



Maine Human Rights Commission
51 State House Station | Augusta ME 04333-0051

Physical location: 19 Union Street, Augusta ME 04330
Phone (207) 624-6290 ■ Fax (207) 624-8729 ■ TTY: 1-888-557-6690
www.maine.gov/mhrc

Amy M. Sneirson
Executive Director

John P. Gause
Commission Counsel

August 24, 2012

INVESTIGATOR'S REPORT
MHRC No. E10-0490

*RJ/RG
DW/SC
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██████████ (██████████)

v.

██████████ (██████████)

I. Complainant's Complaint:

Complainant ██████████ alleged that Respondent ██████████ ("Respondent" or "Town") discriminated against her by subjecting her to different terms and conditions of her employment with respect to promotion and pay than other male employees because of her sex. In addition, Respondent retaliated against her for complaining of discrimination in the press and for filing a charge of discrimination.

II. Respondent's Answer:

Respondent denied any unlawful sex discrimination and retaliation. Respondent is authorized under state law to appoint a fire chief based a candidate's "qualifications, skills and training." Complainant was not as qualified as other male candidates. The ██████████ Fire Department is a reflection on the Town ██████████. The decision to appoint a candidate is also based what choice is in the Town's best interests. Finally, Complainant has not experienced any adverse employment action and was promoted instead to the position of Captain/Training Officer.

III. Jurisdictional Data:

- 1) Date of alleged discrimination: January 1, 2009 - Present.
- 2) Date complaint filed with the Maine Human Rights Commission: October 4, 2011; April 28, 2011 (Amended Charge).
- 3) Respondent is subject to the Maine Human Rights Act and Title VII of the Civil Rights Act, as well as state and federal employment regulations.
- 4) Complainant is represented by ██████████, Esq. Respondent is represented by ██████████, Esq.

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- 5) Investigative methods used: A review of the written materials provided by the parties, requests for information, and Issues and Resolution Conference. This preliminary investigation is believed to be sufficient to enable the Commissioners to make a finding of "reasonable grounds" or "no reasonable grounds".

IV. Development of Facts:

- 1) The parties and issues in this case are as follows:
 - a) Complainant has been the only female member of the [REDACTED] Fire Department ("Department") in the Town for over 15 years.
 - b) Respondent is a municipality in Kennebec County, Maine.
 - c) Important third parties: The Board of Selectmen ("Selectmen") consists of three members: First Selectman VG ("Chair"), Selectman GC, and Selectman MH.
- 2) Undisputed Facts:
 - a) The Department's bylaws ("Bylaws") provide for the selection of the Fire Chief each year - the Department's "membership shall present one name for the office of Fire Chief to the Board of Directors, to be forwarded to the town officers for approval." (Comp. Ex. 1, Art. V ("Duties of the Board of Directors"))).
 - b) In 2009, the Department's firefighters voted on three candidates for the office of Fire Chief. Complainant received the most number of votes (11). The incumbent Fire Chief for the previous three years, KS, received 9 votes. The third candidate, GM, received two votes.
 - c) In 2009, GM (a male) was appointed as Fire Chief.
 - d) In 2010, the Department's firefighters voted as follows: KS received 8 votes; Complainant received 4 votes; and GM received 2 votes. Write-in candidates received 3 votes.
 - e) In 2010, KS (a male) was appointed as Fire Chief. GM (a male) was appointed Assistant Fire Chief. Another Assistant Fire Chief position remained vacant.
 - f) In 2011, CM (a male) was appointed as Fire Chief. Presently, there are two male Assistant Fire Chiefs: GM and TM.
 - g) Since April 1, 2010, Complainant has been of three deputy fire wardens.
 - h) Documentation of Complainant's credentials, including training and driving certification, is on file at the Department. Complainant's certifications are maintained along with those of GM and KS. (Comp. Ex. 3.)

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i) On July 20, 2009, the State of Maine, Department of Labor, Bureau of Labor Standards ("Labor Bureau") inspected the Town's departments for health and safety compliance and later assessed \$2,100.00 in penalties. Three citations were issued for Respirator Fit Testing, Medical Evaluations and Training and Information. Complainant was the Training Officer for the Department, and these citations fell within her responsibility. (Resp. Ex. 16A – The Labor Bureau's correspondence (7/24/2009)).

3) Complainant's Charge of Discrimination:

a) Complainant is aware of only one other woman who joined the Department before she did; that woman was there for one year and left before Complainant became a member.

b) As a general rule, a Department member is either an interior firefighter or a fire truck driver, operating fire apparatus like the hoses and pumps. The firefighters would choose a specialty upon joining the Department. When Complainant joined, she became an interior specialist because of the Department's need at the time.

c) Being a fire truck driver has never been a prerequisite for the office of Fire Chief. Most, if not all, of the previous Fire Chiefs had been drivers, but there is no requirement in policy or practice that the Fire Chief be a fire truck driver. The Fire Chief generally does not drive fire trucks but drives his/her own vehicle to the scene and runs a command post. At a fire scene, fire truck drivers are required to stay with their trucks to operate the equipment. For a fire chief to drive a fire truck would impede his/her ability to manage the scene effectively. This is not only how the Department manages fire incidents, but also is a standard best practice in the industry that the Incident Commander be set apart from the fire trucks to control the flow of resources and personnel. (Comp. Ex. 2 - Excerpt from Incident Command System for Fire Department Structure Fire Operations, a component of the National Incident Management System (NIMS)).

d) Prior to 2011, the Selectmen never asked Complainant about her qualifications to drive fire trucks. Since joining the Department, Complainant has had the proper training and certifications. Although she was qualified to drive trucks, she had never been required to drive because the Department had many drivers.

e) For 40 years, the Department's policy or practice for choosing a Fire Chief for a one-year term was as follows: The Department accepted nominations in or about January of each year. The current firefighters then vote on the final selection in February. The Selectmen would appoint the person with the most votes.

f) 2009 - Appointment of GM as Fire Chief

i) In 2009, Fire Chief KS threatened to quit the Department after receiving news at a public meeting (at which at least one Selectman attended) that Complainant earned more votes for Fire Chief than he did.

