



# Maine Human Rights Commission

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December 11, 2015

## INVESTIGATOR'S REPORT E14-0345

**Ronald Thibodeau (South Portland)**

v.

**Millard Mall Services Inc. aka the Millard Group (Lincolnwood, IL)**

### **I. The Complaint:**

Complainant Ronald Thibodeau alleged that Respondent Millard Mall Services, Inc., aka the Millard Group, discriminated against him on the basis of his physical and mental disabilities by denying him a reasonable accommodation for his disabilities. Complainant further alleged that Respondent subjected him to unlawful disability harassment. Complainant also alleged that Respondent retaliated against him for requesting an accommodation for his disability.

### **II. Respondents' Answer:**

Respondent stated that it had no knowledge of Complainant's disability at any time during his employment and did not retaliate against him.

### **III. Jurisdictional Data:**

- 1) Dates of alleged discrimination: On or about September 27, 2013, November 29, 2013, and ongoing.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): July 11, 2014.
- 3) Respondent employs 3,700 employees and is required to abide by the Maine Human Rights Act ("MHRA"), the Americans with Disabilities Act ("ADA"), and the Maine Whistleblowers' Protection Act ("WPA"), as well as state and federal employment regulations.
- 4) Complainant is represented by Kristin Aiello, Esq. Respondent is not represented by counsel.
- 5) Investigative methods used: A thorough review of the written materials provided by the parties. This preliminary investigation is believed to be sufficient to enable the Commissioners to make a finding of "reasonable grounds" or "no reasonable grounds" in this case.

### **IV. Development of Facts:**

- 1) The parties in this case are as follows:

- a) Complainant was hired on or about February 9, 2012, as a full-time Custodial Supervisor in the Food Court at a shopping mall in Maine.
  - b) Respondent offers commercial facility cleaning services, including janitorial services.
- 2) Complainant provided the following in support of his position:
- a) Complainant has [REDACTED]
  - b) Complainant disclosed his diagnosis of [REDACTED] to his former supervisor around the time he was hired, and requested the reasonable accommodation of taking short breaks if he had increased [REDACTED]. At those times, Complainant went to a quiet space for five or six minutes. He was then fine to return to work.
  - c) In Summer 2013, Project Manager became Complainant's supervisor. Project Manager mumbled negative things and complained about Complainant's need to take short breaks.
  - d) On or around September 17, 2013, Complainant became very ill. He became disoriented and had difficulty moving. He was hospitalized, and later diagnosed with several serious medical conditions.
    - i) Complainant went into a coma which lasted approximately one week. During this time, his wife informed Project Manager of Complainant's serious condition and his hospitalization.
  - e) On September 27, 2013, Complainant was discharged to a rehabilitation facility. While there, Complainant called Project Manager to provide an update on his condition. Project Manager insisted that Complainant give him the exact date and time when he would be able to return to work. When Complainant explained that he did not know because he was still in rehab, Project Manager was abrupt with him. Project Manager stated that Complainant's job depended on providing his return-to-work information.
  - f) A staff member at the rehab facility overheard this conversation. She called Respondent's Human Resources Department and explained Complainant's condition. She helped Complainant request Family Medical Leave Act ("FMLA") leave, which Respondent approved.
  - g) Respondent requested that Complainant check in for monthly status updates during his leave.
  - h) On or around October 7, 2013, Complainant was discharged from the rehab facility and continued to recover at home. Project Manager began to call him demanding to know when he would return to work. During these calls, Project Manager's tone was angry. When Complainant's wife answered the phone, Project Manager demanded to speak with Complainant. He told her to "get him up". Project Manager was so hostile that he made Complainant's wife cry.
  - i) Complainant was worried and stressed about losing his job and about interacting with Project Manager.
  - j) Complainant's doctor advised that Complainant could gradually begin returning to work with reasonable accommodations, including working no more than 20 hours per week, and being

scheduled to work during weekend shifts. Complainant needed weekend shifts to accommodate his medical appointments and treatments as he recovered.

