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

Jeanne STANTON, Complainant v. AMERICAN HERITAGE PROTECTIVE SERVICES, INC., Respondent	))))))))	Case No. 2014E009 Entered: September 12, 2014

ORDER

On or about June 2, 2014, Complainant Jeanne Stanton ("Stanton") filed a complaint against her former employer, Respondent American Heritage Protective Services, Inc. ("American"), alleging that she was retaliated against for complaining about sexual harassment. Specifically, Stanton alleges that American violated the Cook County Human Rights Ordinance ("Human Rights Ordinance") by terminating her just four days after she complained to a supervisor that a coworker had harassed her outside of work during the previous weekend. American contests these allegations.

The Cook County Commission on Human Rights ("Commission") has not yet made an evidence determination with respect to this matter, but on September 2, 2014, American moved to defer the Commission's investigation of this case in favor of a proceeding involving the same parties at the Illinois Department of Human Rights ("IDHR"). Pursuant to the Commission's rules, American cited conserving administrative resources and minimizing American's burden as the basis for its Motion to Defer. On September 7, 2014, Stanton filed a short response to American's Motion stating in total that she objected to deferral because 1) "Respondent has cited no compelling reason for the deferral" and; 2) "Respondent has maliciously denied all accusations as well as denied to agree to settle the case."

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 the Illinois Department of Human Rights ("IDHR") (which investigates alleged discrimination and retaliation for violations of state laws) and the 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 or 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:
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> (A) Conservation of administrative resources;
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> (B) Complainant's right to a timely investigation;
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> (C) Minimization of Respondent's burden;
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> (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
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> (E) Administrative agency backlog.

CCHR Pro. R. 440.105.

The Commission finds that Stanton's complaint pending here and the complaint pending before IDHR are substantially the same. In both complaints, Stanton alleges that she complained to an American manager trainee about sexual harassment by a coworker on May 12, 2014. In both complaints, Stanton alleges that the manager trainee terminated her on May 16, 2014. In both complaints, Stanton alleges that the manager trainee told her that they could not accommodate her schedule, and in both complaints, Stanton decries this proffered reason as pretextual.

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. In Stanton's response to American's Motion to Defer, she does not claim that a deferral would jeopardize her interest in a timely investigation, and American correctly notes that both this Commission's and the IDHR's investigations are still at their earliest stages. This Commission has no reason to believe that deferring to IDHR will substantially delay investigation into this matter and neither party has provided evidence to this 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 American's contested motion to defer this matter in favor of the pending IDHR matter. 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 2014E009 pending before this Commission be DISMISSED pursuant to a DEFERRAL.

September 12, 2014

By delegation:

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