



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn - Embassy Room

19 Union Street ~ Augusta, Maine

July 23, 2018

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

AGENDA

Commissioner Helberg moved, seconded by Commissioner Whitworth, to adopt the Agenda and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 4). 5 in favor | 0 opposed.

MINUTES

Commissioner Whitworth moved, seconded by Commissioner Helberg, to adopt the June 25, 2018 Commission meeting minutes. 5 in favor | 0 opposed.

ADMINISTRATION

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

- Training & Education: Commission staff attended/presented at 23 trainings/presentations.
- Financial Report: Presented and placed on file.
- Pending inventory: At the end of the quarter on 6/30, the Commission had 731 cases pending, with the average age of cases in the agency at 260 days.

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

- Personnel: The Commission received 38 applications for the vacant Investigator position and interviewing will begin shortly. In late June, Investigator Evans announced that he had accepted employment elsewhere, so the Commission now has two Investigator vacancies. A request to the Governor's office to approve hiring for the second vacancy has been submitted in order to consolidate recruitment efforts for the two positions.
- Compliance: Since the last meeting, there were no unsuccessful conciliations and one successful conciliation. Seven reasonable-grounds cases remain in active conciliation.
 - Commissioner Helberg moved, seconded by Commissioner Whitworth, to accept the conciliation agreement in Dalton v. Knapp (#H17-0501) . 5 in favor | 0 opposed.
- The following cases were successfully conciliated.
 - New Charges: 60 new charges filed.
 - Administrative Dismissals: 22 administrative dismissals.
 - There were 13 predetermination settlements with benefits of \$130,000 to complainants.

NEW BUSINESS

Executive Director Sneirson reported that she attended a national EEOC conference and Barbara Archer Hirsch attended a national ADA seminar.

The Commission took a ten-minute break at 8:35 AM.

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

CASES VOTED ON

E16-0181: Helen Crabtree (Auburn) v. Central Maine Medical Center (Lewiston) & Maine College of Health Professionals (Lewiston). Attorney Michael Messerschmidt restated the position of Respondent Central Maine Medical Center. Complainant Helen Crabtree restated her position as the Complainant. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find **reasonable grounds** to believe that Central Maine Medical Center discriminated against Helen Crabtree based upon her religion when it denied her reasonable accommodation request, and **reasonable grounds** to believe that Central Maine Medical Center discriminated against Helen Crabtree based upon her religion when it failed to hire her, and no reasonable grounds to believe that Maine College of Health Professionals discriminated against Helen Crabtree based upon her religion when it denied her reasonable accommodation request and/or failed to hire her. 4 in favor | 1 opposed (Norman opposed).

E16-0307: Simeon M. Allen (Blue Hill) v. GM Allen and Son, Inc. (Blue Hill). Complainant did not appear. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe GM Allen and Son, Inc. retaliated against Simeon Allen in violation of the WPA because he engaged in protected activity. 5 in favor | 0 opposed.

PA16-0358: Kenneth A. Capron (Portland) v. Dept. of Health and Human Services/Office of Aging and Disability Services, Ricker Hamilton, Gary Walcott, Debra Halm, Christine Merchant, Romaine Turyn, Kathryn Pears, Roger Renfrew, Kevin Wells, Jim Martin, and Phyllis Powell (Augusta). Complainant Kenneth Capron restated his position as the Complainant. Assistant Attorney General Cathy Roberts restated the position of the Respondents Dept. of Health and Human Services/Office of Aging and Disability Services, Ricker Hamilton, Gary Walcott, Debra Halm, Christine Merchant, Romaine Turyn, Kathryn Pears, Kevin Wells, Jim Martin, and Phyllis Powell. Investigator Jenn Corey Meehan restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds believe that the Respondents denied Complainant Kenneth Capron a reasonable modification for his disability, and no reasonable grounds to believe that Respondents denied Complainant access to a public accommodation on the basis of disability, and no reasonable grounds to believe that Respondents retaliated against Complainant for engaging in MHRA-protected activity. 4 in favor | 0 opposed | 1 recused (Clark recused).

E16-0369: William A. Hale (Norridgewock) v. Vestas American Wind Tech (Eustis). Complainant/his estate did not appear. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Vestas American Wind Tech discriminated against Complainant William A. Hale on the basis of age (failure to hire). 5 in favor | 0 opposed.

E16-0489: Ida C. Townsend (Perry) v. St. Croix Tissue (Baileyville). Attorney Peter Lowe restated the position of the Respondent. Complainant did not appear. Investigator Joseph Hensley restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that St. Croix Tissue discriminated against Ida Townsend based on her disability by denying her

request for reasonable accommodation, and no reasonable grounds to believe that St. Croix Tissue discriminated against Ida Townsend based on her disability by discharging her. 3 in favor | 1 opposed (Norman opposed) | 1 recused (Oettinger recused).

E17-0260: Peter Bighope (Auburn) v. T-Mobile US, Inc. (Bellevue, WA). Complainant Peter Bighope restated his position as the Complainant. Respondent did not appear. Investigator Jenn Corey Meehan restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that T-Mobile US, Inc. discriminated against Peter Bighope based on his sex by subjecting him to a hostile work environment. 5 in favor | 0 opposed.

E17-0345: Jonathan N. Weeks (Ellsworth) v. Maine Maritime Academy (Castine). Complainant did not appear. Commissioner Norman moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that Maine Maritime Academy retaliated against Jonathan N. Weeks for engaging in protected activity (WPA and MHRA) and no reasonable grounds to believe that Maine Maritime Academy discriminated against Jonathan Weeks on the basis of disability. 5 in favor | 0 opposed.

E17-0473: Pamela J. Ainsworth (Sanford) v. Corning Incorporated (Kennebunk). Before the case was heard, Executive Director Sneirson presented the Complainant's late request to withdraw her complaint after the parties' settlement, and E.D. Sneirson's recommendation to deny that request. Commissioner Norman moved, seconded by Commissioner Whitworth, to deny the request for withdrawal. 4 in favor | 1 opposed (Clark opposed). Attorney Daniel Deane restated the position of the Respondent. Complainant was not present. Investigator Joseph Hensley restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Oettinger, to find **reasonable grounds** to believe that Corning Incorporated discriminated against Pamela J. Ainsworth on the basis of disability by failing to reasonably accommodate her by reassigning her to an open position in April 2017. 3 in favor | 2 opposed (Whitworth and Clark opposed).

H/PA18-0049: Kim Norwood (Northport, FL) v. Bangor Housing Authority (Bangor, ME). Attorney Joseph Bethany restated the position of the Respondent. Attorney Patricia Ender restated the position of the Complainant. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find **reasonable grounds** to believe that Bangor Housing Authority discriminated against Kim Norwood based on her disability when it denied her a reasonable accommodation. 5 in favor | 0 opposed.

EXECUTIVE SESSION

At 12:07 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). 5 in favor | 0 opposed.

At approximately 12:26 PM, Commissioner Helberg moved, seconded by Commissioner Norman, to come out of executive session. 5 in favor | 0 opposed.

At approximately 12:26 PM, Commissioner Clark adjourned the meeting.

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.

E16-0290	Helen Bakeman (Brooksville, ME) v. CP Blue Hill Leaseco, LLC d/b/a Parker Ridge (Blue Hill, ME), Christopher Place Senior Communities (Livonia, MI), Alma Mote (Blue Hill, ME), Douglas Mangels(Blue Hill, ME), Linda Phillips (Blue Hill, ME), & Alexandra Kay (Blue Hill, ME)	NRG
E16-0334	Jennifer M. Gilblair (Skowhegan) v. Somerset County Jail (Madison)	NRG
E16-0403	Karin M. True (Manchester) v. Riverview Psychiatric Center (Augusta)	NRG
E16-0448	Jennifer A. Dupont (Greene) v. State of Maine/Department of Administrative and Financial Services/ Office of Information Technology (Augusta)	NRG
PA17-0078	Nicholas Bourdon (St. Albans, VT) v. Caring Unlimited Corporation (Sanford)	NRG
E17-0178 A, B, C	Lani Weeks (Skowhegan) v. New Balance Shoe (Skowhegan), David Small (Skowhegan), Danielle Steward (Skowhegan)	NRG
E17-0197 A, B	Rachel Elmore (South Portland) v. A R Gould School (South Portland) & State of Maine/Long Creek Youth Development Center (South Portland)	NRG
E17-0213-A	Kent Similien (Miami, FL) v. Seaport Village Healthcare (Ellsworth)	NRG
E17-0213-B	Kent Similien (Miami, FL) v. Prime Time Healthcare (Omaha, NE)	NRG
E17-0270	Franco A. Flores (Bangor) v. Wal-Mart Stores East, LP (Bangor)	NRG
H18-0072 A-F	Robert Murphy (Westport Island) & Amanda Wade (Westport Island) v. Cromwell Coastal Properties, PA, (Wiscasset), Julie Cromwell (Wiscasset), & Daniel Bradford (Westport Island)	NRG
H18-0081 A, B	Michael W. Hladik (Livermore Falls) v. Mike Bibeau (Jay) & Kim Gordon (Jay)	NRG