- k) Complainant requested these accommodations, but Project Manager said that Complainant's medical restrictions did not work for him. When Complainant tried to explain that he needed the accommodations for medical reasons, Project Manager said, "[w]hy should I leave you as Custodial Supervisor then, if you cannot perform the job?"
- l) Project Manager scheduled Complainant to work 35 hours on weekdays.
- m) A few days later, Complainant tried again to obtain a part-time schedule from Project Manager. He explained again that he was still recovering and needed to work no more than 20 hours per week during weekend shifts only. When Complainant told Project Manager that he had brought a note from his doctor, Project Manager groaned and made a face. He took the note and said, "[w]ell, what use are you anymore?"
- n) When the new schedule came out, Complainant saw that his request had been denied again, and that he was scheduled to work 25-30 hours on Monday, Tuesday and Friday.
- o) Project Manager was hostile toward Complainant and began to criticize his work frequently, although Complainant performed his job well.
- p) Project Manager made offensive remarks to Complainant about his disabilities, including that [REDACTED] were "not real medical problems". Project Manager threatened Complainant regularly with demotions and pay reductions.
- q) On one occasion, Project Manager told Complainant that he was planning to get rid of all employees with disabilities once Christmas was over because he wanted to hire people who did not have so many problems.
- r) On or about November 20, 2013, Complainant's doctor advised him that he could go back to work full-time with reasonable accommodations, including a slower work pace as he first returned to full-time hours and the use of a cane if needed. Complainant's doctor wrote a note for him to take to Respondent. When Complainant asked for these accommodations and gave the note to Project Manager, Project Manager became upset and told Complainant that he was not allowed to use a cane at work. Project Manager told Complainant to use his cart for balance.
- s) Complainant called Respondent's Human Resources Department to ask for reconsideration of the denial of reasonable accommodation and to complain about the way he was being treated.
- t) Complainant felt that Project Manager's treatment, which was due to Complainant's disability, created a hostile and abusive work environment. Project Manager yelled and said derogatory things to Complainant on a daily basis. Complainant's [REDACTED] was exacerbated, and he began experiencing [REDACTED] due to Respondent's actions. He was affected by the harassment to such a degree that his medication was increased. He lost weight, had insomnia on the nights before he worked. It was very difficult for Complainant to work in these circumstances.
- u) On November 29, 2014, Black Friday, Complainant went into work at midnight. He began to have a [REDACTED]. He was unable to recover as he usually did. He called Project Manager and stated that

he was having a [REDACTED] and that his medication was not working. Complainant explained that he needed to go home. Project Manager ordered him to stay at work until someone from the second shift showed up.

- v) Complainant called another employee who agreed to replace him. In the meantime, Complainant tried to recover in the break room. While he was in the break room, Project Manager came in and began to slam things around and to yell at him about the [REDACTED]. Project Manager called Complainant "ignorant," "stupid," and "totally goddamn worthless." Complainant told him that he was none of those things. In response, Project Manager stated, "[p]unch out and go home, because you are fired."
  - w) Complainant soon informed Respondent's Human Resources Office about the termination, but Respondent did nothing to rectify the way Complainant was treated or the termination.
- 3) Respondent provided the following in response to Complainant's allegations:
- a) Complainant last worked for Respondent on November 29, 2013. Respondent's records indicate that he quit without notice.
  - b) Respondent's Regional Manager provided a statement which included the following information:
    - i. Complainant quit. He walked off the job. Project Manager reported to Regional Manager that Complainant was not fired.
    - ii. Regional Manager was unaware that Project Manager told Complainant to punch out and go home because he was fired. To Regional Manager's knowledge, there were no witnesses to confirm Complainant's allegation.
    - iii. Regional Manager did not believe that there was anything on Complainant's application stating that he was a disabled veteran.
    - iv. To his knowledge, Complainant did not disclose his [REDACTED]. He further stated that he had never seen an email stating that Complainant was disabled.
    - v. By email dated December 16, 2014, Regional Manager wrote to Human Resources Generalist that he was unaware of other employees complaining about Project Manager. He stated that Project Manager was a stern manager but that he never saw him get aggressive or disrespectful with another person. He stated that when he first met Project Manager, he was a good housekeeping manager but towards the end of his tenure, Project Manager had a lot of health issues that caused him to resign.
  - c) Complainant was issued several warnings during the course of his employment including the following:
    - i. On July 25, 2012, a verbal discussion about an unacceptable level of cleanliness in the food court area.
    - ii. On September 2, 2012, a corrective action form signed by Complainant indicating a verbal coaching about standards of maintenance in the food court and bathroom areas.
    - iii. On September 11, 2012, a corrective action form signed discussing Complainant's supervision of his crew.
    - iv. On January 22, 2013, a corrective action form addressing quality of work and Complainant's management capabilities.

- v. On November 13, 2013, Complainant signed a verbal coaching that addressed the call-in policy.
- vi. An unsigned/undated corrective action form dated November 29, 2013, which refers to trash cans in the common area as well as in the food court. This was Black Friday. When Project Manager arrived, he found Complainant in the break room waiting for a co-worker to arrive. Project Manager wrote on the corrective action form that he was talking with Complainant about who was working in the common area. Complainant did not answer, but just stared at him. Project Manager wrote on the form that he asked Complainant if he was ok and he did not say anything. He just became agitated. Complainant then told Project manager, "F\*\*k You." After this, Project Manager wrote that he told Complainant to clock out and go home.

## V. Analysis:

- 1) The MHRA requires the Commission to "determine whether there are reasonable grounds to believe that unlawful discrimination has occurred." 5 Maine Revised Statutes ("M.R.S.") § 4612(1)(B). The Commission interprets this standard to mean that there is at least an even chance of Complainant prevailing in a civil action.

### *Disability Discrimination: Reasonable Accommodation*

- 2) The MHRA provides that it is unlawful to discriminate against an employee because of physical or mental disability. See 5 M.R.S. § 4572(1)(A). Unlawful discrimination includes "[n]ot making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the covered entity." 5 M.R.S. §§ 4553(2)(E), 4572(2).
- 3) To establish this claim, it is not necessary for Complainant to prove intent to discriminate on the basis of disability. See *Higgins v. New Balance Athletic Shoe, Inc.*, 194 F.3d 252, 264 (1st Cir. 1999). Rather, Complainant must show (1) that he was a "qualified individual with a disability" within the meaning of the MHRA; (2) that Respondent, despite knowing of Complainant's physical or mental limitations, did not reasonably accommodate those limitations; and (3) that Respondent's failure to do so affected the terms, conditions, or privileges of Complainant's employment. See *id.*
- 4) The term "qualified individual with a disability" means "an individual with a physical or mental disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires." 5 M.R.S. § 4553(8-D).
- 5) Examples of "reasonable accommodations" include, but are not limited to, making facilities accessible, "[j]ob restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, [and] the provision of qualified readers or interpreters. . . ." 5 M.R.S. § 4553(9-A).
- 6) In proving that an accommodation is "reasonable," Complainant must show "not only that the proposed accommodation would enable him to perform the essential functions of his job, but also that, at least on the face of things, it is feasible for the employer under the circumstances." *Reed v. Lepage Bakeries, Inc.*, 244 F.3d 254, 259 (1st Cir. 2001).

- 7) Here, Complainant has alleged that he requested the reasonable accommodation to work part-time, approximately 20 hours and on the weekend due to his disability and then when he was able to return to full-time work, he asked for a slower work pace as well as to use a cane. Respondent stated that it had no knowledge of Complainant's disability.
- 8) In this case, Complainant has established that Respondent discriminated against him by denying him a reasonable accommodation, with reasoning as follows:
  - a) Complainant is a "qualified individual with a disability". Complainant's described medical conditions are considered disabilities under the MHRA. Complainant has established that he could perform the essential functions of his position based on the job description that was provided by Respondent even though Regional Manager claimed no knowledge of Complainant's disabilities (Exhibit A).
  - b) Additionally, while Respondent denied knowing that Complainant had a disability, Complainant was accommodated by being allowed to take breaks when needed for his [REDACTED] Complainant also provided that he had spoken to Project Manager on multiple occasions regarding his medical conditions, which shows that Respondent had knowledge of Complainant's disabilities. Moreover, Complainant was out on medical leave for several weeks, which also establishes that Respondent knew of his disabilities.
  - c) The record shows that Respondent denied Complainant's requests for accommodation by scheduling him on weekdays for more than 20 hours a week. The record is not completely clear regarding whether Respondent denied Complainant's accommodation request for a slower work pace and use of cane, but the record does show that Project Manager got upset after Complainant made these requests and told Complainant to use his cart for balance.
  - d) Respondent did not suggest or provide information showing that the requested accommodations would be unduly burdensome.
- 9) Discrimination based upon failure to accommodate Complainant's disability is found.

*Disability Discrimination - Hostile Work Environment and Termination*

- 10) The Commission's Employment Regulations provide, in part, as follows:

Harassment on the basis of physical disability is a violation of Section 4572 of the Maine Human Rights Act. Unwelcome comments, jokes, acts and other verbal or physical conduct related to physical disability constitute harassment on the basis of physical disability when...

- c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Me. Hum. Rights Comm'n Employment Rule, 94-348 Code of Maine Regulations, Ch. 3, § 3.08(I) (1) (July 17, 1999).

- 11) "Hostile environment claims involve repeated or intense harassment sufficiently severe or pervasive to create an abusive working environment." *Doyle v. Dep't of Human Servs.*, 2003 ME 61, ¶ 23, 824 A.2d

48, 57. In determining whether an actionable hostile work environment claim exists, it is necessary to view "all the circumstances, including the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance." *Id.* (citations omitted). "The standard requires an objectively hostile or abusive environment--one that a reasonable person would find hostile or abusive--as well as the victim's subjective perception that the environment is abusive." *Nadeau*, 675 A.2d at 976.

12) Accordingly, to succeed on such a claim, Complainant must demonstrate the following:

- (1) that he is a member of a protected class; (2) that he was subject to unwelcome [disability] harassment; (3) that the harassment was based upon [disability]; (4) that the harassment was sufficiently severe or pervasive so as to alter the conditions of plaintiff's employment and create an abusive work environment; (5) that [the] objectionable conduct was both objectively and subjectively offensive, such that a reasonable person would find it hostile or abusive and the victim in fact did perceive it to be so; and (6) that some basis for employer liability has been established.

*Watt v. UniFirst Corp.*, 2009 ME 47, ¶ 22, 969 A.2d 897, 902-903.

13) The Commission's Employment Regulations provide the following standard for determining employer liability for disability harassment committed by a supervisor:

An employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to disability harassment. When the supervisor's harassment culminates in a tangible employment action, such as, but not limited to, discharge, demotion, or undesirable reassignment, liability attaches to the employer regardless of whether the employer knew or should have known of the harassment, and regardless of whether the specific acts complained of were authorized or even forbidden by the employer. When the supervisor's harassment does not culminate in a tangible employment action, the employer may raise an affirmative defense to liability or damages by proving by a preponderance of the evidence:

- a) that the employer exercised reasonable care to prevent and correct promptly any harassing behavior based on disability, and
- b) that the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Me. Hum. Rights Comm'n Reg. § 3.08(I) (2) (July 17, 1999).

20) The Law Court has held as follows: "The immediate and appropriate corrective action standard does not lend itself to any fixed requirements regarding the quantity or quality of the corrective responses required of an employer in any given case. Accordingly, the rule of reason must prevail and an employer's responses should be evaluated as a whole, from a macro perspective." *Watt v. UniFirst Corp.*, 2009 ME 47, ¶ 28, 969 A.2d 897, 905.