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- ii) Based on Complainant's tenure, she believes that there have been close Fire Chief votes in the past. In 2009, however, for the first time ever the Selectmen departed from the 40-year tradition of appointing the nominee with the most votes and appointed GM instead. Afterward, the Selectmen stated that (1) "We are going to appoint GM as Chief – we think he'll do a fair job"; (2) We wish [Complainant] knew more about the trucks"; (3) "As far as we are concerned, [Fire Chief KS] did an A1 job."
 - iii) Afterward, the Chair stated to her, "This has nothing to do with you being a girl."
 - iv) In November 2009, the Chair stated publicly to a firefighter from Farmingdale that he would do everything in his power not to appoint Complainant as Fire Chief. She learned of this statement in January 2010.
- g) 2010 – Appointment of KS as Fire Chief
- i) In January 2010, Complainant was nominated by her peers again for Fire Chief. GM and KS were also nominated. As was customary, the firefighters expected to vote in February. Before that occurred, the Selectmen announced that the vote in 2010 was "for the Selectmen's information only," and that they would have final authority to appoint the Fire Chief.
 - ii) In late January 2010, the Kennebec Journal asked Complainant about the Selectmen's change in policy about appointing Fire Chief. In response, Complainant publicly stated that she believed KS's 2009 Fire Chief appointment had been discriminatory in that it disregarded the firefighters' vote nominating her to be the Fire Chief.
 - iii) In 2010, many members of the Department decided not to participate in the Fire Chief voting, partly in protest after the Selectmen's announcement regarding their authority in spite of the firefighters' votes. She knew that some firefighters (including BP, PB, BW, and DL) chose not to vote for this reason.
 - iv) On or about March 25, 2010, the Selectmen appointed KS as the Fire Chief, relying on the practice or procedure that the Selectmen had used every year except the prior year when Complainant received the most votes. The Selectmen reasoned that, because KS had retired from the City of Augusta Fire Department, he would be readily available to perform the duties of the Fire Chief.
 - v) Between January and April 2010, Complainant held trainings for the Department. In January and February, she held the most important Labor Bureau's trainings. In March, she held training on forestry equipment. In April 2010, KS demoted Complainant from her position as Training Officer. He assumed responsibility for conducting trainings for most of 2010. He had no training plan when he took over. During 2010, he occasionally held a few trainings. However, the Department is supposed to conduct training every month.

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vi) In 2010, Complainant did not receive any discipline after the Labor Bureau's issuance of its findings and citations related to the 2009 Labor Board inspection. Three citations relate to tasks for which Complainant did not know she was responsible or for which she had shared responsibility with Fire Chief KS. One task concerns medical evaluations. She would issue the evaluations to the firefighters. Afterward, the medical personnel who evaluated the firefighters would always return the evaluations to the Fire Chief, not to Complainant, in order to maintain any confidential medical information.

h) 2011 – Appointment of CM as Fire Chief

i) On March 31, 2011, the Selectmen met with Complainant to discuss her once-again pending application for Fire Chief. The Selectmen asked for the first time about her qualifications, skills and abilities. Selectman MH asked her why she did not drive fire trucks. She explained that the Department had not had any need for drivers. He asked if she were appointed, whether she would be willing to learn to drive trucks in a month or two. She replied that she would. The Chair also stated that the Selectmen did not know what and how the new or young guys were doing, but "we need to keep their interest and make a step forward."

ii) Because there has never been a departmental need for Complainant to drive fire trucks, she has not completed the one remaining step to become a driver for the Department. That final step consists of a ride with a senior member of the Department, who assesses driving skills and reports back to the Fire Chief that she can handle the vehicle. This could be completed in an hour if there were an actual departmental need for her to drive fire trucks. However, there has been no such need.

iii) By letter of April 1, 2011, the Selectmen notified Complainant that CM, a male, had been appointed Fire Chief because of "his qualifications, experience and training." (Amended Charge, ¶5.) At the time, CM was 27 years old. Complainant conducted CM's initial training in basic firefighting skills when he joined the Department only 8 years earlier.

iv) With respect to education, the Fire Chief job description does not require a bachelor's degree in public management. Complainant cannot think of any prior Fire Chiefs who had such a degree. With respect to management experience, Complainant is the kitchen manager for the [REDACTED] Public Schools.

v) Complainant is a Level I and Level II fire instructor. She achieved her Level II instruction certificate in 2007. Upon information and belief, the Town's records indicate that CM acquired his Level II fire instructor certification in May 2011, during his second year as Fire Chief.

vi) Complainant has been asked to teach courses at the National Fire Academy in Maryland. She was an assistant instructor within the past three years for a class on Preparation for Initial Company Operations. These national trainings held more prestige than local trainings because they are held on federal property, are rigorous and structured, and hold

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the participants to high standards. CM has not been asked to teach, nor has he taught, nationally.

- vii) Complainant has the Firefighter I certification, but she has the equivalent training and skills to be a Level II firefighter. The training was split into two levels two years ago, the Maine Fire Training Education organization offers crossover certifications for firefighters like Complainant, who was trained under the old modules and have the skills set of both Level I and Level II training. She has already possessed Level II skills and could take the Level II certification test with her current training.
 - viii) At the Augusta Department, CM works seven to nine 24-hour shifts per month, "some of which may be spent fighting fires, but others not." Complainant is not aware of any ground fire operations that CM ran before he became Fire Chief in 2011. Though he has run ground scenes since his appointment, he did not have any experience at the time of his appointment. He does not run fire scenes for the Augusta Department. On the other hand, Complainant has been a go-to person to run command at fire scenes for many years and under many previous Fire Chiefs.
 - ix) Complainant has been qualified to fight forest fires for at least five years. Upon information and belief, CM became qualified to fight forest fires only in preparation for, or since, becoming Fire Chief in 2011.
 - x) Since CM's appointment, Complainant has continued to perform many tasks assigned to the Fire Chief and Assistant Fire Chief because she has been willing, well-qualified and available. The Department has continued to rely on her to perform the duties of the Fire Chief when CM is otherwise occupied. CM has missed trainings and fires because of his other commitments, including coaching Little League baseball and working for the Augusta Department.
 - xi) As Fire Chief, CM also assumed the Fire Warden position from KS in 2011. However, as Deputy Fire Warden, Complainant has been to more forest ranger meetings than CM concerning fire warden issues and duties. CM recently missed a business meeting for the Department while working in Augusta. Complainant had to present both the training report and the fire warden's report, even though CM is in charge of training and is the fire warden.
- i) Retaliation for filing a complaint of discrimination:
- i) On April 8, 2010, Fire Chief KS stated that "all training will go through the Fire Chief from this point forward and the fact that people who continue to thing [sic] on their own and doing what they please will also cease immediately." (Resp. Ex. 16B) His statement followed soon after Complainant's remark to the Kennebec Journal that she believed the Selectmen's decision not to appoint her as Fire Chief in 2009 was discriminatory.

