

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2010CF3645</b>
	)	EEOC NO.: <b>21BA02018</b>
<b>RONALD SINGLETARY,</b>	)	ALS NO.: <b>12-0335</b>
	)	
Petitioner.	)	

**CORRECTED ORDER**

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,<sup>1</sup> Robert A. Cantone, and Michael Bigger presiding, upon Ronald Singletary's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")<sup>2</sup> of Charge No. 2010CF3645<sup>3</sup> 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 SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

**DISCUSSION**

On May 24, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Joliet Public Schools District #86 ("Employer") issued him a Letter of Direction because of his race, issued him a written reprimand because of his race and in retaliation for his opposition to unlawful discrimination, and harassed him in retaliation for his opposition to unlawful discrimination in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On March 7, 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 substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, \*2 (March 7, 1995).

To establish a *prima facie* case of discrimination, the Petitioner must show: 1) he is a member of a protected class; 2) he was performing his job satisfactorily; 3) he was subject to an adverse action; and 4) the Employer treated a similarly situated employee outside his protected class more

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

<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."

<sup>3</sup> This order was previously served with the incorrect charge number.

favorably under similar circumstances. Marinelli v. Human Rights Comm'n, 262 Ill. App. 3d 247, 634 N.E.2d 463 (2d Dist. 1994).

To prove a *prima facie* case of retaliation, the Petitioner must prove the following three elements: (1) Petitioner engaged in a protected activity, (2) the employer took an adverse action against him, and (3) there was a causal nexus between the protected activity and the adverse action. Carter Coal Co. v. Human Rights Commission, 261 Ill. App. 3d 1, 7 (5th Dist. 1994)

In order to prove retaliatory harassment, the Petitioner must establish that he was harassed due to his participation in a protected activity and that the harassment was so severe or pervasive that it altered the conditions of his employment and created an abusive environment. In re Luisa Tapia, et al. and Genlyte Thomas Group, IHRC, Charge No. 2000CF0871, 2002 WL 32828305 (December 16, 2002).

There is no substantial evidence that Petitioner was given the letter of direction or the written reprimand because of his race. The Employer articulated clear, non-discriminatory reasons for all of its actions, all focusing on the Petitioner's poor work performance. The investigation revealed no similarly situated employees who were also deficient in the performance of their work duties and did not receive reprimands. The Request submitted by the Petitioner takes issue with the criticisms of his performance by the Employer, but it is not the job of the Respondent or the Commission to substitute its judgment for the proper business judgments of an employer. See Berry and State of Illinois, Department of Mental Health and Developmental Disabilities, IHRC, Charge No. 1994SA0240 (December 10, 1997).

The same reasoning applies to the Petitioner's claims that the reprimands were in retaliation for opposing unlawful discrimination. All of the evidence indicates that the reprimands were given as a result of the Petitioner's poor job performance, and the Commission will not second guess business decisions made by the Employer.

As to the Petitioner's charge that he was harassed by the Principal in retaliation for opposing unlawful discrimination, nothing in the Petitioner's allegations or the investigation rises to the level of actionable harassment. The Petitioner claims that the Principal criticized his work performance, monitored his whereabouts, and denied him the opportunity to serve as acting engineer. However, the standard requires that the harassment be so severe and pervasive as to alter the conditions of the Petitioner's employment and create an abusive environment, and the Petitioner has not presented any evidence of conduct which would rise to this level.

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 Joliet Public Schools District #86 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 26th day of October 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Diane M. Viverito

Commissioner Robert A. Cantone

Commissioner Michael Bigger