21) In this case, Complainant has established that he was subjected to a hostile work environment on the basis of his disability, with reasoning as follows:

- a) The record shows that Complainant was subjected to unwelcome, pervasive harassment on the basis of his disability. Project Manager made offensive remarks to Complainant about his disabilities, including that [REDACTED] were "not real medical problems", on a daily basis. Project Manager threatened Complainant regularly with demotions and pay reductions, and also asked Complainant what good he was after Complainant provided him with a note from Complainant's doctor regarding reasonable accommodations for Complainant.
- b) On one occasion, Project Manager told Complainant that he was planning to get rid of all employees with disabilities once Christmas was over because he wanted to hire people who did not have so many problems.
- c) Complainant felt increased and extreme [REDACTED] because of the way Project Manager was treating him. The harassment Complainant experienced was both objectively offensive and offensive to Complainant.
- d) Complainant has provided grounds for employer liability in this case, in that the harassment he experienced led to a tangible employment action when he was denied reasonable accommodations and his employment was terminated.

22) Complainant also alleged, and established, that he was discharged due to his disability.

- a) This claim is analyzed utilizing the burden-shifting framework following *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S. Ct. 1817 (1973). See *Maine Human Rights Comm'n v. City of Auburn*, 408 A.2d 1253, 1263 (Me. 1979).
- b) Complainant established a prima-facie case of unlawful disability discrimination by showing that (1) he belonged to a protected class, (2) he performed his job satisfactorily, (3) his employer took an adverse employment decision against him, and (4) his employer continued to have his duties performed by a comparably qualified person or had a continuing need for the work to be performed. See *Santiago-Ramos v. Centennial P.R. Wireless Corp.*, 217 F.3d 46, 54 (1st Cir. 2000); *Cumpiano v. Banco Santander Puerto Rico*, 902 F.2d 148, 155 (1st Cir. 1990); cf. *City of Auburn*, 408 A.2d at 1261.
- c) Respondent provided a legitimate nondiscrimination for the end of Complainant's employment by stating that Complainant quit.
- d) In the final analysis, Complainant has shown that the termination of his employment was related to his disability: Complainant was routinely harassed on the basis of his disability, and was denied accommodations that were necessary for his successful return to work. On his final day of work, he was told he was fired when Project Manager became upset at him for needing to leave because of a panic attack and told him he was "worthless".

23) It is found that Complainant was subjected to a hostile work environment on the basis of his disability, and that he was discriminated against on the basis of disability in his discharge.



- 24) The MHRA makes it unlawful for "an employer . . . to discriminate in any manner against individuals because they have opposed a practice that would be a violation of [the Act] or because they have made a charge, testified or assisted in any investigation, proceeding or hearing under [the MHRA]." 5 M.R.S. § 4572(1)(E).
- 25) The MHRA further defines unlawful discrimination to include "punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise any of the civil rights declared by this Act or for complaining of a violation of this Act. . . ." 5 M.R.S. § 4553(10)(D).
- 26) The Commission's Employment Regulations provide as follows:

No employer, employment agency or labor organization shall discharge or otherwise discriminate against any employee or applicant because of any action taken by such employee or applicant to exercise their rights under the Maine Human Rights Act or because they assisted in the enforcement of the Act. Such action or assistance includes, but is not limited to: filing a complaint, stating an intent to contact the Commission or to file a complaint, supporting employees who are involved in the complaint process, cooperating with representatives of the Commission during the investigative process, and educating others concerning the coverage of the Maine Human Rights Act.

Me. Hum. Rights Comm'n Reg. 3.12 (July 17, 1999).

