

closed 5/17/82

Janet Silvia)
New Hampshire Commission for)
Human Rights)
and)
Anheuser-Busch, Inc.)
_____)

FINDINGS
and
ORDER

ES-1681-632-369
EEOC-011790095

I. Procedural Background

1. Complainant Janet Silvia filed a timely charge of sex discrimination in employment against Respondent Anheuser-Busch, Inc. with the New Hampshire Commission for Human Rights (NHCHR) and the United States Equal Employment Opportunity Commission (EEOC) on October 6, 1978. EEOC deferred processing of the charge to the NHCHR under the provisions of Section 706(c) of the United States Civil Rights Act of 1964 as amended (42 USC § 2000 e et seq.).
2. Complainant filed an amendment to her charge, alleging sexual harassment, on January 16, 1979.
3. The amended charge was investigated and a Finding of Probable Cause was made by Commissioner Nancy Richards-Stower.
4. As all attempts at conciliation failed, a Public Hearing was held on September 18, 1981 before Hearing Commissioners Robert Normandeau, Gail Paine, and Kenneth Fredette, and the Hearing was continued on October 22, 1981 before the same three Commissioners.

II. Findings

1. Respondent Anheuser-Busch, Inc. is an employer within the meaning of RSA354-A:8.
2. Complainant Janet Silvia, a white female, was hired by Respondent as a probationary production worker on May 22, 1978 and was discharged from employment on July 27, 1978.
3. The Complainant worked two days on the 12:00 a.m. to 8:00 a.m. shift under foreman George Hennas.
4. During the two days on which Complainant worked under his supervision, George Hennas talked to Complainant two or three times about not performing her job.
5. Complainant was seen, on July 21, 1978, by Glenn Axne, Manager of Packaging and Shipping, pushing a broom down the floor with one hand and lifting the broom to her shoulders.

6. Glenn Axne admonished Complainant, then instructed George Hennas to make out an evaluation reflecting Complainant's behavior.
7. The final decision to terminate Complainant was made by George Mangan, Manager, Beer Packaging and Shipping.
8. Frank Achee was the top management official present on the 12:00 a.m. to 8:00 a.m. shift.
9. Complainant offered no evidence to show that Glenn Axne, George Hennas, or George Mangan discussed Complainant with Frank Achee prior to Complainant's termination.
10. Glenn Axne, George Hennas, and George Mangan all testified that there was no discussion of Complainant with Frank Achee.
11. Frank Achee testified that he did not make sexual advances to Complainant.
12. Evidence of a polygraph test supports Achee's testimony that he did not make sexual advances to Complainant.
13. The Commission does not credit Complainant's testimony that Frank Achee made sexual advances to her.
14. The Commission credits the testimony of Respondent's witnesses as to the reasons for Complainant's discharge.
15. The Commission finds Respondent's stated reasons for Complainant's discharge to be reasonable and valid non-discriminatory reasons for such discharge.
16. The Commission finds that Respondent discharged Complainant because of valid non-discriminatory reasons and not because of Complainant's refusal to submit to sexual harassment or any other forms of sex discrimination.
17. The Commission FINDS no illegal discrimination in this case. The complaint is hereby dismissed.

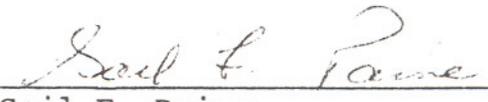
SO ORDERED.

Findings - Silvia v. Anheuser-Busch, Inc.

5/13/82
Date


Robert J. Normandeau
Commissioner

5/14/82
Date


Gail F. Paine
Commissioner

5/13/82
Date


Kenneth E. Fredette
Commissioner

| | | |
|------------------------------|---|-----------------|
| Janet Silvia |) | |
| New Hampshire Commission for |) | |
| Human Rights |) | RESPONDENT'S |
| |) | REQUEST FOR |
| and |) | ATTORNEY'S FEES |
| |) | DENIED |
| Anheuser-Busch, Inc. |) | |
| _____ |) | |

ES-1681-632-369
 EEOC-011790095

The Commission FINDS that Complainant's action in pursuing her charge was not frivolous, unreasonable or without foundation, because a finding of Probable Cause was made by the Investigating Commissioner.

The Respondent's request that the Commission grant its attorney's fees is therefore hereby DENIED.

 Date

 Robert J. Normandeau
 Commissioner

5/1/82

 Date

Gail F. Paine

 Gail F. Paine
 Commissioner

 Date

 Kenneth E. Fredette
 Commissioner