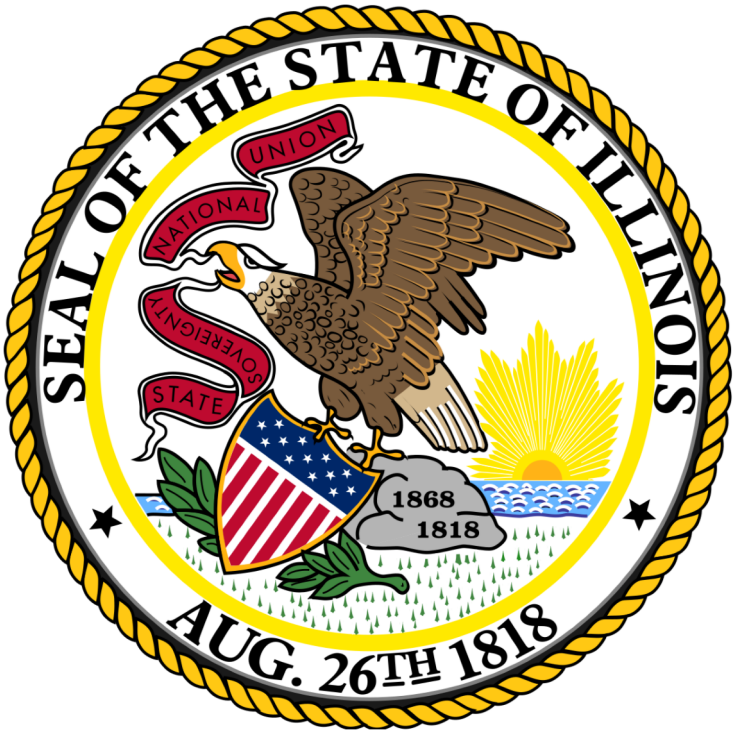
The Illinois Human Rights Act

Forty Years of Civil Rights



Introduction

The Illinois Human Rights Act (IHRA) was signed on December 6, 1979, by the then-governor, James R. Thompson. The IHRA takes inspiration from the Civil Rights Act of 1964 and is meant to protect the citizens of Illinois from discrimination in employment, housing, education, credit, and public accommodations. In this handbook, we are celebrating 40 years of civil rights and the changes that have continually been made in order to make Illinois one of the most socially progressive states in the country. This booklet will take the reader through the protected classes and activities and the many pivotal cases that exemplify and define the IHRA. We hope that this booklet will help readers understand the IHRA and the strides Illinois has taken to protect the people of Illinois.

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Thank you for contributing to the handbook through research!

Courthouse Symbols

U.S. District Court

Illinois Appellate Court

Illinois Human Rights Commission

Illinois Supreme Court

U.S. Supreme Court

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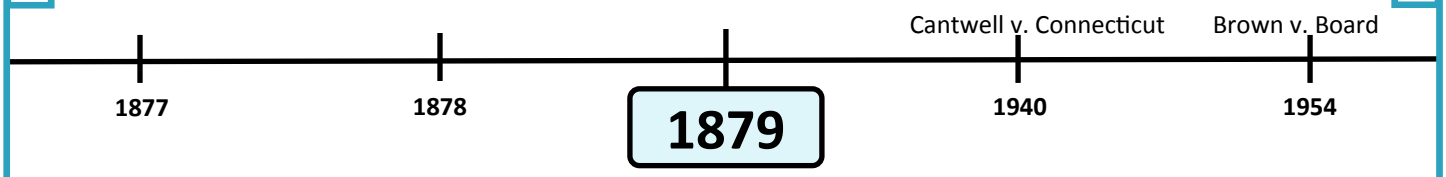
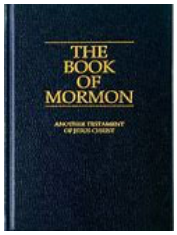


REYNOLDS v. UNITED STATES

98 U.S. 145 (1878)

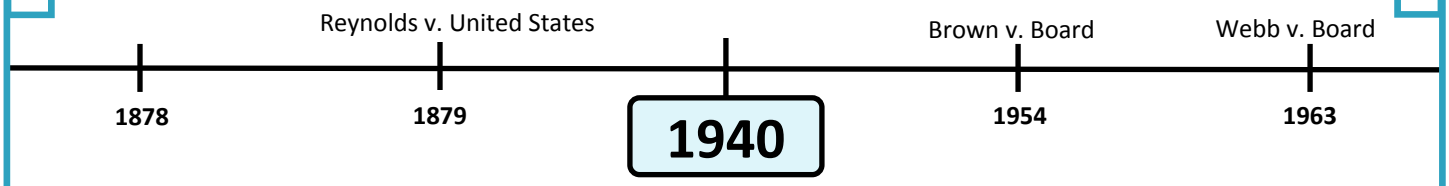
RELIGION: Are religious practices exempt from law?



Background:
A member of the Mormon Church living in Utah named George Reynolds married Amelia Jane Schofield while still married to another woman named Mary Ann Tuddenham. Reynolds broke a federal anti-bigamy law in doing so and was fined $500 and assigned two years of labor as punishment. He claimed that the law violated the Constitution's First Amendment which provides freedom of religion, as he felt it was his religious right to practice polygamy. According to his beliefs, not doing so would lead him to hell.

Significance:

- The First Amendment states that individuals have the right to believe and practice whatever religion they belong to and that the government cannot prohibit that.
- Religion cannot exempt people from the law.
- Government can rightfully limit practices that are perceived as a danger to the morality, order, safety, or health of society.



