102. As amended by Public Act 100-1066, the Act (775 ILCS 5/8-102(J)) requires the Commission to publish decisions within 180 days of the decision.

During the prior examination, Commission officials indicated the issues noted were due to a staff vacancy and competing priorities. During the current examination, Commission officials indicated not all decisions were published timely due to prior vacancies, noting several cases were part of a backlog going back to previous years as defined and referenced in Executive Order 2018-08.

Decisions should be published timely to comply with the Act and to ensure a consistent source of precedent. (Finding Code No. 2019-001, 2017-001, 2015-001, 2013-002, 11-1, 09-2, 07-2)

**RECOMMENDATION**

We recommend the Commission publish decisions within the timeframes outlined in the Act.

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HUMAN RIGHTS COMMISSION  
**SCHEDULE OF FINDINGS – STATE COMPLIANCE FINDINGS**  
For the Two Years Ended June 30, 2019

2019-001. **FINDING** (Decisions Not Published Timely) – Continued

**COMMISSION RESPONSE**

HRC agrees with this finding. Due to a deficit in resources and labor, the Commission accumulated a backlog of Request for Review cases pending before the Commission. Executive Order 2018-08 set forth a strategy to eliminate the Request for Review backlog by December 31, 2019, including the publication of Commission decisions attributable to the backlog of Request for Review cases, implementing overall process efficiencies, instituting performance measures, creating new staff positions and implementing compliance requirements. As a result of the implementation of these steps, the Commission is current with the mandated statutory requirements associated with the publication of Commission decisions.

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**SCHEDULE OF FINDINGS – STATE COMPLIANCE FINDINGS**  
For the Two Years Ended June 30, 2019

2019-002. **FINDING** (Weaknesses Regarding Cybersecurity and the Security and Control of Confidential Information)

The Human Rights Commission (Commission) did not maintain adequate internal controls related to cybersecurity and the security and control of confidential information.

The Commission had computer systems that contained confidential or personal information such as names, addresses, and Social Security numbers.

The Illinois State Auditing Act (30 ILCS 5/3-2.4) required the Auditor General to review State agencies and their cybersecurity programs and practices. During the examination of the Commission’s cybersecurity program, practices, and control of confidential information, we noted the Commission:

- Failed to establish and communicate policies, procedures, and processes to manage and monitor the regulatory, legal, environmental, and operational requirements;
- Failed to establish and document cybersecurity roles and responsibilities;
- Failed to perform a comprehensive risk assessment to identify and ensure adequate protection of information (i.e. confidential or personal information) most susceptible to attack;
- Failed to classify data to establish the types of information most susceptible to attack to ensure adequate protection; and,
- Lacked formalized procedures to identify and protect personal or confidential information, including notification procedures in the event of a breach of security.

The Fiscal Control and Internal Auditing Act (30 ILCS 10/3001) requires all State agencies to establish and maintain a system, or systems, of internal fiscal and administrative controls to provide assurance funds, property, and other assets and resources are safeguarded against waste, loss, unauthorized use, and misappropriation and maintain accountability over the State’s resources. In addition, the Identity Protection Act (5 ILCS 179) and the Personal Information Protection Act (815 ILCS 530) promote the protection of confidential information from unauthorized disclosure.

Commission officials indicated, as they did during the prior examination, that the Commission does not currently have the technical staff necessary to conduct the noted tasks, as it currently relies on the Department of Innovation and Technology (DoIT) to manage its information systems.

Failure to maintain adequate internal controls could result in the accidental or unauthorized disclosure of confidential data. (Finding Code No. 2019-002, 2017-002, 2015-004)

STATE OF ILLINOIS  
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For the Two Years Ended June 30, 2019

2019-002. **FINDING** (Weaknesses Regarding Cybersecurity and the Security and Control of Confidential Information) – Continued

**RECOMMENDATION**

The Commission has the ultimate responsibility for ensuring confidential information is protected from accidental or unauthorized disclosure. Specifically, we recommend the Commission:

- Establish and communicate the Commission’s security program (formal and comprehensive policies and procedures) to manage and monitor the regulatory, legal, environmental, and operational requirements.
- Establish and document cybersecurity roles and responsibilities.
- Perform a comprehensive risk assessment to identify and classify data to ensure adequate protection of confidential or personal information most susceptible to attack.
- Classify data to establish the types of information most susceptible to attack to ensure adequate protection.
- Establish formalized procedures to identify and protect personal and confidential information, including notification procedures in the event of a breach of security.

**COMMISSION RESPONSE**

HRC partially agrees with this finding. Pursuant to longstanding state policy and practice, the Commission has no in-house staff wholly dedicated to cybersecurity matters, as these functions have been primarily assigned to DoIT. The Commission will update its Identify Protection Policy and will build on this and other internal policies to reflect a baseline of cybersecurity recommendations and procedures for all Commissioners and staff. Further, the Commission will inquire with DoIT as to other possible training and process improvements to further reinforce this critical area of attention.

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**SCHEDULE OF FINDINGS – STATE COMPLIANCE FINDINGS**  
For the Two Years Ended June 30, 2019

2019-003. **FINDING** (Inadequate Controls over Performance Reporting)

The Human Rights Commission (Commission) lacked adequate controls over performance reporting.

The Commission was unable to provide accurate documentation supporting the data presented in its Service Efforts and Accomplishments (SEA) reports for Fiscal Year 2018 and Fiscal Year 2019. Specifically, the Commission’s SEA report and supporting documentation did not agree for the following:

- calculation of requests for reviews that were closed during Fiscal Year 2018 as a percentage of those received;
- number of cases filed with the Commission during Fiscal Year 2018;
- number of requests for reviews filed with the Commission during Fiscal Year 2018;
- calculation of the number of cases closed during Fiscal Year 2018 as a percentage of those received;
- number of cases closed by the Commission during Fiscal Year 2019; and,
- number of open cases at the end of Fiscal Year 2017 did not agree to the Fiscal Year 2018 cases carried over from prior year.

The Statewide Accounting Management System (SAMS) (Procedure 33.20.20) requires the data presented in the SEA report to be comparable, consistent, and verifiable. The State Records Act (5 ILCS 160/8) requires the Commission to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Commission designed to furnish information to protect the legal and financial rights of the State and of persons directly affected by the Commission’s activities.

Commission officials indicated some of the differences noted between the SEA report and the support provided were due to the use of estimates and some were due to adjustments made after the SEA was submitted.

Failure to prepare complete, accurate, and supported reports in a timely manner hinders oversight of the Commission, negatively impacts the users of these reports, and represents noncompliance with State laws, rules, and regulations. (Finding Code No. 2019-003)

**RECOMMENDATION**

We recommend the Commission strengthen its internal controls to ensure adequate documentation to support the accuracy and consistency of data presented in its SEA reports is maintained.

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For the Two Years Ended June 30, 2019

2019-003. **FINDING** (Inadequate Controls over Performance Reporting) – Continued

**COMMISSION RESPONSE**

HRC agrees with this finding. The Commission will continue to work to submit accurate and consistent data and vet these submissions through a periodic internal review process.

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**SCHEDULE OF FINDINGS – STATE COMPLIANCE FINDINGS**  
For the Two Years Ended June 30, 2019

2019-004. **FINDING** (Vacancies on the Illinois Torture Inquiry and Relief Commission)

The Illinois Torture Inquiry and Relief Commission (ITIRC), an independent commission under the Human Rights Commission, did not have the required number of Commissioners.

During testing, we noted the following:

- As of June 30, 2019, one of the eight (13%) Commissioners' seats was vacant. The vacancy was the position designated for one retired Circuit Court Judge.
- As of June 30, 2019, six of the eight (75%) alternate Commissioners' seats were vacant. The vacant positions consisted of one former prosecuting attorney, one member engaged in the practice of criminal defense law, one former public defender, and three public members.

The Illinois Torture Inquiry and Relief Commission Act (Act) (775 ILCS 40/20(a)) requires the Governor to appoint eight voting members as follows:

- One retired Circuit Court Judge;
- One former prosecuting attorney;
- One law school professor;
- One attorney engaged in the practice of criminal defense law;
- Three members of the public who are not attorneys and who are not officers or employees of the Judicial branch; and,
- One former public defender.

