



Maine Human Rights Commission

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Amy M. Sneirson
EXECUTIVE DIRECTOR

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COMMISSION COUNSEL

COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

June 9, 2014

Commissioner Chandler called the June 9th Commission meeting to order at 8:29 a.m. Present were Commissioners Sallie Chandler, Deborah Whitworth, A. Mavourneen Thompson and John Norman. Commissioner Chandler served as Chair for the meeting.

AGENDA

- Executive Director Amy Sneirson requested that E12-0556: Kathleen Dunn (Winthrop) v. AOS 97 Western Kennebec County Schools, Winthrop School Department (Winthrop) be tabled to the July, 2014 meeting agenda at the request of the parties.
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- Executive Director Amy Sneirson presented a request that the case of E12-0416: Whitney Nichols (Caribou) v. City of Caribou (Caribou) be removed from the hearing agenda as the Complainant had submitted a request that she be issued a “right-to- sue” letter in case. Commissioner Thompson moved that the Commission grant the Complainant a right-to-sue letter in E12-0416; Commissioner Whitworth seconded the motion. 4 in favor | 0 opposed.

Commissioner Chandler called for adoption of the agenda as amended. Commissioner Whitworth moved, seconded by Commissioner Thompson, to adopt the agenda as amended. 4 in favor | 0 opposed.

CONSENT AGENDA (see detailed listing on page 4)

Commissioner Thompson moved, seconded by Commissioner Norman, to accept the Investigator’s recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed.

MINUTES

Commissioner Thompson moved, seconded by Commissioner Whitworth, to adopt the April 28, 2014 Commission Meeting Minutes. 4 in favor | 0 opposed.

QUARTERLY PROGRAM REVIEW

- Inventory Status Report & Resolutions: There were 590 open cases at the end of March. The Commission closed 154 cases during the preceding quarter including 27 Settlements resulting in \$330,000 to Complainants.

- Training/Education: Commissioners reviewed the quarterly report indicating that staff presented at 4 training sessions and attended 14 training sessions.
- Litigation - Commissioners agreed to move this item to another part of the agenda when the Commission could go into Executive Session.
- Financial: Commissioners reviewed the quarterly financial report and it was placed in the file.

ADMINISTRATION

Personnel Report: Executive Director Amy Sneirson reported that the MHR Field Investigator position vacated by Victoria Ternig was posted for three weeks. Of the 30 Investigator applications received, seven candidates were selected for an interview. Interviews will be conducted between June 10 – 13th with an estimated start date for the new investigator at end of June or beginning of July.

COMPLIANCE

Commissioners reviewed the compliance report showing two successful conciliations, and four unsuccessful conciliations, and eight conciliations in progress. It was placed on file.

Executive Director Amy Sneirson presented a memorandum reporting that a reasonable-grounds case, E13-0173, Brown v. East Branch Delivery Services, had been conciliated and resolved by agreement, with all relief (including public interest remedies) fully implemented. For that reason, she requested that the Commissioners dismiss the case. Commissioner Whitworth moved, seconded by Commissioner Thompson, to dismiss the conciliated case E13-0173. 4 in favor | 0 opposed.

INVESTIGATION

New Charges: Commission staff opened 50 new cases in March and 51 new cases in April.

Administrative Dismissals: The Executive Director administratively dismissed 28 cases in April.

Pre-determination Settlements: From April 10-May 20, 2014, 19 cases resulted in settlements with total monetary relief in excess of \$409,751 for complainants.

NEW BUSINESS

Executive Director Amy Sneirson stated that the Attorney General is currently reviewing Chapter 2, the Commission's Procedural Rule (to allow the Commission to receive payment by parties for mediations). Mediators have been working on a pro-bono basis for the past year.

Executive Director Amy Sneirson welcomed Commissioner John Norman to the Commission. The Governor's office has not yet appointed a new Commission Chair and as such, Commissioner Chandler is chairing the meeting.

At 8:39 a.m. Commissioner Chandler called for a ten-minute recess.

CASES VOTED ON 8:46 A.M.:

E13-0312: James Terroni (Portland) v. Duck Fat, Inc. (Portland). Nancy Pugh restated the position of the Respondent. Complainant was not present. Investigator Angela Tizón restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Duck Fat, Inc discriminated against James Terroni on the basis of disability by terminating his employment. 4 in favor | 0 opposed.

E12-0269: Wayne Michaud (Acton) v. Pratt & Whitney (North Berwick). Attorney Robyn March restated the position of the Complainant. Attorney Jim Lowick restated the position of the Respondent. Investigator Angela Tizón restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Pratt & Whitney discriminated against Wayne Michaud on the basis of disability by denying him a reasonable accommodation and no reasonable grounds to believe that Pratt & Whitney retaliated against Wayne Michaud for asserting his rights under the MHRA. 4 in favor | 0 opposed.

