



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn- Boardroom

19 Union Street ~ Augusta, Maine

June 19, 2017

Commissioner Chair Arnold Clark called the meeting to order at 8:31 AM. Also present were Commissioners Deborah Whitworth, John Norman, Fred Oettinger and Ted Helberg.

AGENDA

Commissioner Clark called for a motion to adopt the Agenda and Consent Agenda. Commissioner Whitworth moved, seconded by Commissioner Helberg, to adopt the Agenda and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 5 in favor | 0 opposed. See detailed listing of Consent Agenda cases on page 3.

MINUTES

Commissioner Helberg moved, seconded by Commissioner Oettinger, to adopt the May 22, 2017 Commission meeting minutes. 4 in favor | 0 opposed | 1 abstained (Clark abstained).

ADMINISTRATION

Executive Director Sneirson next provided monthly reports on Commission activities:

- Personnel: Investigator Angela Tizon will be leaving the Commission in July 2017; this will be her last meeting. A request to post the position has been submitted.
- Compliance:
 - Since the last meeting, there were two conciliations of reasonable-grounds cases, one unsuccessful and one successful. There are five cases that remain active in active conciliation.
 - The Commissioners reviewed the conciliation agreement in the one successfully conciliated case.
 - Commissioner Whitworth moved, seconded by Commissioner Oettinger, to approve the conciliation agreement in Scheuer v. Nordica Theatre PA15-0574. 5 in favor | 0 opposed.
 - Investigation:
 - New Charges: 89 new charges filed in May.
 - Administrative Dismissals: 9 administrative dismissals issued in May.
 - There were 8 predetermination settlements with benefits of \$76,000 to complainants.

NEW BUSINESS:

- Executive Director Sneirson reviewed the status of legislative proposals about which the Commission had provided testimony to date this session, and noted that nearly every proposal had already ceased to be active, including LD 1239 (the bill the Commission worked on with Rep. Will Tuell after the Executive Review Panel report), which died in the Senate a few days ago. Exec. Dir. Sneirson noted that one bill still pending is LD 1259 (would amend MHRA to make inquiries about applicants' prior compensation unlawful), but that it likely would be killed by a proposal to amend the bill to add a \$250 filing fee for

Commission complaints. Exec. Dir. Sneirson drafted a memo in response to the filing fee proposal noting that any fee would be in violation of the Commission's HUD and EEOC work sharing agreements.

- There are two reasonable-grounds cases which resolved via conciliation agreements that are now ready to be dismissed because the agreement terms have been successfully implemented.
 - Commissioner Whitworth moved, seconded by Commissioner Helberg, to dismiss the Commission's conciliated case H16-0072, Tremblay & Stevens v. Tucci. 5 in favor | 0 opposed.
 - Commissioner Whitworth moved, seconded by Commissioner Oettinger, to dismiss the Commission's conciliated cases E14-0592, Copage v. Island View, and E14-0729, Copage v. Mark Kramer. 5 in favor | 0 opposed.

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

CASES VOTED ON 8:45 A.M.

E15-0242: Adelard Ndjoli (Portland) v. Cape Memory Care (Cape Elizabeth). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Cape Memory Care discriminated against Adelard Ndjoli on the basis of race, color, and national origin by subjecting him to a hostile work environment or that Cape Memory Care retaliated against Adelard Ndjoli for reporting unlawful harassment. 5 in favor | 0 opposed.

E15-0271: Melissa Vallieres (Pittston) v. Wiscasset School Department (Wiscasset). Melissa Vallieres restated her position as the Complainant. Attorney Jeana McCormick restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Wiscasset School Department discriminated against Melissa Vallieres by denying her a reasonable accommodation for her disability or that Wiscasset School Department discriminated against Melissa Vallieres on the basis of disability by discharging her. 3 in favor | 2 opposed (Clark & Oettinger opposed).

E15-0315: Maryanne Rhoads (Hampden) v. USCC Services, LLC (Bangor). Attorney Joe Bethony restated the position of the Complainant. Attorney Brian [last name unknown] restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Oettinger moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that USCC Services, LLC discriminated against Maryanne Rhoads on the basis of age by discharging her or that USCC Services, LLC retaliated against Maryanne Rhoads for reporting unlawful activity. 5 in favor | 0 opposed.

E15-0324: Thomas A. Benedix (Mexico) v. Catalyst Paper (Rumford). Complainant was not present. Commissioner Clark moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Catalyst Paper subjected Complainant Thomas A. Benedix to unlawful discrimination on the basis of protected whistleblower activity or on the basis of disability. 5 in favor | 0 opposed.

E15-0325: Nicole L. Bourgeois (Freeport) v. Antonia's (Freeport). Attorney Paige Streeter restated the position of the Respondent. Nicole Bourgeois restated her position as the Complainant. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find **reasonable grounds** to believe Respondent Antonia's retaliated against Complainant Nicole L. Bourgeois in violation of the WPA when it discharged her from her employment. 5 in favor | 0 opposed.

