



# Maine Human Rights Commission

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## INVESTIGATOR'S REPORT MHRC Case Number: E18-0121 April 25, 2019

**Kenneth Lloyd (Caribou)**

v.

**City of Caribou (Caribou)**

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

On March 26, 2018 Complainant filed his Complaint with the Maine Human Rights Commission ("Commission") alleging that Respondent retaliated against him for engaging in protected activity under the Maine Whistleblowers' Protection Act ("WPA"). Respondent denied discrimination and retaliation stating that Complainant was discharged because he did not maintain the required driver's license for his position.

### **II. Summary of Investigation:**

The Investigator reviewed the following documents as part of the investigation: (i) Complaint filed by Complainant on March 26, 2018; (ii) Respondent's Response received on June 7, 2018; (iii) Complainant's Rebuttal received on June 22, 2018; and (iv) responses to additional requests for information.

### **III. Analysis:**

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. § 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.

Complainant was employed by Respondent as a Groomer Operator in January 2014 and was promoted to Director of Parks and Recreation in September 2015. According to Complainant, from May to November 2017, he made the following three reports to his supervisor ("Supervisor") of what he believed to be violations of law: 1) that Supervisor hired his son, who did not possess a license, to operate Respondent's vehicles and equipment, 2) that Supervisor instructed him to use fictitious license plates on a trailer, and 3) that a plow truck was being operated without a valid state inspection.

Respondent provided that Complainant was never instructed to place fictitious license plates on a trailer and any conversation about doing this was done only in a joking manner. Respondent asserted that Complainant did not report any other violation until after he was discharged in January 2018 for not maintaining a valid driver's