In the

United States Court of Appeals

For the Seventh Circuit

No. 20-1669

CHRIS LOGAN,

Plaintiff-Appellant,

v.

CITY OF CHICAGO, *et al*.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 17-cv-8312 — **Harry D. Leinenweber**, *Judge*.

ARGUED APRIL 14, 2021 — DECIDED JULY 14, 2021

Before MANION, ST. EVE, and KIRSCH, *Circuit Judges*.

ST. EVE, *Circuit Judge*. After plaintiff Chris Logan was denied a promotion, he sued his employer the City of Chicago (the "City") and several of the City's employees. He alleged that the City engaged in unlawful discrimination and retaliation, in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e. He further alleged that all defendants violated the Illinois Whistleblower Act (the "Act"), 740 Ill. Comp. Stat. § 174/1. On appeal, Logan challenges the

district court's grant of summary judgment for the defendants on all claims. For the reasons stated below, we affirm.

I. Background

Chris Logan, an African American man, worked for the City's Department of Aviation, Security, and Safety Division (the "Department") as an Aviation Security Officer ("ASO"). In 2015, he applied for a promotion to become an Aviation Security Sergeant. He was not selected, but the Department placed him on a "Pre-Qualified Candidates" list ("PQC list") in the event of future vacancies during the following year. The PQC list was set to expire in September 2016, but the Department extended it another 12 months.

In March 2017—while the PQC list was still active—two sergeant positions became available. Logan was second on the list, so he completed the paperwork to fill one of the positions. Two days later, the City informed him that he was ineligible because he did not meet the promotional guidelines. The City had a policy under which internal candidates were ineligible for promotion if they had been suspended more than seven days in the previous 12 months. Because Logan had been suspended for more than seven days in the previous year, he was ineligible for either sergeant position. The City promoted two other candidates, a white man and woman.

The events surrounding Logan's suspensions form the basis of this lawsuit. He does not challenge the City's policy; rather, he alleges that he was wrongfully singled out for discipline and as a result became ineligible for promotion.

A. Conversation with Jeffrey Redding

According to Logan, the problems began when he confronted his new supervisor—defendant Jeffrey Redding—

about Redding's actions toward the woman Logan was dating at the time, Audrey Diamond. Redding became Deputy Commissioner of the Department in February 2016. Diamond worked for the United States Customs and Border Protection. Logan, Redding, and Diamond all worked at O'Hare Airport.

Sometime between February and April 2016, Logan testified that Diamond told him that she was having problems with Redding. Redding was coming to her office and flirting with her.[1] Logan went to speak to Redding and told him that he wanted to talk about "a personal matter." Logan told Redding that Diamond was his girlfriend. When Redding asked why Logan was telling him that, he replied that Redding was making her feel uncomfortable and Logan wanted to let Redding know "out of guy code." When asked what he meant by "guy code," Logan testified "[g]uy code is a street lingo that you don't cross a certain line, or if you don't know something let someone know so they won't cross that line." When asked

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[1] According to Diamond, her conversation with Logan went differently. She testified that she only had one conversation with Redding, and she told Logan that she had met his boss and he was a "nice guy." She further testified that Logan told her to stay away from Redding. She stated that she was offended by Logan speaking to Redding about her because it made her look unprofessional. For summary judgment, we "consider all of the evidence in the record in the light most favorable to the non-moving party, and we draw all reasonable inferences from that evidence in favor of the party opposing summary judgment." *Skiba v. Illinois Cent. R.R. Co.*, 884 F.3d 708, 717 (7th Cir. 2018) (quoting *Feliberty v. Kemper Corp.*, 98 F.3d 274, 276–77 (7th Cir. 1996)). Accordingly, we assume for purposes of this appeal the truth of Logan's testimony about his conversation with Diamond.

what line Redding crossed, Logan replied "it more or less was informative, letting him know that [Logan] was dating the young lady."

In April 2016, Redding received a text message from defendant Robert May, the Department's Director of Administration. The text stated that May "was in the terminals yesterday … and overheard an officer talking about how Chris Logan had to let his new boss know to leave his woman alone. [May] fell out laughing." Redding replied that he would call May later about that, and May responded, "Lol okay."[2]

B. Disciplinary Incidents

In the next several months, Logan was accused of five disciplinary infractions. The first incident occurred on May 24, 2016. Logan went to the Traveler's Aid office in O'Hare Airport and spoke with a staff member about the failure to staff an information desk in the airport. The office complained to Redding about Logan's behavior toward the staff member. On June 8, 2016, the Department served Logan with a notice of a pre-disciplinary hearing for rule violations, including discourteous treatment of a member of the public. The meeting occurred on June 16. Afterward, defendant Anthony Bates—an administrative lieutenant—reviewed the materials with Redding. Bates recommended discipline somewhere between a written reprimand and a three-day suspension. Redding decided that Logan should receive a one-day suspension. Logan was informed of the suspension on July 8, 2016.

