

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012SF0983
)	EEOC NO.: 21BA20064
ROSA BOUNDS,)	ALS NO.: 12-0602
)	
)	
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 Rosa Bounds (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012SF0983 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 September 2, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Yazaki North America (“Yazaki”) denied her a salary increase because of her race and sex, and discharged her in retaliation for opposing unlawful discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). Yazaki ran an auto parts warehouse, and contracted with Kelly Services, a temporary employment agency, to provide labor. Petitioner was hired by Kelly Services and supervised by another Kelly employee. On March 12, 2011, Petitioner heard from another employee that he had asked for and received a raise. Petitioner went to her supervisor and asked whether she would also receive a raise. The supervisor told her to drop the subject, Petitioner protested that it was unfair, and the supervisor discharged her.

On June 13, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

To present a *prima facie* case that Yazaki discriminated against her by failing to give her a raise, 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 classes more favorably under similar circumstances. Marinelli v. Human Rights Comm’n, 262 Ill. App. 3d 247, 253-54 (2d Dist. 1994). Petitioner’s claim

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.”

fails at this stage because Yazaki was not her employer and did not control whether she received a raise. The timeline of events, as presented by Petitioner, is that she asked her supervisor from Kelly Services for a raise and was immediately denied one; she presented no evidence that Yazaki made any decision as to her raise, or anyone else's. There was no opportunity for Yazaki to consider Petitioner's request or influence the supervisor's decision, so Petitioner cannot show that Yazaki took any adverse action against her.

The same applies to Petitioner's claim of retaliation. A *prima facie* case of retaliation requires evidence that the Petitioner engaged in a protected activity, that they suffered an adverse action, and a causal connection exists between the protected activity and the adverse action. See Welch v. Hoeh, 314 Ill. App. 3d 1027, 1035 (3rd Dist. 2000). Here, Petitioner has not presented evidence that Yazaki took any adverse action against her, because the decision to discharge her was made by the supervisor from Kelly Services, without consulting Yazaki at all.

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 Yazaki North America, 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 Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir