

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: <b>2013CR2490</b>
)	EEOC NO.: <b>440-2013-01354</b>
<b>LINETTE STEWART,</b> )	ALS NO.: <b>13-0295</b>
)	
)	
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon Linnette Stewart's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2013CR2490 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, WHEREFORE, it is hereby **ORDERED** that the Respondent's Notice of Dismissal is **SUSTAINED** for **LACK OF JURISDICTION**.

**DISCUSSION**

The Petitioner filed a charge of discrimination with the Respondent on December 26, 2012, perfected on January 15, 2013, alleging that Chicago Center for Green Technology, subjected her to harassment based on her race, and subjected her to harassment in retaliation for opposing unlawful discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On June 6, 2013, the Respondent dismissed Petitioner's charge for Lack of Jurisdiction. On June 14, 2013, the Petitioner filed her Request for Review ("Request").

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of Jurisdiction. If the Person is not an employer within the meaning of the Act, there must be a finding of lack of jurisdiction. See 775 ILCS 5/2-101(B)(1)(a). Section 2-101(B)(1)(a) of the Act defines an "employer" as any person who employed 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation. The Act further defines 'employee' to include any individual performing services for remuneration within this state for an employer. See 775 ILCS 5/2-101(A)(1)(a). In the Petitioner's matter, Chicago Center for Green Technology is a building and not an operating entity. Rather, the Petitioner was enrolled in a paid, five-month job training program located in the Chicago Center for Green Technology and

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

conducted by Green Corps Chicago. The Petitioner stated that that she received her certificates and that she was paid by "Signature Staffing" for her participation in the program. As such, there was no evidence of an employee/employer relationship with Chicago Center for Green Technology.

In her Request, the Petitioner states that she would like the charge reinstated against Signature Staffing and offers no further argument. Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of the Charge was not in accordance with the Act. The Petitioners' Request is not persuasive

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

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, Chicago Center for Green Technology, 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 30<sup>th</sup> day of October 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor