

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington Street, Suite 3040
Chicago, Illinois 60602

William J. FRITTS, Complainant)	
)	
v.)	Case No. 2013E012
)	
LO VOLTAGE, INC., Respondent)	Entered: April 21, 2015
)	

ORDER

On May 6, 2013, Complainant William J. Fritts (“Fritts”) filed the above-captioned complaint with the Cook County Commission on Human Rights (“Commission”) against his former employer, Respondent Lo Voltage, Inc. (“Lo Voltage”). Fritts alleges that by terminating his employment, Lo Voltage engaged in unlawful sexual orientation, race and sex discrimination in violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). *See* Cook County Code of Ordinances (“County Code”), § 42-35(b)(1).

The Commission has completed its investigation of Fritts’s complaint, and now dismisses his claims of race and sex discrimination for a lack of substantial evidence. The Commission’s investigation, however, found sufficient evidence of sexual orientation discrimination to merit further proceedings on that charge.

BACKGROUND

Lo Voltage installs GPS tracking systems and other electronic devices in fleet vehicles. Pos. Stmt., p. 1. Fritts began his brief tenure as an Office Manager for the company on October 22, 2012. Compl. ¶ I. As the Office Manager, Fritts’s job duties included managing office staff and personnel matters, providing billing and collections support and updating the employee handbook. Pos. Stmt., p. 1. In the cover letter he submitted to Lo Voltage with his application for the job, Fritts characterized himself as the “perfect fit” for the position and highlighted his experience working with his family’s trucking firm. Investig. Rep., Exh. B (complainant’s cover letter and resume). Lo Voltage founder and President, Cory Jones (“Mr. Jones”), anticipated that Fritts would “hit the ground running” and help Lo Voltage grow. C. Jones Interview (Apr. 14, 2014).

The parties have widely divergent views of Fritts’s performance in the role. According to Fritts, he met his employer’s reasonable expectations and never received any critical feedback from Lo Voltage. Compl. ¶ II.B. Fritts characterizes Mr. Jones’s plans to personally train him on dispatch as evidence that Mr. Jones was enthusiastic about Fritts’s work. *Id.* In Fritts’s view, all this changed on or about November 12, 2012, when Fritts revealed to Lauren Jones (“Ms. Jones”) that he is a homosexual. Compl. ¶ II.E. Ms. Jones was a Lo Voltage coworker and is Mr. Jones’s ex-wife. L. Jones Interview (July 16, 2014). In Fritts’s version of the events,

following the revelation of his sexual orientation to Ms. Jones, Mr. Jones suddenly stopped speaking to him and, just four days later, on November 16, 2012, terminated Fritts's employment with Lo Voltage. Compl. ¶ II. E. When Fritts pressed Mr. Jones for a reason for his termination, the only explanation Fritts received was that Mr. Jones did not view him as a "good fit." C. Jones Interview (Apr. 14, 2014).

Lo Voltage tells a very different story. According to the Respondent, Fritts was not making any progress on updating the employee handbook and was spending too much time outsourcing his job duties to a payroll vendor. Pos. Stmt., p. 2. Fritts was also not learning aspects of the job that Lo Voltage wanted him to perform, specifically dispatching. *Id.* at p. 3. Mr. Jones felt compelled to offer to train Fritts himself after two other Lo Voltage employees were unable to teach Fritts the task. *Id.* Two former Lo Voltage employees, who worked for the company at the same time as Fritts, corroborated Mr. Jones's testimony that Fritts was underperforming and appeared to be uninterested in the job. L. Jones Interview (July 16, 2014); B. Hayden Interview (May 23, 2014).

The proverbial straw that broke the camel's back, according to Mr. Jones, came on or about November 10, 2012, when Fritts showed up an hour and fifteen minutes late to a meeting that Mr. Jones had set up for Fritts with one of Lo Voltage's important vendors. Pos. Stmt., p. 2. Another current Lo Voltage employee told Commission investigators that during the few weeks Fritts worked for Lo Voltage, he had made a habit of being late for scheduled meetings. M. Novak Interview (Oct. 8, 2014). From that point forward, Mr. Jones felt that he could no longer rely on Fritts. Pos. Stmt., p. 2. The decision to terminate Fritts so quickly after he was hired fit a pattern that Lo Voltage was able to document for the Commission.¹

Fritts concedes that he did not get much work done on updating the employee handbook. Fritts Interview (Mar. 27, 2014). He also agrees that he spent time working with Lo Voltage's payroll vendor and that he was unable to learn dispatching from the Lo Voltage employees that had attempted to train him. Cp. Ltr., pp. 1-2. There is also no dispute that Fritts was indeed late to the November 10, 2012 vendor meeting. *Id.* at p. 2.

But Fritts adds that he needed Mr. Jones's input to work on the employee handbook update, and Mr. Jones was unable to follow through on a commitment to spend an hour with Fritts each morning working on that task. According to Fritts, Mr. Jones consistently noted that other projects were more pressing and that there would be time to work on the employee handbook later. Fritts Interview (Mar. 27, 2014). Fritts also asserts that some of the time that he spent on the phone with the payroll vendor was to address a critical tax number I.D. issue for the company. Cp. Ltr., p. 1. Fritts claims that the Lo Voltage employees who had attempted to train him on dispatch were themselves too inexperienced to do so, and Mr. Jones committed to

¹ Lo Voltage hired a white male marketing staffer on September 27, 2011 and terminated him on January 13, 2012, for poor performance and communication. Rp. Questionnaire, Exh. C. Lo Voltage hired a black male dispatcher on January 10, 2012 and fired him on February 10, 2012, for failing to complete tasks that had been assigned to him. *Id.* And Lo Voltage hired another white male dispatcher on February 17, 2012 and fired him on May 14, 2012, for failing to meet expectations. *Id.* Mr. Jones characterized himself as a passive manager who did not provide much in the way of counseling or reprimand for subpar employees. C. Jones Interview (Apr. 14, 2014). This is consistent with the Lo Voltage employee manual that does not provide for progressive discipline or warnings and states that employees can be discharged without cause or advanced notice. Investig. Rep., Exh. A.

providing Fritts that training himself but never actually did so. *Id.* at p. 2. Finally, Fritts blames Mr. Jones for his tardiness to the November 10, 2012 vendor meeting. Fritts explains that the original plan had been for Mr. Jones and him to drive together, but on the day of the meeting Mr. Jones was running late and did not have time to pick Fritts up from the office as originally planned. By the time Mr. Jones called Fritts to inform him of the change of plans, making it to the meeting at all by himself was going to be a tall order given the distance Fritts needed to travel during rush hour. *Id.*

After Fritts's termination, the payroll vendor was unable to issue a direct deposit of Fritts's final paycheck into his bank account. Mr. Jones asked Fritts to contact the payroll vendor to cancel the direct deposit and gave Fritts a paper check instead. The following Monday, the payroll vendor contacted Lo Voltage to inform the company that it had resolved the direct deposit issue and completed a final deposit into Fritts's account. Lo Voltage attempted to contact Fritts by telephone for three days without success. Mr. Jones then dispatched a Lo Voltage employee to Fritts's residence. Pos. Stmt., p. 3. Fritts claims that this employee threatened him. Cp. Ltr., p. 3. Lo Voltage claims that Fritts refused to return the erroneous double payment, requiring Lo Voltage to involve the police in the matter. Pos. Stmt., p. 3. Fritts explained to the Commission that he had presumed that the payroll vendor would be able to reverse the deposit. When he learned that it could not, Fritts paid the money back to Lo Voltage. Cp. Ltr., p. 3.

DISCUSSION

The Human Rights Ordinance prohibits any employer from “directly or indirectly discriminat[ing] against any individual in . . . discharge, discipline . . . or other term, privilege, or condition of employment on the basis of unlawful discrimination.” County Code, § 42-35(b)(1). Unlawful discrimination is defined to include “discrimination against a person because of the actual or perceived status, practice, or expression of that individual's . . . race . . . gender . . . [or] sexual orientation[.]” *Id.* at § 42-31.

The Commission enforces the Human Rights Ordinance through a two-stage process. First, the Commission conducts an initial investigation driven by its staff into complaints that have been filed with the agency. County Code, § 42-34(b)(2). Then sufficiently strong cases proceed to an adversarial hearing driven by the parties and which the Commission uses as a basis for rendering orders of relief. *Id.* at § 42-34(b)(3). In the absence of a direct admission of discriminatory intent, the Commission will hold a hearing on a contested claim of unlawful discrimination when its investigation finds substantial evidence to support the complainant's *prima facie* case of discrimination, and, if the respondent offers a non-discriminatory reason for its adverse employment action, there is sufficient evidence to support a reasonable finder of fact's conclusion that this proffered explanation is pretextual. *See, e.g., Cambron v. Kelvyn Press Inc.*, 2011E021 (CCHRC July 28, 2014) (citing *McDonnell Douglas v. Green*, 411 U.S. 792 (1973)); *Alvarado v. Holum & Sons, Inc.*, 2012E016 (CCHRC Jan. 9, 2014); *Jiminez v. Consumers Insurance Services, Inc.*, 2006E039 (CCHRC June 16, 2009).

