

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington, Suite 3040
Chicago, Illinois 60602

Paula EMERSON, Complainant)

v.)

COOK COUNTY SHERIFF'S OFFICE,)
Respondent)

Case No. 2012E034

Entered: April 21, 2014

ORDER

On October 17, 2012, Complainant Paula Emerson ("Emerson") filed a complaint with the Cook County Commission on Human Rights ("Commission") against her employer, Cook County Sheriff's Office ("Cook County" or "Respondent"). Emerson's complaint to this Commission alleges discrimination and harassment in employment on the basis of a disability, and retaliation for opposing conduct that would violate the Cook County Human Rights Ordinance ("Human Rights Ordinance"). On September 3, 2013, Emerson filed a similar complaint against Cook County Deputy Sheriff Lt. David Grochowski ("Grochowski") in the Circuit Court of Cook County ("Circuit Court"). *See Emerson v. Lt. Grochowski*, No. 2013-M1-014893 (Sept. 3, 2013) ("Court Complaint"). The Commission now dismisses Emerson's action pending action before it because her complaint in the Circuit Court raises some or all the same issues.

The Cook County Human Rights Ordinance ("Human Rights Ordinance") provides that:

The filing by a complainant or respondent of a complaint in any court based on some or all of the same issues as are raised in a complaint before the Commission shall automatically terminate the jurisdiction of the Commission over the complaint. In such a case, the Commission shall dismiss the complaint either on its own motion or on the motion of either party.

Cook County Code of Ordinances ("County Code"), § 42-34(d)(5).

One purpose of this provision is to avoid the possibility of inconsistent rulings. Such a ruling might arise if the Commission were to resolve the same question of law or fact differently than a court with concurrent jurisdiction over the parties. The Cook County Board of Commissioners ("County Board") avoided this scenario by requiring the Commission to relinquish its jurisdiction under such circumstances. In enacting this jurisdiction-stripping provision, the County Board used the broad term "issues" to encompass both cases filed in federal or state court that state the same legal claims as an action before the Commission as well

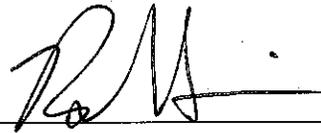
as cases that state different legal claims but arise out of the same set of operative facts. *Romero v. SDH Services West, LLC*, 2012E021 (CCHRC Sept. 26, 2013).

Here Emerson alleges that on September 2, 2012, Grochowski made “in a location that is available to Respondent’s employees” a “reference to [Emerson’s] mental health diagnosis.” Comm. Compl., ¶ II.(F). Emerson’s complaint to the Circuit Court arises out of this same alleged incident in that it references that on Sept. 2, 2012, Grochowski caused Emerson’s “private health information, diagnoses, records, and reports to be published in the internal computer system” of Respondent. *See Court Complaint*. Although Emerson’s Court Complaint refers to this incident as an “Invasion of Privacy” while her complaint to the Commission is styled as a violation of the Human Rights Ordinance; both claims involve “some or all of the same issues.” *See Romero*, 2012E021. This commonality is sufficient to trigger the jurisdiction-stripping provision of the Human Rights Ordinance.

For the foregoing reasons, the Commission orders that Complaint 2012E034 be DISMISSED for LACK OF JURISDICTION.

April 21, 2014

By delegation:

A handwritten signature in black ink, appearing to read 'R. Hakim', is written over a horizontal line.

Ranjit Hakim
Executive Director of the Cook County
Commission on Human Rights