Additionally, the Act (775 ILCS 40/20(a-1)) requires the Governor to appoint alternate members for the ITIRC members he or she has appointed to serve in the event of scheduling conflicts, conflicts of interest, disability, or other disqualification arising in a particular case, who must have the same qualifications for appointment as the original member.

During the prior examination, ITIRC officials indicated they had been working closely with the Office of the Governor to identify appropriate appointment candidates. During the current examination, ITIRC officials indicated potential commissioner resumes submitted to the Governor's Office were either deemed unsatisfactory or not acted upon.

Vacancies of board members does not comply with the Act or facilitate the work of the ITIRC. (Finding Code No. 2019-004, 2017-004)

**RECOMMENDATION**

We recommend the ITIRC continue to work with the Governor to ensure the ITIRC's vacancies are filled in a timely manner.

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**SCHEDULE OF FINDINGS – STATE COMPLIANCE FINDINGS**  
For the Two Years Ended June 30, 2019

2019-004. **FINDING** (Vacancies on the Illinois Torture Inquiry and Relief Commission) –  
Continued

**ITIRC RESPONSE**

TIRC partially agrees with this finding. The Torture Inquiry and Relief Commission agrees that all TIRC Commissioner seats have not been filled. However, TIRC does not have the statutory responsibility or authority to appoint and confirm Commissioners. TIRC is only empowered to forward on potential commissioners' names and qualifications for consideration of appointment, which TIRC did during the audit period. TIRC will continue to recommend candidates for Commissioner.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**SCHEDULE OF FINDINGS – NOT REPEATED FINDINGS**  
For the Two Years Ended June 30, 2019

A. **FINDING** (Inadequate Controls over System Access and Segregation of Duties)

During the prior examination, the Human Rights Commission (Commission) did not have adequate controls over system access and had an inadequate segregation of duties.

During the current examination, our testing indicated the Commission had adequate controls over system access and had resolved the segregation of duties issue. (Finding Code No. 2017-003, 2015-003)

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES, AND LAPSED BALANCES**  
Appropriations for Fiscal Year 2019

For the Sixteen Months Ended October 31, 2019

Public Act 100-0586 and Public Act 101-0007  FISCAL YEAR 2019	Appropriations (Net of Transfers)	Lapse Period		Total Expenditures 15 Months Ended October 31	Balances Lapsed
		Expenditures Through June 30	Expenditures July 1 to October 31		
<b><u>APPROPRIATED FUNDS</u></b>					
<b><u>GENERAL REVENUE FUND - 001</u></b>					
Operational Expenses	\$ 2,280,200	\$ 2,001,577	\$ 172,773	\$ 2,174,350	\$ 105,850
Illinois Torture Inquiry Relief Commission	400,000	273,879	18,055	291,934	108,066
Ordinary and Contingent Expenses	25,300	-	24,894	24,894	406
Unpaid Wage Increases	49,500	-	48,185	48,185	1,315
Subtotal - Fund 001	<u>\$ 2,755,000</u>	<u>\$ 2,275,456</u>	<u>\$ 263,907</u>	<u>\$ 2,539,363</u>	<u>\$ 215,637</u>
<b>GRAND TOTAL - ALL FUNDS</b>	<u>\$ 2,755,000</u>	<u>\$ 2,275,456</u>	<u>\$ 263,907</u>	<u>\$ 2,539,363</u>	<u>\$ 215,637</u>

Note 1: Appropriations, expenditures, and lapsed balances were obtained from Commission records as of October 31, 2019, and have been reconciled to the State Comptroller's records.

Note 2: Expenditure amounts are vouchers approved for payment by the Commission and submitted to the State Comptroller for payment to the vendor.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**SCHEDULE OF APPROPRIATIONS, EXPENDITURES, AND LAPSED BALANCES**  
Appropriations for Fiscal Year 2018