Here, Fritts alleges that Lo Voltage terminated his employment because he is a homosexual, white male. There is substantial evidence to support Fritts's claim of sexual orientation discrimination. The evidence gathered against Lo Voltage at the investigation stage

is sufficient to suggest that Fritts could establish a *prima facie* case of sexual orientation discrimination at a hearing and prove that Lo Voltage's proffered reason for its adverse employment action was pretextual. This evidence is utterly lacking with respect to Fritts's additional claims of race or sex discrimination.

Substantial Evidence of Sexual Orientation Discrimination

At the conclusion of its initial investigation into Fritts's complaint, the primary factual dispute that remains unresolved for the Commission is Lo Voltage's reason (or reasons) for terminating Fritts's employment on November 16, 2012. At the time that Mr. Jones fired Fritts, he did not offer Fritts a substantive explanation for the adverse employment action. This, in and of itself, is not unusual. While it is certainly more courteous to do so, an employer does not have a legal obligation to explain its decision to terminate an at-will employee to that at-will employee at the time of the termination. *See Batson v. Oak Tree, Ltd.*, 2013 IL App (1st) 123071, ¶ 25 (citing *Kelsay v. Motorola, Inc.*, 74 Ill.2d 172, 181–82 (1978)) (stating as a general rule that an at-will employee in Illinois may be discharged by the employer at any time and for any reason or no reason at all); *see also Marks v. Custom Aluminum Products, Inc.*, No. 06 C 445, 2007 WL 1976357, *7 (N.D. Ill. July 5, 2007).

Once that decision becomes the subject of a complaint to the Commission, however, the employer may be required to explain its actions. During the course of this investigation, Lo Voltage proffered three non-discriminatory reasons for firing Fritts: Fritts's lack of progress on the tasks that were assigned to him (*i.e.* updating the employee handbook and dispatching); the excessive time Fritts spent on tasks that were not assigned to him (*i.e.* outsourcing human resources duties to the payroll vendor); and Fritts's lateness to a meeting with Mr. Jones and an important vendor on or about November 10, 2012. Each grounds sounds reasonable enough, but Fritts explains away each. Fritts offers that he did not make progress on updating the employee handbook because Mr. Jones told him that other tasks were more pressing and that Mr. Jones could not make the time to provide Fritts with the assistance that he required to complete the task. Similarly, Fritts claims that the Lo Voltage employees who tried to train him on dispatching were insufficiently experienced to do so. According to Fritts, Mr. Jones was planning to train Fritts himself, but never got around to it. Fritts also refutes the claim that the time that he spent on the phone with Lo Voltage's payroll vendor was primarily concerned with outsourcing his human resources duties. Instead, Fritts explains that he was on the phone with ADP to resolve a serious tax I.D. issue for the company. And finally, Fritts claims that his lateness to the November 10, 2012 meeting was a problem that Mr. Jones created.

The quantum of evidence to support the proposition that Lo Voltage fired Fritts for entirely non-discriminatory performance issues versus that Lo Voltage has offered the Commission a pretextual explanation for its actions is exactly the same: the bare testimony of a party without objective support. At this early stage of the Commission's process, such ties go to the complainant so that an administrative law judge can resolve the question of which party's testimony is more credible with the benefit of a hearing. *See, e.g., Ehlers v. United Parcel Service*, 1997E027 (CCHRC Sept. 21, 1998). Yet there would be no reason for the Commission to hold a hearing to resolve this question if the evidence adduced by the Commission's investigation did not raise an inference that the motivation that the respondent could be trying to hide is discriminatory.

In order to establish a *prima facie* case of sexual orientation discrimination, there must be sufficient evidence (1) that Fritts is a homosexual; (2) that Fritts was performing his job satisfactorily; (3) that he suffered an adverse employment action and (4) some strongly probative evidence that raises the inference that Lo Voltage had a discriminatory motive for taking that adverse employment action. See *Logue v. Starbucks Coffee Co.*, 2011E013, *2 (Oct. 18, 2013) (sexual orientation); *Marino v. Chicago Horticultural Society*, 2012E029, *5-6 (CCHRC Mar. 20, 2015) (setting out the Commission’s adoption of a test that is a hybrid of the familiar *McDonnell Douglas* burden-shifting approach and the newer mosaic test that expands the legally acceptable methods by which a complainant can raise an inference of discrimination).

The first and third elements merit little discussion. The parties do not dispute Fritts’s sexual orientation, nor do either contend that his discharge from Lo Voltage was not an adverse employment action.

The second element is a bit trickier. Fritts certainly asserts (without much more than his say so) that he was performing well at Lo Voltage, but Lo Voltage has equally little documentation to support its assertion to the contrary. “[W]hen assessing whether a plaintiff has met her employer’s legitimate expectations at the *prima facie* stage of a termination case,” the Commission “must examine plaintiff’s evidence independent of the nondiscriminatory reason [given] by the defense as its reason for terminating plaintiff.” *Marino*, 2012E029 at *7 (quoting *Cline v. Catholic Diocese*, 206 F.3d 651, 660-61 (6th Cir. 1999) (cautioning against “improperly conflating the distinct stages of the *McDonnell Douglas* inquiry”). At this preliminary stage, the Commission presumes that there is sufficient evidence to support this element of Fritts’s case. This is because Fritts will ultimately succeed or fail in proving this element at the hearing stage of the Commission process by resort to the same evidence that he is relying on to carry his burden of proving that Lo Voltage’s proffered performance-related explanations for his discharge are pretextual.

Thus the Commission’s entire decision on whether there should be a hearing on Fritts’s complaint of sexual orientation discrimination turns on whether there is substantial evidence to support a reasonable inference by the Commission of discrimination in the first instance. On this point, Fritts’s theory of the case is that the Commission should infer that Mr. Jones terminated Fritts for discriminatory reasons because Fritts’s November 16, 2012 termination came just four days after Fritts revealed his sexual orientation to Ms. Jones. Compl. ¶ II.H. Suspicious timing, standing alone, raises only a very weak inference of discriminatory intent, see, e.g., *Cole v. Illinois*, 562 F.3d 812, 816 (7th Cir. 2009), but here the facts gathered by the Commission’s investigation further undercuts the complainant’s theory.

To begin with, the theory is logically flawed. That Fritts told Ms. Jones does little, if anything, to impute knowledge of Fritts’s sexual orientation to Mr. Jones. It was Mr. Jones, and not his former wife, who made the decision to terminate Fritts. Ms. Jones’s knowledge of Fritts’s sexual orientation is irrelevant. Even if Ms. Jones’s knowledge could be imputed to Mr. Jones, there is no evidence to corroborate that the conversation Fritts alleges actually took place on or about November 12, 2012. When interviewed by Commission staff, Ms. Jones affirmatively denied that this conversation with Fritts had ever occurred. L. Jones Interview (July 16, 2014). Ms. Jones stated that she had assumed that Fritts was gay from the moment they

met (and speculated that this would be obvious to most people upon meeting Fritts), but denies that Fritts actually confided as much to her on or about November 12, 2012. *Id.*

This testimony alone might not be fatal to Fritts's theory of the case because the Commission could weigh the disputed testimony in his favor, but the nail in the coffin is that the evidence supports the conclusion that Mr. Jones had sufficient knowledge of Fritts's sexual orientation before November 12, 2012, whether or not any conversation between Fritts and Ms. Jones occurred. Mr. Jones told Commission staff that while he was not certain of Fritts's sexual orientation, he too suspected that Fritts was gay when he hired Fritts in October 2012. C. Jones Interview (Apr. 14, 2014).

Yet suspicious timing is not the only trigger for the Commission's further inquiry into a respondent's adverse treatment of a member of a protected class. *Marino*, 2012E029 at *6 (citing discriminatory statements by the respondent and behavior towards other coworkers within the same protected class as the complainant as other examples of situations that might raise a reasonable inference of discriminatory motivation). Here the very evidence that exonerates Mr. Jones with respect to Fritts's suspicious timing theory satisfies the fourth element of the *prima facie* case of unlawful discrimination on another. In explaining that Mr. Jones had a suspicion that Fritts might be gay prior to November 12, 2012, Mr. Jones stated that he actually hired Fritts in part because he thought that his sexual orientation would help him to get along with the women in the workplace. C. Jones Interview (Apr. 14, 2014). This statement is strong evidence that Mr. Jones – Lo Voltage's decision maker for the adverse action that is at the center of this complaint – engages in stereotypical thinking with respect to homosexual workers. In enforcing the Human Rights Ordinance, the Commission will inquire further into an employer's motivations where, as here, there is probative evidence that the employer engages in stereotypical thinking with respect to the job performance of members of the complainant's protected class.²

