

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

Carl LEWIS, Complainant)	
)	
)	Case No. 2003E039
v.)	
)	
COOK COUNTY FOREST PRESERVE)	Entered: August 18, 2014
DISTRICT, Respondent)	

ORDER

On June 3, 2003, Complainant Carl Lewis (“Lewis”) filed a complaint with the Cook County Commission on Human Rights (“Commission”) against his former employer, Respondent Cook County Forest Preserve District (“CCFPD”), for age- and race-based employment discrimination.¹ Lewis’s claims stem from a reorganization of CCFPD in late 2002/early 2003 that saw a number of layoffs across the district and the merger of several departments. Lewis used his seniority among collectively-bargained CCFPD employees to escape an initial round of layoffs on December 31, 2002, in the maintenance department (where Lewis had worked since 1993) by transferring to the forestry department. But CCFPD terminated Lewis three months later on March 31, 2002, when it merged the forestry department with the conservation department, and Lewis was found not to have the requisite certifications to be a resource technician in the newly created department. None of this would present any issue for CCFPD under the Cook County Human Rights Ordinance (“Human Rights Ordinance”) were it not for the fact that Lewis also claims that CCFPD systematically withheld the training opportunities necessary to obtain these certifications from older and black employees. As a result, Lewis complains to the Commission that both the initial decision to terminate him and the later decision to rehire a number of younger or non-black employees terminated in the mass layoff ahead of him are tantamount to unlawful discrimination on the basis of age and race.

The Commission has not yet rendered an evidentiary determination with regards to Lewis’s allegations. But during the course of its investigation, the Commission discovered that on September 24, 2007, Lewis was reinstated with backpay to the maintenance department at CCFPD pursuant to an earlier Illinois Labor Relations Board decision. *State & Municipal Teamsters, Chauffeurs, and Helpers, Local 726 v. Forest Preserve District of Cook County, et.*

¹ Lewis also filed nearly identical age- and race-based employment discrimination complaints against CCFPD with the Illinois Department of Human Rights (Case No. 2003CE3914) and the U.S. Equal Employment Opportunity Commission (Case No. 210-2003-32584). The Illinois Department of Human Rights dismissed Lewis’s claims as unsubstantiated on behalf of both agencies. *Lewis v. Cook County*, No. 2003CE3914 (IDHR Dec. 15, 2005). After Lewis was reinstated in September 2007, *see* discussion, *infra*, CCFPD terminated him again in 2009. The 2009 termination is not at issue in the matter pending before the Commission.

al., Case Nos. L-CA-03-020, L-UC-03-002 (Ill. Labor Relations Bd. Mar. 3, 2005). The labor panel found that the termination of Lewis and other unionized employees during CCFPD's reorganization violated Sections 10(a)(4) and (1) of the Illinois Public Labor Relations Act ("Labor Relations Act"). *Id.* Having already been compensated in the Labor Relations Act process for the period of time he was wrongfully terminated and reinstated, there is no further relief for the Commission to grant and Lewis's pending complaint is moot. *See, e.g., Lockett v. John H. Stroger, Jr. Hospital*, 2009E031 (CCHRC Apr. 15, 2014) (dismissing case in which complainant sought backpay after respondent demonstrated that it had disbursed backpay).

The Commission is reluctant to dismiss this matter as moot having already expended considerable resources over a number of years investigating Lewis's allegations. But just as a litigant who has released her claims in another forum cannot seek compensation for those same claims from this Commission, *see Grigsby v. Office of the Cook County Public Defender*, 2010E020, *2 (CCHRC Oct. 28, 2013), a complainant who has already received compensation for a legal injury cannot achieve a double recovery through the Commission simply by advancing an alternative theory of relief. As the Illinois Supreme Court explained in *Thornton v. Garcini*, a plaintiff may "receive only one full compensation for his or her injuries and double recovery for the same injury is not allowed." 237 Ill. 2d 100, 111 (2010). Here, whether CCFPD's termination of, and failure to rehire, Lewis was unlawful under the Labor Relations Act or the Human Rights Ordinance, the injury to Lewis was the same. His separate compensation in each forum would violate Illinois's single recovery rule.²

For the foregoing reasons, the Commission hereby orders that complaint 2003E039 be DISMISSED as MOOT. 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 this order.

August 18, 2014

By delegation:



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

² The Commission is aware that Lewis is unsatisfied with the extent of his backpay from the Labor Relations Act process. He informed a Commission investigator that he received \$10,000 while other supposedly similarly situated reinstated employees received \$100,000. It is difficult to fathom how an employee who was out of work for four-and-a-half years would only be entitled to \$10,000 in backpay (presumably every job in the maintenance department at CCFPD pays considerably more than \$2,500 per year), but Lewis cannot make up the difference between what he received from the Labor Relations Act process by proceeding before this Commission. Instead, Lewis must rectify any shortcoming by continuing with the Labor Relations Act process, either directly or through his union, if the time for doing either has not already expired.