

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

FILE NO (S) 2013SN3503


AFFIDAVIT OF SERVICE

Benetta M. Davies, deposes and states that she served a copy of the attached **NOTICE OF DISMISSAL FOR LACK OF JURISDICTION** on each person named below by depositing same this 4th day of February, 2014, in the U.S. Mail Box at 100 West Randolph Street, Chicago, Illinois, properly posted for FIRST CLASS MAIL, addresses as follows:

Peter Romer-Friedman
Cohen, Milstein,
Sellers & Toll, PLLC
1100 New York Ave.
Suite 500 West
Washington, DC 20005

Gerald L. Maatman, Jr.
Seyfarth Shaw, LLP
131 S. Dearborn Street
Suite 2400
Chicago, IL 60603

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.


Benetta M. Davies

PLEASE NOTE:

The above-signed person is responsible only for mailing these documents. If you wish a review of the findings in this case you must complete the Request for Review form attached. Department staff are not permitted to discuss the investigation findings once a Notice of Dismissal has been issued.

NOTICE OF DISMISSAL FOR LACK OF JURISDICTION

2013SN3503

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Or,

b) commence a civil action in the appropriate state circuit court within ninety (90) days after receipt of this Notice. A complaint should be filed in the circuit court in the county where the civil rights violation was allegedly committed. **If you intend to exhaust your State remedies, please notify the Equal Employment Opportunity Commission (EEOC) immediately. The EEOC generally adopts the Department's findings.** The Appellate Courts in Watkins v. Office of the State Public Defender, ___ Ill.App.3d ___, 976 N.E.2d 387 (1st Dist. 2012) and Lynch v. Department of Transportation, ___ Ill.App.3d ___, 979 N.E.2d 113 (4th Dist. 2012), have held that discrimination complaints brought under the Illinois Human Rights Act ("IHRA") against the State of Illinois **in the Illinois Circuit Court** are barred by the State Lawsuit Immunity Act. (745 ILCS 5/1 et seq.). Complainants are encouraged to consult with an attorney prior to commencing a civil action in the Circuit Court against the State of Illinois.

Please note that the Department cannot provide any legal advice or assistance. Please contact legal counsel, your city clerk, or your county clerk with any questions.

3. If an EEOC charge number is cited above, this charge was also filed with the Equal Employment Opportunity Commission (EEOC). If this charge alleges a violation under Title VII of the Civil Rights Act of 1964, as amended, or the Age Discrimination in Employment Act of 1967, Complainant has the right to request EEOC to perform a Substantial Weight Review of this dismissal. Please note that in order to receive such a review, it must be requested in writing to EEOC within fifteen (15) days of the receipt of this notice, or if a request for review is filed with the Human Rights Commission, within fifteen days of the Human Rights Commission's final order. Any request filed prior to your receipt of a final notice WILL NOT BE HONORED. Send your request for a Substantial Weight Review to EEOC, 500 West Madison Street, Suite 2000, Chicago, Illinois 60661. Otherwise, EEOC will generally adopt the Department of Human Rights' action in this case.

PLEASE NOTE: BUILDING SECURITY PROCEDURES PRESENTLY IN PLACE DO NOT PERMIT ACCESS TO EEOC WITHOUT AN APPOINTMENT. IF AN APPOINTMENT IS REQUIRED, CALL 312-869-8000 OR 1-800-669-4000.

DEPARTMENT OF HUMAN RIGHTS

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:

FREEDOM TO WORK,)

COMPLAINANT,)

AND)

EXXON MOBIL CORPORATION,)

RESPONDENT.)

CHARGE NO. 2013SN3503
EEOC NO. N/A

REQUEST FOR REVIEW

Peter Romer-Friedman
Cohen, Milstein,
Sellers & Toll, PLLC
1100 New York Ave.
Suite 500 West
Washington, DC 20005

Gerald L. Maatman, Jr.
Seyfarth Shaw, LLP
131 S. Dearborn Street
Suite 2400
Chicago, IL 60603

TO: Peter Romer-Friedman

DATE: February 4, 2014

REQUEST FOR REVIEW FILING DEADLINE DATE: May 12, 2014

I hereby request that the Department of Human Rights' (DHR) dismissal of the charge be reviewed by the Illinois Human Rights Commission.