CANTWELL v. CONNECTICUT

310 U.S. 296 (1940)

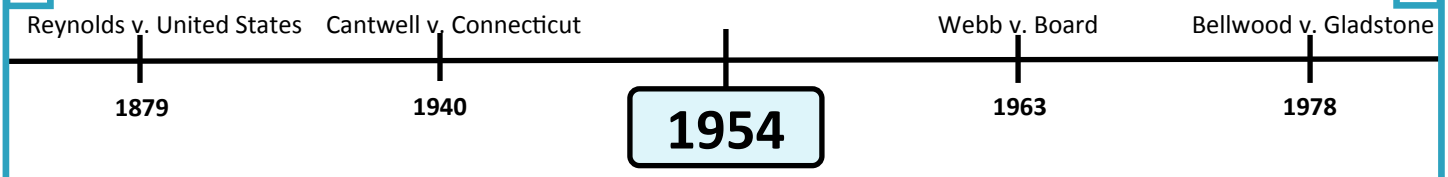
RELIGION: Can the government decide what is considered a religion?

Background:

Jesse Cantwell, a Jehovah's Witness, was walking in a heavily Catholic neighborhood with two family members when he stopped two men. With their consent, he played a record containing an anti-Catholic message which visibly angered the men who then told him to leave. For provoking a breach of peace and solicitation without a permit, Jesse Cantwell and the two others were arrested and convicted.

Significance:

- ◊ The solicitation law was deemed unconstitutional as it allowed the government to determine what is considered religious or not.
- ◊ Reinforces the separation of church and state.
- ◊ Encourages religious freedom throughout the nation.



BROWN v. BOARD OF EDUCATION

347 U.S. 483 (1954)

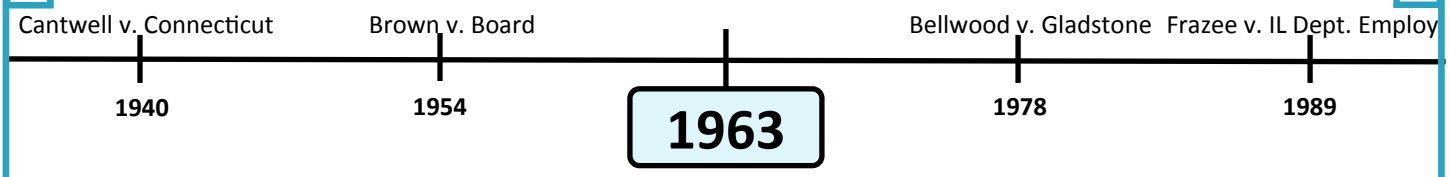
RACE: Can racial segregation be justified in education?

Background:

Cases from multiple states were consolidated in this landmark Supreme Court case. At the time, it was legal and common for schools to be racially segregated, so long as they were "equal." The plaintiffs were a variety of black children seeking admission to white schools. The plaintiff argued that racially segregated school systems violated the Fourteenth Amendment and deprived African American students from equal opportunity, despite their schools having similar facilities. The plaintiff claimed that intangible aspects of the school could never be equal; separation often encourages feelings of inferiority in black students and hurts individuals in a significant way.

Significance:

- The Supreme Court maintained that separate can never be equal.
- The Fourteenth Amendment guarantees all Americans "equal protection of the laws," which is not possible with segregation.
- This court case played a pivotal role in the Civil Rights Act of 1964, which prohibited school districts from direct discrimination and segregation of minority students.



WEBB v. BOARD OF EDUCATION OF CITY OF CHICAGO

223 F. Supp. 466 (1963)

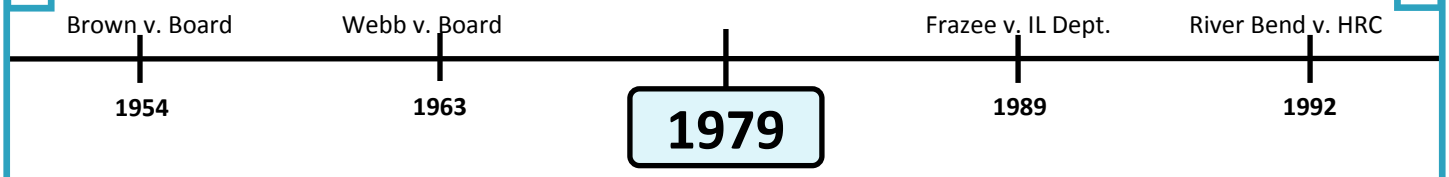
RACE: Can unequal racial distribution be considered unconstitutional?

Background:

Several parents of black children enrolled in Chicago public schools filed suit against Chicago's Board of Education as well as the superintendent, Benjamin Willis, claiming that they purposely segregated the schools by race. The plaintiff accused the defendant of manipulating school district borders, allowing white students to transfer schools with ease, leaving vacancies in white schools empty, constructing more schools in predominantly black areas, and more. The defendant claims that they were simply working against overcrowding and towards the most efficient school system possible. Black families had been pouring into low-income public housing, which was used to explain certain distributions and constructions; the defendant maintained that they never had the intent of segregating the students.

Significance:

- The Constitution's Equal Protection Clause promises all Americans the same protection of its laws and that the government must treat all individuals fairly.
- The court stated that schools with one predominant race are not inherently unconstitutional, because this can often be due to residential segregation as opposed to gerrymandering.
- This case further defined what legal segregation is under the Equal Protection Clause.



VILLAGE OF BELLWOOD v. GLADSTONE REALTORS

441 U.S. 91 (1979)

RACE: Does racial steering constitute as housing discrimination?

Background:
Several individuals posed as prospective homebuyers solely to investigate the role of race in the real estate broker's decisions. When investigatory couples of different races maintained similar housing preferences, the defendants allegedly encouraged the couples to buy in different areas based on their race. The plaintiffs argued that multiple sets of defendants were practicing "racial steering"; steering prospective homebuyers to different residential areas in the Village of Bellwood on the basis of their race. The defendants claimed that the Fair Housing Act does not cover hypothetical situations where there is no real victim, so they therefore could not be held liable. The appellate court ruled that the plaintiffs and the defendant had enough standing to continue with litigation.

Significance:

- The Fair Housing Act prevents discrimination due to race, disability, religion, and more against a buyer/renter by the property owner/seller.
- The plaintiffs claimed that racial steering prevents its tenants from the "social and professional benefits of having an integrated society." This will affect the people in the town (who are predominately black) in poorer areas negatively.
- The Judge ruled that both parties had enough standing to proceed with litigation.

FRAZEE v. IL DEPT. OF EMPLOYMENT SECURITY

489 U.S. 829 (1989)

RELIGION: Should a workplace have to accommodate all religious beliefs and practices?

Background:
Unemployed William Frazee was offered a job at a department store. He declined as he would have to work on Sundays and he was a Christian. Frazee's application for unemployment benefits was subsequently rejected by the Illinois Department of Employment Security due to his rejection of a job offer. William Frazee claimed that since it was part of his religion, he had no choice but to reject the offer, and the Illinois Department of Employment Security was violating his freedom of religion by not considering that when they rejected his application for benefits.

Significance:

- The higher court argued that by rejecting the plaintiff's application, the department violated the free exercise clause.
- This reinforces the IHRA's duty to prohibit discrimination based on religion and to accommodate all religious practices.

RIVER BEND COMMUNITY UNIT v. HRC

232 Ill. 3d 838 (3d Dist. 1992)

MARITAL STATUS: Can workplace separate people based on their marital status?

Background:

The River Bend Community Unit is located in Whiteside County and operates four schools: Fulton Elementary School, Fulton Junior High School, Albany Elementary School, and Fulton High School. Virginia Ray (the former plaintiff) was employed by the District since 1966. She taught fifth grade at Fulton Junior High School until 1980, when that grade level moved to Fulton Elementary. In 1980 to 1983, Mrs. Ray was assigned to teach sixth grade at Fulton Junior High. Mrs. Ray's husband, Ben Ray, was also an employee of the District and from 1966 to 1970 he was president of Fulton Junior High and then was transferred to Fulton Elementary, which made him Mrs. Ray's supervisor. The District soon after transferred Mrs. Ray to Albany Elementary. Mrs. Ray wrote to the Superintendent, requesting to be transferred to the fifth grade position at Fulton Elementary, but was declined. Mrs. Raw filed a complaint with the Illinois Department of Human Rights, claiming that she had been discriminated against on the basis of her sex. The commission found the claim to be justified and the district appealed the case. The District argues that the Commission unreasonably expanded the definition beyond the statute's plain language. "Marital status" refers to the condition of being married or single, not the identity of the spouse.

Significance:

◊ The Court ruled in favor of the Human Rights Commission because they believe that the "marital status" not only applies to the status of single, married, widowed or divorced, it applies to how an employee is subjected to adverse consequences on the basis of their marital partners employment by the same employer.

ISS INT'L SERV. SYS. v. HRC

272 Ill. App. 3d 969 (1st Dist. 1995)

IMMIGRATION/NATIONAL ORIGIN: To what extent should the plaintiff be awarded in direct discrimination suits?

Background:
Helena Ryz and Tadeuz Palka were coworkers at the International Service System (ISS). A manager named Dan Lehman allegedly fostered a hostile work environment at the ISS for many Polish employees including Palka as he berated and called them derogatory names. Ryz also claims that after rejecting Lehman's romantic advances twice, he put his hands around her throat and threatened her. Ryz filed a complaint with the Illinois Department of Human Rights claiming that Dan Lehman sexually harassed her and afterward she was fired . Tadeuz Palka also filed a complaint with the Illinois Department of Human Rights for harassment due to his Polish background, being asked to attempt to convince his coworker Helena Ryz to drop the sexual harassment charges, facing retaliation for opposing the harassment, and being fired from the ISS. The plaintiffs utilized multiple witnesses and employees' testimonies to argue that Lehman sexually harassed Ryz as well as unfairly treated the Polish employees, therefore discriminating against two protected classes in the Illinois Human Rights Act.

Significance:

- The court ruled that even though Rys did not establish *prima facie* case (replacement of employee that is outside of their protective group is one that they could not prove), there was an example of direct discrimination as there was a witness account of the supervisor making derogatory remarks about the Polish workers.
- The Administrative Law Judge ruled that the Commission may provide relief and compensation for emotional harm and mental suffering, therefore the amount of money Ryz accumulated is justified.

BOADEN v. DEPT. OF LAW ENFORCEMENT

171 Ill. 2d 230 (1996)

MARITAL STATUS: Can workplace separate people based on their marital status?

Background:

In early 1984, Jim and Colleen were police officers assigned to the same patrolling shift in Christian County, Illinois where they grew close and eventually got engaged. Once they informed their supervisor, they were made aware of the unwritten policy that spouses could not working on the same shift and patrol area. The couple was presented with different options; they could work in the same area with different shifts or they could work in different counties but with the same hours. Jim opted to work in the same area with different shifts. After marrying, Jim and Colleen met with their supervisors in an attempt to change the policy with no such luck. In the August of 1984, both individuals filed suits with the Department of Human Rights for marital status discrimination. Though the case was initially ruled in favor of the plaintiffs, it was appealed several times after. The plaintiffs alleged that they had been subject to discrimination in the terms and conditions of their employment on the basis of their marital status.