- 27) In order to establish a prima-facie case of MHRA retaliation, Complainant must show that he engaged in statutorily protected activity, he was the subject of a materially adverse action, and there was a causal link between the protected activity and the adverse action. *See Doyle v. Dep't of Human Servs.*, 2003 ME 61, ¶ 20, 824 A.2d 48, 56; *Burlington Northern & Santa Fe Ry. v. White*, 126 S. Ct. 2405 (2006). The term "materially adverse action" covers only those employer actions "that would have been materially adverse to a reasonable employee or job applicant. In the present context that means that the employer's actions must be harmful to the point that they could well dissuade a reasonable worker from making or supporting a charge of discrimination." *Burlington Northern*, 126 S. Ct. 2405.
- 28) The prima-facie case creates a rebuttable presumption that Respondent retaliated against Complainant for engaging in MHRA-protected activity. *See Wyrwal v. Saco Sch. Bd.*, 70 F.3d 165, 172 (1<sup>st</sup> Cir. 1995). Respondent must then "produce some probative evidence to demonstrate a nondiscriminatory reason for the adverse employment action." *DiCentes*, 1998 ME 227, ¶ 16, 719 A.2d at 515. If Respondent makes that showing, the Complainant must carry his overall burden of proving that "there was, in fact, a causal connection between the protected activity and the adverse employment action." *Id.*
- 29) In order to prevail, Complainant must show that Respondent would not have taken the adverse employment action but for Complainant's protected activity, although protected activity need not be the only reason for the decision. *See University of Texas Southwestern Medical Center v. Nassar*, 133 S.Ct. 2517, 2534 (2013) (Title VII); *Maine Human Rights Comm'n v. City of Auburn*, 408 A.2d 1253, 1268 (Me. 1979) (MHRA discrimination claim).
- 30) Complainant has established a prima-facie case of retaliation by establishing that he requested a reasonable accommodation for his disability, and that in the next month he was discharged.
- 31) Respondent provided that it did not retaliate against Complainant and that Complainant was told to leave after swearing at Project Manager.

32) In the final analysis, Complainant has established an even chance of success in a lawsuit alleging that he was retaliated against for asserting his right to a reasonable accommodation, with reasoning as follows:

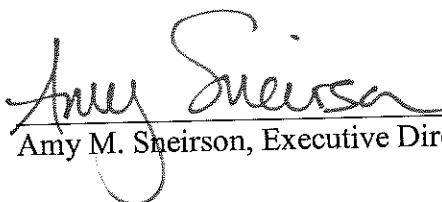
- a) Complainant asked for reasonable accommodations in October 2013. The requests were denied, and Complainant was subjected to hostile treatment from Project Manager up until he was terminated. The short time between Complainant's requests and the decision to terminate his employment suggests that the two are causally connected.
- b) On the day of Complainant's discharge, he again requested a reasonable accommodation: he asked to go home because he was having a [REDACTED] and could not recover from it at work. He was told he needed to wait for a replacement, so he waited in the break room, where Project Manager confronted him and called him "worthless". This occurred immediately before Complainant's discharge, and shows a causal link between Complainant's request for accommodation and his discharge.
- c) Respondent provided information from Regional Manager regarding Complainant's working relationship with Project Manager as well as Project Manager's working relationship with other employees. Regional Manager does not appear to have firsthand knowledge of the events described in the complaint.

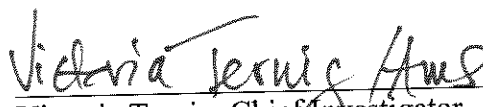
33) Retaliation in violation of the MHRA is found.

#### **VI. Recommendation:**

For the reasons stated above, it is recommended that the Commission issue the following findings:

1. There are **Reasonable Grounds** to believe that Millard Mall Services Inc. aka The Millard Group discriminated against Ronald Thibodeau based upon his disability by failing to provide a reasonable accommodation, by subjecting him to a hostile work environment, and by discharging him;
2. There are **Reasonable Grounds** to believe that Millard Mall Services Inc. aka The Millard Group retaliated against Ronald Thibodeau for asserting his rights under the MHRA; and
3. Conciliation of these claims should be attempted in accordance with 5 M.R.S. § 4612 (3).