The gay-best-friend stereotype that presumes good relationships between homosexual men and heterosexual women in the workplace may, on its surface, appear to be more benevolent than other regrettably common prejudices, but it is no less problematic. Employees who do not conform to the stereotype may fear reprisal, and social science research suggests that the performance of employees who do feel the burden to conform may be adversely affected. *See, e.g.,* S. Cheryan and G.V. Bodenhausen, "When Positive Stereotypes Threaten Intellectual Performance: The Psychological Hazards of 'Model Minority' Status," *Psychological Science* 11(5): 399-402 (Sept. 2000) (finding the effects of stereotype threat even for "positive" stereotypes).

It is entirely possible that Mr. Jones's stereotypical thinking about homosexual workers did not infect his decision to terminate Fritts and that Fritts was terminated for the non-

² Note that the "same-actor" inference does not apply here for two reasons. Generally speaking, when the same person hires and fires a complainant within a relatively short time, this Commission infers that that person did not have a discriminatory motivation for firing the complainant (or else, they would not have hired the complainant in the first instance). *See, e.g., Bell v. Parkville Autobody, Inc.*, 2014E010 (CCHRC Apr. 20, 2015). That inference does not apply, however, where the evidence shows that respondent believes stereotypes about the protected group at issue. *See id.*

discriminatory reasons Lo Voltage has offered, but the totality of the evidence developed by the Commission's initial investigation into Fritts's claim for unlawful sexual orientation discrimination demonstrates that a reasonable finder of facts could conclude just the opposite. As a result, the Commission will order a dispositive hearing to resolve this claim.

Lack of Substantial Evidence of Race and Sex Discrimination

The Commission will not order a hearing with respect to Fritts's remaining claims of race or sex discrimination because its investigation did not find substantial evidence to support them. Fritts does not have sufficient evidence to establish a *prima facie* case of discrimination with respect to either charge. To do so, requires substantial evidence (1) that Fritts is a member of both protected classes; (2) that he was performing his job satisfactorily; (3) that he suffered an adverse employment action and (4) that it would be reasonable to infer that the adverse employment action was taken because of Fritts's race and/or sex. See *Cuevas v. Coty*, 2006E054, *3 (CCHRC May 20, 2014) (race); *Jiminez*, 2006E039 at *4 (sex).

Once again, for the purpose of this analysis, the Commission presumes that there is sufficient evidence of the first two elements, but Fritts's race and sex claims begin to falter thereafter. Fritts complains that a black female coworker at Lo Voltage was chronically 7-15 minutes late to work. Cp. Ltr., p. 2. To the best of Fritts's knowledge, this coworker was never punished for the infraction, even though Lo Voltage was paying her for those 7-15 minutes before she physically arrived in the office each day. *Id.*

Fritts initially focusses on his termination from Lo Voltage to argue that he was similarly situated to this habitually late coworker, but was dealt with more harshly by being terminated without warning for failing to learn dispatch while she continued to receive Mr. Jones's leniency. Compl. ¶¶ III.D, IV.D. The Commission's investigation does not support this conclusion.

In order to successfully identify a comparator for the "similarly situated" prong, the Commission examines whether, if all other considerations are equal, an employer takes action against one employee in a protected class but not another outside that class, thus giving rise to an inference of discrimination. The core purpose of the "similarly situated" prong is to discern whether "all things are in fact equal" by eliminating possible explanatory variables, "such as differing roles, performance histories, or decision-making personnel, which helps isolate the critical independent variable" – discriminatory animus. *Coleman v. Donahoe*, 667 F.3d 835, 846 (7th Cir. 2012) (providing a comprehensive overview of Seventh Circuit precedent on the "similarly situated" requirement). Here, all other considerations are far from equal.

To begin with, Fritts and his coworker's shortcomings as Lo Voltage employees were different, and Lo Voltage was entitled to deal with a disinterested or non-performing employee differently than a habitually tardy employee without raising a reasonable inference of discriminatory motivation. Fritts was not terminated for being tardy. When the Commission investigated the demographics of other Lo Voltage employees that were terminated for alleged performance issues, like Fritts, no obvious patterns of race or sex emerged. Moreover, the cost of Fritts and his coworker's supposed shortcomings to Lo Voltage were very different because of differences in their duties and compensation. The black female coworker was one of several dispatchers, responsible for relaying information to and from the field staff, while Fritts was the

office manager and was solely responsible for handling personnel files, managing accounts receivable and payable, managing office staff, and occasionally coordinating dispatching. In addition, Fritts was a salaried employee earning \$40,000 per year while the coworker at issue was an hourly employee who was paid just \$13.75 per hour.³ Given their different roles in the workplace, Lo Voltage might quite rationally have had different levels of tolerance for the misconduct or nonperformance of each in the workplace.

The stronger basis of Fritts's comparison to his coworker is really unrelated to his termination by Lo Voltage. Fritts notes that Lo Voltage reacted to the confusion created by the two paychecks Fritts received for his final pay period by sending an employee to his home and accusing him of wage theft. Compl. ¶¶ III.F, IV. F. Fritts sees race- or sex-based animus in the fact that his tardy coworker did not receive similarly harassing or defamatory treatment. *Id.*

Again, the Commission is not inclined to draw the same conclusions as Fritts. Fritts and his coworker remain not similarly situated even when the focus of the analysis shifts from Fritts's termination to Lo Voltage's post-termination conduct. First, "tardiness" is the common term for a worker who is a few minutes late to work each day. It is unprofessional and where chronic may subject an employee to discipline, but it is commonly considered to be a human resources – not a criminal justice – issue. *See* Career Builder, "One-in Five Workers Are Late to Work at Least Once Per Week" (Feb. 25, 2009), online at <http://www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?id=pr483&sd=2%2F25%2F2009&ed=12%2F31%2F2009> (visited Apr. 18, 2015) (20 percent of workers report that they arrive late for work at least one time per week or more). On the other hand, an apparent scheme (even if it was ultimately misidentified by Lo Voltage) to issue two paychecks for the same final pay period looks a lot more like a white collar crime. *See, e.g.*, 720 ILCS 5/16-1(a) (describing the elements of theft under Illinois law). Second, even if Fritts and his coworker's conduct was more comparable, Lo Voltage would have been entitled to deal with them differently because Fritts was no longer an employee of Lo Voltage and thus no longer under its control. It is unlikely that Lo Voltage would have sent a current employee to the home of another to accuse him or her of theft when that conversation could just as easily have happened in the workplace.

But more importantly, a former employer's treatment of a former employee after their employment relationship has come to an end is simply beyond the scope of the Human Rights Ordinance. Section 42-35 of the Human Rights Ordinance prohibits unlawful discrimination in an employment relationship. This provision does not offer a general remedy against discriminatory conduct that occurs outside of an employment relationship or between parties that were once in an employment relationship. "An adverse employment action constitutes a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits." *Cambron v. Kelvyn Press Inc.*, 2011E021 *4 (CCCHR July 28, 2014) (citing *Burlington Indus. v. Ellerth*, 524 U.S. 742, 761 (1998)). On the theory that Lo Voltage harassed Fritts about wage theft, Fritts has alleged an adverse action, but not an adverse *employment* action.

³ At this wage differential, it is possible that Fritts's coworker's tardiness cost Lo Voltage less in one year than Fritts's paycheck every two weeks.

However the Commission evaluates the evidence it gathered during the course of its investigation with respect to Fritts's claims of race and sex discrimination, there is not enough evidence to merit that these claims proceed further. In the absence of substantial evidence that Lo Voltage treated a similarly situated employee outside of Fritts's protected class more favorably or that, in one view of the case, Fritts even suffered any adverse employment action at all, any finding on these claims in Fritts's favor would be unsupported.

CONCLUSION

For the foregoing reasons, the Commission finds **SUBSTANTIAL EVIDENCE** to support the unlawful discrimination claim based on sexual orientation in Complaint No. 2013E012 pending before the Commission. The Commission will issue a notice of the date and time of an Initial Status for a dispositive Administrative Hearing on this claim. The Commission also orders that the unlawful discrimination claims based on race and sex in Complaint No. 2013012 be **DISMISSED** for **LACK OF SUBSTANTIAL EVIDENCE** of a violation of the Human Rights Ordinance. In accordance with CCHR Pro. R. 480.100(A), either party may file a request for reconsideration with the Commission within 30 days of the date of this order.

April 21, 2015

By delegation:



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