



Maine Human Rights Commission

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INVESTIGATOR'S REPORT MHRC Case Number: E18-0359 June 19 2019

Tanya Van Rose (Naples)

v.

Thomas Yarcheski (Naples)

I. Summary of Case:

On September 26, 2018, Complainant, a former Nursing Aide/Caregiver, filed her Complaint with the Maine Human Rights Commission ("Commission") alleging that Respondent, who employed Complainant to care for his wife, retaliated against her in violation of the Maine Whistleblowers' Protection Act ("WPA") based on her reporting when it subjected her to a hostile working environment, resulting in her constructive discharge. Respondent did not deny retaliation or otherwise respond to the complaint.

II. Summary of Investigation:

The Investigator reviewed the Complaint filed by Complainant on September 26, 2018. The Commission sent Respondent a warning that if he did not submit an answer to the complaint, the Commission would make a summary determination; Respondent did not submit a Response.

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.

On June 11, 2018, Complainant began working for Respondent as a Nursing Aide/Caregiver. On multiple occasions she confronted Respondent about discrepancies on her timesheet, including timesheets Respondent submitted without Complainant's knowledge or consent that did not accurately reflect time worked and wages earned; Complainant specifically told Respondent that she believed his actions constituted labor law violations. Respondent only responded with harassing language, in person and in email, that made Complainant feel threatened and then advised Complainant that future timesheets would be pinned to a door. Complainant reported two emails to a municipal sheriff's office, but ultimately felt forced to resign. Because Respondent provided no response, this report makes a summary determination, finding the facts as stated in Complainant's sworn complaint to be true and drawing inferences in her favor.