

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2010CF3259</b>
	)	EEOC NO.: <b>21BA01745</b>
<b>FIRE FIGHTERS LOCAL #4087,</b>	)	ALS NO.: <b>12-0171</b>
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Terry Cosgrove, Patricia Bakalis Yadgir, and Marti Baricevic<sup>1</sup> presiding, upon the Request for Review (“Request”) of Fire Fighters Local #4087 (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2010CF3259 and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent’s dismissal of Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

**DISCUSSION**

On April 6, 2010, Petitioner filed a charge of discrimination with the Respondent alleging that Hazel Crest Fire Department (“Fire Department”) failed to promote its union members because of their race (white), in violation of Section 2-102(A) of the Illinois Human Rights Act.

On December 20, 2011, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

To show a *prima facie* case that Employer discriminated based on race, Petitioner must show: 1) it is a member of a protected class; 2) it was performing its work satisfactorily; 3) it was subject to an adverse action; and 4) the Employer treated a similarly situated employee outside her protected class more favorably under similar circumstances. Marinelli v. Human Rights Comm’n, 262 Ill. App. 3d 247, 253-54 (2d Dist. 1994). Petitioner’s claim fails at the outset, because Petitioner is a labor union representing employees of the Fire Department, but is not itself an employee. Section 2-101(A)(1) defines “employee” as “any individual performing services for remuneration with the State for an employer.” Petitioner is not an “individual performing services.” It is not a member of a protected class. Petitioner was not itself subjected to any adverse action.

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<sup>1</sup> This Order is in accordance with votes cast by Commissioners Baricevic and Cosgrove prior to the expiration of their terms.  
<sup>2</sup> In a request for review proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge requesting review of the Illinois Department of Human Rights’s action shall be referred to as the “Petitioner.”

