

## **BASIS STATEMENT REGARDING AMENDMENTS TO MHRC PROCEDURAL AND EMPLOYMENT RULES, CHAPTERS 2 AND 3**

Pursuant to 5 M.R.S. § 4566(7), and the requirements of the Administrative Procedures Act, 5 M.R.S. § 8001 *et seq.*, the Maine Human Rights Commission (“the Commission”) hereby adopts amendments to its Chapter 2: Procedural Rule; and Chapter 3, Employment Regulations of the Maine Human Rights Commission.

### Factual and Policy Bases for Rule:

The proposed changes to Chapter 2, Procedural Rule, will allow parties to complaints to pay for mediations conducted through the Commission’s Third-Party Neutral Mediation Program. The proposed changes to Chapter 3, Employment Regulations, completely repeal and replace the Rule. The Rule has not been amended recently, and changes to the applicable law make revisions necessary at this point. The changes update the Rule to include the employment provisions of the Maine Human Rights Act and provisions in the Equal Employment Opportunity Commission regulations interpreting Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. The intent of the new Rule is to have all of the Maine Human Rights Act employment requirements contained in a single document, and to create consistency between state and federal requirements where the underlying statutory provisions are substantively the same.

### Comments and Responses:

Notice of the proposed changes was published in the required newspapers at least 30 days prior to the comment deadline of July 25, 2014. Notice was also published on the Secretary of State’s website on June 25, 2014. The Commission also timely published notice on its website and sent e-mail to attorneys known to practice before the Commission.

No comments were received regarding the proposed rule changes.

### Authority in Support of Amendments:

Authorities supporting the amendments include: the Maine Human Rights Act, 5 M.R.S.A. §§ 4551 *et seq.*; Equal Employment Opportunity Commission Regulations, 29 CFR Parts 1600-1699; Title VII of the Civil Rights Act of 1967, 42 U.S.C. §§ 2000e *et seq.*, Title I of the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq.*, and the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 *et seq.*; and professional judgment.