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- ii) On April 12, 2011, less than two weeks after the Selectmen chose CM over Complainant for Fire Chief, CM informed Complainant that she would no longer serve as Training Officer, a position she had held for 15 years. The Department was eliminating the position so as to create a Captain position, and she was encouraged to apply.
 - a) In a letter in May 2011, CM stated that he would try to get training for the Department back on track. However, this letter refers largely to the period of time that Fire Chief KS was in charge of training, not Complainant. From October to December 2011, when CM was in charge, no training was held at all.
 - b) In April 2012, Complainant re-assumed the position of Captain/Training Officer after being removed from that position a year earlier.
- 4) Respondent's answer to the complaint:
- a) With respect to the 2009, 2010 and 2011 appointments, the "mechanics" of the appointments were discussed with the candidates. Qualifications, including training and experience, were discussed also. The Selectmen did not use any rating/scoring sheets in the decision-making process.
 - b) With respect to qualifications, the Selectmen felt that a candidate should be experienced and authorized to drive any of the fire trucks. To their knowledge, Complainant is not authorized nor experienced in driving fire trucks. She has not provided the Selectmen with any type of certification.
 - c) 2009 - Appointment of GM as Fire Chief
 - i) In years past, the Department would hold an internal vote to select the next Fire Chief. This vote would then be presented to the Selectmen as a recommendation. The Selectmen has authority under state law to appoint the Fire Chief each year. In years past, the Selectmen had received only one candidate nominated for the office of Fire Chief, except in 2009.
 - ii) In 2009, three candidates were interested in the office of Fire Chief. "Basically, the department had become split down the middle, between members who support Complainant and those who supported KS. GM had served previously for twelve years as Fire Chief and had been 'very solid and well qualified.'" KS is a professional firefighter and paramedic, with 25 years of experience. Both KS and GM were more qualified than Complainant and had served as Fire Chiefs in the past. "Appointment of Fire Chief is based on proper qualifications and experience, not on who might win a popularity contest within a volunteer fire department."
 - iii) Both GM and KS, and all former Fire Chiefs, were experienced fire truck drivers and were authorized to drive all fire vehicles. Unlike any previous and current Fire Chiefs, Complainant was not sufficiently authorized or experienced to drive fire trucks. This lack

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of ability to drive the fire trucks was one major deciding factor for not selecting Complainant for the office.

- iv) In addition, “[the Selectmen were] faced with the dilemma of having to choose among more than one candidate, and also had to be mindful of the need to somehow unify the fire department.” The decision to appoint GM was intended to reunify the Department. Of the three candidates, GM was selected also because he was well qualified and because “we felt that he could ease the stress in the fire department.” Further, “As a Board, we must look out for the best interest of the Town, and we felt that our action was in the best interest of the Town.”
 - v) In July 2009, the three citations issued by the Labor Bureau fell within Complainant’s responsibility as Training Officer for the Department.
- d) 2010 – Appointment of KS as Fire Chief
- i) In 2010, Complainant did not schedule any formal training for the Department.
 - ii) In 2010, there were again numerous candidates for Fire Chief. For clarification, the Selectman wrote a short letter reminding the Department that any vote taken would be viewed by the Selectmen as informational only. (Resp. Ex. 11B.)
 - iii) On April 8, 2010, Fire Chief KS sent a letter to the Selectmen. (Resp. Ex. 16B.) He described an incident wherein Complainant had scheduled one of the fire trucks to be used for training elsewhere. KS did not grant prior approval for the use of the fire truck. His account indicates her need to “find an operator” for the fire truck. If she were authorized and experienced, she would not need to “find an operator.”
- e) 2011 – Appointment of CM as Fire Chief
- i) Going through the Fire Chief process again, there were two candidates: CM and Complainant. To determine the most qualified and experienced candidate, the Selectmen met with Complainant and CM to discuss their qualifications. The Selectmen carefully considered training, education, experience, qualifications and priorities based on the candidates’ interviews and resumes.
 - ii) The meeting on March 21, 2011 was not the first time Complainant was asked about her “qualifications, skills and abilities.” They have had discussions with Complainant over recent years about her lack of qualifications and experience driving fire trucks. There is always a need for fire truck drivers.
 - iii) In 2011, CM was appointed Fire Chief because he has more education, training and experience than Complainant. CM holds a Public Management degree, which elevates him over Complainant with regard to educational credentials for departmental administration.

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- iv) CM has more training as a firefighter. Although CM is younger than Complainant, he has logged full-time hours as a firefighter and paramedic for the Augusta Department, which gives him greater experience despite his age. CM might have less time as a volunteer firefighter in the Town, but he would be deemed to have greater knowledge and experience than Complainant on a day-by-day basis. On the other hand, Complainant works in a completely different field as a school cafeteria worker.
 - v) CM is pro-board certified as a Fire Fighter II while Complainant holds only Fire Fighter I status. There are 3 levels of fire instructor certification. Level I instructors teach from a prepared curriculum plan. Level II instructors create their own lesson plans. Level III are regional type instructors who are in charge overall. He has completed the Fire Instructor II course.
 - vi) CM has earned multiple certifications from numerous training facilities, including the National Fire Academy. He has run fire ground operations and has completed the S130-190 forestry course.
- f) Retaliation claim:
- i) Training at the Department has been an ongoing concern over recent years, after the Labor Bureau issued fines relating to training and documentation in 2009. In his interview, CM stated that training would be a priority under his leadership.
 - ii) By letter of May 7, 2011, CM explained his plan to reorganize the Department with respect to training. Because of the continued issues with training and documentation, CM felt it was important for him to take charge of training so as to ensure the members' compliance with any legal requirements and to avoid any liabilities.
 - iii) In 2011, Complainant was not demoted. She was encouraged to apply for the new Captain position. This position would be a promotion in that the Captain would have certain authority which the Training Officer did not have.

5) Relevant documents provided by both parties:

- a) Job Descriptions of Fire Chief, Assistant Fire Chief, Captain, and Training Officer (Copies are collectively attached as Exhibit A.)
- b) Bylaws ("Bylaws") of The [REDACTED] Firemen's Association (Comp. Ex. 1, Art. V ("Duties of the Board of Directors.")(A copy is attached as Ex. B.) – The Bylaws provide that the "membership shall present one name for the office of Fire Chief to the Board of Directors, to be forwarded to the town officers for approval."
- c) Copy of Maine Revised Statutes, Title 30-A, M.R.S.A., Section 2601(1) (Resp. Ex. 16D.) (A copy is attached as Exhibit C.) – The statute provides for the appointment and term of officials. (See also, Title 30-A, M.R.S.A. §§2602 & 3153.)

- d) Copy of The Selectmen's Letter (1/21/2010) (A copy is attached as Exhibit D.) – The letter states the Selectmen's intention "to appoint the Fire Chief in accordance with State Regulation."
- e) Newspaper article entitled "[REDACTED] Officials Seize Fire Chief Vote" (The Kennebec Journal, 1/30/2010) (Comp. Ex. 5.) (A copy is attached as Exhibit E.) – With respect to the change in protocol, Complainant commented that, "In 40 years they've never gone against the Fire Department vote until I won elections. . . . How does that spell discrimination? Pretty clearly."
- f) At the Issues and Resolution Conference, Respondent was requested to provide documentation of CM's qualifications, skills and experience considered at the time of the 2011 appointment. This information would provide relevant comparative evidence relating to the respective candidates in 2011.

V. Analysis:

- 1) The Maine Human Rights Act ("MHRA") provides that the Commission or its delegated investigator "shall conduct such preliminary investigation as it determines necessary to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred." 5 M.R.S.A. § 4612(1)(B). The Commission interprets the "reasonable grounds" standard to mean that there is at least an even chance of Complainant prevailing in a civil action.
- 2) The MHRA provides, in part, as follows:

It is unlawful employment discrimination, in violation of this Act . . . for any employer to . . . because of . . . sex . . . discriminate with respect to the terms, conditions or privileges of employment or any other matter directly or indirectly related to employment. . . ." 5 M.R.S.A. § 4572(1)(A).
- 3) Here, Complainant alleged that Respondent has discriminated against her on the basis of her sex by denying promotion and pay to her in 2009, 2010 and 2011. Further, Complainant alleges that Respondent demoted her as retaliation and in an effort to force her to quit because she complained of discrimination in the press and filed a formal charge of discrimination.
- 4) Respondent denied the claims of sex discrimination and retaliation. With respect to promotion, Respondent is authorized under state law to appoint a candidate for the office of Fire Chief based "qualifications, skills and training." Complainant was not as qualified as other candidates appointed. Further, the Department is a reflection on the Town. The decision to appoint a candidate is also based what is in the best interests of the Town. Finally, Complainant has not experienced any adverse employment action and was later promoted to the position of Captain.

Claim of Sex Discrimination

- 5) Here, because there is no direct evidence of discrimination, the analysis of this case will proceed 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).
- 6) First, Complainant establishes a prima-facie case of unlawful discrimination by showing that she (1) was a member of a protected class, (2) was qualified for the position she held, (3) suffered an adverse employment action, (4) in circumstances giving rise to an inference of discrimination. See *Harvey v. Mark*, 352 F. Supp. 2d 285, 288 (D.Conn. 2005). Cf. *Gillen v. Fallon Ambulance Serv.*, 283 F.3d 11, 30 (1st Cir. 2002).
- 7) Once Complainant has established a prima-facie case, Respondent must (to avoid liability) articulate a legitimate, nondiscriminatory reason for the adverse job action. See *Doyle v. Department of Human Services*, 2003 ME 61, ¶ 15, 824 A.2d 48, 54; *City of Auburn*, 408 A.2d at 1262. After Respondent has articulated a nondiscriminatory reason, Complainant must (to prevail) demonstrate that the nondiscriminatory reason is pretextual or irrelevant and that unlawful discrimination brought about the adverse employment action. See *id.* Complainant's burden may be met either by the strength of Complainant's evidence of unlawful discriminatory motive or by proof that Respondent's proffered reason should be rejected. See *Cookson v. Brewer School Department*, 2009 ME 57, ¶ 16; *City of Auburn*, 408 A.2d at 1262, 1267-68. Thus, Complainant can meet her overall burden at this stage by showing that (1) the circumstances underlying the employer's articulated reason are untrue, or (2) even if true, those circumstances were not the actual cause of the employment decision. *Cookson v. Brewer School Department*, 2009 ME 57, ¶ 16.
- 8) In order to prevail, Complainant must show that she would not have suffered the adverse job action but for membership in the protected class, although protected-class status need not be the only reason for the decision. See *City of Auburn*, 408 A.2d at 1268.
- 9) Here, Complainant has established a prima-facie case of unlawful discrimination. She is a woman who has performed her job satisfactorily. From 2009 through 2011, she was not appointed to the office of Fire Chief. Other male employees were selected instead. The circumstances surrounding the nomination and appointment process give rise to an inference of discrimination.
- 10) Respondent offered several nondiscriminatory reasons for the adverse actions, namely, that the Selectmen were responsible for appointing the best candidate based on various criteria – qualifications, education, experience and training. Complainant was not as qualified or experienced as other male candidates. There was no change in protocol in 2009 because the Selectmen were authorized all along under state law to appoint the Fire Chief, and the recommendation from an internal vote of a volunteer fire department did not dictate their appointment. Moreover, the Selectmen had to consider also what was in the Town's best interests.

