



STATE OF ILLINOIS
ILLINOIS HUMAN RIGHTS COMMISSION
Martin R. Castro, Chairman
N. Keith Chambers, Executive Director

2010

ILLINOIS HUMAN RIGHTS COMMISSION

ANNUAL

THE HONORABLE PAT QUINN, GOVERNOR

REPORT

OUR MISSION

The **Illinois Human Rights Commission** is dedicated to promoting freedom from unlawful discrimination as defined by the **Illinois Human Rights Act**.

The **Act** forbids...

discrimination based on sex, age, race, color, religion, arrest record, marital status, disability, familial status in real estate, citizenship status in employment, national origin, ancestry, unfavorable military discharge, retaliation, sexual orientation, sexual harassment, military status and order of protection;

discrimination in employment, real estate transactions, higher education, public accommodations and access to financial credit.

Our **mission** is to provide a neutral forum for resolving complaints of discrimination filed under the **Illinois Human Rights Act**.

Our primary responsibility...

is to make impartial determinations of unlawful discrimination as defined by the **Illinois Human Rights Act**, and to furnish information to the public about the **Act** and the **Commission**.

Core values of the Commission are to provide professional, competent, efficient and effective service to everyone who seeks information from or who has a case before the Commission.



Letter to the Honorable Governor Pat Quinn, Members of the General Assembly, and the People of Illinois:

The Illinois Human Rights Commission hereby submits to you our Annual Report for Fiscal Year 2010.

Despite the fiscal challenges faced by our State, the Commission has moved forward on our mandate to ensure that all Illinoisans have a fair and impartial forum to address the claims of those who have suffered or have been accused of discrimination as defined in the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq.

With a new Chairman taking office at the beginning of the year, along with two newly appointed Commissioners and the reappointment of several veteran Commissioners, the Commission moved into 2010 with a full complement of Commissioners.

Due to our continuing strong partnership with the Office of the Governor and the Illinois Legislature, we have had the resources and support to effectively meet our mission. With the addition of two new Administrative Law Judges (ALJ) to our team of hard-working ALJs, we have more effectively and efficiently adjudicated claims currently pending before the Commission. In addition, our strong working relationships with the Department of Human Rights, the Department of Central Management Services (CMS) and other key stakeholders have grown and continue to provide us with the support we need to eliminate discriminatory practices in Illinois. We are also proud to have supported, in partnership with CMS and the Office of the Governor, the commencement of the important work of the Illinois Torture Inquiry and Relief Commission.

The Commission has this year placed a renewed emphasis on community outreach, having conducted our first town hall forum, *Our Rights Under the Law*, in partnership with the Center On Halsted and Lambda Legal. We were also one of the hosts and organizers of an event for Lilly Ledbetter, whose struggles for gender equity in pay resulted in the U.S. Congress passing the Lilly Ledbetter Fair Pay Act. Now, more than ever, the work of the Commission to eradicate discrimination in our State is of critical importance. On behalf of the Commission, we thank you for your strong and continued support.

Martin R. Castro, Chairman
Human Rights Commission

THE ILLINOIS HUMAN RIGHTS COMMISSION

CASE SYNOPSIS NO. 1

Morad and Zuniga v. Board of Education of the City of Chicago

(Ancestry and National Origin Discrimination)

The two complainants charged that they were harassed on the basis of their ancestry and national origin. They also claimed that they were discharged because they complained of that harassment. The respondent maintained that no harassment took place and that the complainants were discharged because they had disrupted the work environment for other employees.

The complainants lost their harassment claim because they failed to prove that any harassment took place. They were unsuccessful on their discharge claims because they could not prove that the respondent's articulated reason for discharging them was a pretext for unlawful retaliation.



On December 6, 1979, former Governor James R. Thompson signed into law the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq. The Act created the broadest civil rights coverage for the people of Illinois in the history of the state. The Act created a bifurcated enforcement apparatus: a Department to investigate Charges of Discrimination, and a Commission to adjudicate complaints of civil rights violation in housing, employment, public accommodations, higher education, and financial credit. Charges of Discrimination may be brought to the Department by individuals, groups and/or in certain circumstances, the Director of the Department of Human Rights. Either the Department or the Complainant may file a Complaint of Civil Rights Violation with the Commission. Such complaints are adjudicated pursuant to Sections 8A-102 and 8B-102 of the Act.