For the Sixteen Months Ended October 31, 2018

	Appropriations (Net of Transfers)	Expenditures Through June 30	Lapse Period		Total Expenditures 15 Months Ended October 31	Balances Lapsed
			Expenditures July 1 to October 31	Expenditures October 31		
Public Act 100-0021 and Public Act 100-0586						
FISCAL YEAR 2018						
<b><u>APPROPRIATED FUNDS</u></b>						
<b><u>GENERAL REVENUE FUND - 001</u></b>						
Operational Expenses	\$ 1,770,300	\$ 1,635,093	\$ 90,726	\$ 1,725,819	\$ 44,481	
Illinois Torture Inquiry Relief Commission	294,500	271,440	12,345	283,785	10,715	
Ordinary and Contingent Expenses	163,200	-	-	-	163,200	
Costs Associated with Harriet Parker vs. Illinois Human Rights Commission Settlement Agreement	212,500	212,500	-	212,500	-	
Subtotal - Fund 001	\$ 2,440,500	\$ 2,119,033	\$ 103,071	\$ 2,222,104	\$ 218,396	
GRAND TOTAL - ALL FUNDS	\$ 2,440,500	\$ 2,119,033	\$ 103,071	\$ 2,222,104	\$ 218,396	

Note 1: Appropriations, expenditures, and lapsed balances were obtained from Commission records as of October 31, 2018, and have been reconciled to the State Comptroller's records.  
 Note 2: Expenditure amounts are vouchers approved for payment by the Commission and submitted to the State Comptroller for payment to the vendor.  
 Note 3: Notwithstanding anything in Public Act 100-0021 to the contrary, Public Act 100-0021 authorized the Commission to pay for all costs incurred prior to July 1, 2018, using either its Fiscal Year 2017 or Fiscal Year 2018 appropriations for non-payroll expenditures. The Analysis of Operations section of this report includes information from Commission management about the number of invoices and the total dollar amount of invoices from Fiscal Year 2016 and Fiscal Year 2017 held by the Commission which were submitted against its Fiscal Year 2018 appropriations.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**COMPARATIVE SCHEDULE OF NET APPROPRIATIONS,  
EXPENDITURES, AND LAPSED BALANCES**  
For the Fiscal Year Ended June 30,

	FISCAL YEAR		
	2019	2018	2017
	P.A. 100-0586 P.A. 101-0007	P.A. 100-0021 P.A. 100-0586	P.A. 99-0524 Court-Ordered Expenditures
<b><u>APPROPRIATED FUNDS</u></b>			
<b>General Revenue Fund - 001</b>			
Appropriations (Net of Transfers)	\$ 2,755,000	\$ 2,440,500	
Expenditures			
Personal Services	\$ -	\$ -	\$ 1,394,065
State Contributions to Social Security	-	-	101,857
Operational Expenses	2,174,350	1,725,819	-
Illinois Torture Inquiry Relief Commission	291,934	283,785	211,097
Ordinary and Contingent Expenses	24,894	-	-
Costs Associated with Harriet Parker vs. Illinois Human Rights Commission Settlement Agreement	-	212,500	-
Unpaid Wage Increases	48,185	-	-
Total Expenditures	<u>\$ 2,539,363</u>	<u>\$ 2,222,104</u>	<u>\$ 1,707,019</u>
Lapsed Balances	<u>\$ 215,637</u>	<u>\$ 218,396</u>	
<b>Budget Stabilization Fund - 686</b>			
Appropriations (Net of Transfers)	\$ -	\$ -	\$ 150,000
Expenditures			
Ordinary and Contingent Expenses	\$ -	\$ -	\$ 150,000
Total Expenditures	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 150,000</u>
Lapsed Balances	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<b>TOTAL - ALL APPROPRIATED FUNDS</b>			
Appropriations (Net of Transfers)	<u>\$ 2,755,000</u>	<u>\$ 2,440,500</u>	<u>\$ 150,000</u>
Total Expenditures	<u>\$ 2,539,363</u>	<u>\$ 2,222,104</u>	<u>\$ 1,857,019</u>
Lapsed Balances	<u>\$ 215,637</u>	<u>\$ 218,396</u>	<u>\$ -</u>
<b>STATE OFFICERS' SALARIES</b>			
Expenditures			
Chairman	\$ 28,806	\$ 52,179	\$ 52,179
Twelve Members	502,887	558,395	538,152
Total Expenditures	<u>\$ 531,693</u>	<u>\$ 610,574</u>	<u>\$ 590,331</u>

Note 1: Appropriations, expenditures, and lapsed balances were obtained from Commission records as of October 31, 2019, and October 31, 2018, and have been reconciled to the State Comptroller's records.