Significance:

- The court ruled in favor of the appellate court claiming that the couple did not suffer any discrimination.
- There is a split in the appellate court districts to whether the status of who one is married to applies to the protected class of marital status. The Illinois Supreme Court soon after held that marital status discrimination does not encompass policies based on the identity of one's spouse.

ISS Int'l Sys. v. HRC | Boaden v. Dept. Law Enforce. | Illinois State of Board v. HRC | Lake Point Tower v. HRC

1996 | 1996 | **1997** | 1997 | 1997

JASNIOWSKI v. RUSHING

287 Ill. App. 3d 655 (1st Dist. 1997)

MARITAL STATUS: Can a landlord discriminate against applicants based on their religious beliefs?

Background:

Jasniowski is president of Avana, a for-profit business that repairs and sells electric motors. Jasniowski is also a landlord of an apartment building in Chicago, IL. Rushing and Tews, an unmarried couple, submitted an application to lease the apartment implying that they were a married couple. Jasniowski initially approved of the couple and allowed them to rent out the apartment; but upon request of a marriage license Rushing and Tews decided to look for other housing. Jasniowski did not refuse to lease the apartment to Rushing and Tews, but he did admit that he would not have rented the apartment to the unmarried couple because it was against his religious beliefs. Rushing, soon after, filed a complaint with the City of Chicago Commission on Human Relations, alleging that the landlord discriminated against the couple because of their marital status. The commission awarded Rushing the damage and attorney fees and rejected Jasniowski's claim; Jasinowski soon after filed an appeal. Jasniowski argues that the protection against discrimination based on marital status does not apply to unmarried couples; the statute only applies to individuals who are single, married, divorced, and widowed.

Significance:

- ◊ The Chicago Ordinance of housing mandates that all residents have the full and equal opportunity to obtain fair and equal housing in the City of Chicago without discrimination.
- ◊ The Commission determined that marital status in the ordinance extends housing discrimination protection to unmarried co-habitating couples.
- ◊ The Illinois Human Rights Act allows Illinois municipalities to pass their own antidiscrimination laws.
- ◊ Chicago Ordinance and the Human Rights Act together broaden the groups protected from potential housing discrimination.

ISS Int'l Sys. v. HRC | Boaden v. Dept. Law Enforce. | Illinois State of Board v. HRC | Lake Point Tower v. HRC

1996 | 1996 | **1997** | 1997 | 1997

JASNIOWSKI v. RUSHING

287 Ill. App. 3d 655 (1st Dist. 1997)

MARITAL STATUS: Can a landlord discriminate against applicants based on their religious beliefs?

- The City of Chicago Commission stated that since the Jasniowski's housing was in the city of Chicago and did not adhere to any church zonings, he is mandated to protect the general health, safety, and welfare of the residents and people living in Chicago
- Rushing and the City of Chicago Commission argues that "full and equal housing" outweighs Jasniowski's right of free exercise.

ILLINOIS STATE BOARD OF ELECTIONS v. HRC

291 Ill. App. 3d 185 (4th Dist. 1997)

SEX: Do companies have the right to pay a female employee less for the same amount of work as her male counterpart?

Background:

In September, 1988, Illinois State Board of Elections employee Celia Dart filed a complaint with the Human Rights Commission. Dart alleged that she was discriminated against because, as a female, she received less pay than her male counterpart, Mark Kloever. The Human Rights Commission found that the Board of Elections was discriminating against Dart on the basis of her sex, and filed an order to award Dart the damages that Board of Elections owed her. The Illinois State Board of Elections filed an appeal against the Human Rights Commission. The Board of Elections claims that the Commission did not apply the proper formula for *prima facie* and did not have enough evidence. The board also claims that the salary that Dart was receiving was not based on her sex, and the difference in salary is false.

Significance:

- Illinois State Board of Elections violated the Equal Pay Act of 1963 which claims that an employer can not discriminate against employees on the basis of sex by paying wages to employee at a rate less than the rate at which they pay wages to employees of the opposite sex for equal work.
- Kloever and Dart's duties were very similar and they received the same amount of workload, so there was evidence of direct discrimination on the basis of her sex. Therefore, there was no need to establish a *prima facie* case.

LAKE POINT TOWER v. HRC

291 Ill. App. 3d 897 (1st Dist. 1997)

DISABILITY: Do diseases that do not limit job functions classify as handicaps?


Lake Point Tower on Lake Shore Drive Chicago

Background:

Dorothy Johnson began employment at Lake Point Tower in 1983 as a part-time Health-Spa Attendant; a year later she was promoted to full-time position as the Health Spa manager. In June 1986, Johnson was diagnosed with non-Hodgkins lymphoma, a type of cancer. After her diagnosis, she immediately let her supervisor (Herb Salberg) know about her health status. It was common knowledge in the spa and in the tower that Johnson had cancer. She was still able to fulfill her duties of employment and maintain a normal life. By October 1, Lake Point had new upper management and Thomas Rottman became the General Operations Manager for Lake Point, he became Salberg's supervisor. Johson soon after (October 9th), was notified that she was fired. She repeatedly asked the reason for her termination, but he would not tell her; soon she filed a discrimination case on the basis of a physical handicap. The ALJ assigned to the case ruled in favor of Johnson and recommended that she would be awarded damages and costs.

Significance:

- ◊ The court ruled that cancer can be classified as a handicap.
- ◊ Before July 1, 1980, a handicapped person was defined as a person that is severely limited in performing major life functions.
- ◊ Unlike the Americans with Disabilities Act, the Illinois Human Rights Act broadened the term "handicap", which now eliminated the reference to limitations on major activities.
- ◊ Diseases, such as cancer, have the potential to develop into a physical handicap; henceforth is it classified as a handicap under the Act.

BECOVIC v. CITY OF CHICAGO

296 Ill. App. 3d 236 (1st Dist. 1998)

DISABILITY: To what extent should the plaintiff be awarded in direct discrimination suits?

Background:

Claimant Robert Hall, who is legally blind, filed a complaint with the City of Chicago Commission on Human Relations alleging respondents, Husein and Ese Becovic, discriminated against him on the basis of his disability by refusing to rent him an apartment. The respondents are the owners of the property in Chicago, as well as other rental properties through Chicago. Hall is a legally blind individual who requires the use of a seeing-eye dog. In March, Hall responded to an advertisement in the newspaper for an apartment. Hall was accompanied by family to see the apartment and was accompanied by his seeing-eye dog. According to Hall, shortly after entering the premises, he was confronted by Mrs. Becovic, who repeatedly stated "no pets!"! Hall informed Becovic that he was legally blind and that Upton was his seeing-eye dog. Hall alleged he showed Becovic with an identification card to that effect. Becovic respondent that she maintained a "no pet" policy and that if one tenant was permitted to have a dog, all of her tenants would want dogs. At that point, Hall and his companions left.

Significance:

- Becovic claimed that she did not know that Hall was blind, which the court found unconvincing.
- Becovic did not accommodate to Hall's blindness, therefore violating the IHRA. The Judge ruled in favor of the City of Chicago.
- Becovic was required to pay Hall $5,000 for emotional distress, $300 for out-of-pocket expenses, and $30,000 in punitive expenses. Hall was awarded $35,300 in total.
- Additionally, the court required Hall to pay a $250 civil penalty fee.

SZKODA v. HRC

302 Ill. App. 3d 532 (1st Dist. 1998)

SEX/SEXUAL HARASSMENT: How should sexual harassment be dealt with in housing discrimination cases?

Background:
Muhammad lived with her boyfriend in a garden apartment in Chicago from June 1989 to February 1990. Neither Muhammad nor Ewing had a written lease with the landlord, Szkoda. They had an oral agreement that required a rental payment of $300 "by the 5th of each month". In November 1989, Muhammed and Ewing noticed that there were problems with the gas furnace in their apartment. When Szkoda went to fix the furnace, he grabbed Muhammad and kissed her without her consent. Muhammad then stated that she slapped Szokda in the face and then he ran out the back door of her apartment. Muhammad filed a battery complaint against Szkoda with the Chicago police department the next day. In January 3rd 1990, Muhammad attempted to pay rent for the month Szkoda refused to accept the payment. When she asked why he wouldn't, Szkoda said, "You know why". Ewing also attempted to pay the rent due for the month but he also refused. Soon after, Muhammad was served a five day eviction notice and she was evicted February 4, 1990. Muhammad filed a charge to the Illinois Human Rights Commission for unlawful discrimination against her landlord, Szkoda, alleging that he harassed her and changed the terms of her housing because of her sex. The Commission ruled in favor of Muhammed and awarded her damages. Szkoda appealed the ruling soon after.

Significance:

- ◊ Establishes that sexual harassment is a form of unlawful discrimination.
- ◊ A single instance of sexual harassment may create a hostile working environment.
- ◊ Once the tenant established a *prima facie* case of sexual harassment through indirect discrimination, the landlord was required to prove a legitimate, nondiscriminatory reason for the tenants eviction.
- ◊ Muhammad was awarded economic damages because she had to move and had to pay a higher rate.

CHICAGO AREA COUNCIL ON THE BOYS SCOUTS OF AMERICA v. CITY OF CHICAGO COMMISSION

322 Ill. App. 3d 17 (1st Dist. 2001)

GENDER IDENTITY AND SEXUAL ORIENTATION: Can a private organization deny employment on the basis of their "morals"?

Background:

When Keith Richardson was younger he participated in Boy Scouts and achieved the highest rank of Eagle Scout. In his early 20s, Richardson declared that he was gay and left Scouting. When Richardson was unemployed he came across an advertisement that sought contact from persons who had been Scouts and were gay; this organization was called "Forgotten Scouts"- a group that seeks to change the Boy Scouts' policy barring employment of homosexuals. Richardson testified that he did not disagree with the contents of the memorandum which revealed that the Chicago Area Council (CAC) will not stray away from the national policy and still prohibit employment of homosexuals. Richardson soon filed a complaint with the Commission on May 21, 1992. In July 27, 1992, Richardson sent a letter to the CAC indicating that he was gay and he was interested in the job position. They turned him down claiming that "Boy Scouts of America believes that homosexual conduct is inconsistent with the requirement in the Scout Oath and Scout Law that a Scout be 'clean' and 'morally straight'". The Commission issued its final order claiming that CAC's employment policy violated the Ordinance. The CAC filed petition soon after and tried to appeal the court's decision.

Significance:

- The interpretation of the saying, "'clean' and 'morally straight'" could apply to many things and isn't directly targeted.
- Since the Boy Scouts of America is a private organization, it's leaders can decide what is considered "clean and morally straight". Due to Dale v. Boy Scouts of America, private organizations can discriminate based on religious beliefs.

EEOC v. BICE OF CHICAGO

229 F. R. D. 581 (2005)

NATIONAL ORIGIN/IMMIGRATION : Can employers question employees to determine their citizenship status?

Background:

This suit alleges that Bice of Chicago subjected employees to discrimination based on sex, nationality, and origin. The EEOC seeks relief for fifteen complainants, including thirteen whom are Hispanic. The EEOC alleges that Bice of Chicago subjected different employees to different terms based on their nation of origin. It was discovered that the defendants' counsel tried to single out immigrants asking questions such as, "Where were you born?" and "Are you a citizen?" The EEOC argues that the immigration status was irrelevant to the claims and defenses of the case, and that questions about immigration status are oppressive and have negative effects on victims of employment discrimination.