  
\_\_\_\_\_  
Amy M. Sheirson, Executive Director

  
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Victoria Ternig, Chief Investigator

Job Description  
*Hourly Janitorial Personnel*

**JOB TITLE:** Janitor  
**CLASSIFICATION:** Hourly non-exempt service worker  
**DIVISION:** Retail/Commercial/Education

**I. POSITION SUMMARY**

A janitor's duties shall include the use of heavy duty janitorial machinery; stripping and waxing floors, moving and arranging furniture as specifically required by contract, power washing the exterior; snow removal of public walkways as prescribed by contract agreement. Additionally, a janitor's duties include the use of cleaning chemicals per the Material Safety Data Sheets (MSDS), cleaning of food courts, emergency floor cleaning (spills), cleaning of restrooms, office spaces, cleaning of public glass surfaces, cleaning of public elevators, dusting of storefront/office ledges, answering of calls from security or building management for emergency cleaning, clean and stock janitor closets, clean stroller and wheel chairs as necessary, inspect and clean all common area furniture, vending machines, dust and clean planter boxes/pots, dust directories and promotional signs, dust exterior exit doors; verify that glass was washed from the night before, de-spot glass as necessary throughout shift, sweep exterior entry ways, watch throughout shift and maintain, including the emptying of trash cans & ash-trays, keep pay phones clean, dust all fire boxes, check all rear corridors. De-spot and dust as necessary, patrol rear corridors for discarded debris, clean customer service booth, wipe down all trash can lids, empty trash as necessary or directed, sweep debris from main common area floor throughout shift; clean dry or wet spills immediately, for wet spills set up floor sign and dry floor before leaving area, inspect and clean restrooms every 30-minutes; stock restrooms as necessary, perform table, chair, stage, retail merchandising unit set-ups as required by contract or direction from management/supervision, inform maintenance department and/or management/supervision of any maintenance deficiencies, and other duties as assigned.

**II. ESSENTIAL DUTIES AND RESPONSIBILITIES**

Duties & Percentage of Time Performed	up to 25%	up to 50%	up to 75%	up to 100%
Must be able to use chemical or cleaning solution to perform duties				XXXX
Must be able to lift 35lbs in weight		XXXX		
Must be able to lift 35-50lbs in weight	XXXX			
Must be able to push/pull 35-75lbs			XXXX	
Must be able to stand or walk for 6-8 hours per shift (Patrol)				XXXX
Must be able to bend to pick up items from the floor or to wipe down surfaces as necessary to keep the floor area clean of debris			XXXX	
Must be able to wear Personal Protective Equipment (PPE) including Safety Glasses, gloves, and back-support as directed per OSHA/MSDS.				XXXX
Must be able to work in the outside elements	XXXX			
Must be able to push/pull up to 50lbs (on wheels) in weight		XXXX		

- III. ADDITIONAL RESPONSIBILITIES: (If applicable)**  
Specific areas and tasks will be assigned by Management, Supervision, and/or Shift Leads. Each individual site may have detailed specific job tasks that are not listed above; this job description is valid for all locations with regard to essential functions necessary to complete tasks per industry or customer standards.
- IV. QUALIFICATION REQUIREMENTS:**  
To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed are representative of the knowledge, skill, and/or ability required. Potential accommodations will be evaluated to enable individuals with disabilities to perform the essential functions.
- V. EDUCATION and/or EXPERIENCE**
- High School Diploma/GED; or
  - One-year Janitorial Experience
- VI. OTHER SKILLS**
- Must be capable of following directions
  - Must be customer-service driven with a "customer is always right" philosophy
  - Must be a team player
- VII. PHYSICAL OR OTHER DEMANDS**
- Outlined in Job Essential Functions
- VIII. PRIMARY TOOLS/EQUIPMENT USED (If applicable)**
- Hand Operated Floor Equipment
  - Power (Riding) Floor Scrubber
  - Other equipment may be provided as needed
- IX. WORK ENVIRONMENT**
- Primarily indoors with the exception of the following duties:
    - Power-washing
    - Trash Removal
    - Trash Pickup Outside
    - Delivery of Supplies