Complainant's Current Address (please print clearly):

_____ Apt/Unit _____

City _____ State _____ Zip _____ Phone (____) _____

TO REQUEST INVESTIGATION FILE:

The Department's investigation file may be reviewed or copied upon request once the Department's investigation is completed. The Department is not responsible for copy service fees. **A minimum of 3 business days' notice is required.** Call (312) 814-6262 to make arrangements.

REQUEST FOR REVIEW INSTRUCTIONS:

IN THE SPACE PROVIDED BELOW, YOU **MUST LIST AND DESCRIBE THE SPECIFIC REASONS THAT THE CHARGE SHOULD NOT HAVE BEEN DISMISSED.** If applicable, you may write on the back of this form or attach additional information or documents, which support your Request for Review. You may review your investigation file, to help you prepare your request by calling 312-814-6262 or 217-785-5100.

SIGNATURE

DATE

YOU MUST ENCLOSE THE ORIGINAL AND THREE COPIES, INCLUDING SUPPORTING DOCUMENTS, OF YOUR ENTIRE REQUEST AND SIGN, DATE AND HAVE THIS FORM POSTMARKED OR HAND DELIVERED BY THE FILING DEADLINE DATE ABOVE, TO:

Illinois Human Rights Commission, 100 West Randolph Street, Suite 5-100,
Chicago, IL 60601.

Please note that pursuant to Section 5300.410 of the Commission's Procedural Rules, except by permission of the Commission, the request, argument and supporting materials shall not exceed 30 pages.

Further, note that pursuant to *56 Ill. Admin. Code § 5300.40(b)* of the Commission's Procedural Rules, all arguments in support of the Request for Review must be written on 8 ½ x 11 paper. Any argument submitted on non-conforming paper (such as a "post-it" note) will not be considered part of the Request for Review, and will be disregarded by the Commission.

THIS FORM MAY NOT BE SENT VIA TELEFAX.

HB1509/HB59 HRC R/R 01/14

**STATE OF ILLINOIS
DEPARTMENT OF HUMAN RIGHTS
INVESTIGATION REPORT**

Complainant: Freedom to Work
Respondent: Exxon Mobil Corporation

IDHR No.: 2013SN3503
EEOC No.: N/A

Investigator: KGF

Supervisor:



Date: 1-16-14

Issue/Basis:

- A. Unequal Terms and Conditions of Employment/Sexual Orientation, Homosexual
- B. Unequal Terms and Conditions of Employment/Perceived Sexual Orientation, Homosexual
- C. Failure to Hire/Sexual Orientation, Homosexual
- D. Failure to Hire/Perceived Sexual Orientation, Homosexual

Finding:

- A. Lack of Jurisdiction
- B. Lack of Jurisdiction
- C. Lack of Jurisdiction
- D. Lack of Jurisdiction

Jurisdiction:

Alleged violations:
Charge filed:
Charge perfected:
Amendments:
Number of employees:

December 2012
May 22, 2013
July 5, 2013
None
N/A

Verified Response:

N/A

Findings Counts A-D

In order for the Illinois Department of Human Rights (IDHR) to have jurisdiction in an employment case, there must be an employer/employee relationship.

Section 2-101(A) defines an Employee as "Any individual performing services for remuneration within this State for an employer; An apprentice, an applicant for any apprenticeship." Section 2-102(B) defines an Employer as, "Any person employing 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged

violation; Any person employing one or more employees when a complaint alleged civil rights due to unlawful discrimination based upon his or her physical or mental disability unrelated to ability or sexual harassment; The State and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of employees; Any party to a public contract without regard to the number of employees; A joint apprenticeship or training program without regard to the number of employees.

Although the Respondent does meet the definition of employer; Complainant does not meet the definition of employee. Complainant is an organization and not an employee within the meaning of the Act. Therefore, there is no employee-employer relationship. Further, an organization is not an applicant applying for a potential job with Respondent to be a potential employee.

#13

10/08