

2026

ILLINOIS

REGISTER

Rules of
Governmental Agencies



Volume 50, Issue 20

May 15, 2026

Pages 6,576 - 7,261

Index Department
Administrative Code Division
2701 S. Dirksen Pkwy.
Springfield, IL 62723
217-782-7017

Printed by authority of the State of Illinois. May – 70 – I Pub 35.1

PUBLISHED BY ALEXI GIANNOULIAS • SECRETARY OF STATE

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of Human Rights
- 2) Code Citation: 56 Ill. Adm. Code 2520
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2520.110	Amendment
2520.900	New Section
2520.910	New Section
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220] and authorized by Sections 2-102(L), 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5-102(L), /7-101(A) and 7-105(A)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments update the Department's regulations to reflect the expanded statute of limitations for charges of employment discrimination. The amendments would also add new Sections to implement the notice provisions of Public Act 103-804, which requires employers to provide notice when using artificial intelligence for employment decisions. Public Act 103-804 requires the Department to adopt rules necessary to implement and enforce this requirement, including, but not limited to, rules on the circumstances and conditions that require notice, the time period for providing notice, and the means for providing notice.
- 6) Any published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Jason Rosensweig, PhD
Senior Policy Advisor
Illinois Department of Human Rights
555 West Monroe Street, 7th Floor
Chicago IL 60661

Email: DHR.AI2026.Rules-PublicComment@illinois.gov

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

Public Hearing:

Further, the Department of Human Rights will hold a hearing to encourage full public comment and debate during the First Notice comment period:

Date: Wednesday, June 10, 2026

Time: 11:00 – 12:30pm

In-Person Location:
555 West Monroe Street, 1st Floor, Illinois Room
Chicago, IL, 60661

Virtual Location:
Virtually via WebEx.

Public access link:

<https://illinois.webex.com/illinois/j.php?MTID=m6e0385f2ccab1ddf5d2ca596cbd2b4ed>

For those wishing to testify virtually, please email

DHR.AI2026.Rules-PublicComment@Illinois.gov no later than 5:00 pm, June 8 to register.

No registration is required to testify or observe in person, although those wishing to testify are encouraged to email DHR.AI2026.Rules-PublicComment@Illinois.gov with their intention no later than 5:00 pm, June 8, 2026.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

The hearing will be held for the sole purpose of gathering public comments on the Proposed Amendments, Rights and Privileges, 20 Ill. Adm. Code 525. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Rights will adhere to the following procedures in the conduct of the hearing:

1. Oral testimony will be limited to an aggregate of 5 minutes.
2. Witnesses are encouraged to submit their testimony in writing by sending an email to DHR.AI2026.Rules-PublicComment@illinois.gov within 48 hours of the hearing.
3. The Department of Human Rights is committed to ensuring that this public hearing meets the disability access needs of all participants. Please contact DHR.AI2026.Rules-PublicComment@Illinois.gov to make any disability access requests as early as possible.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not for profit corporations that employ one or more employees will be affected by this rule.
- B) Reporting, bookkeeping or other procedures required for compliance: Procedures for tracking issuance of notices will be required.
- C) Types of professional skills necessary for compliance: Administrative

14) Small Business Economic Impact Analysis:

Determine whether the rulemaking has an adverse impact on small business (fewer than 50 full-time employees or less than \$4,000,000 in gross annual sales). An adverse impact is one that can be reasonably foreseen on small businesses including, but not limited to, a loss of customers, loss of revenue, or increased business expenses. If the proposed rule (amendment, repealer) has an adverse impact on small business, the agency must provide an economic impact analysis including:

- A) Types of businesses subject to the proposed amendment: All categories of businesses that employ one or more employees.

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- B) Estimated number of small business subject to the proposed rule (amendment, repealer): All small businesses in the state of Illinois would be subject to the proposed rule.
- C) Categories that the agency reasonably believes the rulemaking will impact, including (Check all that apply):
- vii. training requirements;
 - viii. record keeping.
- D) Projected reporting, recordkeeping and other administrative costs for compliance with the proposed rule (amendment, repealer): Unknown and it is not anticipated that the costs will be substantial.
- E) Type of professional skills necessary for preparation of any report or record required for compliance with the proposed rule or amendment: Record keeping and technology skills.
- F) Statement of the probable positive or negative economic effect on small business: The economic effect is estimated to be neutral.
- G) Description of any less intrusive or costly alternative methods of achieving the purposes of the rule (amendment, repealer): This is the least intrusive method of fulfilling the legislative intent.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2026
- 16) Any other information or justification for the proposed rule or amendment that the agency believes would be helpful to the public regarding the proposed rule or amendment. For example, a discussion or analysis of the benefits of the proposed rule or amendment is projected to have on the Illinois public, consumers, investors or other similar groups. None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520

PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS

SUBPART A: INTERPRETATIONS

Section	
2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

SUBPART B: CHARGE

Section	
2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section	
2520.405	Verified Response to Charge
2520.407	Response to Charge
2520.410	Docketing and Service of Charge (Repealed)
2520.415	Mediation
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)
2520.480	Complaint (Repealed)
2520.490	EEOC Dual Filed Charges

SUBPART D: SETTLEMENTS

Section	
2520.510	Settlement
2520.520	Non-Disclosure (Repealed)
2520.530	Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540	Non-Compliance with Settlement Terms (Repealed)

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section	
2520.550	Administrative Closure
2520.560	Dismissal
2520.570	Default

SUBPART F: REQUESTS FOR REVIEW

Section	
2520.573	Filing with Chief Legal Counsel
2520.575	Contents of Request for Review (Repealed)
2520.577	Notice by the Chief Legal Counsel (Repealed)
2520.580	Extensions of Time (Repealed)
2520.583	Reply to Request for Review and Surreply (Repealed)
2520.585	Additional Investigation
2520.587	Decision

SUBPART G: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section	
2520.610	Scope and Purpose (Repealed)
2520.620	Definitions (Repealed)
2520.630	Cooperative Agreements
2520.640	Nature of Cooperative Agreements

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- 2520.650 Training and Technical Assistance
2520.660 Promotion of Communication and Goodwill

SUBPART H: EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION BY STATE EXECUTIVE AGENCIES

Section

- 2520.700 Definitions
2520.710 Scope and Purpose
2520.720 Affirmative Action Groups
2520.730 Consideration of Additional Groups
2520.740 Definitions (Renumbered)
2520.750 Nondiscrimination (Repealed)
2520.760 Plans
2520.770 Reporting and Record-Keeping
2520.780 Equal Employment Opportunity Officers
2520.790 Complaint Process
2520.795 EEO/AA Performance Reviews
2520.797 Sanctions for Noncompliance

SUBPART I: SEXUAL HARASSMENT IN HIGHER EDUCATION POLICIES

Section

- 2520.810 Posting of Sexual Harassment Policies
2520.820 Notice to Show Cause

SUBPART J: USE OF ARTIFICIAL INTELLIGENCE IN EMPLOYMENT

Section

- 2520.900 Definitions
2520.910 Notice

- 2520.APPENDIX A Contents of Affirmative Action Plans
2520.APPENDIX B Value Weight Assignment Chart (Repealed)
2520.APPENDIX C Contents of Layoff Reports
2520.APPENDIX D Illinois Counties by Region

AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

ILCS 5] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act.

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6291, effective April 18, 1996; amended at 20 Ill. Reg. 10631, effective July 24, 1996; amended at 21 Ill. Reg. 14081, effective October 10, 1997; amended at 26 Ill. Reg. 17217, effective November 18, 2002; amended at 29 Ill. Reg. 804, effective December 28, 2004; amended at 30 Ill. Reg. 1343, effective January 13, 2006; amended at 30 Ill. Reg. 13403, effective July 31, 2006; amended at 30 Ill. Reg. 18715, effective November 20, 2006; amended at 31 Ill. Reg. 12319, effective August 8, 2007; amended at 31 Ill. Reg. 14815, effective October 19, 2007; amended at 32 Ill. Reg. 13482, effective August 1, 2008; amended at 33 Ill. Reg. 11311, effective July 20, 2009; amended at 33 Ill. Reg. 17086, effective December 4, 2009; amended at 34 Ill. Reg. 11413, effective July 20, 2010; amended at 36 Ill. Reg. 8699, effective June 1, 2012; amended at 38 Ill. Reg. 9481, effective April 21, 2014; amended at 39 Ill. Reg. 5601, effective April 6, 2015; amended at 41 Ill. Reg. 11560, effective August 29, 2017; amended at 42 Ill. Reg. 17235, effective September 17, 2018; emergency amendment at 44 Ill. Reg. 12676, effective July 10, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 16886, effective October 1, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 19864, effective December 14, 2020; amended at 50 Ill. Reg. _____, effective _____.

SUBPART A: INTERPRETATIONS

Section 2520.110 Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

- a) Employers subject to the Act shall preserve and maintain the following records, to the extent that they may exist, for the periods indicated herein:
 - 1) Applications for employment, resumes, and other documents or supporting materials submitted by or on behalf of applicants; and all interview forms,

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

aptitude or qualifying examinations, personal history or background examination reports, medical history and physical examination reports, and other documents, pertaining to each applicant, for a period of three years~~one year~~ from the date of application;

- 2) Each employee's personnel file, including performance evaluations, attendance/tardiness records, reprimands and disciplinary records, and suspension, lay-off, termination or resignation records, for a period of three years~~one year~~ from the date of such employee's termination or separation from employment;
- 3) Job descriptions, production standards, and other records of required job duties, qualifications and performance criteria, for a period of three years~~one year~~ following the date the same cease to be effective;
- 4) Notices, postings, and disclosures regarding the employer's use of artificial intelligence pursuant to Section 2-102(L) of the Act, and records of such use, for a period of three years following such use.

b) Labor organizations subject to the Act shall preserve and maintain the following membership and business records to the extent that they may exist for the periods indicated herein:

- 1) Applications for membership or transfer of membership, and supporting documents or materials submitted by or on behalf of any applicant, and any records bearing on the disposition thereof, for a period of three years~~one year~~ from the date of application;
- 2) All membership and apprenticeship records, including records pertaining to the discipline, suspension or expulsion of a member, apprentice, or trainee, for a period of three years~~one year~~ from the date of expulsion or separation of any such person from membership or an apprenticeship or training program;
- 3) All grievance and arbitration records, including documents pertaining to the request by or on behalf of any member of the collective bargaining unit that a grievance be initiated, and any documents reflecting the disposition of such a request or the disposition of any grievance filed, for a period of three years~~one year~~ from the date of such request or from the

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

date of final resolution of the grievance.

- c) Employment agencies shall preserve the following documents for a period of ~~three years~~~~one year~~ from the time these documents are created:
- 1) all applications for assignment to an employer, and documents in support thereof;
 - 2) any documents bearing on the disposition thereof;
 - 3) documents relating to the terms and conditions of an assignment.
- d) Charge Pending – Notwithstanding any other provision of this Part, once a charge has been served on a respondent, the respondent shall preserve all records and other evidence pertaining to the charge until the matter has been finally adjudicated.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART J: USE OF ARTIFICIAL INTELLIGENCE IN EMPLOYMENTSection 2520.900 Definitions

For purposes of this Subpart, the following terms shall have the meanings indicated:

"Act" means the Illinois Human Rights Act [775 ILCS 5].

"Agent" means any third party acting on behalf of an employer to exercise control over the employer's actions with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or the terms, privileges, or conditions of employment. An agent of an employer is also an "employer" for purposes of this Subpart.

"Artificial Intelligence" or "AI" means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. "Artificial intelligence" includes generative artificial intelligence. [775 ILCS 5/2-101(M)]

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

"Artificial Intelligence System" means any specific artificial intelligence tool, product, or application.

"Covered Employment Decision" means a decision with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or the terms, privileges, or conditions of employment. [775 ILCS 5/2-102(L)]

"External Website" means any homepage, webpage, online platform, or mobile application operated or maintained by an employer. It does not include a social media account hosted on a third party's social media platform. An employer who does not maintain an external website does not need to create one for the sole purpose of providing notice required in this Subpart, and may provide such notice through other means.

"Generative Artificial Intelligence" means an automated computing system that, when prompted with human prompts, descriptions, or queries, can produce outputs that simulate human-produced content, including, but not limited to, the following:

textual outputs, such as short answers, essays, poetry, or longer compositions or answers;

image outputs, such as fine art, photographs, conceptual art, diagrams, and other images;

multimedia outputs, such as audio or video in the form of compositions, songs, or short-form or long-form audio or video; and

other content that would be otherwise produced by human means. [775 ILCS 5/2-101(N)]

"Use" of an artificial intelligence system means any instance in which the output of an artificial intelligence system influences or facilitates a covered employment decision.

(Source: Added at 50 Ill. Reg. _____, effective _____)

Section 2520.910 Notice

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- a) An employer must not use artificial intelligence in any covered employment decision unless the employer provides notice of such use of artificial intelligence to its employees, including prospective employees, and their exclusive bargaining representatives.
- b) Circumstances and Conditions When Using AI That Require Notice
 - 1) Notice is required under this Subpart to employees when an employer is using artificial intelligence (including ongoing uses) to influence or facilitate a covered employment decision.
 - 2) Notice is required under this Subpart regardless of whether the employer's use of artificial intelligence has the purpose or effect of subjecting employees to unlawful discrimination.
 - 3) Examples of circumstances and conditions when using AI that generally require notice under this Subpart include, but are not limited to:
 - A) Using computer-based assessments or tests, such as questions, puzzles, games, or other challenges to:
 - i) Make predictive assessments about a prospective or current employee;
 - ii) Measure a prospective or current employee's skills, dexterity, reaction-time, or other mental or physical abilities or characteristics;
 - iii) Measure a prospective or current employee's personality trait, aptitude, attitude, or cultural fit; or
 - iv) Screen, evaluate, categorize, or recommend prospective or current employees.
 - B) Directing certain job advertisements or recruiting materials or activities to targeted groups, areas, or populations;
 - C) Screening resumes for particular terms or patterns;

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- D) Analyzing facial expression, word choice, or voice in online interviews, videos, or interview transcripts;
 - E) Analyzing data acquired from third parties regarding prospective or current employees;
 - F) Measuring, monitoring or evaluating productivity, performance, accuracy, or compliance, for the purpose of generating scores, ratings, or flags used in discipline or corrective action; or
 - G) Assigning work tasks, schedules, or specific assignments that are a factor in an employee's compensation, eligibility for bonuses or other employment benefits.
- 4) Notice is not required under this Subpart when:
- A) An employer uses artificial intelligence for other business operations purposes, such as to design a job posting or generate text or images for promotional purposes, and not for the purpose of making, influencing, or facilitating a covered employment decision or in ways that are merely incidental to the employment decision.
 - B) An employer uses an automated computer system that does not qualify as artificial intelligence as defined in the Act, such as a word processing software, graphic design software, spreadsheet software, map navigation systems, web hosting, domain registration, networking, caching, website loading, data storage, firewalls, anti-virus, anti-malware, cybersecurity, spam- and robocall-filtering, spellchecking, calculators, database, or similar technologies, provided that such technology is not being used to infer, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments with respect to a covered employment decision.
 - C) An employer uses a computer system that has distinguishable artificial intelligence features or functionality, but the employer

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

does not use the artificial intelligence features or functionality to make, influence, or facilitate any covered employment decision.

c) Time Period for Providing Notice to Employees

- 1) For current employees and their exclusive bargaining representatives, on an annual basis and within 30 days of adoption of a new or substantially updated product, system, or process using AI for covered employment decisions.
- 2) For prospective employees, as part of the job notice or posting.

d) Means for Providing Notice – The employer must provide notice by all of these means, as applicable:

- 1) In any employee handbook, manual, or policy document;
- 2) In a conspicuous location on any physical premises of the employer where notices are customarily posted;
- 3) In a conspicuous location on any intranet or external website where the employer customarily posts notices to prospective or current employees, which must also be accessible through a conspicuous link on the homepage of any external website maintained by the employer; and
- 4) Included with any job notice or posting.

e) Information Required to be Included in Notice

- 1) The developer, product name (if applicable) and vendor (if applicable) of the artificial intelligence system;
- 2) Which covered employment decision the artificial intelligence system is influencing or facilitating (e.g., recruitment, hiring, discipline);
- 3) The purpose of the artificial intelligence system, including the categories of personal information or employee data collected or processed by the system. For example, summarize resumes submitted by applicants, score resumes relative to preset criteria, analyze a video interview with AI, use

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

AI to evaluate a text exchange between the employee and a chatbot. Nothing in the purpose section of the notice requires an employer to disclose a trade secret, information protected from disclosure by State or federal law, or information that would create a security risk;

- 4) The types of job positions the AI tool will be used for;
 - 5) A point of contact, such as a hiring manager or human resources agent, to whom questions about the system's use by the employer can be directed; and
 - 6) The right to request a reasonable accommodation and instructions or a point of contact to request such accommodation.
- f) Accessibility – Notices required under this Subpart shall:
- 1) Use plain language and a format that makes the notice readable;
 - 2) Be available in the languages commonly spoken by the employer's workforce; and
 - 3) Be reasonably accessible to employees with disabilities.
- g) Compliance with the notice provisions under this Subpart does not relieve an employer from any obligation to comply with any bargaining obligations or any other provision of applicable local, State, or federal law, including the Artificial Intelligence Video Interview Act [820 ILCS 42].

(Source: Added at 50 Ill. Reg. _____, effective _____)