

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**

69 West Washington Street, Suite 3040  
Chicago, Illinois 60602

---

Ellis PETERSON, Complainant	)	
	)	
v.	)	Case No. 2006E058
	)	
COOK COUNTY DEPARTMENT OF	)	Entered: May 20, 2014
CORRECTIONS, Respondent	)	
	)	

---

**ORDER**

---

On November 22, 2006, Complainant Ellis Peterson (“Complainant” or “Peterson”) filed a complaint against his former employer, Respondent Cook County Department of Corrections (“Respondent” or “Cook County”). This complaint alleges employment discrimination on the basis of age and perceived disability in violation of Section 42-35 of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). At the time of his complaint, Peterson was 67 years old and had worked for Cook County as a correctional officer for a number of years. Peterson also used a cane at work despite safety prohibitions to the contrary. Peterson’s claim arises out of an October 2006 request by Cook County for a medical evaluation regarding his use of this cane as a precursor to his reassignment to a position where correctional officers could more safely use canes and crutches.

The Cook County Commission on Human Rights (“Commission”) investigated Peterson’s complaint and found substantial evidence of a violation on October 13, 2009. After attempts at conciliation failed, the Commission set the matter for an administrative hearing on the merits before Hearing Officer David L. Lee. Hearing Officer Lee held a hearing in this matter on July 6, 2010, and issued a proposed initial decision to the parties on or about March 7, 2011 (Attachment A). Neither party filed any exceptions to this order, and so Hearing Officer Lee adopted his proposed initial order as his proposed final decision on April 28, 2011 (Attachment B). Subject to the modifications set out in this Order, the Commission now adopts the proposed final decision finding that Peterson failed to prove that Cook County violated the Human Rights Ordinance. As such, the Commission dismisses Peterson’s pending complaint for a lack of proof.

## Background<sup>1</sup>

Beginning in November 1979, Peterson began working for the Cook County Department of Corrections, a division of the Cook County Sheriff's Office. Finding of Fact ("FF") 4, 7. Since approximately 1984, Peterson has had a medical condition known as "ankylosing spondylitis." FF11. *Ankylosing spondylitis* is an inflammatory disease that can cause some of the vertebrae in the spine to fuse together, making the spine less flexible. FF12. In October 2006, when Peterson filed this complaint, he was 67 years old and had been working for Cook County as a correctional officer. FF 5, 8. By all reports, Peterson was dedicated to his job and maintained a "squeaky clean" record. FF 9-10.

In May 2006 and again in August 2006, Cook County requested that Peterson undergo a presumably routine medical examination. FF 13-14. Peterson did not submit to this examination at the time it was requested and instead took a scheduled vacation from September 1, 2006 until October 2, 2006. FF 15-16. When Peterson finally met with the County doctor for his requested evaluation on October 6, 2006, Peterson had a note from his own doctor saying that he was fit for duty. FF 17. The county doctor agreed, providing Peterson with a note to the same effect and instructing Peterson to provide both notes to the Director of Personnel for the Sheriff's Office. FF18-19.

At the time, Rosemarie Nolan held this position. FF 21. Peterson happened to be using a cane when he delivered his doctors' notes to Nolan. FF 22-23. Nolan had never seen Peterson using a cane before and asked him whether he used the cane while on the job as a correctional officer. FF 24-25. Peterson informed Nolan that he used the cane to walk to and from work and that he needed the cane to go up and down staircases, including the stairs in the living units where inmates are housed. FF 25-26. Peterson generally took the precaution of leaving his cane in his locker when he was done using it so as to not have it around the inmates, but canes and crutches are not permitted in most areas of the Department of Corrections because of the proximity of inmates who might use these medical devices as weapons. FF. 27-28.

In order to accommodate correctional officers who need to use a cane, the Department of Corrections can assign correctional officers to a position in the "interlock" area. FF 29-30. However, because there are only 12 interlock positions for 3,500 correctional officers, an employee has to present the Cook County Medical Unit with a doctor's note stating that the employee has medical restrictions and requires an accommodation under the Americans with Disabilities Act. FF 31-33. As a result, when Nolan discovered that Peterson used a cane to walk on October 6, 2006, she requested that he obtain another form explaining his medical need to use a cane on the job. FF 34.

On October 30, 2006, Peterson returned with a doctor's note stating, *inter alia*:

---

<sup>1</sup> The Commission does not find that any of Hearing Officer Lee's proposed findings of fact are against the manifest weight of the evidence. Pursuant to Commission Rule 470.105(B), the Commission adopts all of Hearing Officer Lee's proposed findings of facts (with the exception of typographical error in FF 41, *see* note 2, *infra*), including those not explicitly mentioned in this Order. To the extent that conclusions of law in this Order differ from those proposed by Hearing Officer Lee, the conclusions of law as adopted by the Commission in this Order control.

Employee needs to have cain [sic] at work, he is incapable of working with inmates. Re-eval in 3 mos.

FF 36. Had Peterson's doctor's note only stated that he needed to use a cane at work, Cook County could have attempted to accommodate him by placing him in an interlock position. FF 37. But, perhaps unsurprisingly, there are no positions at the Department of Corrections where an employee has no contact with inmates at all. FF 38.

As a result, Nolan informed Peterson that he could not return to work unless and until he was free of any medical restrictions that prohibited him from working with inmates. FF 39. Nolan advised Peterson that he could use his sick time and/or go on disability until his medical restriction from contact with inmates was lifted.<sup>2</sup> FF 40.

On Friday, April 6, 2007, Peterson presented the Sheriff's Office with a medical form approving his return to work without the restriction against working with inmates. FF 42-43. After receiving this note, Cook County accommodated Peterson by assigning him to an interlock position beginning the following Monday on April 9, 2007. FF 44-45. Peterson worked continuously in that interlock position until he retired from Cook County in 2009. FF 46.

### Discussion

The Human Rights Ordinance prohibits an employer, *inter alia*, from discriminating against any individual in the terms, privileges or conditions of employment "on the basis of unlawful discrimination." Cook County Code of Ordinances ("County Code"), § 42-35(b)(1). The Human Rights Ordinance defines "unlawful discrimination" to include discrimination on the basis of age (*i.e.* 40 and over) and actual or perceived disability. *Id.* at § 42-31. Unlawful discrimination, however, does not include reasonable attempts by an employer to accommodate an employee with a medical disability.

Peterson contends that Cook County violated the Human Rights Ordinance by refusing to permit him to return to work on October 6, 2006. FF 3. Cook County, however, had a legitimate and non-discriminatory reason for requesting that Peterson provide it with a doctor's note concerning the medical reason for Peterson's use of a cane as a correctional officer. An additional phrase in Peterson's doctor's note appears to have delayed this accommodation, but upon receiving a doctor's note that cleared Peterson for contact with inmates, Cook County was able to accommodate Peterson's use of a cane by assigning him to an interlock position where he worked until he retired several years later.

The hearing on this matter involved only two witnesses – Peterson and Nolan – both of whom were largely credible according to Hearing Officer Lee. The testimony of both witnesses agreed on almost everything and diverged only on non-dispositive points. Both witnesses agreed, for example, that a cane could be problematic at the jail because of its potential to be

---

<sup>2</sup> Peterson used his accrued sick time and was paid for every day between October 6, 2006 and the date he returned to duty in April 2007. *See* FF 41 (date incorrectly appears as October 6, "2007" in Hearing Officer's Proposed Initial Order).

used as a weapon. When Nolan discovered that Peterson used a cane on the job, she requested a medical note. The Commission finds that it was not against the manifest weight of the evidence in view of the potential of a cane as a weapon, for Hearing Officer Lee to conclude that Nolan's October 6, 2006 request was legitimate and non-discriminatory.

On October 30, 2006, Nolan then received a doctor's note that prohibited Peterson from working around inmates. Again, the evidence presented at the hearing is that there were no jobs at the Department of Corrections that did not involve contact with inmates, and so Nolan advised Peterson to go on sick-leave or disability until he could be reevaluated. Nolan's reaction in this regard remained legitimate, non-discriminatory. Nolan's testimony that had the note concerned only Peterson's medical need to use a cane (instead of medically restricting him from working with inmates), then the Sheriff's Department would have accommodated him undercuts any suggestion that the request for the note was a pretext for age or disability-based discrimination.

Nolan's testimony in this regard is further bolstered by the fact that when she received such a note in April 2007 that is precisely what happened: upon receipt of a doctor's note that explained the necessity of the use of a cane but did not foreclose all contact with inmates, Nolan accommodated Peterson by returning him to work in an interlock position. Taking the evidentiary record as a whole, Peterson simply failed to prove by a preponderance of the evidence that Cook County violated the Human Rights Ordinance in its treatment of him.

### **Conclusion**

For the foregoing reasons, the Commission hereby finds that Cook County did not violate Section 42-35 of the Human Rights Ordinance and that no relief be awarded to Peterson. The Commission orders that complaint 2006E058 be DISMISSED pursuant to a LACK OF PROOF. Each party is to bear its own attorneys' fees and costs. Any party may request reconsideration of this Order within 30 days of receipt pursuant to the procedures set out in Commission Rule 480.100(C).

May 20, 2014

COOK COUNTY COMMISSION ON  
HUMAN RIGHTS:

A handwritten signature in black ink, appearing to read 'K. Gunn', is written over a horizontal line. The signature is stylized and somewhat cursive.

Kenneth A. Gunn,  
Chairperson

# **ATTACHMENT A**

***In the Cook County Commission on Human Rights***

Ellis Peterson,

complainant,

and

Cook County Department of Corrections,

respondent.

**No. 2006 E 058**

Hearing Officer David L. Lee

**Hearing Officer's Proposed Initial Decision**

This action was brought under the Cook County Human Rights Ordinance. The Hearing was held on July 6, 2010. At that Hearing, Complainant appeared *pro se*, and Respondent appeared by counsel. The parties filed post-hearing briefs pursuant to the schedule set by Order.

The Initial Proposed Decision follows. Any exceptions to this Initial Proposed Decision will be governed by Cook County Commission on Human Rights Procedural Rule 470.100(B).

**Contentions of the Parties**

Complainant contends that Respondent discriminated against him on the basis of his age and his perceived disability by refusing to permit him to work and by refusing to accommodate his ankylosing spondylitis by permitting him to use a cane on the job.

Respondent contends that it did not discriminate against Complainant and that it attempted to and did reasonably accommodate him.

## **Findings of Fact and Conclusions of Law<sup>1</sup>**

### **Parties and Jurisdiction**

Finding of Fact 1: Complainant is Ellis Peterson. (Admitted, Verified Response to Complaint at introductory paragraph.)

Finding of Fact 2: Respondent is the Cook County Department of Corrections. (Admitted, Verified Response to Complaint at introductory paragraph.)

Finding of Fact 3: Mr. Peterson's Complaint alleges that on October 6, 2006, he reported to work as scheduled and that the Department of Corrections' Personnel Director refused to permit him to return to work due to his medical restrictions. (Complaint at ¶II.g.)

Finding of Fact 4: The Cook County Department of Corrections is a division of the Cook County Sheriff's Department. (See, [www.cookcountysheriff.org](http://www.cookcountysheriff.org))

**Discussion:** I take judicial notice of this fact.

Finding of Fact 5: In October 2006, Mr. Peterson was 67 years old. (Peterson direct at Transcript p. 31.)

Finding of Fact 6: On November 22, 2006, Mr. Peterson filed a Complaint with the Cook County Commission on Human Rights alleging age discrimination and perceived disability discrimination. (Complaint "Received" stamp.)

---

<sup>1</sup> If a Finding of Fact or Conclusion of Law needs some explication, then a Discussion immediately follows that Finding or Conclusion.

**Mr. Peterson's history on the job**

Finding of Fact 7: The Cook County Sheriff's Department employed Mr. Peterson beginning November 1979. (Admitted, Verified Response to Complaint at ¶I.)

Finding of Fact 8: Mr. Peterson's most recent position for the Cook County Sheriff's Department was Correctional Officer. (Admitted, Verified Response to Complaint at ¶I.)

Finding of Fact 9: Mr. Peterson was dedicated to his job and was a hard worker. (Peterson direct at Transcript p. 31; admitted, statement of defense counsel at Transcript p. 36.)

Finding of Fact 10: Mr. Peterson had a "squeaky clean" record on the job. (Peterson direct at Transcript p. 28; admitted, statement of defense counsel at Transcript p. 36.)

**The Sheriff's Department requests Mr. Peterson to get a medical exam**

Finding of Fact 11: Since approximately 1984, Mr. Peterson has had a medical condition called "ankylosing spondylitis". (Peterson cross at Transcript p. 39.)

Finding of Fact 12: "Ankylosing spondylitis" is an inflammatory disease that can cause some of the vertebrae in the spine to fuse together, making the spine less flexible. (See, [www.mayoclinic.com/health/ankylosing-spondylitis/DS00483](http://www.mayoclinic.com/health/ankylosing-spondylitis/DS00483))

Discussion: I take judicial notice of the medical definition of "ankylosing spondylitis".

Finding of Fact 13: In May 2006, the Sheriff's Department requested Mr. Peterson to undergo a medical examination. (Peterson direct at Transcript pp. 24 - 25; Peterson cross at Transcript p. 42.)

Finding of Fact 14: As of August 2006, Mr. Peterson had not undergone the requested medical examination, so the Sheriff's Department again requested him to get one. (Peterson cross at Transcript pp. 42 - 43.)

Finding of Fact 15: Mr. Peterson worked through August 2006. (Peterson direct at Transcript p. 25.)

Finding of Fact 16: From September 1, 2006, to October 2, 2006, Mr. Peterson was on a scheduled vacation. (Admitted, Verified Response to Complaint at ¶II.f.)

Finding of Fact 17: On October 6, 2006, Mr. Peterson took the County doctor a note from his doctor saying that he could work. (Peterson direct at Transcript pp. 25 - 26; Peterson cross at Transcript pp. 43 - 44.)

Discussion: On direct exam, Mr. Peterson testified that the date was October 3; on cross exam he testified that the date was October 6. I credit the October 6 date because it is consistent with Exhibit C (the 10/6/06 doctor's note), see, Finding of Fact 19, below, with Exhibit D (the 10/13/06 letter from Nolan to Peterson), see, Finding of Fact 35, below, and with the sworn allegations of Complaint ¶II.g.

Finding of Fact 18: The County doctor then told Mr. Peterson that he needed to take that doctor's note to the Sheriff Department's Director of Personnel. (Peterson direct at Transcript pp. 26 - 27.)

Finding of Fact 19: The County doctor also gave Mr. Peterson a note to give to the Sheriff Department's Director of Personnel stating that in the opinion of the County doctor, Mr. Peterson could return to full duty on October 10. (Exhibit C [10/6/06 doctor's note] admitted into evidence at Transcript p. 75.)

Finding of Fact 20: The County doctor is not under the control of the Sheriff's Department. (Nolan direct at Transcript p. 72.)

Finding of Fact 21: At that time, the Director of Personnel for the Cook County Sheriff's Department was Rosemarie Nolan. Ms. Nolan has held that position since January 2001 and still held that position as of the date of the Hearing. (Nolan direct at Transcript pp. 56, 58.)

Finding of Fact 22: Mr. Peterson thereupon took the doctor's note to Ms. Nolan, who was, as noted, the Sheriff Department's Director of Personnel. (Peterson direct at Transcript p. 27; Peterson cross at Transcript p. 44.)

**Ms. Nolan discovers that Mr. Peterson's uses a cane**

Finding of Fact 23: When Mr. Peterson took the doctor's note to Ms. Nolan, he was using a cane. (Peterson direct at Transcript p. 27; Peterson cross at Transcript p. 44.)

**Finding of Fact 24:** Seeing Mr. Peterson with a cane on October 6, 2006, was the first Ms. Nolan knew that Mr. Peterson used a cane. (Nolan re-direct at Transcript p. 98.)

**Finding of Fact 25:** Ms. Nolan asked Mr. Peterson if he used his cane on the job, and Mr. Peterson responded to Ms. Nolan that he would use his cane to walk to and from work and that he would use his cane on the job to go up or down the approximately 27 stairs from the top to the bottom when the elevator was not working. (Peterson direct at Transcript p. 27; Peterson cross at Transcript p. 44; Nolan direct at Transcript pp. 73, 82.)

