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

Bing TIE, Complainant	)	
	)	Case No. 2007E046
v.	)	
	)	Entered: May 19, 2014
COOK COUNTY PROVIDENT HOSPITAL and LLOYD HYDE, individually, Respondents	)	

ORDER

On or about July 19, 2007, Complainant Bing Tie ("Tie") filed a complaint with the Cook County Commission on Human Rights alleging that she was subjected to sexual harassment by her supervisor, Respondent Lloyd Hyde ("Hyde") through the course of her employment with Cook County Provident Hospital ("Provident"). The Cook County Commission on Human Rights ("Commission") has not yet made an evidence determination with respect to this matter, but Respondent's attorney provided the Commission with information about a parallel adjudication initiated by Tie with the Illinois Department of Human Rights ("IDHR").

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. In enforcing the County's anti-sexual harassment laws, this Commission has concurrent jurisdiction with IDHR (which investigates violations of state laws) and the U.S. Equal Employment Opportunity Commission (which investigates 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 on its own initiative 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;

(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.

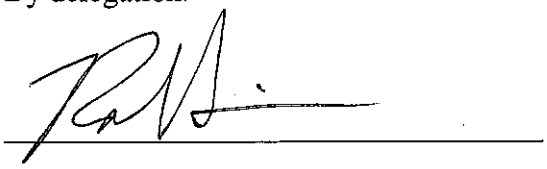
Here, Tie filed substantially the same complaint against Provident and Hyde with IDHR. In her consolidated IDHR complaints, Tie made allegations of sexual harassment against Hyde, individually, and against Provident, as the employer. Allowing IDHR to complete its adjudication would certainly conserve 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. The Commission might still push ahead with an independent investigation if it were convinced that it could investigate Tie's claims in a timely fashion. The Commission, however, is still working through a significant backlog of cases and deferring its investigation now in favor of IDHR's adjudication would not be the cause of additional delay for Tie.

The Commission typically defers its investigation in exactly these conditions. *See, e.g.*, *Wickman v. Wellness Healthcare Partners*, 2014E005 (May 5, 2014); *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 on its own motion defers this matter in favor of IDHR consolidated matters 2008CH1158 and 2008CF1159. Either party may petition the Commission to re-open this matter after the completion of the parallel investigation or related adjudication, but pending such a petition, the Commission orders that complaint 2007E0046 pending before this Commission be DISMISSED pursuant to a DEFERRAL.

May 19, 2014

By delegation:



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