The Human Rights Commission (HRC) maintains offices in Chicago and in Springfield. The HRC consists of thirteen Commissioners; the Executive Director; the Chief Administrative Law Judge, Deputy Chief Administrative Law Judge and seven Administrative Law Judges; the Chief Fiscal Officer; the General Counsel, Deputy General Counsel, and Assistant General Counsel, and Administrative Support Staff.

CASE SYNOPSIS NO. 2

Murray v. Brandy's Automotive, Inc.

(Mental Disability
Discrimination)

The complainant claimed that he was discharged because of his mental disability. The respondent maintained that he was discharged because he failed to call in his absence and abandoned his job.

At hearing, the evidence showed that the complainant had been hospitalized briefly as a result of his disability. He conceded that he did not personally contact the respondent during that time, but his ex-wife did talk to the respondent about his condition. Upon his release from the hospital, his doctor gave him a full release to return to work. The respondent, however, disregarded that release and, without medical support, insisted that the complainant go through a substance abuse program before it would return him to work.

The respondent did not fire the complainant during his hospital stay. However, after the company refused to return him to work, the complainant contacted a lawyer. When the respondent learned that a lawyer was involved, it discharged the complainant. That timing supported the finding that the discharge was a pretext for discrimination.

The complainant was awarded back pay and attorney's fees and the respondent was ordered to send its management and employees to training to prevent future discrimination.

REQUEST FOR REVIEW

When the Illinois Department of Human Rights (DHR) dismisses a charge for lack of substantial evidence of discrimination, the Complainant may file a Request for Review with the HRC or file a Complaint in the Circuit Court within 90 days after receipt of the Notice of Dismissal. When the DHR dismisses a charge for failure to attend a fact-finding conference the Complainant may either file a Request for Review with the HRC or file a complaint in the Circuit Court within 90 days of receipt of the Notice. The HRC's decision may be appealed in the appropriate Appellate Court.

FILING A COMPLAINT

If the DHR finds substantial evidence of discrimination and issues notice, in order to advance the case, the Complainant must either: (1) File a complaint in the appropriate circuit court within 90 days of receiving the notice, or (2) Request the DHR file a complaint with the HRC on the Complainant's behalf within 30 days of receiving the notice. If the DHR does not complete its investigation within 365 days, or any agreed extension, the Complainant then has 90 days to either: (1) File a Complaint with the HRC or (2) File a Complaint in the appropriate Circuit Court.

STANDING ORDER RELATING TO PREHEARING MEMORANDA

All parties will jointly prepare and submit a prehearing memorandum to the presiding Administrative Law Judge (ALJ) of the HRC not less than 14 days before the hearing is scheduled to commence. The Complainant should prepare the first draft and submit it to the Respondent at least 14 days prior to the filing deadline. The presiding ALJ may waive the preparation of the prehearing memorandum if any litigant is not represented by counsel. Attorney representation is strongly advised.

THE HEARING

The matter is set for hearing before an ALJ within 30 to 90 days after the complaint has been filed with the HRC. After the hearing, the ALJ issues a Recommended Order and Decision (ROD). If either party objects to the ROD, exceptions may be filed and the ROD will be reviewed by a three-member panel of Commissioners. The panel may adopt, reverse or modify the ROD, or remand the ROD back to the ALJ. If the ROD is adopted, it becomes the HRC's final decision. The HRC's final decision may be appealed in the appropriate Appellate Court.

JUDICIAL REVIEW

A petition for review of the final order of the Commission must be filed with the appropriate Appellate Court of Illinois within 35 days from the date that a copy of the decision sought to be reviewed was served on the party affected.

SETTLEMENTS

When a settlement is submitted by the Department, the Commission via a panel of 3 shall determine whether or not to approve. Parties may settle matters with or without Commission approval. However, if they wish the Commission to retain jurisdiction for enforcement, the agreement must be reduced to writing and submitted to the Commission for approval. Approval is accomplished by an order approving the settlement and dismissing the case.

PUBLICATION OF OPINIONS

Decisions of the Commission or panels thereof, whether on requests for review or complaints, shall be published within 120 calendar days of the completion of service of the written decision on the parties. Decisions of the Commission are available on the Commission's website at www.state.il.us/ihrc.

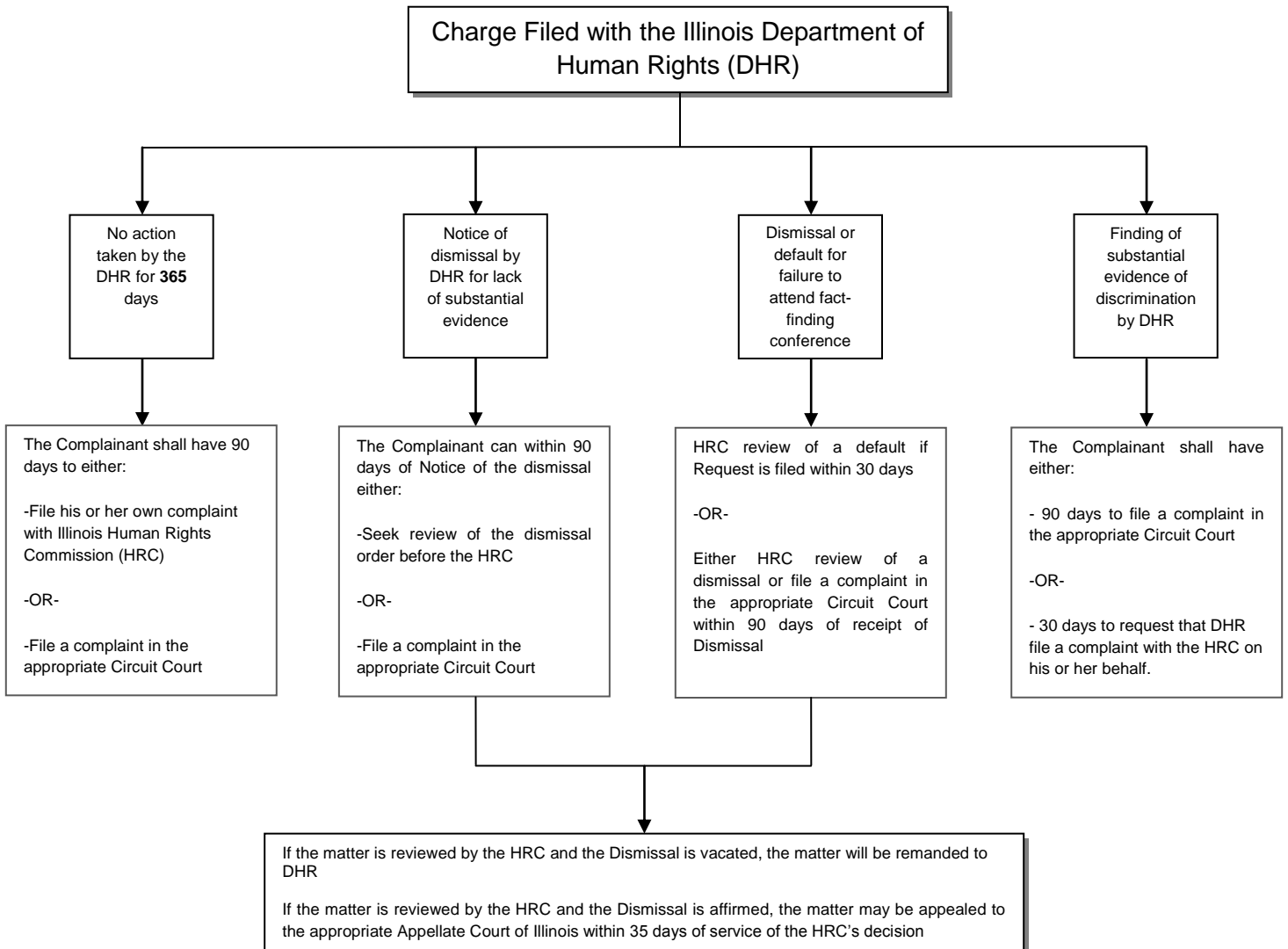
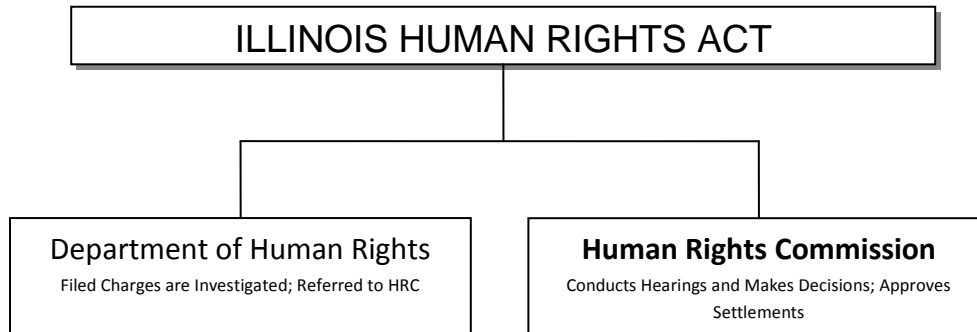
CASE SYNOPSIS NO. 3

James v. Ameritech Services, Inc.

(Race Discrimination)

The complainant alleged that she was denied time off for her wedding and discharged on the basis of her race. The respondent argued that the complainant was discharged because she violated the company's leave policies.

The evidence showed that the complainant had, in fact, taken more leave time than was allowed under the respondent's written policies. Moreover, the complainant was unable to show that any similarly situated employee of a different race had ever been allowed to take as much leave as she requested. Because the complainant could not prove that workers outside her race had received more favorable treatment, she failed to prove her case.

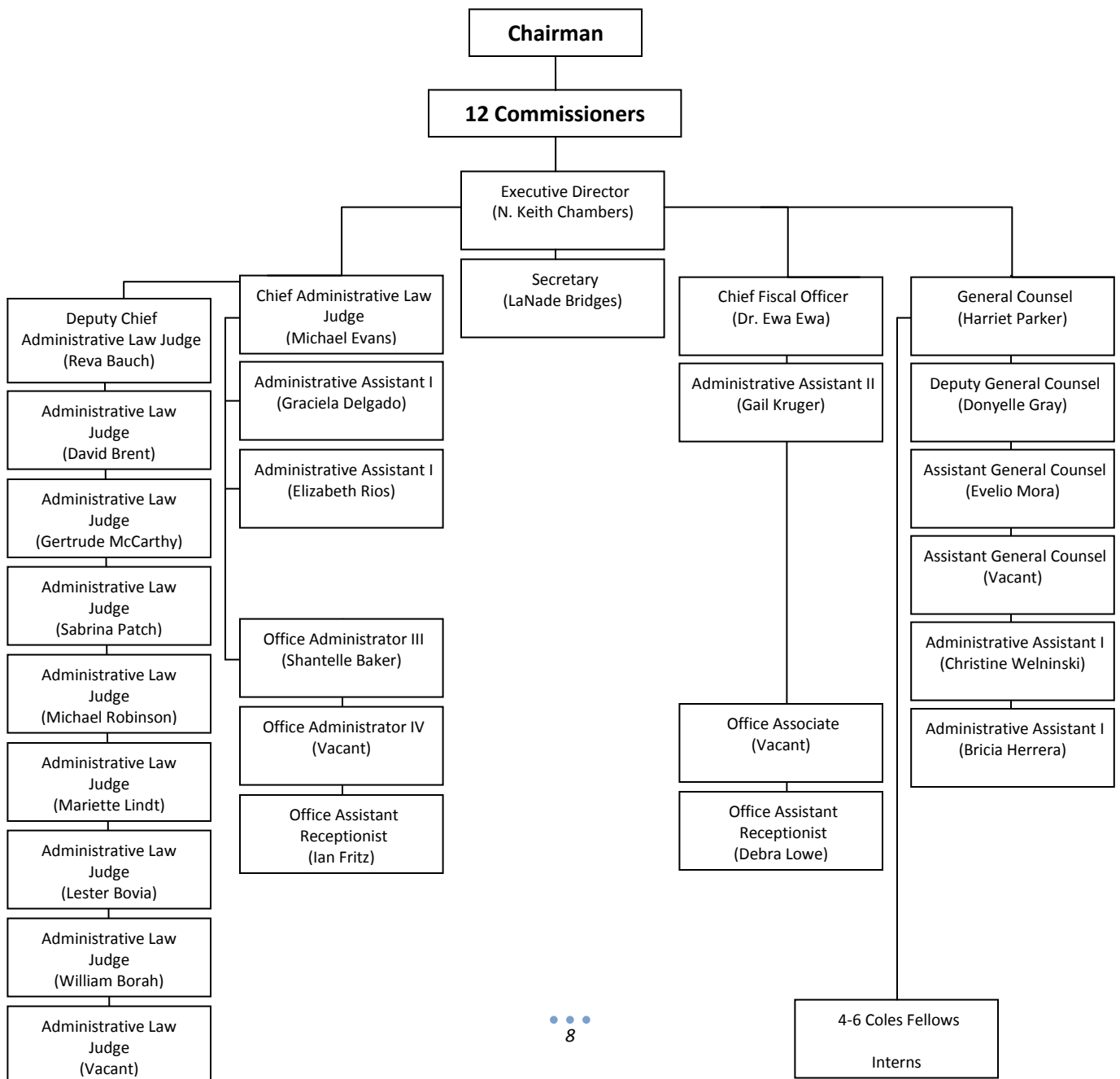


THE COMMISSION PROVIDES A NONPARTISAN FORUM TO RESOLVE COMPLAINTS OF UNLAWFUL DISCRIMINATION

The Commission consists of a staff and thirteen Commissioners. The Commissioners are appointed by the Governor and no more than seven Commissioners may be appointed from the same political party. The Governor designates one of the Commissioners as Chairman.

The Commissioners reflect the diversity of the State of Illinois. The Commissioners come from a variety of professional backgrounds and from different parts of the State. The Commissioners are diverse in race and ethnicity, religious faiths, gender and sexual orientation. By maintaining a diverse and non-partisan body of Commissioners, as well as a diverse staff, the Commission strives to serve all people and entities throughout the State who seek a fair forum for the adjudication of complaints pursuant to the Illinois Human Rights Act.

Organizational Chart



FY 2010 COMMISSIONERS

PROUD TO SERVE THE PUBLIC

1. Martin R. Castro, Chairman

Appointed 2009
President of Castro Synergies LLC;
Chairman of the Illinois State Advisory
Committee of the U.S. Civil Rights
Commission;
Chairman of the Board of the National
Museum of Mexican Art;
Chairman of the Cook County State's
Attorney's Hispanic Advisory Council.

2. Marti Baricevic

Appointed 2003
Industry Training Representative for
Southwestern Illinois College.

3. Charles E. Box

Appointed 2010
President, The Box Group;
Vice Chairman, Illinois Children's Healthcare
Foundation;
Director, Rockford Bank & Trust;
Trustee, Rockford College;
Former Chairman, Illinois Commerce
Commission;
Former Mayor, Rockford, Illinois;
Former Member, Illinois Arts Council.

4. David Chang

Appointed 2003
Civic Leader, Leader in Chicago's Asian
American Community.

5. Robert S. Enriquez

Appointed 2005
Civic Leader, Small Business Leader, former
Marine Officer.

6. Nabi R. Fakroddin, P.E., S.E.

Appointed 2010
Professional and Structural Engineer;
President of the Illinois Engineering Council
and the Association of County Engineers;
Zoning Board of Appeals of St. Charles
Board Member;
Former Member, Western Illinois
Regional Manpower and Planning
Commission;
Recipient of numerous awards including the
APWA'S Top Ten Public Works Leaders in
the U.S. and a Distinguished Service Award
from the NCEES.

7. Marylee V. Freeman

Appointed 1999
Former Director of Inter-Governmental
Outreach for the City of Chicago
Department of Buildings, working with
aldermen, elected officials, community
groups, churches and schools.

8. Sakhawat Hussain, M.D.

Appointed 1994
Gastroenterologist, past President Medical
Staff Advocate Hospital;
Founding President Pakistani-American
Congress;
Member, Board of Trustees:
American Islamic Assoc. (Illinois);
East West University (Illinois);
Imran Khan Cancer Appeal (USA);
Hammond Community Hospital LLC
(Indiana).

9. Spencer Leak, Sr.

Appointed 2001
President of Leak and Sons Funeral Home;
Chairman of Black on Black Love Inc.;
Former Director District 1 of Illinois Department of Corrections;
Former Executive Director of Cook County Department of Corrections.

10. Munir Muhammad

Appointed 2003
Co-founder of CROE and Executive Producer of Muhammad and Friends television program.

11. Rozanne Ronen

Appointed 2004
Civic Leader and Business owner specializing in information technology.

