

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011SF0440
)	EEOC NO.: 21BA02728
EVET TAYLOR,)	ALS NO.: 12-0351
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Patricia Bakalis Yadgir, and Terry Cosgrove¹ presiding, upon the Request for Review (“Request”) of Evet Taylor (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011SF0440 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 Counts A, B, and C of Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On July 7, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that Liberty Village/Manor Court of Clinton (“Employer”) harassed her due to her race (Count A), discharged her because of her race and in retaliation for filing a charge of discrimination (Counts B and C), and gave her bad references in retaliation (Count D), in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”).

On March 12, 2012, the Respondent dismissed Counts A-C of Petitioner’s charge, but found Substantial Evidence as to Count D. The Petitioner filed a timely Request as to Counts A-C.

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 (being given more work to do and being chastised for forgetting to clock in or out for meal breaks) were not “severe and pervasive,” and it was within her supervisor’s discretion to supervise Petitioner’s work. Heavy-handed management is unpleasant but does not constitute harassment. Patel v. Allstate Insurance, 105 F.3d 365, 373 (7th Cir. 1997).

To establish a *prima facie* case of discrimination based on her race, the Petitioner must show: 1) she is a member of a protected class; 2) she was performing her work satisfactorily; 3) she was

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

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.”

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, 634 N.E.2d 463 (2d Dist. 1994). If the Petitioner presents a *prima facie* case, the Employer must 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 asserts that it did not discharge Petitioner; instead, she gave two weeks notice that she wanted to change shifts and work only two days a week. Employer chose to accept this as a resignation and did not want her to work two days a week. Petitioner has not shown that this was pretextual. The Commission does not sit as a "super-personnel department" to examine an employer's business decisions, even if those decisions seem "high-handed" or "mistaken." Mechnig v. Sears, Roebuck & Co., 864 F.2d 1359, 1365 (7th Cir.1988) (citations omitted).

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). If the Petitioner presents a *prima facie* case, the Employer must then produce a legitimate, nondiscriminatory reason for its action, and Petitioner must prove that this reason is a pretext for discrimination. Zaderaka, 131 Ill. 2d at 179. Again, Petitioner has not shown that Employer's proffered reason 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 Counts A, B, and C of 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 Liberty Village/Manor Court of Clinton, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
)
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Entered this 9th day of November 2018.

Commissioner Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir