



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn - Boardroom

19 Union Street ~ Augusta, Maine

April 23, 2018

Commission Chair Arnold Clark called the meeting to order at 8:30 AM. Present were Commissioners Arnold Clark, Deborah Whitworth, John Norman, and Ted Helberg.

AGENDA

Commissioner Helberg moved, seconded by Commissioner Whitworth, to adopt the Agenda as amended and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 4). 4 in favor | 0 opposed.

MINUTES

Commissioner Whitworth moved, seconded by Commissioner Helberg, to adopt the March 19, 2018 Commission meeting minutes. 4 in favor | 0 opposed.

ADMINISTRATION

Quarterly: Executive Director Sneirson discussed the agency's third quarter FY2018 performance:

- Training & Education: Commission staff attended/presented at 10 trainings/presentations.
- Financial Report: Presented and placed on file.
- Pending inventory: The Commission has 682 cases pending; the average age of cases in the agency is 276 days.

Monthly reports: Executive Director Sneirson discussed reporting on Commission activities from March.

- Personnel: Field Investigator Holly Fortin is no longer with the Commission; approval to fill the vacant investigator position is pending approval by the Governor's Office.
- Compliance: Since the last meeting, there were three unsuccessful conciliations and no successful conciliations. Three reasonable-grounds cases remain in active conciliation.
- New Charges: 49 new charges filed.
- Administrative Dismissals: 20 administrative dismissals.
- There were 24 predetermination settlements with benefits in excess of \$660,000 to complainants.

NEW BUSINESS

- Executive Director noted that the U.S. Department of Housing and Urban Development would be at the Commission early in May to review the Commission's performance in the past year under the worksharing agreement between the two agencies.
- Executive Director Sneirson noted that next month the Commission would partner with the U.S. Equal Employment Opportunity Commission to conduct outreach at an HR Convention in Rockport and also at a veterans' group event at Togus.

- Executive Director Sneirson reported that two reasonable-grounds cases that were successfully conciliated are ready to be dismissed, as all relief agreed upon in the two cases had been fully implemented. Commissioner Whitworth moved, seconded by Commissioner Norman, to dismiss the successfully conciliated cases of Hiserodt v Lakonia Greek Products LLC (E14-0603) and Clay v. DES Properties LLC (H16-0401). 4 in favor | 0 opposed.

At 8:45 AM Commission Chair Arnold Clark began the case hearing agenda.

CASES VOTED ON

E16-0219: Eda N. Trejo (South Portland) v. South Portland School Transportation (South Portland). Eda Trejo restated her position as the Complainant; a Spanish interpreter interpreted for Complainant. Attorney Peter Felmlly restated the position of the Respondent. Investigator Jenn Corey restaed the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent South Portland School Transportation discriminated against Complainant Eda Trejo based on sex or race and to find no reasonable grounds to believe Respondent South Portland School Transportation retaliated against Complainant Eda Trejo for engaging in WPA- and MHRA-protected conduct. 4 in favor | 0 opposed.

E16-0337: Ubah Abdi (Auburn) v. LL Bean, Inc. (Freeport). Complainant Ubah Abdi restated her position as the Complainant; a Somali interpreter interpreted for Complainant. Attorney Peter Lowe restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds no reasonable grounds to believe that LL Bean, Inc. discriminated against Ubah Abdi on the basis of national origin, ancestry, color, religion, or genetic predisposition and to find no reasonable grounds to believe that LL Bean, Inc. retaliated against Ubah Abdi for engaging in WPA- or MHRA-protected activity. 4 in favor | 0 opposed.

E16-0030: Rebecca Simpson (Sanford) v. Salmon Falls Nursery, Inc. (Brunswick). Complainant Rebecca Simpson restated her position as the Complainant. Attorney Michael Messerschmidt restated the position of the Respondent. Investigator Corey restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Salmon Falls Nursery, Inc. discriminated against Rebecca Simpson on the basis of her association with an individual with a disability by discharging her. 4 in favor | 0 opposed.

E16-0264: Bruce Myles (Rumford) v. Catalyst Paper (Rumford). Attorney Maria Fox restated the position of the Complainant. Human Resources Manager Peter Theriault restated the position of the Respondent. Investigator Corey restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Catalyst Paper discriminated against Complainant Bruce Myles based on age and to find no reasonable grounds to believe that Respondent Catalyst Paper retaliated against Complainant for engaging in protected activity. 4 in favor | 0 opposed.

E16-0268: Marcia Cray (Presque Isle) v. Central Aroostook Association (Presque Isle). Attorney Sarah Newell restated the position of the Respondent. Attorney John Gause restated the position of the Complainant. Investigator Corey restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Respondent Central Aroostook Association discriminated against Complainant Marcia Cray on the basis of disability by denying her request for a reasonable accommodation and by discharging her from employment, and to find **reasonable grounds** to believe that Respondent Central Aroostook Association retaliated against Complainant Marcia Cray for engaging in MHRA- and WPA-protected conduct. 4 in favor | 0 opposed.

E16-0500: Janet Hankins (Gouldsboro) v. Growers Merchandising Services (Somers, CT). Complainant did not appear. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Growers Merchandising Service discriminated against Complainant Janet Hankins based on sex, and to find no reasonable grounds to believe that Respondent Growers Merchandising Service retaliated against Complainant Janet Hankins for filing a Commission complaint. 4 in favor | 0 opposed.

E17-0030: Richard Jandreau (Oakland) v. Mardens Discount Store and Mardens Stores (Waterville). Complainant did not appear. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Mardens Discount Store and Mardens Stores retaliated against Richard Jandreau for engaging in protected activity (WPA and MHRA), and to find no reasonable grounds to believe that Mardens Discount Store and Mardens Stores discriminated against Complainant on the basis of disability (discharge). 4 in favor | 0 opposed.

PA17-0362: Jeanne E. McArdle (Manlius, NY) v. Cafe` Dry Dock Inn (Southwest Harbor). Respondent did not appear. Commissioner Norman moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Respondent Cafe Dry Dock Inn discriminated against Jeanne E. McArdle on the basis of her disability (use of service animal; unlawful inquiry; terms and conditions). 4 in favor | 0 opposed.

H17-0501: Roberta Dalton (Bangor) v. Sharon Knapp (Bangor). Respondent did not appear; Attorney Patricia Ender was present in a limited capacity for Complainant. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Sharon Knapp discriminated against Roberta Dalton on the basis of disability in the terms and conditions of her housing by denying her a reasonable accommodation, including the use of an assistance animal, and to find **reasonable grounds** to believe that Sharon Knapp discriminated against Roberta Dalton on the basis of disability when it made housing unavailable to her. 3 in favor | 1 opposed (Clark opposed).

EXECUTIVE SESSION

At 11:45 PM, Commissioner Norman moved, seconded by Commissioner Whitworth, to go into executive session to discuss pending or contemplated litigation and the Commission's legal rights and duties with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 4 in favor | 0 opposed.

At approximately 12:04 PM, Commissioner Helberg moved, seconded by Commissioner Whitworth, to come out of executive session. 4 in favor | 0 opposed.

LITIGATION

Commissioner Whitworth moved, seconded by Commissioner Helberg, that the Commission should not proceed with litigation in the reasonable-grounds cases Henry v. RSU 73 (E15-0522) or Kayatta v. LG Funding d/b/a Cumberland County Mortgage E15-0526. 4 in favor | 0 opposed.

At approximately 12:05 PM, Commissioner Clark adjourned the meeting.

TABLED

- E16-0176 Violet Guertin (Sebago) v. Goodwill of Northern N.E. (Windham)
- E16-0181* Helen Crabtree (Auburn) v. Central Maine Medical Center (Lewiston) and
Maine College of Health Professionals (Lewiston)
- E16-0222 Deborah B. Chapman (Penobscot) v. Community Childhood Learning Place (Castine)
- E16-0369 William A. Hale (Norridgewock) v. Vestas American Wind Tech (Eustis)

CONSENT AGENDA

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there was no written disagreement to the Investigator's recommendation. Commissioners considered these cases without oral argument by the parties.

- E16-0163: Thomas Stevens v. Hewlett Packard (Plano, TX) and Hewlett Packard Enterprise Company (Plano, TX) NRG
- PA16-0196: Louis Miller (South Portland) v. South Portland (City of)/Code Enforcement (South Portland) NRG
- E16-0260: Jill Wyman v. Aramark (Philadelphia, PA) NRG
- E16-0312: Philip Chase (Houlton) v. Maine Department of Transportation (Augusta) NRG
- E17-0007: Timothy B. Grant (Pownal) v. Town of Durham/Public Works Department (Durham) NRG
- PA17-0014: Honey Seekins (Ellsworth) v. Acadia Hospital (Bangor) RG**
- E17-0163: Rita Lundin (Surry) v. Governor's Restaurant (Ellsworth) NRG
- H/PA17-0494: Dora A. Packard, individually and o/b/o Minor Child (Norway) v. Norway Police Department
A,B,C,D (Norway), Steven Allen (Norway), Norway Town Office (Norway), & Occupants of
16 Summer St.(Norway) NRG