12. Gregory G. Simoncini

Appointed 2005
Consultant to not-for-profits, advises large and small institutions locally and nationally;
Provides counsel on strategic planning, board development, annual fundraising programs, and capital and endowment campaigns;
Long active in the LGBT Community;
Prior board member of the Victory Fund Campaign and Lambda Legal;
Member of the board of the Academy for Urban School Leadership.

13. Diane M. Viverito

Appointed 2005
Administrator in student development at Moraine Valley Community College;
Founding member and past Chair of Study Illinois Consortium; Advocate for community college international and diversity education.

CASE SYNOPSIS NO. 4

Cebula v. Jamo Hi-Fi USA, Inc.

(Retaliation)

The complainant alleged that the respondent unlawfully retaliated against him. The complainant’s attorney had written a letter to the respondent’s upper management. That letter described age-related comments allegedly made by the complainant’s immediate supervisors. Two days after the company had received that letter, the complainant was discharged.

The respondent asserted that the complainant had been discharged as a result of excessive absenteeism. In addition, the supervisor who fired the complainant testified that he was unaware of the lawyer’s letter when he made the discharge decision. However, the credibility of the defense was irreparably damaged by the fact that the discharge letter explicitly mentioned the complainant’s attorney.

The respondent’s explanation was found to be a pretext for unlawful retaliation. The complainant was awarded back pay and other damages, including attorney’s fees.

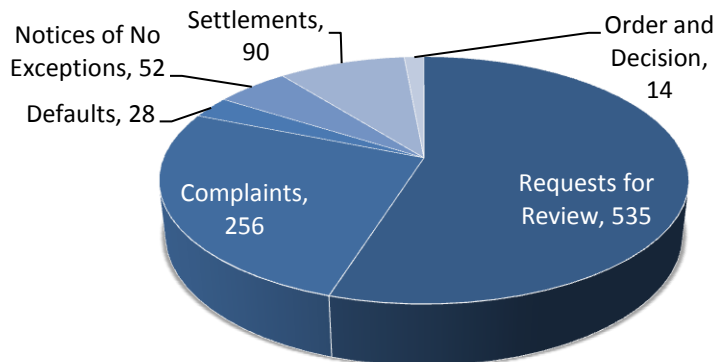
State of Illinois Human Rights Commission

BUDGET APPROPRIATIONS FOR FISCAL YEAR 2010

Personnel Services.....	\$ 1,676,000
Retirement – Contribution.....	\$ 0.0
Retirement – Pension Pick-Up.....	\$ 0.0
Social Security.....	\$ 128,200
Contractual Services.....	\$ 160,000
Travel.....	\$ 15,000
Commodities.....	\$ 12,000
Printing.....	\$ 14,000
EDP.....	\$ 12,400
Equipment.....	\$ 11,200
Telecommunications.....	\$ 23,600
Total Appropriations.....	\$ 2,052,400
Federal Funds	
1900 – Special Projects Division	\$ 100,000
Total Appropriations w/ Federal Funds	\$ 2,152,400

Funding is appropriated annually from the state budget to cover all of the Human Rights Commission’s statewide services to the people of Illinois.

Commission Decisions FY 2010



CASE SYNOPSIS NO. 5

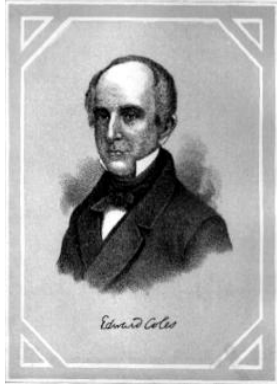
Plonka v. GKN Sinter Metals, Inc.

(Age Discrimination)

The complainant claimed that he was discharged on the basis of his age. The respondent, though, maintained that complainant was fired because he initiated a fight on company property.

Evidence at the hearing established that the complainant had been provoked by certain remarks made by a younger co-worker. It was clear, though, that the complainant responded to those remarks with physical violence. The complainant was discharged and the co-worker was retained.

The respondent had a strict “no tolerance” policy about workplace violence. Respondent asserted that complainant was discharged because he violated that policy. The co-worker was retained because he did not resort to physical violence. Complainant failed to prove his case because he could not prove that reliance upon the “no tolerance” policy was a pretext for age discrimination.



