

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )  
FOR REVIEW BY: )

**RONALD SINGLETARY,** )

Petitioner. )

CHARGE NO.: **2014CA3013**  
EEOC NO.: **21BA41646**  
ALS NO.: **14-0536**

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson and Cheryl Mainor presiding, upon the Request for Review (“Request”) of Ronald Singletary (“Petitioner”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2014CA3013 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 22, 2014, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that Joliet Public Schools District 86 (“Employer”) demoted him on February 20, 2014, due to his race, age, and sex, and in retaliation for prior charges of discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). The Petitioner also alleged that the Employer subjected him to unequal terms and conditions of employment on May 12, 2014, because of his race, age, and sex, and in retaliation for prior charges of discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Act. On September 23, 2014, 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).

In order to establish a prima facie case of employment discrimination, the Petitioner must show that 1) he is a member of a protected group; 2) he performed his job satisfactorily; 3) the employer took

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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 requesting review of the Illinois Department of Human Rights’s action shall be referred to as the “Petitioner.”

an adverse action against him despite the adequacy of his work; and 4) a similarly situated employee, who is not a member of the protected group, was not subjected to the same adverse action. Anderson v. Chief Legal Counsel, Ill. Dep't of Human Rights, 334 Ill. App. 3d 630, 634 (3<sup>rd</sup> Dist. 2002). A prima facie case of retaliation requires that 1) the 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. See Welch v. Hoeh, 314 Ill. App. 3d 1027, 1035 (3<sup>rd</sup> Dist. 2000).

#### Claim based on February 20, 2014 event

There is no substantial evidence that the Petitioner was subjected to race, age or sex discrimination. The Petitioner argued that he was demoted from acting engineer to custodian. The Employer stated that the Petitioner was not demoted, but instead returned to his job as custodian after a one-day assignment as a substitute engineer to fill in for an absent engineer. The Employer explained its method for filling substitute engineer positions, which was to rotate through a volunteer list, with a preference to custodians already working on site. The Petitioner's argument that Ron Catchings ("Catchings") was treated more favorably than him fails because Catchings is the same race, sex and relative age as him. The argument that Cynthia Ortiz (non-black, age unknown, female) was treated more favorably than him, in that she repeatedly received temporary substitute positions that were longer than the ones that the Petitioner received, is not dispositive because the Petitioner's claim here is that he was demoted, and not that he got shorter assignments. The argument that Angelica Cisneros (non-black, age unknown, female) was promoted to engineer three years earlier is not relevant to the claim because she was not similarly situated to the Petitioner, who was a custodian on a substitute assignment.

Similarly, there was no substantial evidence presented that the Employer was acting in retaliation for charges that the Petitioner had previously filed. As noted above, there was no adverse action taken against the Petitioner. The Petitioner also failed to establish a causal nexus between the charges of discrimination from 2010 and 2012 and the aggrieved event, and the length of time of at least one and one-half years does not support an inference of causality.

#### Claim based on May 12, 2014 event

The Petitioner argued that he was denied the opportunity to work as a temporary truck helper because of his race, age, and sex. The Employer stated that on that date, there were no truck helper positions offered and even if there were there would have been no salary increase. There was a position of substitute truck driver that was filled that day. The Employer stated that it filled the position using the next custodian on the volunteer list, which was Catchings. The Petitioner claimed that Catchings was treated more favorably, but again Catchings was in the same protected classes as him. The Employer has articulated a non-discriminatory reason for why the Petitioner was not a truck helper or driver, and there is no substantial evidence that this non-discriminatory reason was pretext for race, age or sex discrimination.