**Finding of Fact 26:** In addition, there are staircases in the living units that Correctional Officers have to go up and down to check the cell areas in which the inmates are housed. (Nolan direct at Transcript p. 82.)

**Finding of Fact 27:** On the job, when Mr. Peterson was finished using his cane to go up or down the stairs, he would put his cane in his locker, so as not to have the cane around the inmates. (Peterson direct at Transcript pp. 27; Peterson cross at Transcript p. 41.)

**Finding of Fact 28:** Canes and crutches are not permitted around inmates, because canes and crutches can be used as weapons. (Peterson direct at Transcript p. 27; Nolan direct at Transcript pp. 69 - 70.)

**Finding of Fact 29:** The Sheriff's Department will accommodate Correctional Officers who need to use a cane on the job. (Nolan direct at Transcript p. 69.)

Finding of Fact 30: The Sheriff's Department has designated "interlock" areas as Americans with Disabilities Act accommodations positions. (Nolan direct at Transcript pp. 65 - 66.)

Finding of Fact 31: Currently, the Sheriff's Department has twelve interlock positions. (Nolan direct at Transcript pp. 66 - 67.)

Finding of Fact 32: Currently, the Sheriff's Department has 3500 Correctional Officers. (Nolan direct at Transcript p. 67.)

Finding of Fact 33: To receive a reasonable accommodation of being assigned to an interlock position, an employee has to present the Cook County Medical Section with a doctor's note stating the employee's medical restrictions and that the employee needs an accommodation under the Americans with Disabilities Act. (Nolan direct at Transcript pp. 67-69.)

**The Sheriff's Dep't requests a doctor's note on Mr. Peterson's use of a cane**

Finding of Fact 34: In the October 6 meeting, after Ms. Nolan discovered that Mr. Peterson used a cane on the job, she told Mr. Peterson to get another form explaining his medical need to use a cane on the job. (Peterson cross at Transcript pp. 44 -45; Nolan direct at Transcript p. 76.)

Finding of Fact 35: A week later, on October 13, 2006, Ms. Nolan sent Mr. Peterson a letter that reiterated that Mr. Peterson needed to provide the medical section and her with a comprehensive medical statement from his doctor indicating medical restrictions

concerning his use of a cane. (Nolan direct at Transcript pp. 77, 80 - 81; Exhibit D [10/13/06 letter from Nolan to Peterson], admitted into evidence at Transcript p. 79.)

**Mr. Peterson's doctor's note states that he cannot work with inmates**

Finding of Fact 36: On October 30, 2006, Mr. Peterson returned with a doctor's note that stated, among other things:

"Employee needs to have cain [sic] at work, he is incapable of working with inmates. Re-eval in 3 mos."

(Nolan direct at Transcript pp. 85 - 87; Exhibit E [10/30/2006 doctor's note] admitted into evidence at Transcript p. 87.)

Finding of Fact 37: Had the October 30 doctor's note only stated that Mr. Peterson needed to use a cane at work, then the Sheriff's Department would have attempted to accommodate Mr. Peterson by placing him in an interlock position. (Nolan direct at Transcript p. 87.)

Finding of Fact 38: However, the doctor's note said that Mr. Peterson was incapable of working with inmates, and there are no positions at the Department of Corrections at which a Correctional Officer would not have contact with inmates. (Exhibit E [10/30/2006 doctor's note] admitted into evidence at Transcript p. 87; Nolan direct at Transcript p. 88.)

Finding of Fact 39: Ms. Nolan thereupon told Mr. Peterson that he could not return to work unless and until he was free of any medical

restrictions that prohibited him from working with inmates. (Nolan direct at Transcript p. 88.)

Finding of Fact 40: At that time, Ms. Nolan also told Mr. Peterson to use all his benefit time and/or to go on disability until such time as the medical restriction prohibiting him from working with inmates was removed. (Nolan direct at Transcript pp. 88 - 89.)

**The Sheriff's Dep't receives a new note and accommodates Mr. Peterson**

Finding of Fact 41: From October 6, 2007, to April 2007, Mr. Peterson was on sick-time and was paid for every day. (Peterson cross at Transcript p. 46; Nolan direct at Transcript p. 95.)

Finding of Fact 42: On April 6, 2007, Mr. Peterson presented the Sheriff's Department with a medical form dated that same date that approved his returning to work with the medical restriction:

"Permanent restrictions per ADA use cane to go up and down stairs re-eval 1 year"

(Nolan direct at Transcript pp. 89, 92; Exhibit H [4/6/2007 doctor's note] admitted into evidence at Transcript p. 91.)

Finding of Fact 43: This April 6, 2007, doctor's note was the first doctor's note that the Sheriff's Department received from Mr. Peterson since the October 30, 2006, doctor's note. (Nolan direct at Transcript p. 92.)

Finding of Fact 44: Once the Sheriff's Department received the April 6, 2007, medical note that removed Mr. Peterson's medical restriction against working with inmates, the Sheriff's Department

accommodated Mr. Peterson by assigning him to an interlock position. (Nolan direct at Transcript p. 93.)

Discussion: On rebuttal, Mr. Peterson agreed that he returned to work in April, but disagreed that that return to work was to the interlock position. (See, Peterson rebuttal at Transcript p. 102.) I credited Ms. Nolan's testimony that Mr. Peterson was assigned to the interlock position upon his return to work in April.

Finding of Fact 45: Mr. Peterson returned to work the following Monday. (Nolan direct at Transcript p. 92.)

Finding of Fact 46: Mr. Peterson had that interlock job continuously from then until he retired from the Sheriff's Department on May 7, 2009. (Peterson testimony in response to Hearing Officer question at Transcript p. 51; Nolan testimony in response to Hearing Officer question at Transcript p. 99.)

Conclusion of Law 1: Mr. Peterson timely filed his Complaint, and the Cook County Commission on Human Rights has jurisdiction over that Complaint. See, Cook County Human Rights Ordinance at Articles II(D), (E), (F), III(A), and X(B)(1)(a).

Conclusion of Law 2: The Sheriff Department's requesting from Mr. Peterson on October 6, 2006, a doctor's note concerning the medical reason for his using a cane was done for legitimate, non-discriminatory reasons.

Conclusion of Law 3:

The Sheriff Department's placing Mr. Peterson on sick-leave when it received the October 30, 2006, medical note that he was medically prohibited from working with inmates was done for legitimate, non-discriminatory reasons.

Conclusion of Law 4:

Upon receiving a medical note that removed Mr. Peterson's medical restriction prohibiting him from working with inmates, the Sheriff Department accommodated Mr. Peterson's medical need to use a cane by returning Mr. Peterson to work and assigning him to an interlock position.

Conclusion of Law 5:

The Cook County Department of Corrections did not violate the Cook County Human Rights Ordinance in its treatment of Mr. Peterson.

Conclusion of Law 6:

Mr. Peterson's Complaint is dismissed.

Discussion:

This is a case with only two witnesses, both of whom were credible and impressive. Mr. Peterson, who is obviously intelligent and determined, was a credible witness and did an excellent job representing himself pro se. As an employee, Mr. Peterson had a good career at the Department of Corrections. He was dedicated to his job and, as the attorney for Respondent forthrightly admitted, he had a "squeaky clean" record. Ms. Nolan was also a very credible

witness. She impressed me as somebody who tries hard to follow the law and do the right thing.<sup>2</sup>

The testimony of the two witnesses – Mr. Peterson and Ms. Nolan – agreed on almost everything. Areas in which their testimony disagreed were not on dispositive points and have been noted in the discussions above after the applicable Findings of Fact.

Both witnesses agreed that a cane could be problematic at the jail because of its potential to be used as a weapon. When Ms. Nolan discovered that Mr. Peterson used a cane on the job, she requested a medical note concerning Mr. Peterson's use of a cane. In view of the potential of a cane to be used as a weapon, this was a legitimate, non-discriminatory request. Ms. Nolan then received a doctor's note that prohibited Mr. Peterson from working around inmates. Because there were no jobs at the Department of Corrections that did not involve contact with inmates, Ms. Nolan advised Mr. Peterson to go on sick-leave or disability and to get reevaluated. Ms. Nolan's reaction in this regard was legitimate, non-discriminatory, and not a pretext for discrimination, as is shown by Ms. Nolan's testimony that had the note concerned only Mr. Peterson's medical need to use a cane and had not medically

---

<sup>2</sup> I would also like to express my appreciation for the professional manner with which Karen Dimond, attorney for Respondent, handled herself at the Hearing.

restricted him from working with inmates; then the Sheriff's Department would have accommodated Mr. Peterson.

