

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF2323
)	EEOC NO.: 21BA11014
RUTHIE MURRY,)	ALS NO.: 12-0256
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Lauren Beth Gash, David J. Walsh, and Diane M. Viverito¹ presiding, upon the Request for Review (“Request”) of Ruthie Murry (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011CF2323 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 February 17, 2011, Petitioner filed a charge with the Respondent alleging that SDH Services West, LLC (“Employer”) harassed her and sent her home early in retaliation for opposing unlawful discrimination, in violation of Section 6-101(A) of the Act.

On February 3, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner was hired as a housekeeper at a hospital in July 2008. In December 2010, she filed a charge with Respondent alleging racial discrimination based on a pay disparity. She alleges that in January and February 2011, her supervisor harassed her by monitoring closely her work, and a hospital nurse yelled at her. She further alleges that her supervisor sent her home on February 11 and 14, 2011.

Harassment must be so severe and pervasive that it alters the conditions of employment and creates an abusive working environment. Harris v. Forklift Systems, Inc., 510 U.S. 17, 20 (1993). The actions Petitioner describes (monitoring her work and an incident of yelling) do not rise to that level. “Heavy-handed management” is unpleasant but not necessarily motivated by discriminatory animus, and so not actionable. Patel v. Allstate Insurance, 105 F.3d 365 (7th Cir. 1997).

¹ This Order is in accordance with votes cast by Commissioners Gash, Walsh, and Viverito 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.”

A *prima facie* case of retaliation requires evidence that the Petitioner engaged in a protected activity, that they suffered an adverse action, and that there is evidence of a causal connection between the protected activity and the adverse action. See Welch v. Hoeh, 314 Ill. App. 3d 1027, 1035, (3rd Dist. 2000). To constitute an “adverse action” the alleged retaliatory conduct must be sufficiently 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, 1999 WL 33252975 (October 4, 1999). Petitioner concedes that on both February 11 and February 14, she was paid for a full day’s work even though she was sent home early. So, she did not suffer an adverse action.

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 SDH Services West, LLC, 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 15th day of October 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Lauren Beth Gash

Commissioner Diane M. Viverito

Commissioner David J. Walsh