STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST:	)	
FOR REVIEW BY:	)	CHARGE NO.: 2008CF1646
	)	EEOC NO.: 21BA80743
CHRIS REID,	)	HUD NO.: N/A
	)	ALS NO.: 09-0227
Complainant.	)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman, and Yonnie Stroger presiding, upon Complainant's Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Department") of Charge No. 2008CF1646, Chris Reid, Complainant, and Metropolitan Water Reclamation District of Greater Chicago, Respondent; and the Commission having reviewed *de novo* the Department's investigation file, including the Investigation Report and the Complainant's Request and supporting documents, and the Department's response to the Complainant's Request; and the Commission being fully advised of the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Department's dismissal of the Complainant's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. On January 2, 2008, the Complainant filed a charge of discrimination with the Department, in which she alleged that the Respondent subjected her to harassment from July 2, 2007 through January 2, 2008 because of her disability (Sjogren's Syndrome Secondary to Crohn's disease), in violation of § 2-102(A) of the Illinois Human Rights Act ("Act"). On April 22, 2009, the Department dismissed the Complainant's charge for lack of substantial evidence. On May 6, 2009, the Complainant filed a timely request for review.

2. The Department's investigation revealed that the Complainant has been employed by the Respondent as a Pollution Control Officer II.

3. In her charge of discrimination, the Complainant alleged that the Respondent subjected her to harassment because of her disability. Specifically, the Complainant alleged that: (a) on October 31, 2007, the Complainant gave completed paperwork to her supervisor, Matthew Joseph ("Joseph"), and he said that the paperwork was incorrect; (b) on November 1, 2007, Joseph called the Complainant into his office and told her that she intentionally chose not

to take attendance during a fire drill and caused confusion; and (c) that on November 7, 2007, the Respondent took food off of the Complainant's plate.

4. The Department's investigation revealed that on October 31, 2007, the Complainant was acting as a Team Leader in her routine Team Leader's absence. As such, the Complainant understood that her duties included completing certain paperwork. The Respondent denies having the Complainant complete any paperwork on October 31, 2007. However, the Respondent indicated that if paperwork is completed improperly, Joseph usually returns it to the employee for correction.

5. Joseph indicated that Team Leaders' duties also include accounting for staff members during fire drills and reporting the results to their supervisor or to Joseph. The Complainant stated that she was not aware of this responsibility on October 31, 2007 when she was acting Team Leader and a fire drill occurred. Joseph stated that he met with the Complainant on November 1, 2007 following the fire drill to find out why she did not report to him. Further, Joseph stated that he sent a notice to all staff members on November 2, 2007 reminding them of the Respondent's procedures during fire drills.

6. Joseph denies taking food off of the Complainant's plate at the banquet on November 7, 2007. He stated that he took food from a plate of food that was being passed around.

7. In her Request, the Complainant lists what she believes are inaccuracies and deficiencies in the Department's investigation, including evidence that Joseph was aware of the Complainant's disability. Further, the Complainant raises the allegation of retaliation for the first time in her Request.

8. The Commission's review of the investigation file leads it to conclude that the Department properly dismissed the Complainant's charge because the Complainant did not provide any evidence that the Respondent harassed her because of her disability. If no substantial evidence of discrimination exists after the Department's investigation of a charge, the charge must be dismissed. *See* 775 ILCS 5/7A-102(D)(2008).

9. The evidence in the investigation file supports the Department's dismissal. To prove her harassment claim at this stage, the Complainant must provide substantial evidence that she was harassed on the basis of her disability and that the harassment was so severe or pervasive that it altered the conditions of her employment and created an abusive work environment. *See* Wei Hu and Allstate Insurance Co., IHRC, ALS No. 6082, June 16, 1995. The Complainant has provided no such evidence here. Even if each of the three allegations that the Complainant makes in her charge of discrimination are true, there is no evidence that she was harassed on the basis of her disability or that the alleged harassment was so severe that it created an abusive work environment.

10. The charge of discrimination that the Complainant reviewed, signed, and dated does not contain an allegation that the Respondent retaliated against her because of her participation in a protected activity. On a request for review, the Commission only has statutory authority to review the Department's decision to dismiss those charges or allegations that were before the Department. The Commission does not have statutory authority to review new allegations or charges of discrimination raised for the first time in a request for review. *See* 775

ILCS 5/8-103. Therefore, the Commission makes no determination regarding the Complainant's new allegation that she may have been retaliated against by the Respondent.

11. Accordingly, it is the Commission's decision that the Complainant has not presented any evidence to show that the Department's dismissal of his charge was not in accordance with the Act. The Complainant's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Complainant's charge is hereby **SUSTAINED.**

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and the Respondent, Metropolitan Water Reclamation District of Greater Chicago, as appellees, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

STATE OF ILLINOIS)
) Entered this 12th day of August 2009.
HUMAN RIGHTS COMMISSION)

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Yonnie Stroger