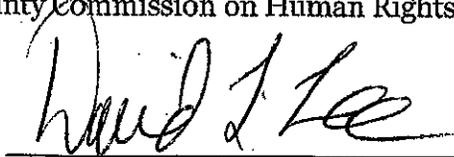
I believed Ms. Nolan's testimony in this regard both because Ms. Nolan testified credibly to this and because when Ms. Nolan received such a doctor's note in April 2007 that removed the medical prohibition against working with inmates but still had a medical restriction that Mr. Peterson needed to use a cane, that is precisely what happened: upon receipt of that doctor's note Ms. Nolan accommodated Mr. Peterson by returning him to work in an interlock position. Mr. Peterson remained in that position until his retirement.

For these reasons, I find that the Cook County Sheriff's Department did not discriminate against Mr. Peterson.

### **Relief and Attorneys' Fees**

For these reasons, the Initial Proposed Order is that no relief be awarded the Complainant and that the Complaint be dismissed in its entirety. I recommend that each party bear its own attorneys' fees and costs.

Cook County Commission on Human Rights

By: 

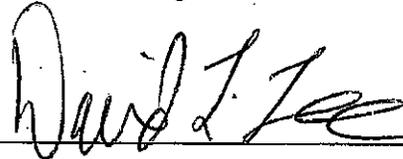
David L. Lee  
Hearing Officer

Dated: March 7, 2011

**Proof of Service:** David L. Lee, an attorney and a Hearing Officer of the Cook County Commission on Human Rights, certifies that he served this Order on March 7, 2011, by mailing a copy of the same with proper 1<sup>st</sup>-class postage affixed to each of the following:

Ellis Peterson  
13110 Georgetown Dr.  
Orland Park, IL 60426

Karen Dimond, Esq.  
Assistant States Attorney  
500 Richard J. Daley Center  
Chicago, IL 60602



---

David L. Lee  
LAW OFFICES OF DAVID L. LEE  
53 W. Jackson Blvd., Suite 505  
Chicago, IL 60604-3437  
d-lee@davidleelaw.com  
312-347-4400

# **ATTACHMENT B**

***In the Cook County Commission on Human Rights***

Ellis Peterson,

complainant,

and

Cook County Department of Corrections,

respondent.

**No. 2006 E 058**

Hearing Officer David L. Lee

**Hearing Officer's Final Proposed Decision and Order**

This action was brought under the Cook County Human Rights Ordinance. The Hearing was held on July 6, 2010. At that Hearing, Complainant appeared pro se, and Respondent appeared by counsel. The parties filed post-hearing briefs pursuant to the schedule set by Order. The Initial Proposed Decision was issued on March 5, 2011. Neither party filed any Exceptions to the Initial Proposed Decision. Nevertheless, I reviewed the Initial Proposed Decision. There is nothing in the Initial Proposed Decision that I want to change, so the Initial Proposed Decision will stand as the Hearing Officer's Final Proposed Decision and Order.

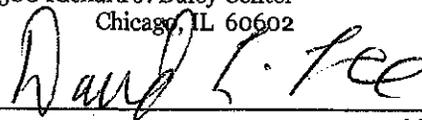
Cook County Commission on Human Rights

By:   
David L. Lee  
Hearing Officer, dated April 28, 2011

Proof of Service: David L. Lee, an attorney and a Hearing Officer of the Cook County Commission on Human Rights, certifies that he served this Order on April 28, 2011, by mailing a copy of the same with proper 1<sup>st</sup>-class postage affixed to each of the following:

Ellis Peterson  
13110 Georgetown Dr.  
Orland Park, IL 60426

Karen Dimond, Esq.  
Assistant States Attorney  
500 Richard J. Daley Center  
Chicago, IL 60602

  
David L. Lee  
LAW OFFICES OF DAVID L. LEE  
53 W. Jackson Blvd., Suite 505  
Chicago, IL 60604-3437  
d-lee@davidleelaw.com  
312-347-4400