



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn - Boardroom

19 Union Street ~ Augusta, Maine

January 8, 2018

Commission Chair Arnold Clark called the meeting to order at 8:30 AM. Present were Commissioners Arnold Clark, Deborah Whitworth, John Norman, Ted Helberg, and Fred Oettinger.

AGENDA

Commissioner Whitworth moved, seconded by Commissioner Oettinger, to adopt the Agenda and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 5 in favor | 0 opposed.

MINUTES

Commissioner Helberg moved, seconded by Commissioner Whitworth, to adopt the December 11, 2017 Commission meeting minutes. 5 in favor | 0 opposed.

ADMINISTRATION

Quarterly: Executive Director Sneirson discussed FY2018's second quarter agency performance:

- Training & Education: Commission staff attended/presented at 8 trainings/presentations.
- Financial Report: Presented and placed on file.
- Pending inventory: The Commission has 707 cases pending; the average age of cases in the agency is 283 days.

Monthly reports: Executive Director Sneirson discussed reporting on Commission activities from December:

- Personnel: No new activity.
- Compliance: Since the last meeting, there were two unsuccessful conciliations and no successful conciliations. Five reasonable-grounds cases remain in active conciliation.
- The following cases were successfully conciliated.
 - New Charges: 34 new charges filed.
 - Administrative Dismissals: 32 administrative dismissals.
 - There were 13 predetermination settlements with benefits of \$142,000 to complainants.

NEW BUSINESS

Executive Director Sneirson reported that the Maine Legislature is now in session, and that the Commission likely will be asked about how various proposals would affect the MHRA or Commission. She also noted that the Commission is leading an effort to bring civil rights groups in Maine together to form a statewide anti-hate/anti-bias group, with a first meeting later this month.

The Commission took a ten-minute break at 8:35 AM.

At 8:45 AM Commission Chair Arnold Clark began the case hearing agenda.

CASES VOTED ON

E15-0568: Tyler Young (South Portland) v. American Income Life (McKinney, TX) & Laura Fisher Agencies (Burlington, MA): Respondents were not present. Complainant Commissioner Helberg moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that American Income Life and Laura Fisher Agencies subjected Tyler Young to a hostile work environment on the basis of his sex and **reasonable grounds** to believe that American Income Life and Laura Fisher Agencies constructively discharged Tyler Young. 5 in favor | 0 opposed.

E16-0021: Thomas T. Wheatley (Westbrook) v. L.L. Bean (Freeport). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent L.L. Bean retaliated against Complainant Thomas T. Wheatley for engaging in WP A-protected activity. 5 in favor | 0 opposed.

E16-0275: Monica Gray (Hermon) v. Acadia Hospital (Bangor). Complainant was not present. Commissioner Oettinger moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Acadia Hospital discriminated against Complainant Monica Gray by discharging her on the basis of disability. 5 in favor | 0 opposed.

E16-0493: Richard A. MacEwen (Wells) v. Anthem, Inc. (Indianapolis, IN). Complainant was not present. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Richard MacEwen was subjected to unlawful disability discrimination in employment (reasonable accommodation) by Anthem Inc, Jeff Spahr, Sharlmane Brown, or John Thorpe and to find no reasonable grounds to believe that Richard MacEwen was subjected to unlawful retaliation in violation of the MHRA by Anthem Inc, Jeff Spahr, Sharlmane Brown, or John Thorpe. 5 in favor | 0 opposed.

EXECUTIVE SESSION

At 8:53 PM, Commissioner Helberg moved, seconded by Commissioner Norman, to go into executive session to discuss pending or contemplated litigation and the Commission's legal rights and duties with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 5 in favor | 0 opposed.

At approximately 9:10 PM, Commissioner Helberg moved, seconded by Commissioner Whitworth, to come out of executive session. 5 in favor | 0 opposed.

LITIGATION

Commissioner Whitworth moved, seconded by Commissioner Helberg, that the Commission should proceed with litigation in the reasonable-grounds case *McLellan v. Quirk Auto Group* (E15-0354) and should not proceed with litigation in the reasonable-grounds cases *Duboise v. University of Southern Maine* (E15-0408) and *Artkop v. SOM/Department of Inland Fisheries & Wildlife* (E15-0361). 5 in favor | 0 opposed.

At approximately 9:13 PM, Commissioner Clark adjourned the meeting.

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.

E16-0003	Brandee M. Hallee (Waterville) v. Maine Immunization Program (Augusta).....	NRG
E16-0006	Christine Gates (Portland) v. Maine Midcoast Community Action (Bath).....	NRG
E16-0079	Leroy A. Gentles (South Portland) v. The Westin Portland Harborview Hotel (Portland).....	NRG
E16-0125	Michael L. Gove (Gardiner) v. Northcenter Foodservice PFG (Augusta).....	NRG
E16-0148	Shannon Christensen (Ellsworth) v. Town of Ellsworth/Ellsworth Public Library (Ellsworth).....	NRG
E16-0149	Alexi Galica-Cohen (Mont Vernon, NH) v. Town of Ellsworth/Ellsworth Pub. Library (Ellsworth).	NRG
E16-0233	Ryan J. Witherell (Cape Elizabeth) v. Fresh Approach (Portland).....	NRG
E16-0241	Sherry C. Campbell (Millinocket) v. Penobscot Valley Hospital (Lincoln)	NRG
E16-0427A/B	Scott M. Foisy (Sanford) v. City of Sanford / Sanford Police (Sanford).....	NRG
E16-0507	Sandra Adams (Hermon) v. City of Bangor (Bangor).....	NRG
PA17-0028A/B	Reginald N. Dube (Warren) v. State of Maine/Department of Corrections/ Mountain View Adult Center (Charleston)	NRG