

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CR3134
)	EEOC NO.: N/A
ROSITA MARTIN - JONES,)	ALS NO.: 13-0087
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Charlene Foss-Eggemann,¹ and Patricia Bakalis Yadgir presiding, upon the Request for Review (“Request”) of Rosita Martin-Jones (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012CR3134 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 Count A of Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On January 30, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that State of Illinois Department of Human Services (“Employer”) harassed her because of her sex (Count A) and her physical disabilities (Counts B and C), in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”).

On March 15, 2012, the Respondent dismissed Count A for Lack of Substantial Evidence, but found Substantial Evidence as to Counts B and C. The Petitioner filed a timely Request. (Counts B and C are not before the Commission in this Request.)

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). Much of the alleged harassment was directed towards Petitioner’s physical disabilities (supporting Counts B and C) but not Petitioner’s sex. Petitioner’s allegations (that her supervisors scolded her for not taking breaks at the appropriate times and interrupted her) do not rise to the level of harassment. Employer’s supervisors had the 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).

¹ This Order is in accordance with a vote cast by Commissioner Foss-Eggemann prior to the expiration of her 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.”

Accordingly, the Petitioner has not presented any evidence to show that the Respondent's dismissal of Count A of the charge was not in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of Count A 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 State of Illinois Department of Human Services 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 21st day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Duke Alden

Commissioner Charlene Foss-Eggemann

Commissioner Patricia Bakalis Yadgir