

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CN4026
)	EEOC NO.: N/A
TADEUSZ PALKA,)	ALS NO.: 12-0231
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,¹ David J. Walsh,² and Robert A. Cantone presiding, upon Tadeusz Palka's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")³ of Charge No. 2011CN4026 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 the Petitioner's charge for **LACK OF JURISDICTION** is **SUSTAINED**.

DISCUSSION

On April 13, 2011, the Petitioner filed a charge of discrimination with the Respondent against Rose Mary Nolan, Human Resources Director, Cook County Sheriff Department as an aider and abetter in the Petitioner's allegations against the Sheriff's Department that it refused to provide the Petitioner his retirement badge and credentials in retaliation for the Petitioner filing previous charges of discrimination against the Sheriff's Department in violation of Section 6-101(A) of the Illinois Human Rights Act ("Act"). On February 15, 2012, the Respondent dismissed the Petitioner's charge for lack of substantial evidence. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of jurisdiction. The Act provides that a charge must be filed within 180 days after the date that a civil rights violation allegedly has been committed. 775 ILCS 5/7A-102(A). Because the Petitioner filed his charge on April 13, 2011, he must demonstrate an act of unlawful retaliation on or after October 15, 2010.

The Petitioner's charge states that he was forced to resign from his position with the Cook County Sheriff's Department on May 11, 2008. The charge further states that he contacted the Sheriff's Department in March of 2011 through his lawyer to ask for his retirement badge and credentials and was denied. However, the investigation conducted by the Respondent determined

¹ This Order is in accordance with a vote cast by Commissioner Viverito prior to the expiration of her term.

² This Order is in accordance with a vote cast by Commissioner Walsh prior to the expiration of his term.

³ 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."

that the decision to deny the Petitioner his retirement badge and credentials was made upon his retirement in 2008. The Petitioner argues in his Request for Review and his Reply to Response to Request for Review Filed by the Department of Human Rights on Behalf of the Sheriff of Cook County that the decision to deny the Petitioner his badge and credentials in 2011 was a new act of discrimination that was made in retaliation for the discrimination claims brought by the Petitioner after his retirement in 2008. However, as the Petitioner concedes that he was first denied his badge and credentials in 2008 (and indeed this action by the Sheriff's Department formed the basis of one of the Petitioner's previous charges with the Respondent), the decision to do the same in 2011 can only be a reaffirmation of the previous decision. A refusal to reconsider an adverse employment action is not a separate adverse action for purposes of the 180 day time limit. Lee v. Illinois Human Rights Commission, 126 Ill. App. 3d 666, 671-72 (1st Dist. 1984).

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 Rose Mary Nolan, Human Resources Director, Cook County Sheriff Department 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 24th day of October 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Diane M. Viverito

Commissioner David J. Walsh

Commissioner Robert A. Cantone