

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**  
69 West Washington Street, Suite 3040  
Chicago, Illinois 60602

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Judith KIRCHNER, Complainant	)	
	)	
v.	)	Case No. 2015E007
	)	
ROTA SKIPPER CORPORATION, Respondent	)	Entered: July 16, 2015
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**ORDER OF DISMISSAL**

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On May 7, 2015, Complainant Judith Kirchner (“Kirchner”) filed the above-captioned complaint with the Cook County Commission on Human Rights (“Commission”) against her former employer, Respondent Rota Skipper Corporation (“Rota Skipper”). Kirchner initially alleged only sex-based harassment in the workplace, but later amended her complaint on May 21, 2015 to add a count for unlawful retaliation when she was disciplined and later terminated, she alleges, for complaining about her unlawful treatment.

The Commission has not yet completed its investigation of Kirchner’s complaint. Indeed, the Commission has not even received Rota Skipper’s response to this pleading. In lieu of filing a verified response, Rota Skipper sought to defer the Commission’s investigation in favor of a parallel investigation initiated by Kirchner with the Illinois Department of Human Rights (“IDHR”) on or about June 9, 2015.

The Human Rights Ordinance offers persons and entities doing business or residing in Cook County a host of protections against unlawful discrimination in the areas of employment, housing, public accommodations, credit transactions and access to County services, programs and contracts. *See* Cook County Code of Ordinances (“County Code”), §§ 42-35–42-40. In enforcing the County’s anti-discrimination laws, this Commission has concurrent jurisdiction over allegations of unlawful discrimination with IDHR (which investigates alleged discrimination for violations of state laws) and the U.S. Equal Employment Opportunity Commission (“EEOC”) (which investigates alleged discrimination violations of federal laws).

Nonetheless, the Commission’s Procedural Rules allow for the Commission to defer its investigation in favor of an investigation or adjudication by either of these entities. Specifically:

[A]ny party may file a motion . . . requesting that the Commission defer investigation into a timely filed Complaint pending resolution of the same Complaint, or a substantially similar Complaint, which has been filed by the Complainant with another similar administrative agency. The following is a non-exhaustive

list of factors which the Commission may consider in determining whether to exercise its discretion to defer an investigation:

- (A) Conservation of administrative resources;
- (B) Complainant's right to a timely investigation;
- (C) Minimization of Respondent's burden;
- (D) Procedural or investigative status of charges/complaints filed with the administrative agency as evidenced by one or more of the following: completion of document exchange, witness interviews, response to questionnaires, and the holding of fact-finding conferences; and
- (E) Administrative agency backlog.

CCHR Pro. R. 440.105.

Here, Kirchner filed substantially the same complaint against Rota Skipper with IDHR. Kirchner's IDHR complaint is identical to her complaint with this Commission. *See* Motion to Defer, Exh. A. Since the Commission has not yet invested significant investigative resources into this matter and the Commission's law and precedent is functionally identical to that of the state with respect to sex harassment and retaliation claims, allowing IDHR to complete its investigation would certainly conserve this Commission's administrative resources and would minimize the burden to the Respondent of providing the same responses, interviews, evidence, *etc.* to two different human rights commissions on the same set of allegations. Kirchner has not filed an opposition to Rota Skipper's request for deferral.

The Commission typically defers its investigation in exactly these conditions. *See, e.g., Varela v. CCHHS*, 2012E009 (CCHRC July 14, 2014) (deferring national origin discrimination and retaliation investigation at the Commission for a similar, later-filed complaint at the EEOC); *Estrada v. CCHHS*, 2012E010 (CCHRC July 10, 2014) (same). When "the Commission defers its investigation of a Complaint in favor of the investigation or adjudication of the same Complaint, or a substantially similar Complaint, with another similar administrative agency . . . the factual findings and conclusions of law of that other similar administrative agency shall be binding on the parties to the Complaint pending before the Commission unless the Commission orders otherwise." CCHR Pro. R. 440.105.

For the foregoing reasons, the Commission hereby GRANTS Rota Skipper's MOTION TO DEFER the pending matter in favor of IDHR Case No. 2015CF3363. Either party may petition the Commission to re-open this matter after the completion of the parallel investigation or related adjudication, but pending such a petition, the Commission orders that Complaint No. 2015E007 pending before this Commission be DISMISSED pursuant to a DEFERRAL.

July 16, 2015

By delegation:

A handwritten signature in black ink, appearing to read 'Ranjit Hakim', with a horizontal line extending to the right.

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