

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF1414
)	EEOC NO.: 21BA10371
GLORIA PADILLA,)	ALS NO.: 12-0172
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Terry Cosgrove, Patricia Bakalis Yadgir, and Marti Baricevic¹ presiding, upon the Request for Review (“Request”) of Gloria Padilla (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011CF1414 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 November 3, 2010, Petitioner filed a charge of discrimination with the Respondent alleging that State of Illinois, Department of Children and Family Services (“Employer”) subjected her to unequal terms and conditions of employment because of her ancestry, in violation of Section 2-102(A) of the Illinois Human Rights Act.

On December 29, 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 against her based on her ancestry, Petitioner must show: 1) she is a member of a protected class; 2) she was performing her work satisfactorily; 3) she 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 third prong, because her allegations (her employer gave a social services client Petitioner’s phone number, complained about Petitioner to clients and coworkers, belittled her over email, required her to sign in at work, and required her to stay in the office to complete paperwork) do not qualify as “adverse actions.” An adverse action must be sufficiently

¹ This Order is in accordance with votes cast by Commissioners Baricevic and Cosgrove prior to the expiration of their terms.
² 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.”

severe or pervasive to constitute a term or condition of employment. See In the Matter of: Linda M. Hartman and City of Springfield Police Department, IHRC, Charge No. 1993SF0365 (October 4, 1999), 1999 WL 33252975 (Ill.Hum.Rts.Com.). It must be “more disruptive than a mere inconvenience or an alteration of job responsibilities.” Traylor v. Brown, 295 F.3d 783, 788 (7th Cir. 2002). Actions such as termination, a decrease in wages, or a material loss of benefits would qualify. Id. None of Petitioner’s complaints cross this line.

Further, even if the Petitioner presented a *prima facie* case, the Employer may then produce a legitimate, nondiscriminatory reason for its action, and Petitioner must prove that this reason is a pretext for discrimination. Zaderaka v. Illinois Human Rights Comm’n, 131 Ill. 2d 172, 179 (1989). Employer asserted that it did require Petitioner to sign in and stay at the office to complete paperwork, because Petitioner had repeatedly failed to complete these tasks. Petitioner has not shown that requiring her to complete these ordinary job tasks was pretextual.

Accordingly, the Petitioner has not presented any evidence to show that the Respondent’s dismissal of the charge was not in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner’s charge is hereby **SUSTAINED**.
2. This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and State of Illinois Department of Children and Family Services, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
) **Entered this 2nd day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Marti Baricevic

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir