

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

Constantine SAROLAS, Complainant)	
)	
)	Case No. 2015E011
v.)	
)	
OMEDA COMMUNICATIONS, INC.,)	Entered: September 17, 2015
Respondent)	
)	
)	

ORDER OF DISMISSAL

On or about July 8, 2015, Complainant Constantine Sarolas (“Sarolas”) filed a complaint with the Cook County Commission on Human Rights (“Commission”) against his former employer, Respondent Omeda Communications, Inc. (“Omeda”), alleging that he was terminated based on his age. Omeda contests these allegations.

The Commission has not yet made an evidence determination with respect to this matter, but on August 31, 2015, Omeda moved to defer the Commission’s investigation of this case in favor of a proceeding initiated on or before April 16, 2015, involving the same parties and claims at the Illinois Department of Human Rights (“IDHR”) (Charge No. 2015CR2698). Pursuant to the Commission’s rules, Omeda cited conserving administrative resources and minimizing Omeda’s burden of responding to multiple investigations on the same underlying claim as the basis for its Motion to Defer. Sarolas chose not to file any response to Omeda’s motion.

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. The Human Rights Ordinance also offers protection against unlawful retaliation for individuals who assert their rights to be free from discrimination or otherwise participate in a Commission proceeding. *See id.* at § 42-41. In enforcing the County’s anti-discrimination and anti-retaliation laws, this Commission has concurrent jurisdiction over allegations of violations with IDHR (which investigates alleged discrimination and retaliation for violations of state laws) and the U.S. Equal Employment Opportunity Commission (“EEOC”) (which investigates alleged discrimination and retaliation for 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:

The Commission may defer investigation of a timely filed Complaint when the same Complaint, or a substantially similar

Complaint, 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.

The Commission finds that Sarolas' complaint pending here and the complaint pending before IDHR are substantially the same. In both complaints, Sarolas alleges that he was terminated based on his age.

Under such circumstances, 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. This Commission has no reason to believe that deferring to IDHR will substantially delay investigation into this matter. Had a deferral prejudiced Sarolas in any way, the Commission presumes that he would have responded to Omeda's motion to provide evidence to that effect.

The Commission typically defers its investigation in exactly these conditions. *See, e.g., Walters v. Allied Barton Security Servs.*, 2013E015 (CCHRC Apr. 21, 2014); *Austin v. Cook County*, 2011E022 (CCHRC Mar. 20, 2014). 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 Omeda's uncontested motion to defer this matter in favor of the pending IDHR matter (Charge No. 2015CR2698). Either party may petition the Commission to re-open this matter after the completion of the parallel

proceeding, but pending such a petition, the Commission orders that Complaint No. 2015E011 pending before this Commission be DISMISSED pursuant to a DEFERRAL.

September 17, 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