

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

Frederick M. WALTERS, Complainant)	
)	
v.)	Case No. 2013E015
)	
ALLIED BARTON SECURITY SERVS.,)	Entered: April 21, 2014
Respondent)	
)	

ORDER

On or about May 28, 2013, Complainant Frederick M. Walters (“Walters”) filed a complaint against his former employer, Respondent Allied Barton Security Services (“Allied Barton”), for race and age-based employment discrimination. Walters alleged that Allied Barton violated the Cook County Human Rights Ordinance (“Human Rights Ordinance”) when Allied Barton demoted him on December 7, 2012, when a coworker complained about him; and when Allied Barton reduced Walter’s hours and eventually terminated him on March 28, 2013. The Cook County Commission on Human Rights (“Commission”) has not yet made an evidence determination with respect to this matter, but Allied Barton provided the Commission with information about a parallel investigation initiated by Walters 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 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 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:

- (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.

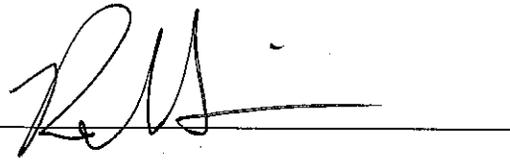
Here, Walters filed substantially the same complaint against Allied Barton with IDHR on or about July 11, 2013. In his IDHR complaint, Austin alleges race and age-based employment discrimination on the basis of a December 7, 2012 demotion, complaints by his coworkers against him and the reduction of his hours ultimately resulting in his March 28, 2013 termination. Walters also includes a number of additional allegations of harassment and claims of sex-based employment discrimination in his complaint to the State of Illinois. Allowing IDHR to complete its more extensive 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. The Commission might still push ahead with an independent investigation if it were convinced that it could investigate Walters'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 investigation would not be the cause of additional delay for Walters.

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 2013CA3680. 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 2013E015 pending before this Commission be DISMISSED pursuant to a DEFERRAL.

April 21, 2014

By delegation:

A handwritten signature in black ink, appearing to read 'RH', is written over a horizontal line.

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