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[2] The district court incorrectly stated that "wow LOL okay" was Redding's response to May's first message, but the record shows that Redding responded that he would call later and May replied "Lol okay."

The next three incidents are all related to Logan allegedly misrepresenting the time he worked or leaving his post. As an ASO, Logan was responsible for securing and controlling access to secure areas at O'Hare. ASOs are assigned to fixed posts and are not allowed to leave their posts until another officer relieves them. They are required to record their work hours by swiping in and out. In the event the swiping system malfunctions or there is another reason their time was not recorded, ASOs must provide documentation of the time they worked, referred to as edit sheets. Defendant David Schmidt is a lieutenant who regularly reviews time records for the ASOs to avoid payroll issues. In the event of a swipe failure, Schmidt usually refers to the times an officer swiped his or her badge at the secure doors at O'Hare. If that is unsuccessful, as a last resort, Schmidt reviews video footage.

On July 7, 2016—one day before Logan was notified of his one-day suspension—Schmidt noticed that Logan did not have swipe times for the previous day. When reviewing his badge swipes at the secure doors, Schmidt discovered that Logan had swiped at the Department's offices at 9:07 p.m., about an hour before his shift ended. In reviewing video footage, Schmidt saw that Logan entered the Department offices at 9:07 p.m. dressed in shorts and flip-flops. He left through the building's backdoor at 9:25 p.m. On July 8, 2016, Logan signed an edit sheet representing that he had worked until the end of his shift at 10 p.m. on July 6.

Schmidt notified Redding of the discrepancy, and Redding asked Schmidt to review the records of his entire watch to determine if there were any other officers engaged in similar conduct. Schmidt testified that no other ASOs had a similar number of swipe problems during the relevant time.

Redding also asked defendant Jorge Rodriguez—a sergeant—to review camera footage for certain days when Logan was assigned to particular posts. In doing so, Schmidt and Rodriguez discovered two other discrepancies. On June 17, 2016, Logan was assigned to one post but swiped out at a different post at 9:53 p.m., a 10–15-minute drive from his assigned post. On June 18, video footage showed Logan entering the Department offices at 7:50 p.m. and leaving while dressed in civilian clothes, two hours before his shift ended. According to Logan, he obtained permission from a supervisor to leave work early. He signed a sheet representing that he had worked until 10 p.m. the evening of June 18.

The fifth incident occurred on July 12, 2016. Logan called an Airserv Transportation employee, attempting to recover the lost cellphone of an airline employee. The next day, Redding received a complaint from Airserv about Logan's conduct. Logan allegedly repeatedly threatened to deactivate the Airserv employee's security badge if Airserv did not quickly return the cell phone.

On July 18, 2016, Logan was served with a notice of a predisciplinary meeting regarding the Airserv incident and the three swipe-related incidents. The meeting occurred on July 21, 2016. Afterward, Schmidt assembled the documentation and forwarded the materials to Bates. Bates gave them to Redding, who reviewed the report and submitted it to May. On September 9, 2016, May recommended to Redding that Logan receive a 10–15 day suspension. Redding decided to suspend Logan for 14 days, which he served between September 21 and October 5, 2016.

C. Internal Complaints and Grievances

When Logan returned to work, he informed the Department's Labor Relations Supervisor, Argentene Hrysikos, that he was being bullied at work. Hrysikos provided Logan with forms and referred him to the City's Equal Employment Opportunity ("EEO") office. Logan sent an email to the EEO office, alleging that he had begun having problems at work after he had discussed a "personal matter" with Redding. Logan acknowledged his complaint was not an EEO matter, and the EEO office advised Hrysikos that Logan's complaint did not fall under the City's EEO policy because it was not based on any protected category.

In December 2016, Logan requested a meeting with the Department's Human Resources Division "to report discrimination against black officers." Logan then cancelled the meeting. Logan also called the City's Office of the Inspector General and lodged a complaint that the Department disciplined ASOs in a discriminatory manner.

In March 2017, after May informed Logan that he was ineligible for promotion due to his suspensions, Logan amended his workplace bullying complaint to include a loss of promotion. A few months later, in May 2017, he filed a charge of discrimination with the EEO Commission alleging that the City unlawfully discriminated against him on the basis of his race, sex, and age, and also retaliated against him.

Logan grieved both suspensions, and arbitration hearings took place in August and September 2017. In November 2017, the arbitrator found that the City had failed to prove that Logan had acted discourteously toward the Traveler's Aid employee and vacated the one-day suspension. In March 2018,

the arbitrator issued a decision reducing Logan's 14-day suspension to seven days. The arbitrator concluded that while Logan committed misconduct sufficient to warrant discipline, the length of his suspension was excessive. In October 2018, Logan participated in another arbitration hearing to determine the appropriate remedy based on his reduced suspension. The arbitrator determined that, under the City's policy, Logan would have been promoted if he had only been suspended for seven days. So the arbitrator ordered that the City promote Logan to the position of sergeant and give him back pay and benefits.

D. Lawsuit

Logan filed the current lawsuit in November 2017 against the City and defendants Redding, May, Bates, Schmidt, and Rodriguez. He alleged the City unlawfully discriminated against him on the basis of his race and gender and retaliated against him, in violation of Title VII. He also alleged that the City and all individual defendants violated the Illinois Whistleblower Act, 740 Ill. Comp. Stat. § 174/1. All defendants moved for summary judgment, which the district court granted.

Regarding Logan's Title VII discrimination claims, the district court concluded that Logan had failed to establish a prima facie case—and, even assuming he had, no reasonable jury could determine that the City's reasons for disciplining him were a pretext for discrimination. For Logan's retaliation claim, the district court determined that no reasonable jury could find that Logan subjectively believed he was opposing an unlawful practice when he spoke to Redding about Diamond. Furthermore, even if Logan subjectively believed he was engaging in Title VII protected activity, that belief was

not objectively reasonable because Redding and Diamond had different employers and so Title VII did not apply to Redding's alleged conduct. Lastly, the district court concluded that Logan's whistleblower claim was time-barred. Logan now appeals.

II. Discussion

A. Legal Standard

"We review a district court's grant of summary judgment de novo." *Skiba v. Illinois Cent. R.R. Co.*, 884 F.3d 708, 717 (7th Cir. 2018). Summary judgment "is appropriate 'if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.'" *Marnocha v. St. Vincent Hosp. & Health Care Ctr., Inc.*, 986 F.3d 711, 718 (7th Cir. 2021) (quoting Fed. R. Civ. P. 56(a)). We "consider all of the evidence in the record in the light most favorable to the non-moving party, and we draw all reasonable inferences from that evidence in favor of the party opposing summary judgment." *Skiba*, 884 F.3d at 717 (quoting *Feliberty v. Kemper Corp*., 98 F.3d 274, 276–77 (7th Cir. 1996)).

B. Title VII Discrimination

Logan contends that the City violated Title VII because it discriminated against him based on his race when it targeted him for discipline and then failed to promote him.[3] Title VII "prohibits an employer from 'discriminating against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's

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[3] At oral argument, Logan clarified that he was not appealing the district court's grant of summary judgment to the City on his Title VII gender discrimination claim. Accordingly, we will not discuss it further.

race, color, religion, sex, or national origin.'" *Igasaki v. Illinois Dep't of Fin. & Pro. Regul.*, 988 F.3d 948, 957 (7th Cir. 2021) (quoting 42 U.S.C. § 2000e-2(a)(1)). For summary judgment, we ask "whether the evidence would permit a reasonable fact-finder to conclude that [Logan] was subjected to an adverse employment action based on a statutorily prohibited factor—here, race." *McCurry v. Kenco Logistics Servs., LLC*, 942 F.3d 783, 788 (7th Cir. 2019). "Whether a plaintiff offers direct or circumstantial evidence of discrimination, [we] made clear in [*Ortiz v. Werner Enters., Inc.*, 834 F.3d 760, 766 (7th Cir. 2016)] that 'all evidence belongs in a single pile and must be evaluated as a whole.'" *Igasaki*, 988 F.3d at 957.

"One way of proving employment discrimination under Title VII remains the burden-shifting framework of *McDonnell Douglas v. Green*, 411 U.S. 792 (1973)." *Id.* For a failure-to-promote claim, the *McDonnell Douglas* framework requires the plaintiff to show "(1) [he] was a member of a protected class; (2) that he was qualified for the position; (3) that he was rejected for the position; and (4) that the position was given to a person outside the protected class who was similarly or less qualified than he." *Stockwell v. City of Harvey*, 597 F.3d 895, 901 (7th Cir. 2010). If the plaintiff meets each element of his prima facie case, "the burden shifts to the defendant to articulate a legitimate, nondiscriminatory reason for the adverse employment action, at which point the burden shifts back to the plaintiff to submit evidence that the employer's explanation is pretextual." *Skiba*, 884 F.3d at 719–20 (internal quotation marks and citation omitted).

"We approach [Logan's] termination claim as presented—through the lens of the *McDonnell Douglas* framework." *Marnocha*, 986 F.3d at 719. Logan contends that he established a

prima facie case, even though he was not qualified for the sergeant position because he was ineligible for promotion under the City's policy. In his view, he would have received the promotion but-for being improperly targeted for discipline. Logan's arguments on this point are muddled, but he seemingly posits two alternative theories as to why he was improperly targeted for discipline: (1) in retaliation for his conversation with Redding about Diamond or (2) due to his race, because he was disciplined for behavior for which other ASOs were not disciplined. To the extent that Logan is attempting to establish a prima facie case for race discrimination based on alleged retaliation for his conversation with Redding, we echo the district court's rejection of Logan's attempt to "shoehorn a retaliation claim into a disparate treatment framework." *Logan v. City of Chicago*, No. 17-cv-8312, 2020 WL 1445632, at *6 (N.D. Ill. Mar. 25, 2020).

Even if we assume that Logan has established a prima facie case, his Title VII race discrimination claim nonetheless fails. The City's proffered reasons for disciplining Logan—that it received complaints from Airserv and Traveler's Aid about his behavior and that he left multiple shifts early—were sufficiently nondiscriminatory. An independent arbitrator determined that he had committed misconduct sufficient to give rise to discipline. So, in order to show pretext, Logan must "show that (1) the employer's non-discriminatory reason was dishonest and (2) the employer's true reason was based on a discriminatory intent." *Stockwell*, 597 F.3d at 901 (citation omitted). But here, no reasonable jury could find that the City's reasons for disciplining Logan were pretextual.

Logan argues he was singled out for discipline even though there were other ASOs who had missing swipes. This

argument is unpersuasive. Logan was not disciplined because he was missing swipes, so whether other ASOs also had missing swipes is irrelevant. Schmidt testified that he regularly tracked when ASOs on his watch were missing swipes, and would confirm the times they worked by looking at when they accessed the secure doors. Logan failed to have time swipes for July 6, and Schmidt discovered that Logan had accessed the secure doors before the end of his shift, even though Logan had signed an edit sheet attesting to the fact he worked until his shift ended. This discrepancy caused Redding to order Rodriguez and Schmidt to look into Logan further, and they discovered the June 17 and 18 incidents. Logan has put forth no evidence of other ASOs who engaged in similar behaviors and were not disciplined.

Additionally, even assuming Logan was singled out for discipline, he failed to "provide evidence that supports the inference that the real reason" he was singled out "was discriminatory." *Stockwell*, 597 F.3d at 902. Other than the fact that Logan is a member of a protected class, there is no evidence in the record from which a reasonable juror could infer that his race caused him to be disciplined and therefore not promoted. *See Lindale v. Tokheim Corp.*, 145 F.3d 953, 957 (7th Cir. 1998) (finding that "a suspicion that [the plaintiff's protected class] may have played a role in her failing to be promoted … is not enough"). His Title VII discrimination claim thus fails, and we affirm the district court's grant of summary judgment to the City.

C. Title VII Retaliation

Alternatively, Logan contends that he was singled out for improper discipline in retaliation for his conversation with Redding about Diamond. Title VII "prohibits employers from

discriminating against an employee 'because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing." *Igasaki*, 988 F.3d at 959 (quoting 42 U.S.C. § 2000e-3(a)). "To survive summary judgment on a timely retaliation claim, plaintiff must offer evidence of: '(1) a statutorily protected activity; (2) a materially adverse action taken by the employer; and (3) a causal connection between the two.'" *Skiba*, 884 F.3d at 718 (quoting *Baines v. Walgreen Co.*, 863 F.3d 656, 661 (7th Cir. 2017)). For the first element—a statutorily protected activity—"[t]he plaintiff must not only have a subjective (sincere, good faith) belief that he opposed an unlawful practice; his belief must also be objectively reasonable, which means that the complaint must involve discrimination that is prohibited by Title VII." *Scheidler v. Indiana*, 914 F.3d 535, 542 (7th Cir. 2019) (citation omitted).