Note 2: Expenditure amounts are vouchers approved for payment by the Commission and submitted to the State Comptroller for payment to the vendor.

Note 3: Notwithstanding anything in Public Act 100-0021 to the contrary, Public Act 100-0021 authorized the Commission to pay for all costs incurred prior to July 1, 2018, using either its Fiscal Year 2017 or Fiscal Year 2018 appropriations for non-payroll expenditures. The Analysis of Operations section of this report includes information from Commission management about the number of invoices and the total dollar amount of invoices from Fiscal Year 2016 and Fiscal Year 2017 held by the Commission which were submitted against its Fiscal Year 2018 appropriations.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**SCHEDULE OF CHANGES IN STATE PROPERTY**  
For the Two Years Ended June 30, 2019

	<u>Equipment</u>
Balance at July 1, 2017	\$ 130,030
Additions	2,265
Deletions	(1,299)
Net Transfers	-
Balance at June 30, 2018	<u>\$ 130,996</u>
Balance at July 1, 2018	\$ 130,996
Additions	-
Deletions	(92,051)
Net Transfers	-
Balance at June 30, 2019	<u>\$ 38,945</u>

Note: The above schedule has been derived from the Agency Report of State Property (Form C-15) reports submitted by the Commission to the Office of the State Comptroller.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**COMPARATIVE SCHEDULE OF CASH RECEIPTS AND  
RECONCILIATION OF CASH RECEIPTS TO  
DEPOSITS REMITTED TO THE STATE COMPTROLLER**  
For the Fiscal Year Ended June 30,

	<u>2019</u>	<u>2018</u>	<u>2017</u>
<b>General Revenue Fund - 001</b>			
Jury Duty & Personal Phone Call Reimbursements	\$ -	\$ 158	\$ 25
Copy Reimbursements	<u>62</u>	<u>-</u>	<u>18</u>
Total Cash Receipts per Commission	62	158	43
Less - In transit at End of Year	-	-	-
Plus - In transit at Beginning of Year	<u>-</u>	<u>-</u>	<u>8</u>
Total Cash Receipts per Comptroller	<u><u>\$ 62</u></u>	<u><u>\$ 158</u></u>	<u><u>\$ 51</u></u>

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**COMMISSION FUNCTIONS AND PLANNING PROGRAM**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

FUNCTIONS

The Human Rights Commission (Commission) was created when the Illinois Human Rights Act (Act) was signed into law on December 6, 1979. The Act forbids discrimination in employment, real estate transactions, higher education, public accommodations, and access to financial credit on the basis of sex, age, race, color, religion, arrest record, marital status, physical or mental disability, citizenship, national origin, ancestry, military status, order of protection status, family status, retaliation, pregnancy, sexual harassment, and sexual orientation/gender identity. It also enumerates the powers and duties of the Commission such as the ability to hold meetings anywhere within the State, to establish offices in Springfield and Chicago, and to advise regarding the compensation of employees subject to the Personnel Code. The Act requires all hearing officers (also known as Administrative Law Judges (ALJs)) to be licensed attorneys in Illinois and full-time employees. A training program for Commissioners and ALJs is required to be implemented and must include such topics as substantive and procedural aspects of the position, current issues in human rights law and practice, observation of experienced hearing officers, and the use of hypothetical cases requiring the hearing officer to issue judgments as a means to evaluating knowledge and writing ability.

The Commission is a quasi-judicial administrative agency. It consists of staff and seven Commissioners, appointed by the Governor with the advice and consent of the Senate. The Governor designates one of the Commissioners as the Chair. Commissioners serve a four-year term following the first term effective January 2019 and may be reappointed.

The Act resulted in the creation of the Department of Human Rights (Department) and the Human Rights Commission, two separate entities whose roles are set forth by the Act. Both entities work together to enforce the Act. The Department investigates charges of discrimination brought under the Act. When the Department finds evidence of a violation, it files a complaint with the Commission. The Commission reviews lack of substantial evidence and default decisions entered by the Department and complaints brought forth by the Department and individual complainants, and issues impartial decisions on charges and complaints of unlawful discrimination.

The Commission conducts public hearings, presided over by its ALJs. After both parties provide evidence, the ALJ issues a recommended order and decision. If the complaint is sustained, the Commission will order a remedy to be paid to the complainant. Once a recommended order and decision is issued, the Act allows the parties to seek review by the Commissioners. The Commission meets in panels consisting of three Commissioners and issues orders sustaining or modifying the recommendation of the ALJ. Either party may appeal the Commission's order to the Illinois Appellate Court.

PLANNING PROGRAM

A monthly financial report is produced by the Chief Fiscal Officer on the Commission's expenditures and remaining appropriations. Monthly budget meetings with the Executive

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**COMMISSION FUNCTIONS AND PLANNING PROGRAM**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

Director, the Chief Administrative Law Judge, General Counsel, and the Chief Fiscal Officer are held to discuss relevant issues concerning Commission expenditures. During the meeting, actual expenditures are compared to budgeted amounts and resulting variances are discussed. Budget meetings provide an opportunity to monitor staffing levels, current caseloads, and progress toward reducing the number of open cases. In addition, Commissioners also conduct monthly meetings to address issues such as the evaluation of evidence and legal argument in a contested legal proceeding and the periodic self-assessment of the Commission. Oversight by the Executive Director and Chief Fiscal Officer of daily operations, along with employee evaluations, assists the Commission with fulfilling its statutory responsibilities.

KEY STATISTICS

The following compilation of complaint data from Commission records is as of and for the year ended June 30,

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Complaints filed through the Department of Human Rights	125	44	60
Complaints filed by complainants	44	13	29
Remands	10	0	3
Cases carried over from prior year	394	564	465
Cases Completed	322	227	144
Open cases at fiscal year end	251	394	413
Average number of administrative law judges	5	5	5
Average caseload	50	79	83

Note: We noted differences between the amounts listed above, the amounts reported in Service Efforts and Accomplishments reporting, and the statistical information provided. These differences are reported in Finding 2019-003.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**COMMISSION FUNCTIONS AND PLANNING PROGRAM**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION (TIRC)

The TIRC was created when the Illinois Torture Inquiry and Relief Commission Act (Act) was signed into law on August 10, 2009. The Act established the TIRC to examine allegations of prison inmates claiming to have been tortured by police into giving coerced confessions to crimes for which they were ultimately convicted.

By statute, the Commission provides administrative support to the TIRC. Generally, the TIRC is issued a separate General Revenue Fund appropriation through the Commission.

The TIRC consists of eight unpaid commissioners, appointed by the Governor with the advice and consent of the Senate. Commissioners serve no more than two consecutive three-year terms plus any initial term of less than three years. The TIRC meets regularly and all meetings are conducted in compliance with the Open Meetings Act.

Prior to 2016, the TIRC was only authorized to accept claims of torture relating to former Chicago Police Department Commander Jon Burge. On July 29, 2016, Public Act 99-688 re-opened the claim period through August 10, 2019, and allowed the TIRC to investigate any claim of torture in Cook County where torture was allegedly used to obtain an incriminating statement that was used to convict the person.

The following compilation of complaint data is as of and for the year ended June 30,

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Claims of torture filed with the TIRC	38	62	235
Claims carried over from prior year	472	423	208
Claims granted	5	3	5
Claims denied	14	10	15
Open claims at year end	491	472	423
Claims referred to the Chief Judge of the Circuit Court of Cook County for appropriate review or relief	5	3	5

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN FISCAL YEARS 2019 AND 2018**

**General Revenue Fund – 001**

Operational Expenses

The increase in expenditures was due to the Commission hiring seven temporary attorneys in Fiscal Year 2019 to assist with the caseload backlog. This resulted in increased spending in personal services.

Ordinary and Contingent Expenses

The increase in expenditures was due to the Commission receiving this appropriation in Fiscal Year 2019 to pay costs for union employee stipends.

Costs Associated with Harriet Parker vs. Illinois Human Rights Commission Settlement Agreement

The decrease in expenditures was due to the Commission not receiving an appropriation for this line item in Fiscal Year 2019. This line item was appropriated in Fiscal Year 2018 only for a court ordered settlement payment.

Unpaid Wage Increases

The increase in expenditures was due to the Commission not receiving an appropriation for this line item in Fiscal Year 2018. This line item was appropriated in Fiscal Year 2019 to address previously unpaid employee wage increases.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

**ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN FISCAL YEARS 2018 AND 2017**

**General Revenue Fund – 001**

Personal Services, State Contributions to Social Security, and Operational Expenses

The change in expenditures was due to a change in the way these line items were appropriated in Fiscal Year 2018. In Fiscal Year 2018, the Commission received a lump sum appropriation for its operational expenses. In Fiscal Year 2017, due to the budget impasse, no appropriations were received for the Personal Services or Operational Expenses appropriation line items. Payroll expenditures were paid pursuant to court order, and operational expenses were paid out the Budget Stabilization Fund (Fund 686).

Illinois Torture Inquiry Relief Commission

The increase in expenditures was due to the Torture Inquiry Relief Commission receiving an increased appropriation in Fiscal Year 2018 to hire an additional staff attorney and a contractual employee, which resulted in increased personal services spending in Fiscal Year 2018.

Costs Associated with Harriet Parker vs. Illinois Human Rights Commission Settlement Agreement

The decrease in expenditures was due to the Commission not receiving an appropriation for this line item in Fiscal Year 2017. This line item was appropriated in Fiscal Year 2018 only for a court ordered settlement payment.

**Budget Stabilization Fund - 686**

Ordinary and Contingent Expenses

The decrease in expenditures was due to the Commission not receiving an appropriation from the Budget Stabilization Fund to pay operating expenditures in Fiscal Year 2018.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

**ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS BETWEEN FISCAL YEARS 2019 AND 2018**

The variations in receipts between fiscal years depends on how many employees are called for jury duty, and how many litigant and Freedom of Information Act (FOIA) requests for records the Commission receives, which varies from year to year. The Commission does not have standard recurring receipts.

In Fiscal Year 2018, the Commission had two employees report for jury duty, whereas no employees reported for jury duty during Fiscal Year 2019.

**ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS BETWEEN FISCAL YEARS 2018 AND 2017**

In Fiscal Year 2017, the Commission had one employee report for jury duty, whereas two employees reported for jury duty in Fiscal Year 2018. In addition, the Commission received copy fees during Fiscal Year 2017, whereas no copy fees were received in Fiscal Year 2018.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**ANALYSIS OF SIGNIFICANT LAPSE PERIOD SPENDING**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

**FISCAL YEAR 2019**

**General Revenue Fund – 001**

Ordinary and Contingent Expenses and Unpaid Wage Increases

The Commission did not receive appropriations for these line items until late in the fiscal year. Therefore, the Commission processed all expenditures for these line items during the Lapse Period.

**FISCAL YEAR 2018**

There was no significant Lapse Period spending during Fiscal Year 2018.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**BUDGET IMPASSE DISCLOSURES**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

Payment of Prior Year Costs in Future Fiscal Years

Article 998 of Public Act 100-0021 authorized the Commission to pay its unpaid Fiscal Year 2016 and Fiscal Year 2017 costs using either the Commission’s Fiscal Year 2017 or Fiscal Year 2018 appropriations for non-payroll expenditures. The following chart shows the Commission’s payments of its prior period costs using Fiscal Year 2018 appropriations:

		FISCAL YEAR 2016 INVOICES	
		Paid from Fiscal Year 2018 Appropriations	
<u>Fund #</u>	<u>Fund Name</u>	<u>Number</u>	<u>Dollar Value</u>
001	General Revenue Fund	15	\$ 39,896
		15	\$ 39,896

		FISCAL YEAR 2017 INVOICES	
		Paid from Fiscal Year 2018 Appropriations	
<u>Fund #</u>	<u>Fund Name</u>	<u>Number</u>	<u>Dollar Value</u>
001	General Revenue Fund	146	\$ 150,557
		146	\$ 150,557

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION  
**AVERAGE NUMBER OF EMPLOYEES**  
For the Two Years Ended June 30, 2019

(NOT EXAMINED)

The following table, prepared from Commission records, presents the average number of employees, by function, for the Fiscal Year Ended June 30,

<u>Positions</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Officials/Managers	4	4	4
Professionals	13	10	11
Paraprofessionals	3	2	2
Office/Clerical	1	2	2
Illinois Torture Inquiry and Relief Commission	3	3	3
Total Average Full-Time Employees	<u>24</u>	<u>21</u>	<u>22</u>