

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

Perla ROMERO, Complainant)

v.)

Sodexo a/k/a SDH SERVICES WEST, LLC,)
Respondent)

Case No. 2012E021

Entered: September 26, 2013

ORDER

On June 14, 2012, Complainant Perla Romero ("Romero") filed this action with the Commission and against her former employer, Respondent Sodexo a/k/a SDH Services West, LLC ("Respondent" or the "Sodexo"), for sexual harassment and unlawful retaliation in violation of Sections 42-35(b) and 42-41(a) of the Cook County Code of Ordinances ("County Code"). On September 4, 2013, Romero filed suit against Sodexo (and an additional defendant) in the Circuit Court of Cook County. *See Romero v. SDH Services West, LLC*, 2013-L-9916 (Law Div.). The Commission dismisses Romero's action pending here because her complaint in the Circuit Court raises some or all of 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.

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 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. *See Veremis v. Interstate Steel*, 1994E096 (CCHRC June 14, 1995).

Here, Romero alleges that a co-worker attempted to grope her on December 31, 2011, and positioned himself suggestively with respect to her face on February 17, 2011. Comm.

Compl., ¶ II(a), (c). Romero alleges that she complained to the Illinois Department of Human Rights and Respondent, her employer. *Id.* at ¶ III(b), (c). Further, she alleges that as a result, Sodexo subjected her to adverse treatment, including discharge. *Id.* at ¶ III(d)-(h). Romero brings claims under the Human Rights Ordinance for unlawful employment discrimination/sexual harassment and retaliation. *Id.* at ¶ IV.

Romero's complaint to the Circuit Court arises out of this same set of operative facts. *See* Court Compl., ¶ 17-23, 25-26, 29, 31. Moreover, her complaint pending in the Law Division includes counts for sexual harassment, discrimination and retaliation in violation of the Illinois Human Rights Act ("IHRA"). These claims for violations of the IHRA are not exactly the same as Romero's earlier filed claims for violations of the Human Rights Ordinance, but claims under both the State and County regulations raise "some or all of the same issues."

For the foregoing reasons, the Commission orders that complaint 2012E021 be DISMISSED for LACK OF JURISDICTION.

September 26, 2013

By delegation:



Ranjit Hakim
Executive Director of the Cook Commission
on Human Rights