Significance:

◊ The EEOC claims that if you are an employer, you can ask employees about fake names and aliases that were used, but you can not ask an employee about their immigration status.

◊ One can not be asked about their citizenship status and their national origin because it would be irrelevant to one's work, housing situation, education and credit.

BUFFONE v. ROSEBUD RESTAURANTS, INC.

U.S. District Court, N.D. Illinois (August 21, 2006)

PREGNANCY: Can an employer prohibit an employee from working based on the status of one's pregnancy ?

Background:

Kristine Buffone was a waitress at the Rosebud Restaurants (Inc.). She began hosting in 1999 and four years later Rosebud promoted her to a manager position at La Rosetta (now known as the Rosebud Theater District). During her employment as manager, Buffone became pregnant and informed her supervisor of her pregnancy. Soon after, she was taken off the management schedule. Buffon claims that during this time, her supervisor mad constant remarks towards her, stating that she was "getting big" "getting too big" and also making the statement, "you're getting too big, we have to get you out of there" (PI. Facts 8). Soon after those statements, her supervisor informed her that her last days of work would be July 4-7, 2003. After Buffone's release on July 7, a non pregnant woman replaced her. Buffone filed a complaint with the Equal Employment Opportunity Commission and the Illinois Department of Human Rights on April 16, 2004. The Plaintiff claims that not only Rosebud Restaurants Inc, but her supervisor unjustly fired her because she was pregnant. She also argues being replaced by a non-pregnant employee indicated disparate treatment of non pregnant employees.

Significance:

- The remarks about Buffone's weight and shape, and the supervisors replacement of Buffone not being pregnant helped establish a decently strong *prima facie* case against Rosebud.
- This also helped establish to the general public that being discriminated against on the basis of pregnancy is a protected class.

KRAMARSKI v. BOARD OF TRUSTEES

402 Ill. App. 3d 1040 (1st Dist. 2010)

DISABILITY: What constitutes a disability and can the employer be held accountable for it?

Background:
Officer Kramarski underwent a baton training exercise which involved a controlled attack. Kramarski testified that her instructor struck her in the head, eyes, and nose, and that her head snapped back. After the drill, she experienced pain in her neck and received treatment for it. Later that year, she noticed that she had difficulties performing her duties, claimed to have limited upper body movement, and had developed Post-Traumatic Stress Disorder (PTSD). Many doctors observed Kramarski and found no evidence of PTSD or psychological harm. The Board of Trustees denied Kramarski a pension, claiming that the plaintiff was not mentally harmed and not physically injured in the line of duty. Kramarski filed against the board because they denied her a line of duty disability pension. She argued she developed long-term psychological damage from the training drill.

Significance:

- The plaintiff was physically disabled based on her examination and on her previous medical records.
- The board denied her a line-of-duty pension.
- The plaintiff's is physical disability affected her work and according to the IHRA's definition of "handicap"; therefore she rightly deserved her pension.

PLANELL v. WHITEHALL N., L.L.C

2015 IL. App. (1st) 140799 (May 14, 2015)

DISABILITY: To what extent does an employer have to accommodate an employee with a disability?

Background:

Plaintiff Gina Planell filed suit against her former employer Whitehall of Deerfield North, L.L.C, d/b/a Whitehall of Deerfield Healthcare Center for discrimination based on her perceived and actual disability. In May, Planell developed foot pain as a result of a condition known as plantar fasciitis and missed several days of work, leaving a doctor's note explaining her absence. Planell continued to receive treatment for her condition and in August, confided in another Whitehall employee that she was considering filing a workers' compensation claim. In that same month, Planell inquired about an opening in Whitehall's Alzheimer's unit. Later, she met with her supervisor and Whitehall's assistant administrator. During that meeting, the administrator questioned Planell about her plantar fasciitis to which she responded that the condition started at Whitehall and may be related to her work. Afterwards, there were a series of meetings in which the director of rehabilitation services expressed displeasure at Planell's inquiries into another position and workers' compensation. The plaintiff was offered a less physically demanding position in the laundry department but refused the offer. After that meeting, Planell was terminated. The court ruled that Whitehall discriminated against Planell based her perceived disability and retaliated against her based on her intentions to file a workers' compensation claim.

Significance:

- ◊ Enforces the holding established in Lake Tower, Ltd v. Illinois Human Rights Commission that employers cannot discriminate against employees based on perceived disabilities.
- ◊ Supports the Joint Committee on Administrative Rules' holding that potential worker's compensation claims and similar claims cannot be factored in determining an employee's ability to perform his or her job.

PLANELL v. WHITEHALL N., L.L.C

2015 IL. App. (1st) 140799 (May 14, 2015)

DISABILITY: To what extent does an employer have to accommodate an employee with a disability?

Significance:

◊ Emphasizes the exception to firing at-will employee's if they are filing a worker's compensation claim.

ROZSAVOLGYI v. CITY OF AURORA

2017 IL 121048 (2017)

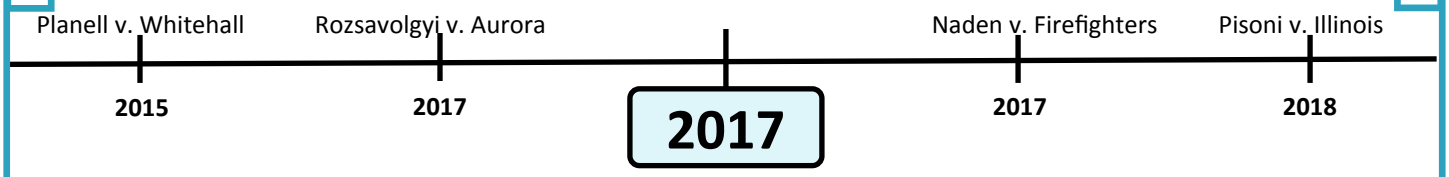
DISABILITY: Do mental health disorders classify as a "disability"?