According to Logan, he had a sincere, good faith belief that he was opposing an unlawful practice when he spoke to Redding about Diamond, because Diamond had told him that Redding was flirting with her and making her uncomfortable. But even assuming Logan held a subjective belief that he was opposing an unlawful employment practice, his belief was not objectively reasonable. Redding and Diamond did not have the same employer. This undisputed fact is fatal to his claim.

"The objective reasonableness of the [plaintiff's] belief is not assessed by examining whether the conduct was persistent or severe enough to be unlawful, but merely whether it falls into the category of conduct prohibited by the statute." *Lord v. High Voltage Software, Inc.*, 839 F.3d 556, 563 (7th Cir.

2016) (quoting *Magyar v. St. Joseph Reg'l Med. Ctr.*, 544 F.3d 766, 771 (7th Cir. 2008)). That assessment "requires us to ask whether the complained-of conduct entailed a motive that Title VII prohibits." *Id.* The "specific evil at which Title VII was directed was not the eradication of all discrimination by private individuals, undesirable though that is, but the eradication of discrimination *by employers against employees*." *Silver v. KCA, Inc.*, 586 F.2d 138, 141 (9th Cir. 1978) (emphasis added). Thus, a defendant can only incur liability for sexual harassment under Title VII if a plaintiff "can prove the existence of an employer-employee relationship." *Nischan v. Stratosphere Quality, LLC*, 865 F.3d 922, 928 (7th Cir. 2017).[4] Here, Redding worked for the City and Diamond worked for the United States Customs and Border Protection. They did not have an employer-employee relationship, and so even if Logan subjectively believed that Redding's actions violated Title VII, his belief was not objectively reasonable.

Logan urges us to take a broader view of conduct prohibited by Title VII, but we decline to do so. "Title VII is not a general bad acts statute … [r]ather, the conduct it prohibits is specifically set forth." *Crowley v. Prince George's Cnty., Md.*, 890 F.2d 683, 687 (4th Cir. 1989) (internal quotation marks and citation omitted) (determining a plaintiff's retaliation claim was not cognizable under Title VII where the plaintiff—an

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[4] We note that there are "certain limited circumstances" where a plaintiff can "bring a [Title VII sexual harassment claim] against a defendant who is not [her] direct employer," such as when a defendant "had sufficient authority over her to be considered a 'joint employer.'" *Nischan*, 865 F.3d at 928 (quoting *Love v. JP Cullen & Sons, Inc.*, 779 F.3d 697, 701 (7th Cir. 2015)). This exception is not applicable here, however, because Logan has not argued that the City was Diamond's joint employer.

employee of the police department—was allegedly retaliated against for investigating "instances of racial harassment perpetrated by police officers against members of the community"). It prohibits an employer from retaliating against an employee for opposing "an unlawful employment practice." 42 U.S.C. § 2000e-3. "While Congress may decide to extend the statute's coverage to persons who bring any discriminatory practice of an employer to light"—such as discrimination or harassment of non-employees—"such a step lies beyond the province of the courts. To find in Title VII protection for whistle-blowers on each and every instance of discrimination on the part of an employer is more than we think the plain language of its provisions will support." *Crowley*, 890 F.3d at 687; *see also Wimmer v. Suffolk Cnty. Police Dep't*, 176 F.3d 125, 135 (2d Cir. 1999) (concluding that the plaintiff police officer's retaliation claim was "not cognizable under Title VII because his opposition was not directed at an unlawful *employment practice* of his employer" when he reported overhearing racial slurs made by police officers against black citizens).

Logan replies that employers can be liable under Title VII when nonemployees or nonsupervisory employees harass their employees if the employer was "negligent either in discovering or remedying the harassment." *Nischan*, 865 F.3d at 930. This is true, but irrelevant to the facts at issue. Diamond's employer—U.S. Customs and Border Protection—may have been liable under Title VII if it was negligent in discovering or remedying Redding's alleged harassment of her. But Logan's conversation with Redding was not about Diamond's employer's failure to remedy Redding's harassment, it was about Redding's alleged harassment itself.

