

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009CF3031
)	EEOC NO.: 21BA91951
PARRISH CHAPMAN)	ALS NO.: 09-0613
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Munir Muhammad, Diane M. Viverito, and Nabi Fakroddin, upon Parrish Chapman’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Department of Human Rights (“Respondent”)¹ of Charge No. 2009CF3031; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent’s dismissal of the Petitioner’s charge is **SUSTAINED** on the following ground:

LACK OF JURISDICTION

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

1. On March 2, 2009, the Petitioner filed a charge of discrimination with the Respondent in which he alleged Jackson Square Nursing Home (“Jackson Square”), discharged him because of his physical disabilities, described as a back disorder (Count A) and a left leg disorder (Count B), in violation of Section 2-102(A) of the Illinois Human Rights Act (the “Act”). On October 1, 2009, the Respondent dismissed the Petitioner’s charge for Lack of Jurisdiction. On October 28, 2009, the Petitioner filed a timely Request.
2. On May 10, 1999, Jackson Square entered into a Service Agreement (the “Agreement”) with Healthcare Services Group, Inc. (“Healthcare”). Pursuant to the Agreement, Healthcare provided Jackson Square with housekeeping services.

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge requesting review of the Department’s action shall be referred to as the “Petitioner.”

3. In April 2007, Healthcare hired the Petitioner as a Floor Technician. Pursuant to the Agreement, Healthcare assigned the Petitioner to perform housekeeping services for Jackson Square.
4. At all times during the Petitioner's assignment at Jackson Square, the Petitioner's direct supervisor was a District Manager for Healthcare. Healthcare paid the Petitioner's wages. On the Petitioner's 2008 W-2 form, Healthcare is designated as the Petitioner's employer.
5. On September 16, 2008, Healthcare discharged the Petitioner.
6. In his charge and Request, the Petitioner contends that Jackson Square discharged him because of his physical disabilities. The Petitioner believes he was a good worker and he seeks compensations for his alleged unlawful termination.
7. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge for lack of jurisdiction based on its determination that no employer-employee relationship existed between Jackson Square and the Petitioner.

CONCLUSION

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of jurisdiction. In this case, it is clear the Petitioner was not Jackson Square's employee. Section 2-101(A)(1)(a) of the Act defines an "employee" as... "any individual performing services for remuneration within this state for an employer." See 775 ILCS 5/2-101(A)(1)(a) (West 2010). The Petitioner only received remuneration from Healthcare, and the Petitioner was directly supervised in the performance of his duties by Healthcare. There is no evidence Jackson Square ever employed the Petitioner.

Therefore, because the Petitioner was not Jackson Square's employee within the meaning of the Act, the Petitioner has no basis for an employment discrimination claim against Jackson Square.

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

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner'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 Jackson Square Nursing Home as Respondents with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
)
HUMAN RIGHTS COMMISSION) **Entered this 12th day of May 2010.**

Commissioner Munir Muhammad

Commissioner Diane Viverito

Commissioner Nabi Fakhroddin