Governor Edward Coles

2010 COLES FELLOWS

Casey Fundarek

Valparaiso University School of Law

Sun Hee Choi

University of Illinois College of Law

Edward Young

Loyola University of Chicago
School of Law

Rashidat Ogbara

The George Washington University
Law School

Salvador Verduzco

Valparaiso University School of Law

COLES FELLOWSHIP

PROMOTING CIVIL RIGHTS LAW PRACTICE

GOVERNOR EDWARD COLES FELLOWSHIP

The Governor Edward Coles Fellowship is named in honor of Edward Coles, (1786-1868), who served as the second Governor of Illinois from 1822 until 1826.

Decades before the Civil War, the new State of Illinois was a political battleground in the fight to end slavery. Illinois' second Governor, Edward Coles, defeated a hotly contested effort to change Free Illinois into a slave state. Although his abolitionist positions meant political suicide, Coles passionately expounded the proposition that all people are created equal, regardless of race. Governor Coles was primarily responsible for Illinois remaining a free state before the Civil War.

The Illinois Human Rights Commission Governor Edward Coles Fellowship is a year-round internship program for first (summer only), second and third year law students interested in Civil Rights and Administrative Law. Fellows assist the HRC in advancing the anti-discrimination protections and policies of the Illinois Human Rights Act.

The program is modeled after traditional summer associate programs found at many major law firms. The program offers students the opportunity to work on complex civil rights litigation under the guidance of subject matter experts and gives students the opportunity to view the inner workings of the state's tribunal system.

WORK REQUIREMENTS AND APPLICATION PROCESS

Fellows are primarily responsible for assisting Administrative Law Judges and the Office of the General Counsel in performing legal research, document preparation, legal writing, record analysis, drafting of orders, and other litigation-related work. In addition, Fellows may engage in policy-related work, such as bill review, administrative rulemaking, and other legislative matters related to the HRC.

Fellows work in a small office environment within a structured assignment program that affords the Fellows an opportunity to:

- Hone their analytical, research, and legal writing skills under the supervision of experienced attorneys and Administrative Law Judges
- Gain real-life experience in a field setting at a governmental agency with the option of earning school credit
- Assist in drafting Orders of the HRC that may be reviewed by the Illinois Appellate Court and Illinois Supreme Court
- Engage in public outreach by working with local Bar Associations

Fellows are expected to work 2 to 3 days per week for 5 hours per day. Summer Fellows are expected to work 3 to 4 days per week, for up to 7 hours per day.

2010 STUDENT EXTERN

Nicole Walker

Loyola University of Chicago
School of Law
(enrolled in the Master of Jurisprudence Program)

CASE STUDY NO. 1

REQUEST FOR REVIEW: Race

Illinois Human Rights Act 775 ILCS 5/2-101 (B) (1) (a)

In the Matter of the Request for Review by: Kerry D. Redmond

Kerry D. Redmond (“Petitioner”) filed a Request for Review with the Illinois Human Rights Commission (“Commission”) of the Notice of Dismissal of his discrimination charge by the Illinois Department of Human Rights (“Department”). The Petitioner alleged Foster & Sons Fire Extinguishers, Inc. (“Employer”) discharged him from his position as service technician because of his race, Black.

Section 2-101(B)(1)(a) of the Illinois Human Rights Act (“the Act”) provides in pertinent part: . . . *employer includes any person employing 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation . . .*

Because the Petitioner’s Employer employed less than 15 persons, the Department determined the Employer was not an employer within the meaning of the Act and dismissed the Petitioner’s case after finding lack of jurisdiction. The Commission sustained the dismissal of the charge of discrimination.

CASE STUDY NO. 2

REQUEST FOR REVIEW: Age, Sexual Orientation, National Origin, Citizenship Status, Retaliation

Illinois Human Rights Act 775 ILCS 5/2-102 (A) and 775 ILCS 5/6-100(A)

In the Matter of the Request for Review by: Laurence Helene Rabe

Laurence Helene Rabe (“Petitioner”) filed a Request for Review with the Illinois Human Rights Commission (“Commission”) of the Notice of Dismissal of her discrimination charges by the Illinois Department of Human Rights (“Department”) The Petitioner alleged United Airlines, her Employer, harassed her because of her age, 41; sexual orientation, lesbian; national origin, France; citizenship status, non-U.S. citizen; and in retaliation for having opposed unlawful discrimination.

In dismissing the Petitioner’s charges of discrimination, the Department determined the Federal Aviation Act (“FAA”) preempts (has a higher authority and therefore has precedence over) state laws, including the Illinois Human Rights Act (“the Act”) herein above cited.

The Commission disagreed and vacated and remanded (returned) the case to the Department for further investigation and determination regarding whether the Petitioner’s charges met the jurisdictional requirements of the Act. The Commission had determined in a prior decision that the FAA does not pose an absolute bar to state civil rights claims. Accordingly, in the event the Department determined the Petitioner met the jurisdictional requirements of the Act, the Department was ordered to investigate the charges of discrimination.

CASE STUDY NO. 3

REQUEST FOR REVIEW: Age, Sex, Retaliation

Illinois Human Rights Act 775 ILCS 5/2-102(A) and 775 ILCS 5/6-101(A)

In the Matter of the Request for Review by: Janet Williams

Janet Williams (“Petitioner”) filed a Request for Review with the Illinois Human Rights Commission (“Commission”) of the Notice of Dismissal of her discrimination charges, by the Illinois Department of Human Rights (“Department”). The Petitioner alleged Bedford Motors Service, Inc. (“Employer”) discharged her from her position as Director of Transportation because of her sex, female, age, over 40, and in retaliation for having previously opposed unlawful discrimination.

The Department initially found no evidence of discrimination and dismissed the Petitioner’s charge of discrimination on all three counts. After the Petitioner had filed her Request for Review of this dismissal, the Department reconsidered its earlier position and determined there was substantial evidence of discrimination against the Petitioner with respect to her sex, and with respect to her claim of retaliation. In noting the Employer had replaced the Petitioner with an employee within the Petitioner’s protected age class, the Commission agreed with the Department that there was no substantial evidence of discrimination against the Petitioner based upon her age. Therefore, the Commission sustained the Department’s dismissal of the age discrimination charge and remanded (returned) the case to the Department for an entry of substantial evidence of retaliation and discrimination based on the Petitioner’s sex.

CASE STUDY NO. 4

Contested Matter: Sexual Harassment, Retaliation

Illinois Human Rights ACT 775 ILCS 5/2-102(D) and 775 ILCS 5/6-101(A)

Cheryl Lockard v. First Baptist Church

Cheryl Lockard v. Keith Jones

Cheryl Lockard (“Complainant”) filed a charge of discrimination with the Illinois Department of Human Rights (“Department”) against the Respondents, First Baptist Church (“the church”) and its Minister (“Jones”) alleging Jones had sexually harassed her and that the church had discharged her from the position of Church Secretary, in retaliation for her having complained of sexual harassment. The Department found substantial evidence of sexual harassment and retaliation and subsequently filed a complaint of unlawful discrimination on behalf of the Complainant, against Jones and the church, with the Illinois Human Rights Commission (“Commission”).

The Illinois Human Rights Act (“the Act”) provides that a charge of discrimination must be filed within 180 days of the alleged discriminatory conduct. Jones and the church alleged that because the majority of alleged sexual harassment occurred outside of the 180 day time frame, and the one alleged act of sexual harassment was relatively “non-severe”, (Jones massaging the Complainant’s shoulders while she was typing), the allegations of sexual harassment were not timely filed.

Upon completion of the public hearing before one of the Commission’s Administrative Law Judges (“ALJ”), the ALJ disagreed with the Respondents and entered a finding that the charge was timely filed, and that the Complainant had established by a preponderance of the evidence that she had been sexually harassed. The ALJ also determined the Respondents had retaliated against the Complainant. The ALJ awarded the Complainant provable back pay, unreimbursed medical expenses, and emotional distress damages stemming from these acts of discrimination.

The church and Jones filed Exceptions to the ALJ’s Recommended Order and Decision (“ROD”) with the Commission, once again alleging the charges were untimely filed, and that the one alleged incident was a relatively isolated, non-severe act. A Panel of three Commissioners declined review of the ROD and voted to adopt the ROD as the final Order and Decision of the Commission.

WE ARE HERE TO SERVE YOU. PLEASE CONTACT US ANYTIME.

ILLINOIS HUMAN RIGHTS COMMISSION

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**Martin R. Castro, Chairman
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**PRINTED BY THE AUTHORITY OF THE STATE OF ILLINOIS
NOVEMBER 2010**