



Maine Human Rights Commission

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Amy M. Sneirson
EXECUTIVE DIRECTOR

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

December 14, 2015

Commission Chair Arnold Clark called the December 14, 2015 Commission meeting to order at 8:35 a.m. Present were Commissioners Sallie Chandler, John Norman, and Deborah Whitworth.

Chair Clark called for adoption of the Agenda and Consent Agenda.

AGENDA

Executive Director Amy Sneirson presented the Commissioners with a request that the Commission issue a right-to-sue letter in E14-0510, Branden Clements v. City of Portland, Portland Police Department. Commissioner Chandler moved, seconded by Commissioner Whitworth, that the Commission issue a right-to-sue letter to Complainant in E14-0510. 4 in favor | 0 opposed.

Executive Director Amy Sneirson requested the following two cases be moved to the Consent Agenda.

E14-0066: Melissa Albert (Bath) v. Walmart (Auburn)

ED/PA14-0145: Brian Hill and Carey Anne Hill o/b/o Minor v. Regional School Unit 21 (Kennebunk)

Commissioner Chandler moved, seconded by Commissioner Whitworth, to adopt the agenda as amended and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed (see detailed listing on page 5).

MINUTES

Commissioner Chandler moved, seconded by Commissioner Norman, to adopt the November 23, 2015 Commission Meeting Minutes. 3 in favor | 0 opposed | 1 abstained (Clark abstained).

ADMINISTRATION

Executive Director Amy Sneirson reported that the Commission received 43 applications for the vacant Field Investigator Position, and will be selecting interview candidates shortly. Also, Compliance Manager Jill Duson is retiring from the Commission as of December 31, 2015. The Commission has been lucky to find one of our recent law externs, Jane O'Brien, to work with us in acting capacity as Compliance Manager for 6 months.

COMPLIANCE:

Commissioners reviewed the compliance report showing no successful conciliations, one unsuccessful conciliation, and seven conciliations in progress. It was placed on file.

INVESTIGATION:

- New Charges: In November, 44 new complaints were filed with the Commission.
- Administrative Dismissals: The Executive Director administratively dismissed 22 cases in November.

- Pre-determination Settlements: Since November 27, 2015, 5 cases pending at the Commission were resolved resulting in \$55,300 in benefits to complainants.

NEW BUSINESS:

The Governor's Review Panel (formed as result from the Governor's Executive Order regarding perceived bias against employers from the Commission) continues its work and the Executive Director and Commission Counsel met with the Review Panel last week. It was a productive meeting, and the Panel asked the E.D. and Counsel to meet with it again.

CASES VOTED ON 8:45 A.M.

E14-0045: Julie Tupper (Scarborough) v. Haworth, Inc. (Holland, MI). Attorney Peter Bickerman restated the position of the Complainant. Attorney Richard Moon restated the position of the Respondent. Executive Director Amy Sneirson restated the facts of the case, as Chief Investigator Ternig was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Haworth, Inc. discriminated against Julie Tupper on the basis of sex by subjecting her to a hostile work environment or by terminating her employment. 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Haworth, Inc. retaliated against Julie Tupper in violation of the MHRA and WPA by terminating her employment because she reported unlawful sexual harassment. 4 in favor | 0 opposed.

E14-0146: Gregory Aldus (Bucksport) v. Princeton Properties Management, Inc. (Lowell, MA). Attorney Roy Bjorlin restated the position of the Respondent. Jamie (name uncertain) restated the position of the Complainant. Investigator Alice Neal restated the facts of the case. Commissioner Chandler moved, seconded by Chair Clark, to find reasonable grounds to believe that Respondent Princeton Properties Management, Inc. discriminated against Complainant Gregory M. Aldus based on his protected activity by terminating his employment in violation of the MHRA. 2 in favor | 2 opposed (Norman and Whitworth opposed). The motion failed; the finding was no reasonable grounds.

E14-0420: Sean Moncrieffe (Hampden) v. Canteen Service Co. (Bangor). Attorney John P. Gause restated the position of the Complainant. Attorney Matthew Raynes restated the position of the Respondent. Investigator Alice Neal restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondent Canteen Service Co. discriminated against Complainant Sean C. Moncrieffe in violation of the MHRA based on his race, color, and/or national origin or ancestry when it terminated his employment. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondent Canteen Service Co. discriminated against Complainant Sean C. Moncrieffe in violation of the WPA because he engaged in protected activity.

At 10:09 AM, Chair Clark called for a 5 minute recess.

E14-0611: Roberta Owen (Brunswick) v. Midcoast Senior Health Center (Brunswick). Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Midcoast Senior Health Center retaliated against Roberta Owen in violation of the WPA by terminating her employment after she reported illegal and unsafe activity. 4 in favor | 0 opposed.

H15-0338: Russell Mann and Suzanne Mosher (Newry) v. South Ridge Condominium Association (Danvers, MA). Suzanne Mosher restated her position as the Complainant. Attorney Dan Stockford restated the position of the

Respondent. Executive Director Amy Sneirson presented the facts of the case, as Chief Investigator Ternig was not present. Commissioner Chandler moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondent South Ridge Condominium Association denied Complainants Russell Mann and Suzanne Mosher a reasonable accommodation for Minor's disability in violation of the MHRA. 4 in favor | 0 opposed.

EXECUTIVE SESSION:

At 10:36 AM Commissioner Chandler moved, seconded by Commissioner Whitworth, to move into executive session to discuss pending or contemplated litigation, a personnel issue, and the Commission's legal rights and duties, with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 4 in favor | 0 opposed.

At approximately 10:50 AM Commissioner Chandler moved, seconded by Commissioner Norman, to come out of executive session. 4 in favor | 0 opposed.

LITIGATION:

Commissioner Chandler moved, seconded by Commissioner Whitworth, that the Commission should reconsider its previous vote to litigate the reasonable-grounds case in E14-0177 and -0178, Childs v. The Millard Group/Garza.

3 in favor | 0 Opposed | 1 abstained (Clark Abstained).

Commissioner Chandler moved, seconded by Commissioner Norman, that the Commission should not litigate the following cases:

E13-0352: Hack v. Lowe's Home Improvement

E13-0430: Webber v. Hampton Inn

PA14-0139, Woodard v. Penobscot Valley Hospital

E14-0433, Kendrick v. Lake City Exports

E14-0177 and -0178, Childs v. The Millard Group/Garza.

4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Whitworth, that the Commission should litigate the following reasonable-grounds case:

- H15-0200, Lamb v. Lee

4 in favor | 0 opposed.

At approximately 11:09 AM, Commissioner Chandler moved, seconded by Commissioner Norman, to adjourn. 4 in favor | 0 opposed.

CONSENT AGENDA

The consent agenda is a listing of cases scheduled on the Commission’s meeting agenda in which there was no written disagreement to the Investigator’s recommendation. Commissioners considered these cases without oral argument by the parties.

PA14-0141:	Sandra Berube (Sanford) v. Seacoast Career Schools (Sanford)	NRG
E14-0198:	Jennifer Watrous (Bangor) v. Village Car Company d/b/a Quirk Auto Group (Bangor)	NRG
E14-0212:	Shannon Esslinger (Enfield, CT) v. University of Maine System (Augusta)	NRG
E14-0216:	Henri Desrosiers (Brewer) v. Calais Regional Hospital (Calais)	NRG
E14-0248:	Tina Hennessey (Portland) v. Walmart (Falmouth)	NRG
E14-0259:	Destiny Rand (Old Town) v. Preferred Therapy Solutions (Wethersfield, CT)	NRG
E14-0277:	Jeanne Morganstern (Hollis Center) v. Nouria Energy, Inc. (Worcester, MA)	NRG
E14-0600:	Larry McLain (Rumford) v. Sunday River (Newry)	NRG
PA14-0609:	Christopher Edman (Belgrade) v. Kennebec County Sheriff’s Department (Augusta)	NRG
E14-0066:	Melissa Albert (Bath) v. Walmart (Auburn)	NRG
ED/PA14-0145:	Brian Hill and Carey Anne Hill o/b/o Minor v. Regional School Unit 21 (Kennebunk)	NRG