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- 11) In the final analysis, Complainant has sufficiently carried her overall burden of showing the circumstances underlying Respondent's articulated reasons are untrue, or, even if true, the circumstances were not the actual cause of the adverse actions:
- a) Complainant alleged that she has been prevented from advancing in her work because she is a woman in a traditionally male field. As an experienced firefighter, she was qualified for the office of Fire Chief in 2009, 2010 and 2011. Respondent mistakenly assumed she did not have the proper credentials, qualifications and experience simply because she is a woman and have refused to appoint her on that basis.
 - b) Respondent responded that candidates were appointed based on their "qualifications, skills and training" and that the male Fire Chief candidates in each of the three years in question were equally if not more qualified than Complainant. Further, Respondent asserted the Bylaws do not dictate the appointment process. Under state law, Respondent is authorized to appoint any candidate, not necessarily the candidate receiving the most votes by the Department.
 - c) Respondent also asserted that "[a] Fire Chief needs to be qualified to perform **all** the tasks, not just 'many.'" (emphasis in original). With respect to qualifications, "the ability to adequately drive fire trucks with experience and authority [is] a qualification required of any fire chief candidate." Complainant lacked the qualification and experience in this regard. Yet, this lack of qualification was not documented in her personnel file until April 25, 2012. Further, if this qualification is as significant as Respondent claimed, it would be clearly stated in the Fire Chief job description provided by Respondent; it is not.
 - d) Respondent claimed that the "mechanics" of the appointment process had been communicated to the candidates, including Complainant, before any appointment decision. Complainant disputed that Respondent ever discussed in years prior to 2011 whether she was qualified to drive trucks or asked to see any of her training and certifications. According to Complainant, documentation shows she is able and qualified to drive fire trucks. She has attended trainings without becoming certified as far back as 2005, and her training certification has been in her personnel file since January 2010.
 - e) Complainant also disputed Respondent's contention that she lacked experience and knowledge of fire trucks. She was the Training Officer – both for interior firefighters and fire truck drivers – for at least 14 years. Respondent's own submission indicates part of her job description as Training Officer is that she has "thorough knowledge of all [REDACTED] apparatus, equipment and operating systems." She allegedly knew the fire trucks as well or better than many drivers.
 - f) Complainant's observation that the job descriptions for Fire Chief and Training Officer seem to have been created in response to the Commission's request for information also was persuasive. Complainant averred that Respondent simply changed the Fire Chief description to focus on a qualification (driving a fire truck) that does not exist. Regardless, Complainant pointed out that it is irrelevant whether she could actually drive a fire truck. There is no evidence that there has been a departmental need for drivers, including Complainant.

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g) The 2009 appointment of GM:

- i) Respondent explained that GM was more experienced and qualified than Complainant. (*File*, GM's documentation.) GM had served previously as Fire Chief for 12 years. Simply put, "The [Selectmen] does not simply appoint whomever an internal vote of a volunteer fire department chooses. The [Selectmen] has a responsibility, authorized by state law, to ensure that the fire chief is qualified."
- ii) Respondent further asserted the decision to appoint GM was also allegedly in the Town's best interests by forging the middle ground to reach a compromise over the alleged split between the firefighters supporting Complainant and those supporting KS. The evidence offers some support in this respect in that Respondent rejected Complainant (the female candidate with the highest number of votes) and KS (the male candidate with the highest number of votes).
- iii) However, the vote tally does not support Respondent's claim of the split. Complainant clearly got the most votes (11). KS was the sitting Fire Chief when the votes were taken in 2009. The Selectmen could not have appointed KS because he did not get the majority votes to be reappointed. He received 9 votes. Instead, the Selectmen appeared to have defaulted to the third candidate, GM, who clearly was not the top choice based on the firefighters' votes.
- iv) Nevertheless, Complainant posited that Respondent apparently disregarded the Department's established practice and procedure despite her receiving the most number of votes. Based on the Bylaws, she should have been the only candidate nominated for the office of Fire Chief. Instead, GM (a male candidate) was appointed despite the lowest number of votes. This was an apparent break in the Department's 40-year tradition of nominating and appointing the Fire Chief, and notably was the first and only year that a woman had received the most votes.
- v) Complainant also posited that several comments by the Selectmen and fire chiefs indicate that the appointment is an issue of her sex, and not one of her being an interior firefighter and not a fire truck driver. Complainant argued that these discriminatory comments indicate "a guilty conscience." In 2009, KS, as Fire Chief then and one of the three candidates, threatened to quit after hearing the vote tally. After GM's appointment, the Chair explained that it had nothing to do with her "being a girl." But, the Chair denied making such a statement and denied saying that he would make sure that Complainant would not be appointed Fire Chief.
- vi) With regard to the 2009 decision, the disputed comments, in and of themselves, do not support any conclusion. But, under the circumstances, the alleged comments and the apparent deviation from established policy or practice taken as a whole support a reasonable inference of unlawful discrimination.

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h) The 2010 appointment of KS

- i) Complainant argued that Respondent's Fire Chief appointment process was flawed from the very start in 2010, as its announcement of its authority to appoint any candidate regardless of the Department's votes deterred several firefighters from participating in the process. The evidence is not conclusive of an adverse outcome affecting Complainant, but she did not get as many votes in 2010.
- ii) It is notable that in 2010, Respondent returned to the Department's previously established policy or practice of appointing the candidate with the most votes, as Complainant observed, in order to appoint a male candidate again. Respondent asserts KS was simply more qualified and experienced than Complainant. (*File*, KS's documentation.) He was a professional firefighter and paramedic. Having recently retired from the Augusta Department, he would have sufficient time and desire to devote to the Department.
- iii) The Respondent's choice to return to a 40-year-old policy or practice which it had jettisoned a year earlier (when Complainant had been the top vote-getter among her peers) when it led to a preferable candidate tends to support a reasonable inference of unlawful discrimination.

i) 2011 appointment of CM

- i) In 2011, CM (a male firefighter) was appointed allegedly because he surpassed Complainant in various respects. CM allegedly held the same credentials as Complainant but also has a bachelor's degree in public management. It was allegedly within Respondent's discretion to consider his advanced education in the decision to appoint him. CM possessed "valuable skills" in light of the unique status of the Fire Chief in a small town and the controversy in 2009.
- ii) Complainant claimed that experience, sound judgment, and respect also count in the field of firefighting. Here, evidence of Complainant's experience and qualifications as compared to CM's is relevant to the question of whether Respondent's proffered nondiscriminatory reasons are legitimate.
- iii) According to Complainant, she has worked in the field for over 15 years and has been a firefighter for nearly twice as long as CM. Further, she has allegedly the "equivalent training and skills to be a Level 2 firefighter." Complainant has been a fire instructor with the National Fire Academy. He is not. She has been the Town's Training Officer since 1997. He has not. She has a red card for forestry fires (S130-190), but he does not.
- iv) In addition to Complainant's experience managing firefighters, she has practical day-to-day experience managing subordinate public employees at the [REDACTED] Public Schools. Other than his degree, CM was not in any management role at all in his job with the Augusta Department.