E15-0330: Daniel VanWart (Holden) v. Maine Veterans' Services (Augusta). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Maine Veterans' Services discriminated against Daniel VanWart on the basis of disability by

subjecting him to less favorable terms and conditions of employment or that Maine Veterans' Services retaliated against Daniel VanWart for filing a complaint with the Commission or for WPA-protected activity. 5 in favor | 0 opposed.

E16-0078: Elizabeth A. DiMauro (South Portland) v. Wal-Mart (Scarborough). Elizabeth DiMauro restated her position as the complainant. Attorney Shiloh Theberge restated the position of the Respondent. Investigator Stuart Evans restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Wal-Mart discriminated against Complainant Elizabeth A. DiMauro in employment by refusing to rehire her on the basis of disability. 5 in favor | 0 opposed.

E16-0467: Naomi R. Cesare (Auburn) v. Hudson Bus Lines/Student Transportation of America (Lewiston) . Respondent was not present. Commissioner Oettinger moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Respondent Hudson Bus Lines/Student Transportation of America unlawfully discriminated against Complainant Naomi R. Cesare based on her age when it terminated her employment, and conciliation should be attempted in accordance. 5 in favor | 0 opposed.

EXECUTIVE SESSION:

At 11:14 AM, 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 11:34 AM, Commissioner Whitworth moved, seconded by Commissioner Norman, to come out of executive session. 3 in favor | 0 opposed.

Commissioner Oettinger moved, seconded by Commissioner Whitworth, to approve the conciliation agreement in Zammuto vs. Brann (H14-0554), and to delegate authority to sign that agreement for the Commissioners to Exec. Dir. Amy Sneirson. 5 in favor | 0 opposed.

NEW BUSINESS:

At approximately 11:39 AM, 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.

E15-0150	Peggy McKenna (Farmingdale) v. Davis Long Term Care (Rockland)	NRG
E15-0188	Joanna M. Moore (Bridgton) v. Granite Bay Care, Inc. (Portland)	NRG
E15-0227	Thomas B. Reece (Westbrook) v. Modern Pest Services (Brunswick)	NRG
E15-0228	Mi Suk Spencer (Belfast) v. Waldo County General Hospital (Belfast)	NRG
E15-0245	Ryan Lane (Gorham) v. Idexx (Westbrook)	NRG
PA15--0267	Raymond Riley (Warren) & Jevonne Riley (Washington) v. Knox County Sheriff's Office (Rockland)	NRG
PA15-0268	& John Hanson, Patrol Deputy Knox County Sheriff's Office (Rockland)	NRG
PA15-0272	Todd Hutchins (Glen Allen, VA) v. State of Maine/Department of Corrections/Maine Correctional Center (Augusta)	NRG
PA15-0290	Kenneth Stanhope (Steuben) v. Down East Community Hospital (Machias)	NRG
PA15-0291	Kenneth T. Stanhope (Steuben) v. Machias Police Department (Machias) & Matt Carter, 911 Operator/Animal Control Officer (Machias)	NRG
PA15-0293	Kenneth T. Stanhope (Steuben) v. SOM/Inland Fisheries & Wildlife (Augusta)	NRG
PA15-0294	Kenneth T. Stanhope (Steuben) v. Town of Machias and Machias Police Department (Machias)	NRG
PA15-0295	Kenneth T. Stanhope (Steuben) v. Machias Police Department (Machias) & Matt Carter, Animal Control Officer (Machias)	NRG
PA15-0296	Kenneth T. Stanhope (Steuben) v. Matt Carter, Animal Control Officer/Town of Machias (Machias)	NRG
PA15-0297	Kenneth T. Stanhope (Steuben) v. Machias Police Department (Machias) & Tim Mace, Police Officer (Machias)	NRG
E15-0298	Sandra Green (Portland, ME) v. BJ's (Westborough, MA)	NRG
E15-0309	Heather M. Chasse Doxsey (East Millinocket) v. Varney Agency/Neal Associates (Lincoln)	NRG
PA15-0317	Todd Hutchins (Glen Allen, VA) v. Cumberland County Jail (Portland)	NRG
PA15-0318	Todd Hutchins (Glen Allen, VA) v. York County Jail (Alfred)	NRG
E15-0327	David Punch (Abbot) v. Hammond Lumber Co. (Belgrade)	NRG
E15-0335	Jackie K. Sondrol (Winslow) v. The Discovery House - Center for Recovery & Hope (Waterville)	NRG
E15-0374	Bruce Richardson (Auburn) v. National Able Network (Chicago, IL) and National Able Network, Maine Headquarters (Bangor)	NRG
PA15-0379	Kenneth T. Stanhope (Steuben) v. Machias Police Department (Machias)	NRG
H17-0059*	Gladys B. Sweeney (Brunswick) v. Northern New England Conference of Seventh-day Adventist, Inc. (Westbrook)	RG

** Indicates a case in which a "reasonable grounds" finding is recommended*

TABLED

E15-0301	Angela Johnson (Augusta) v. Molina Healthcare (Augusta)
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