



# Maine Human Rights Commission

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## INVESTIGATOR'S REPORT MHRC Case Number E15-0325 May 15, 2017

**Nicole L. Bourgeois (Freeport)**

v.

**Antonia's<sup>1</sup> (Freeport)**

### **I. Summary of Case:**

Complainant Nicole L. Bourgeois, a server for Respondent Antonia's from early December 2014 through February 7, 2015, alleged that Respondent retaliated against her for engaging in protected activity (reporting wage problems) when it suspended her from work and ultimately terminated her employment. Respondent, a restaurant, denied retaliating against Complainant for her wage report; Complainant was discharged from her employment for engaging in illegal activity in the workplace and because she requested too much time off. The Investigator conducted a preliminary investigation, which included reviewing all of the documents submitted by the parties and requesting additional information. Based upon all of this information, the Investigator recommends that the Commission find that there are reasonable grounds to believe that Respondent discriminated against Complainant based on her protected class status.

### **II. Jurisdictional Data:**

- 1) Dates of alleged discrimination: February 6, 2015 through February 7, 2015.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): July 7, 2015.
- 3) Respondent has 22 employees and is subject to the Maine Human Rights Act ("MHRA"), the Maine Whistleblowers' Protection Act ("WPA"), as well as state employment regulations.
- 4) Neither Complainant nor Respondent is represented by counsel.

### **III. Development of Facts:**

- 1) Complainant provided the following in support of her claims:

Complainant worked for Respondent as a server. Complainant observed a discrepancy with one of her paychecks and reported her concern to her supervisor ("Supervisor"). Supervisor told her there was no problem with the payment and blamed Complainant for not completing paperwork in a timely fashion.

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<sup>1</sup> Complainant named Antonia's as the respondent in her complaint; Respondent provided that its legal name is Antonia's Pizzeria LLC. Because Complainant has not amended her complaint, the name used by Complainant has been retained.