Background:

On January 22, plaintiff Patricia Rozsavoglyi filed suit against the defendant, the City of Aurora. Rozsavoglyi applies for disability under the Human Rights Act due to her medical history of unipolar depression, anxiety, panic attacks, and partial hearing loss and may react strongly when provoked but not physically. She alleged that she informed the City of her condition and requested accommodations, however, the city failed to provide her with these accommodations. Additionally, Rozsavoglyi reported a repeated pattern of harassment by her coworkers with intentions to provoke her, including name-calling, false rumors, notes, and spitting on her car window, which created a hostile work environment. She reported these incidents to her supervisors and union representative, but alleges that they failed to take any action. On July 3, Rozsavoglyi made a statement to a coworker and used the term "idiots", afterwhich the City terminated her employment. However, the plaintiff argues that other employees used worse comments and were not disciplined. The City of Aurora argues that although they received documentation of Rozsavoglyi's medical history, it did not constitute as a disability nor did it cause her difficulty at work. The City also argued that they had a policy against discrimination, harassment, and retaliation based on disability and that the plaintiff failed to follow proper procedures to report harassment or request accommodations. Additionally, they said that the harassment was not committed by any supervisors and therefore had no jurisdiction, and they had immunity under the Tort Immunity Act.

Significance:

- The appellate court ruled that disability harassment is a form of discrimination, and that mental health disorders can classify as a disability.



WATHEN v. WALDER VACUFLO, INC.

CHARGE NO: 2011SP2489 (MARCH 22, 2016)

ALJ Recommended Order and Decision

GENDER IDENTITY AND SEXUAL ORIENTATION: Can public accommodations refuse to serve on the basis of their religion?

Background:

In 2011, plaintiffs Todd and Mark Wathen sought to host their civil union ceremony at Timber Creek Bed & Breakfast in central Illinois. The couple alleged that the facility advertised for hosting weddings and civil weddings but rejected them on the grounds that they were a same-sex couple. The owners claimed that they had a right to refuse service to the Wathens due to their religious beliefs. The plaintiffs argue that the owners of Timber Creek Bed & Breakfast violated the Illinois Human Rights Act by refusing service in public accommodations on the basis of sexual orientation.

Significance:

- Maintains a similar holding in Jasniowski v. Rushing, that the Wathens' right to "full and equal enjoyment of the facilities, goods, and services of any public place of accommodation" outweighs Timbercreek's right to the freedom of religion.

NADEN v. FIREFIGHTERS' PENSION FUND

IL App. (2d) 160698 (2017)

DISABILITY: Can a corporation/company be held accountable for their employees disabilities?

Background:

Sara Naden is a lieutenant in the Sugar Grove Fire Protection Fund District. During her employment, Naden was subjected to intense criticism, ridicule, and sexual harassment from her male coworkers, both subordinates and supervisors. Naden testified that due to her treatment, she developed anxiety. As a result, she requested and was granted a medical leave of absence. On her last day of work, March 31, 2014, Naden applied for workers' compensation benefits and filed a claim of sex discrimination with the EEOC. She sought either a line-of-duty or non-duty disability pension from the defendant but was denied. Naden argues that the Board's refusal to grant her pension was discrimination based on her sex and seeks judiciary something. Naden alleges that the hearing was biased against her and that the psychologist who examined her says that she is considered disabled as either a firefighter or as a commanding officer within the district or a commanding officer in any other department.

Significance:

- ◊ Three of the five board members were also named in the harassment complaint.
- ◊ The Board's chair was disciplined for making derogatory comments against Naden in the past, which demonstrates animosity and prejudice against Naden.
- ◊ The Court ruled that the Board was biased against Naden and stated that no person should be subject to a biased adjudicator.

PISONI v. ILLINOIS

U.S. District Ct., S.D. Illinois, 2018 WL 4144495 (August 30, 2018)

AGE: What is defined as age discrimination?

Background:

Richard Pisoni, Mark Cameron, and Darren Lindsey all worked for the Illinois State Police (ISP) as members of the South Special Weapons and Tactics Team (SWAT). Each of the plaintiffs had been employed by the ISP since 1999 at the latest. Pisoni, Cameron, and Lindsey were all 40 years of age or older during all time periods pertinent to this case. The South SWAT team divided into two groups based on members attitudes towards older members of the team. According to statements made by witnesses and plaintiffs, younger team members began to treat older team members with less respect, going so far as to attempt to get them to leave the team through various methods such as isolation. Trooper Charles Tolbert referred to them as "old guys" and at one point stated that the "old bosses gotta go". Comments made by other team members in reference to the plaintiffs include things such as, "old need to go", and other comments referring to them as, "old guys", "old bosses", "wheel gunners", and "shot gunners". Captain Scott Koerner also made comments similar to "SWAT ain't a retirement home." In addition to discriminatory comments made by other members and leaders of South SWAT, younger team members began to violate the chain of command by taking their issues to officials more senior than the plaintiffs. When the plaintiffs voiced their concerns with Koerner and Lieutenant of Operations Joe Kollins, they also requested that Tolbert be removed from his position. Their request was denied. In 2011, Cameron asked that he, Pisoni, and one other member be removed from South SWAT. Pisoni and Cameron were moved to District 13 Patrol. Lindsey later transferred to the Southern Illinois Enforcement group. By transferring out of South SWAT and into a lower ranking position Cameron lost his rank as Acting Master Sergeant and its higher pay. He also lost the associated higher overtime wages and the use of his SWAT vehicle. The transfer also affected his pension. It was lowered as a result of his lower rank. Pisoni lost the use of his state vehicle and cell phone. Lindsey lost wages when he left South SWAT shortly after Pisoni and Cameron did. His lower pay was a result of the fact that his role as a SWAT trooper had a higher agent rate of pay than his subsequent position. The jury trial for this case was held in 2017.

PISONI v. ILLINOIS

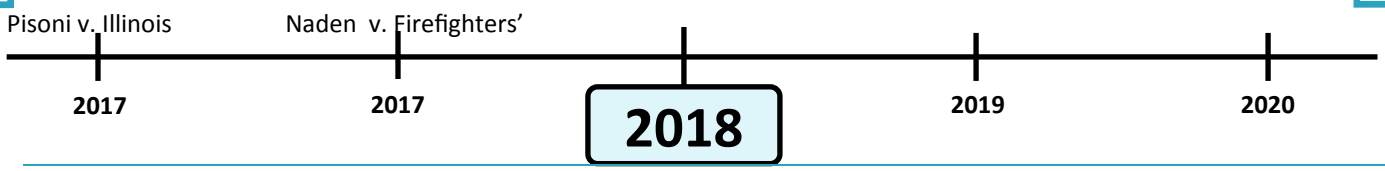
U.S. District Ct., S.D. Illinois, 2018 WL 4144495 (August 30, 2018)

AGE: What is defined as age discrimination?

Background (con.):
The Plaintiffs argued that because of unfair treatment from their peers and superiors, including disparaging comments, they were forced to leave South SWAT. In addition to these remarks, plaintiffs claim that there was a double standard in place in South SWAT and older team members were treated more harshly than younger team members when they made a mistake. They argue that in addition to the hostile work environment that was created, they lost pay when they left as a result of the work environment.

Significance:

- The District court ruled that causing emotional distress because of age is discrimination under the IHRA.
- The defendants, in a position of authority, engaged in a pattern of conduct that intentionally endangered the plaintiffs and caused emotional distress.



N.M. v. TWP HIGH SCH. DIST. 211

Ill. App. (1st) 180294 (2018)

GENDER IDENTITY AND SEXUAL ORIENTATION: What constitutes a public accommodation in school settings?

Background:

N.M., a transgender female student, filed suit against Township High School. During her senior year, N.M. joined a gym class that included a swimming unit and required the use of swimsuits. The district allowed her to use the girl's locker room on the condition that she only changed in the public changing stall inside the locker room. N.M.'s mother declined these terms and requested that her daughter be exempt from P.E. that year. Later she filed suit against the district on behalf of N.M. Once she reached 18 years of age, N.M. filed again. The plaintiff alleged that the district violated Article 5 of the Illinois Human Rights Act, arguing that the girls locker room was a public accommodation, and she was prohibited from using the locker room unlike the cisgender girls in the same gym class.

Significance:

- ◊ Public schools differ from other places offering public accommodations.
- ◊ Public schools are not required to provide "full and equal" access to facilities; they just cannot deny access to those facilities.
- ◊ Since the plaintiff was still allowed to use the girl's locker room, she was not denied access and no violation occurred.

Glossary

Administrative Law Judge (ALJ): a judge or a select group of people who preside over trials and decide on a problem or dispute of claims.

Administrative remedies: non judicial remedy provided by an agency, commission, organization, etc.

Asymptomatic: a situation in which a patient carries a disease or illness shows no symptoms.

Appellate Court (Court of Appeals): any court of law that hears cases from a lower court.

Bigamy: The practice of having two significant others at the same time.

Bona fide: genuine, made without fraud or deceit.

Cause of action: fact(s) that enable a person to bring an action against another.

Cisgender: A person's who's personal Gender identity matches their birth sex.

Complainant: The party that makes a complaint in a lawsuit.

Defendant: the party accused or sued by the plaintiff.

Disparate treatment: treatment of an individual that is less favorable than treatment of others for discriminatory reasons.

EEOC: the federal agency that enforces laws against workplace discrimination based on protected classes outlined by federal law.

Gerrymandering: a practice in which the district lines are redrawn by political party winners in order to have a political advantage.

Lack of subject matter jurisdiction: the court does not have jurisdiction because of lacking evidence that is under their authority.

Litigation: the act, process, or practice of settling a dispute in a court of law.

Plaintiff: the party that brings a case before court.

Polygamy: the practice of having multiple partners at once.

***Prima facie*:** a fact or claim accepted as correct until proven otherwise.

Public accommodation: a facility that is used by the public, generally businesses.

Public entities: any slate, local government, department, agency, district, or any commuter authority.

Racial steering: a practice used by real estate brokers where they guide home buyers towards or away from certain neighborhoods based on race.

Remand: to send back a case to a court or agency for further action.

Glossary

Remand: to send back a case to a court or agency for further action.

Respondent: The person summoned in a lawsuit to give a response.

Special duty: duty performed by an individual in military service at the same organization or service station.

Summary judgment: judgement as a matter of law, a judgment entered by a court for one party against another without a full trial.

Tort Immunity Act: An act that protects public employees and entities from liabilities from government operation.

Transgender: a person whose gender identity differs from the sex the person has or was identified as having at birth.

Unipolar depression: a mental health disorder in which a patient will experience episodes of psychological depression. Also known as Major Depressive Disorder.

Workers' compensation: a form of insurance providing benefits to employees injured during their employment in exchange for relinquishing their right to sue the employer.