INVESTIGATOR'S REPORT E10-0490

- v) Respondent responded that CM is a professional firefighter despite Complainant's portrayal of his work shifts per month. Further, her contention of "equivalent training and skills to be a Level 2 firefighter" is not the same as having that certification.
 - vi) In response, Complainant argued that the majority of CM's training occurred after or at the time of his appointment. Since CM's appointment, Respondent allegedly has groomed him to acquire the necessary training to justify Respondent's decision.
 - vii) Despite the Commission's requests, Respondent did not provide documentation of CM's training and certifications at the time of appointment. Here, the evidence, or lack thereof, regarding the respective candidates' training, skills qualifications and experience tends to undermine Respondent's explanation. Respondent's decision to appoint CM is suspect given the lack of any evidence (such as rating/scoring sheets) to facilitate an independent review.
 - j) It is challenging to look back in time and scrutinize a decision which calls for some degree of judgment and discretion. Respondent was admittedly authorized to appoint a candidate to the office of Fire Chief. As Respondent had insisted, the recommendation of a volunteer fire department does not necessarily dictate Respondent's appointment. Despite this insistence, Respondent had apparently followed the Department's vote results in the past years except for 2009, when Complainant received the highest number of votes.
 - k) In each of the three years at issue, a male candidate was appointed allegedly based on qualifications, skills, and training. Complainant was considered less qualified because she allegedly could not drive fire trucks, a requirement that Respondent considered important. Yet, this requirement is not expressly indicated in any job descriptions.
 - l) The decision to appoint someone other than Complainant was made for three consecutive years because each time it was allegedly in the Town's best interests at the time. Respondent's proffered reasons are questionable given the circumstances and the lack of documentation of Respondent's actions at the time of each appointment. The Town's proffered "best interest" justifications for their 2009, 2010 and 2011 decisions are phrased so broadly as to escape any accountability.
- 12) Unlawful discrimination based on sex is found with regard to Respondent's 2009, 2010 and 2011 decisions not to appoint Complainant as Fire Chief.

Claim of Retaliation

- 13) 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 MHRA] or because they have made a charge, testified or assisted in any investigation, proceeding or hearing under [the MHRA]." 5 M.R.S.A. § 4572(1)(E).

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14) 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.A. § 4553(10)(D).

15) The Maine Human Rights Commission 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).

16) In order to establish a prima-facie case of retaliation, Complainant must show that she engaged in statutorily protected activity, she 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. One method of proving the causal link is if the adverse action happens in “close proximity” to the protected conduct. *See Id.*

17) The prima-facie case creates a rebuttable presumption that Respondent retaliated against Complainant for engaging in statutorily protected activity. *See Wyrwal v. Saco Sch. Bd.*, 70 F.3d 165, 172 (1st Cir. 1995). Respondent must then produce some probative evidence to demonstrate a nondiscriminatory reason for the adverse action. *See Doyle*, 2003 ME 61, ¶ 20, 824 A.2d at 56. If Respondent makes that showing, Complainant must carry her overall burden of proving that there was, in fact, a causal connection between the protected activity and the adverse action. *See id.*

18) Complainant has established a prima-facie case of retaliation. After she complained about discrimination to the press and after she filed a formal complaint of discrimination, her responsibilities and title of Training Officer were eventually taken away from her. There is allegedly a causal link between her protected activity and the asserted “demotion.”

19) Removing Complainant from the Training Officer role was a materially adverse action. The Training Officer went to local and regional trainings and represented the department to the public for training purposes. Putting someone else in that position could well dissuade a reasonable worker from making or supporting a charge of discrimination.

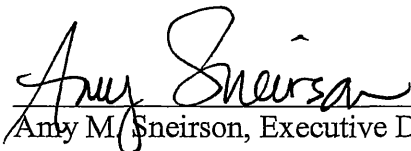
INVESTIGATOR'S REPORT E10-0490

- 20) Respondent's nondiscriminatory reason for its actions leading to the retaliation claim is mainly that Complainant was not demoted as alleged. Instead, the Department's training component was reorganized, and she was appointed to the new Captain position, which essentially constituted a promotion from the Training Officer position previously held by her.
- 21) In the final analysis, Complainant has sufficiently carried her overall burden of showing that Respondent did retaliate against her:
- a) Complainant alleged that Fire Chief KS's conduct toward her indicated retaliatory motive after her remark to the press that she believed the 2009 decision not to appoint her Fire Chief was discriminatory. Further, in 2011, her demotion from the Training Officer position indicates an effort to force her to quit because she complained of discrimination.
 - b) There is no evidence that Complainant's remark to the press violated any established policy or practice. However, Complainant's training responsibilities were subsequently taken away under KS (2010), and her title was eventually removed under CM (2011). The proximity in time between the changes in Complainant's titles and responsibilities soon after KS and CM were appointed indicate a causal connection between her protected activity and any adverse action.
 - c) Respondent denied any unlawful retaliation. Instead, Respondent portrayed Complainant as negligent and ineffective as Training Officer, and the Labor Bureau's citations were allegedly because of her poor performance.
 - d) Complainant disputed Respondent's portrayal. The 2009 citations allegedly relate to items for which she either did not know she was not responsible or for which she had shared responsibility with Fire Chief KS. Complainant claimed there had been no job description for Training Officer until recently. The only formal requirements are those outlined by the Bylaws: conducting monthly training sessions, issuing and maintaining records of equipment; and recording meetings, training sessions, and fires. (Comp. Ex. 1, Article V ("Duties of the Training Officer).) Complainant was appointed Training Officer upon joining the Department, and she did what had been assigned and delegated to her. Notably, Complainant was not disciplined as a result of the Labor Bureau's findings.
 - e) Respondent also denied any demotion and pointed out that Complainant had in fact been promoted to Captain in April 2012. This position could be considered equal to or better than her previous position in terms of authority and responsibilities. This explanation still does not clarify the reason of her responsibilities as Training Officer being removed under KS two years earlier. Further, Respondent's explanation puts into question the assertion of her poor performance as the reason for the fines, especially when Complainant later became Captain in charge again of all trainings.
- 22) Given the "even chance" standard (50/50), the evidence supports a reasonable inference that Respondent discriminated and retaliated against Complainant because of her sex and complaints of discrimination.

