

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**

69 West Washington Street, Suite 3040  
Chicago, Illinois 60602

---

Stanley TURNER, Complainant )

v. )

QUALITY ASSURED HOME HEALTH, INC., )  
Respondent )

Case No. 2012E019

Entered: May 27, 2014

---

**ORDER**

---

On or about May 31, 2012, Complainant Stanley Turner ("Turner") filed a complaint against his former employer, Respondent Quality Assured Home Health, Inc. ("Quality Assured"), for sexual harassment. Turner alleged that Quality Assured violated the Cook County Human Rights Ordinance ("Human Rights Ordinance") when Quality Assured terminated him without reason on March 15, 2012, after Turner rejected the owner's sexual advances. The Cook County Commission on Human Rights ("Commission") has not yet made an evidence determination with respect to this matter, but Quality Assured's attorney informed the Commission of a parallel investigation initiated by Turner 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-discrimination/sexual harassment laws, this Commission has concurrent jurisdiction over allegations of unlawful discrimination with IDHR (which investigates alleged discrimination for violations of state laws) and the U.S. Equal Employment Opportunity Commission ("EEOC") (which investigates alleged discrimination 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 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:

- (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.

Here, Turner filed substantially the same Complaint against Quality Assured with IDHR, prior to filing his Commission Complaint. In his May 29, 2012 IDHR Complaint, and in his May 31, 2012 Commission Complaint, Turner alleges that he was terminated in retaliation for complaining about sexual harassment in Respondent's workplace. IDHR substantiated Turner's sexual harassment claim and the matter is pending at the Illinois Human Rights Commission ("IHRC"). Allowing IHRC to complete its adjudication would certainly conserve this Commission's administrative resources and would minimize the burden to Quality Assured 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 Turner'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 IHRC's adjudication would not be the cause of additional delay for Turner.

The Commission typically defers its investigation in exactly these conditions. *See, e.g., 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 matter 2012CN3433. 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 2012E019 pending before this Commission be DISMISSED pursuant to a DEFERRAL.

May 27, 2014

By delegation:

A handwritten signature in black ink, appearing to be 'R. Hakim', written over a horizontal line.

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