



Maine Human Rights Commission

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INVESTIGATOR'S REPORT MHRC Case No. E18-0132-A & B October 10, 2019

Jana Markwart-Sapienza (Rockport)

v.

The Drouthy Bear (Camden) and Andrew Stewart (Camden)

I. Summary of Case:

Complainant Jana Markwart-Sapienza worked as a line cook for Respondent The Drouthy Bear and alleged that Respondents retaliated against her for reporting overtime wage discrepancies and discriminated against her based on her national origin by permitting and/or creating a hostile work environment.¹ Respondents Drouthy Bear ("Restaurant") and Andrew Stewart ("Owner"), a restaurant and its owner respectively, denied retaliating or discriminating against Complainant and stated that the reason behind Complainant's discharge was due to her failure to get along with other workers, her general poor attitude, and an instance where she physically moved another employee. The Investigator conducted a preliminary investigation, which included reviewing the documents submitted by the parties, holding an Issues & Resolution Conference ("IRC"), and requesting additional information. Based upon this information, the Investigator recommends that the Commission find that there are reasonable grounds to believe that Respondents retaliated against Complainant, but that there are no reasonable grounds to believe that Respondents subjected Complainant to an unlawful hostile environment.

II. Jurisdictional Data:

- 1) Dates of alleged discrimination: Fall 2017 through January 5, 2018.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): April 2, 2018. Complainant amended her complaint to add her hostile work environment claim on May 2, 2019.
- 3) Respondents has 19 employees and is subject to the Maine Human Rights Act ("MHRA"), the Maine Whistleblowers' Protection Act ("WPA"), as well as state and federal employment regulations.

¹ Complainant additionally claimed that her discharge was based on her national origin. This claim is unsubstantiated by the evidence. The time elapsed between her reports of national origin discrimination and her discharge breaks the chain of causation. As such, Complainant failed to establish this claim and the hostile work environment and WPA claims will be the only claims analyzed in this report.