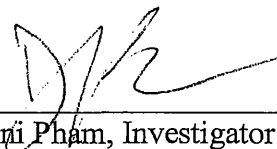
VI. Recommendation:

For the reasons stated above, it is recommended that the Maine Human Rights Commission issue the following finding:

- 1) There are **Reasonable Grounds** to believe that Respondent Town [REDACTED] subjected Complainant [REDACTED] to different terms and conditions (promotion and pay) because of her sex;
- 2) Conciliation should be attempted in accordance with 5 M.R.S.A. § 4612(3);
- 3) There are **Reasonable Grounds** to believe that Respondent Town [REDACTED] retaliated in employment against Complainant [REDACTED] her for complaining about discrimination; and
- 4) Conciliation should be attempted in accordance with 5 M.R.S.A. § 4612(3).



Amy M. Sneirson, Executive Director



Domini Pham, Investigator

Fire Chief

Nature of work:

- This is responsible administrative and supervisory work in the direction of the fire fighting and fire prevention activities of the [REDACTED] Fire Department.
- Employee of this class is responsible for the efficient operation of the Fire Department. Work involves the maintenance of all department equipment and property, the prevention and extinguishment of fire, and the protection of life and property within the area serviced by the departments. The Chief is the superior officer within the department, and assumes command at fire scenes unless the authority is delegated to a subordinate officer. Work is performed under the general direction of the Board of Selectman.

Essential Duties and Responsibilities

- Directs maintenance, repair, improvement and replacement of firefighting equipment, the Fire Station, and all other property of the Department.
- Directs or oversees the training or ensures the training of personnel in firefighting methods and use of equipment.
- Responds to and takes command of fire-related emergencies.
- Prepares and administers the department budget.
- Supervises the administrative details of the department, including requisition of materials, supplies, and equipment and maintains adequate records and reports.
- Directs or delegates to a subordinate, fire prevention activities such as inspections, issuance of fire permits, alarm maintenance, and fire investigations in cooperation with State and local authorities.
- Directs fire prevention activities, inspections and all fire investigations.
- Prepares and administers Standard Operating Procedures and Policies for the department.
- Performs related work as required.
- Operates, sets up, or uses firefighting equipment and apparatus, including but not limited to pumpers, tankers, and forestry units.

Requirements of Work:

- Extensive knowledge and experience in firefighting equipment, methods and techniques, hydraulics, and fire prevention methods.
- Thorough knowledge of the rules and regulations of the department, and fire prevention codes and ordinances.
- Thorough knowledge of the street system and geography of the Town.
- Thorough knowledge of the water supply and hydrant system of the Town.



Assistant Fire Chief

Nature of work:

- **This is responsible administrative and supervisory work in specific areas of the Fire Department's firefighting and fire prevention activities.**
- **Employee of this class has direct administrative responsibility for specific areas of departmental operations as well as the general responsibility for supervision of firefighters in the day-to-day functioning of the Fire Department. Work involves the exercise of considerable independence and decision making authority under the general direction of the Fire Chief or Deputy Chief. Work is reviewed through observation and reports.**

Essential Duties and Responsibilities:

- **Will assume all Fire Chief/Deputy Chief responsibilities in the absence of either officer**
- **Manages all aspects of the emergency scene, including fire suppression, life saving, and hazardous materials operations; unless relieved by a higher ranking officer.**
- **Is responsible for the necessary delegation of authority to those subject to his command, commensurate with their duties, responsibilities and abilities.**
- **Assists in the investigation of fires.**
- **Assists in the preparation of standard operating procedures and policies of the department.**
- **Assists in the maintenance of the fire station and equipment.**
- **Participates in the recruitment process including the interviewing, testing and evaluating of candidates.**
- **Assists in the preparation of the fire department budget and monitors expenditures.**
- **Operates, sets up, or uses firefighting equipment and apparatus, including but not limited to pumpers, tankers, and forestry units.**
- **Performs related work as required.**

Requirements of Work:

- **Thorough knowledge of fire fighting methods and equipment and of fire prevention methods.**
- **Thorough knowledge of departmental policies and regulations and of the laws and ordinances affecting Fire Service operations.**
- **Thorough knowledge of the geography of the Town, including the location of streets, fire alarm boxes, hydrants, and major fire hazards.**

Captain**Nature of work:**

- The Captain is responsible for the administrative work in planning, organizing and directing the fire department activities of the [REDACTED] Fire Department under direction of the Chief, including training.
- The Captain is appointed by the Chief after going through the promotional process and works directly under his/her supervision
- The position has no set hours per week, but will be based on the WGFD needs

Essential Duties and Responsibilities:

- Ensures personal training records are created and maintained for all department personnel as directed by the Fire Chief
- Shall assist the Chief in organizing scheduled trainings, and conducting monthly training sessions
- Shall assist the Chief in maintaining a system which identifies the training available and who should participate in various offerings.
- Shall assist the Chief with maintaining minimum Bureau of Labor Standards requirements for all members, including officers
- Shall act as the safety officer at all WGFD incidents unless otherwise delegated by Incident Command
- Works under the Assistant Chief in the chain of command structure

Requirements of Work:

- Must be an active WGFD member for a minimum of five (5) years
- Must have thorough knowledge of all state and federal safety guidelines
- Must have thorough knowledge and ability to operate of all [REDACTED] apparatus, equipment and operating systems
- Must have thorough knowledge of all [REDACTED] SOP's and SOG's
- Considerable skill in management and administration
- Demonstrated computer and organization skills
- Ability to lead, direct and supervise personnel effectively, exercise sound judgment and cooperate in a manner with other municipal officers.
- Ability to plan, schedule, direct, supervise, and review the performance of individual members in a manner conducive to productivity and high morale

Training Officer

Nature of work:

- The Training Officer is responsible for the administrative work in planning, organizing and directing the fire training activities of the [REDACTED] Fire Department
- The Training Officer is appointed by the Fire Chief and works directly under his/her supervision
- The position has no set hours per week, but will be based on the [REDACTED] needs

Essential Duties and Responsibilities:

- Ensures personal training records are created and maintained for all department personnel as directed by the fire chief
- Schedules monthly training meetings which meet current state and federal requirements
- Shall assist individual members with specialized trainings
- Responsible for maintaining minimum Bureau of Labor Standards requirements for all members, including officers
- Shall act as the safety officer at all [REDACTED] incidents unless otherwise delegated by Incident Command
- Develop and maintain a system which identifies the training available and who should participate in various offerings
- Coordinates and tracks certifications as required by statute
- Responsible for the orientation of new members

Requirements of Work:

- Must be an active [REDACTED] member for a minimum of five (5) years
- Must have thorough knowledge of all state and federal safety guidelines
- Must have thorough knowledge of all [REDACTED] apparatus, equipment and operating systems
- Must have thorough knowledge of all [REDACTED] SOP's and SOG's
- Considerable skill in management and administration
- Demonstrated computer and organization skills
- Ability to lead, direct and supervise personnel effectively, exercise sound judgment and cooperate in a manner with other municipal officers.

BY-LAWS OF THE [REDACTED] FIREMEN'S ASSOCIATION

ARTICLE I

NAME

The name of this organization shall be the [REDACTED] Firemen's Association.

ARTICLE II

PURPOSE

The [REDACTED] Firemen's Association was established to support the [REDACTED] Vol. Fire Department in the prevention and control of fire and fire related emergencies within the town. The Fire Department may also assist other municipalities with their emergencies at the discretion of the [REDACTED] Fire Chief (or Assistant Chief, in the Chief's absence).

ARTICLE III

MEMBERSHIP

Applications for membership in the Association may be accepted from persons 18 years of age or older (and from persons 15 to 18 years of age with their parent's written permission). Applications shall be submitted to the Board of Directors for review and then voted on at the next regular business meeting. New members will be accepted on a 6-month trial basis, at which time membership may be terminated by a two-thirds vote of members.

Dues will be \$2.00 per year payable at the annual meeting.

ARTICLE IV

MEMBERSHIP POLICIES

1. Any person, new or old, in the Association will have to know all equipment by name.
2. Learn all the trucks, beginning with Engine 1.
3. For anyone to be recognized as an active firefighter, they must attend 70% of all meetings and training sessions.
4. Upon completion of the above 3 requirements, everyone is urged to specialize in whatever they desire, for example: breathing apparatus, ventilation, pumping, etc.
5. Nobody shall be considered for any leadership position in the Association until they have completed the first 3 requirements of this policy.
6. After completing the first 3 requirements of this policy, firefighters shall be assigned personal gear.
7. Captains and Lieutenants shall give assistance to the Chief and Assistant Chiefs at all times, oversee cleaning, care and maintenance of fire apparatus and equipment, train assigned personnel on the truck and equipment aboard, oversee the reloading of the truck and equipment after a fire or training session, and oversee the operation of the apparatus and equipment during a fire or other emergency.

B

DUTIES OF THE BOARD OF DIRECTORS (CONTINUED)

4. After the membership's approval they shall authorize the purchase of all supplies and equipment and authorize the Secretary-Treasurer to pay the same.
5. They shall have general oversight over the business affairs of the Association.
6. The Chairman of the Board of Directors shall be able to sign [REDACTED] Firemen's Association checks with approval by two-thirds vote of members.

ARTICLE VI

MEETINGS

The regular meetings shall be held on the second Tuesday of each month at 7:30 P.M. After general business of the regular meeting and before adjournment by the President, time shall be allotted to the Fire Chief to present any items he feels necessary (such as new equipment, asking for reports from officers, presentation of awards, etc.).

At the regular meeting in January, nominations will be presented for Fire Chief, President, Vice-President, Secretary-Treasurer, Training Officer, ~~Parade~~ Officer, and Board of Directors. The second Tuesday in February shall be designated as the annual meeting and shall be for the purpose of election of officers and for any other business that may legally come before said meeting. The new officers shall take over their duties in March.

The regular training session shall be held the fourth Tuesday of each month at 7:00 P.M.

ARTICLE VII

CHANGES IN THE BY-LAWS

Amendments to the By-Laws may be proposed in writing at any regular meeting and shall not be acted upon until the next regular meeting. No change in the By-Laws shall be effected without an affirmative vote of two-thirds of the members present and voting.

MEMBERSHIP APPLICATION

[REDACTED] Fire Department

I _____ wish to join the [REDACTED] Fire Department. If accepted as a member I will honor and abide by all rules and regulations stated in the By-Laws as written.

DATE: _____ SIGNATURE _____
accepted ADDRESS _____
rejected PHONE _____
WORK HOURS _____

Maine Revised Statutes

☑ §2601 PDF

§2601

Title 30-A:

§2601-A

☑ §2601 WORD/RTF

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MUNICIPALITIES AND COUNTIES

HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subpart 3: MUNICIPAL AFFAIRS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Chapter 123: MUNICIPAL OFFICIALS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

Subchapter 1: GENERAL PROVISIONS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)

§2601. Appointment and term of officials; generally

1. Appointment of officials and employees. Except where specifically provided by law, charter or ordinance, the municipal officers shall appoint all municipal officials and employees required by general law, charter or ordinance and may remove those officials and employees for cause, after notice and hearing.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Term of officials. Unless otherwise specified, the term of all municipal officials is one year.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§8,10 (AMD).

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Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

C

January 21, 2010

To: Fire Chief, Town [REDACTED]
From: Town Selectmen
Subject: Appointment of Fire Chief

This letter is to inform you and the volunteer firefighters that it is the intention of the Selectmen to appoint the Fire Chief in accordance with State Regulation. We intend to make this appointment without a vote from the Membership. We understand that this is a change from how the Fire Chief has been appointed in the past but feel it is the correct action to take.

[REDACTED]

[REDACTED]

[REDACTED]

A

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[redacted] OFFICIALS SEIZE FIRE CHIEF VOTE

0 Comments | [Kennebec Journal, Jan 30, 2010](#) | by [ADAMS, BETTY](#)

Staff Writer

[redacted] The town's firefighters can stop voting for a fire chief. The chief will now be chosen by the Board of Selectmen.

Selectmen wrote a letter to [redacted] Fire Chief [redacted] last week announcing the change.

One firefighter, Training Officer [redacted] [redacted] says the change is a result of her being elected as chief last year by [redacted] Firemen's Association members and selectmen appointing someone else in her stead.

"In 40 years they've never gone against the Fire Department vote until I won election," [redacted] said. "How does that spell discrimination? Pretty clearly."

Related Results

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E

"Everybody works well together," he said. "Everybody gets the training done and comes to meetings."

The department has 26 active members, Goodwin said. Both he and Selectman Merton Hickey were once members of the Fire Department.

Goodwin said selectmen intend to appoint a chief from the ranks of the town's active firefighters by April 1.

Betty Adams -- 621-5631

badams@centralmaine.com

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