E12-0549: Robert Shufelt (Jay) v. County of Franklin (Farmington). Tammy Dwinal-Shufelt restated the position of the Complainant. Attorney Peter Marchesi restated the position of the Respondent. Investigator Angela Tizón restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Franklin County discriminated against Robert Shufelt on the basis of disability by terminating his employment. 3 in favor | 1 opposed (Thompson opposed).

At 8:46 a.m. Commissioner Chandler called for a 10 minute break.

E13-0019: Randy Smith (Dixmont) v. United Parcel Service of America, Inc. (Brewer). Attorney Megan Hanley restated the position of the Complainant. Attorney James Radke restated the position of the Respondent. Investigator Angela Tizón restated the facts of the case. Commissioner John Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that UPS retaliated against Randy Smith in violation of the MHRA and the WPA by subjecting him to less favorable terms in conditions of employment after he complained of illegal activity. 4 in favor | 0 opposed.

E13-0208: Sharon Fisher (Lewiston) v. Bisson Enterprises, Inc. d/b/a Jackie's Cleaning & Maintenance. Attorney Patricia Shorey restated the position of the Complainant. Attorney Abigail Varga restated the position of the Respondent. Investigator Angela Tizón restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe Bisson Enterprises, Inc. d/b/a Jackie's Cleaning & Maintenance retaliated against Sharon Fisher in violation of the Maine Whistleblowers' Protection Act by terminating her employment. 4 in favor | 0 opposed.

EXECUTIVE SESSION:

At 11:03 a.m. Commissioner Whitworth moved, seconded by Commissioner Thompson, to move into executive session to discuss litigation with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 4 in favor | 0 opposed.

At approximately 11:30 p.m. Commissioner Thompson moved, seconded by Commissioner Whitworth, to come out of executive session. 4 in favor | 0 opposed.

LITIGATION:

Commissioner Thompson moved, seconded by Commissioner Norman, to approve the conciliation agreement in Mann v. Sunbury Medical Associates. 4 in favor | 0 opposed.

Commissioner Thompson moved, seconded by Commissioner Whitworth, not to file a complaint in the following "reasonable grounds" cases:

- E11-0719: Faas v. Country Pride Cleaning Services, Inc. (disability)
- E12-0235: Fulton v. Quinlan Corporation (WPA)
- E12-0265: Miller v. Project Staffing, Inc. (disability)
- E12-0314: Cobb v. City of Belfast (disability)

4 in favor | 0 opposed.

ADJOURNMENT:

There being no further business to come before the Commission, Commissioner Whitworth moved, seconded by Commissioner Thompson, to adjourn the meeting the meeting at 11:35 AM. 4 in favor | 0 opposed.

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.

CONSENT AGENDA

E12-0277:	Clarence Bickford (Winslow) v. People’s United Bank (Bangor)	NRG
E12-0353:	Louise Snook (Stratton) v. Sugarloaf Mountain Corp. (Carabassett Valley)	NRG
E12-0379:	Cynthia Jokinen (Greene) v. Clover Manor, Inc. (Bangor)	NRG
E12-0433:	Jeffrey Pratt (Baileyville) v. Town of Baileyville (Baileyville)	NRG
E12-0444:	Thomas Hood (Princeton) v. Woodland Pulp, LLC (Baileyville)	NRG
E12-0544:	Rhonda Wright (Lisbon Falls) v. MAS Home Care of Maine (Westbrook)	NRG
E13-0101:	Tabitha Riggs (Whiting) v. Sunrise Opportunities (Machias)	NRG
E13-0102:	Melanie Tardiff (Biddeford) v. Holden Agency (Portland)	NRG
E13-0114:	Rosa Brawn (Freeport) v. NAPA Auto Parts (Freeport)	NRG
E13-0120:	Dylan Waltz (Waldoboro) v. RC Management, LLC d/b/a McDonald’s (Damariscotta/Gardiner)	NRG
E13-0163:	Mary Bridges (Bangor) v. Restwend, LLC d/b/a Wendy’s Restaurant (Augusta)	NRG
E13-0189:	Karla VanAlstine Peabody (Rockland) v. Town of Rockport (Rockport)	NRG
E13-0222:	Michael Townsend (Gorham) v. Flight Services & Systems, Inc. (Bangor)	NRG
E13-0230:	Margaret Johnson (Portland) v. Spurwink Services, Inc. (Portland)	NRG