Logan further contends that even though Redding and Diamond had different employers, "an employee may engage in statutorily protected expression under section 2000e-3(a) even if the challenged practice does not actually violate Title VII." *Dey v. Colt Const. & Dev. Co.*, 28 F.3d 1446, 1457 (7th Cir. 1994). It is true that "even if the degree of discrimination does not reach a level where it affects the terms and conditions of employment, if the employee complains and the employer fires him because of the complaint, the retaliation claim could still be valid." *Hamner v. St. Vincent Hosp. & Health Care Ctr., Inc.*, 224 F.3d 701, 707 (7th Cir. 2000), overruled on other grounds by *Hively v. Ivy Tech Cmty. Coll. of Indiana*, 853 F.3d 339 (7th Cir. 2017). But "the complaint must involve discrimination that is prohibited by Title VII," and "[i]f a plaintiff opposed conduct that was not proscribed by Title VII, no matter how frequent or severe, then his sincere belief that he opposed an unlawful practice cannot be reasonable." *Id.* Given that Redding and Diamond do not share the same employer, Logan has failed to show that his belief that he was opposing an unlawful employment practice was objectively reasonable. We thus affirm the district court's grant of summary to the City on Logan's retaliation claim.

D. Illinois Whistleblower Act

Logan next contends that the district court erred when it concluded that his claim arising under the Act was time-barred. The Act prohibits retaliation "against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation." 740 Ill. Comp. Stat. § 174/15. The parties agree that Logan's claim is subject to a one-year

limitations period but disagree about when that limitations period began to run.

"Generally, a limitations period begins to run when facts exist that authorize one party to maintain an action against another." *Feltmeier v. Feltmeier*, 798 N.E.2d 75, 85 (Ill. 2003). When the tort "involves continuous or repeated injurious behavior," however, "under the 'continuing tort' or 'continuing violation' theory … the limitations period is held in abeyance and the plaintiff's cause of action does not accrue until the date the final injury occurs or the tortuous acts cease." *Taylor v. Bd. of Educ. of City of Chicago*, 10 N.E.3d 383, 395 (Ill. App. Ct. 2014). "A continuing violation or tort is occasioned by continuing unlawful acts and conduct, not by continual ill effects from an initial violation." *Feltmeier*, 798 N.E.2d at 85. So "where there is a single overt act from which subsequent damages may flow, the statute begins to run on the date the defendant invaded the plaintiff's interest and inflicted injury, and this is so despite the continuing nature of the injury." *Id.*

Logan was suspended in September 2016. He filed this suit in November 2017, more than a year later. He nevertheless contends that his suit was timely because the continuing violation doctrine applies. According to Logan, the defendants committed a series of tortious acts by investigating, suspending, and failing to promote him. He argues that the last act—the failure to promote him—occurred in March 2017, and so his suit was timely filed in November 2017.

This argument fails because Logan's loss of promotion is an injury that stemmed from the earlier alleged tortious acts of targeting him for discipline and suspending him. "A continuing tort … does not involve tolling the statute of limitations because of delayed or continuing injuries." *Feltmeier*, 798

N.E.2d at 86. Logan does not challenge the City's promotional policy or argue that its application to him was discretionary. He does not dispute that he was ineligible for the promotion in March 2017 because of his September 2017 suspension. His loss of a promotion, therefore, was a delayed injury rather than a separate unlawful act. *See Bank of Ravenswood v. City of Chicago*, 717 N.E.2d 478 (Ill. App. Ct. 1999) (determining that a plaintiff's cause of action arose during the construction of a subway under its property, and the presence of the subway there after construction was a continual effect not a continual violation).

Logan replies that the continuing violation doctrine should nevertheless apply because he could not have known that the earlier acts of retaliation would result in the denial of his promotion because he did not know when a promotion might occur. This argument is meritless. The City's promotional policy clearly states that internal candidates are ineligible to be promoted if they had been suspended more than seven days in the previous 12 months. Under this policy, as of September 2016, Logan should have known that he was ineligible to be promoted until September 2017. The PQC list that he was on was set to expire in September 2017. Logan therefore had reason to know that his suspensions would disqualify him from being promoted.

Accordingly, we affirm the district court's grant of summary judgment to all defendants on Logan's whistleblower claim because it is time-barred.

III. Conclusion

For these reasons, we affirm the district court's grant of summary judgment in favor of the defendants.[5]

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[5] The district court granted summary judgment for the City on Logan's indemnification claim because it granted summary judgment for the individual defendants on Logan's whistleblower claim, so there was nothing for the City to indemnify. On appeal, Logan contends that if we reverse the district court's grant of summary judgment for the individual defendants, we should also reverse the district court's grant of summary judgment on his indemnification claim. Since we affirm the district court's grant of summary judgment for the individual defendants on Logan's whistleblower claim , we also affirm its grant of summary judgment to the City on his indemnification claim.