

PLAINANT RESPONDS WITH AN OBJECTION TO SUCH FINDING WITHIN TEN (10) DAYS OF HIS NOTIFICATION, THE MATTER SHALL BE CONSIDERED TERMINATED. IF THE COMPLAINANT FILES OBJECTION TO THE FINDINGS WITHIN THE TEN (10) DAYS, THE COMMISSIONER SHALL CAUSE A HEARING TO BE HELD BEFORE AN IMPARTIAL HEARING OFFICER WHEREIN THE COMPLAINANT WILL HAVE FULL OPPORTUNITY TO BRING FORTH EVIDENCE IN SUPPORT OF HIS COMPLAINT. THE EMPLOYER, LABOR UNION, OR EMPLOYMENT AGENCY AGAINST WHOM THE COMPLAINT HAS BEEN MADE SHALL ALSO BE ENTITLED TO REPRESENT THEIR POSITION AT SUCH A HEARING. IF REQUESTED BY THE COMMISSIONER, THE ATTORNEY GENERAL SHALL CAUSE AN APPEARANCE TO BE MADE ON BEHALF OF THE DEPARTMENT. THE COMPLAINANT SHALL BEAR THE BURDEN OF PROVING THE MERITS OF HIS COMPLAINT AT SUCH HEARING. IF THE HEARING OFFICER FINDS THAT THE COMPLAINT HAS NO MERIT, THE MATTER SHALL BE CONSIDERED TERMINATED. HOWEVER, IF THE DEPARTMENT FINDS A COMPLAINT TO HAVE MERIT UPON INITIAL INVESTIGATION OR A HEARING OFFICER FINDS A COMPLAINT TO HAVE MERIT AFTER HEARING, THE COMMISSIONER SHALL, SUBJECT TO SUBSECTION (D), CAUSE IMMEDIATE STEPS TO BE TAKEN TO ELIMINATE THE UNLAWFUL DISCRIMINATORY PRACTICE OR PRACTICES COMPLAINED OF BY CONCILIATION AND PERSUASION.

(D) WHEN AFTER INITIAL INVESTIGATION A COMPLAINT IS FOUND TO HAVE MERIT BY THE DEPARTMENT, THE EMPLOYER, LABOR UNION, OR EMPLOYMENT AGENCY ACCUSED THEREIN WILL BE NOTIFIED OF SUCH FINDING. THE EMPLOYER, LABOR UNION, OR EMPLOYMENT AGENCY CONCERNED SHALL HAVE, UPON RECEIPT OF SUCH NOTIFICATION, TEN (10) DAYS TO MAKE OBJECTION TO SUCH FINDING TO THE COMMISSIONER. IN THE EVENT OF SUCH AN OBJECTION, THE COMMISSIONER SHALL CAUSE A HEARING TO BE HELD IN THE SAME MANNER AS DESCRIBED IN SUBSECTION (C) ABOVE EXCEPT THAT THE DEPARTMENT SHALL BEAR THE BURDEN OF PROVING THE MERITS OF THE COMPLAINT.

(E) IN THE EVENT OF A FINDING OF MERIT IN A COMPLAINT UNDER THIS SECTION, IT SHALL BE A NECESSARY PART OF ANY FINAL RESOLUTION OF THE DISPUTE THAT THE INDIVIDUAL OR INDIVIDUALS AGGRIEVED BY THE UNLAWFUL DISCRIMINATORY PRACTICE OR PRACTICES SHALL HAVE RESTORED TO THEM IN A MANNER DEEMED PRACTICABLE BY THE COMMISSIONER, THE EMPLOYMENT OR INCOME OPPORTUNITY OF WHICH THEY WERE DEPRIVED BY REASON OF THE UNLAWFUL DISCRIMINATORY PRACTICE OR PRACTICES. THE INDIVIDUAL OR INDIVIDUALS AGGRIEVED MAY WAIVE IN WRITING THE PROTECTION PROVIDED BY THIS SUBSECTION.