

New Hampshire Commission for Human Rights



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JANICE POTTER-CHADBOURNE

v.

ERM, LLC

ES(H)(R) 0025 - 06
16DA600033

COLLEEN PERRY

v.

ERM, LLC

ES(H)(R) 0215 - 06
16D - 2006 - 01100

ORDER

Judgment in favor of the Respondent, ERM, LLC.

The Respondent, ERM, LLC is directed to have a written sexual harassment policy in place in its restaurant within 60 days from the date of this Order. Respondent shall post the policy in places where employees and managers can easily see it. Respondent shall coordinate regular sexual harassment training for its staff and managers, and shall report the dates training was conducted and by whom to the New Hampshire Human Rights Commission until November 14, 2010. While the reporting may stop on that date, the Respondent is strongly advised to continue to regularly train its staff and managers in the prevention of sexual harassment.

SO ORDERED:

Dated: December 7, 2008

William E. Brennan, Esq.
Commissioner/Chairman

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS

JANICE POTTER-CHADBOURNE

v.

ERM, LLC

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COLLEEN PERRY

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ORDER

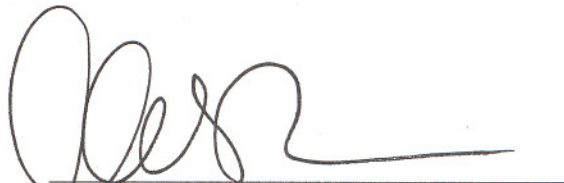
The Motion for Reconsideration filed by the Petitioner is granted. The Commissioners make the following findings:

1. The Commissioners find, after deliberations, that ERM, LLC, at the time it purchased the property/assets of the restaurant, did not have knowledge of the allegations of sexual harassment concerning Janice Potter-Chadbourne and Colleen Perry or the Charge of Janice Potter-Chadbourne.
2. That ERM, LLC after it assumed ownership of the subject restaurant, became aware of certain acts of sexual harassment performed by the identified employee when an allegation arose after a report of a vendor who had visited the establishment. Upon receiving that information, the responsible individuals for ERM, LLC took immediate action and suspended the employee while investigating the allegation. Subsequently, the employee never returned to work.
3. That ERM, LLC did not have knowledge of the hostile environment/sexual harassment until receiving the report from the vendor.
4. That ERM, LLC did not have knowledge of the discrimination that was testified to and presented by Janice Potter-Chadbourne and by Colleen Perry at the hearing.
5. That without such knowledge, the complaints filed by Janice Potter-Chadbourne and Colleen Perry against ERM, LLC are dismissed.

6. The Respondent, ERM, LLC is directed to have a written sexual harassment policy in place in its restaurant within 60 days from the date of this Order. Respondent shall post the policy in places where employees and managers can easily see it.
7. Respondent shall coordinate regular sexual harassment training for its staff and managers, and shall report the dates training was conducted and by whom to the New Hampshire Human Rights Commission until November 14, 2010. While the reporting may stop on that date, the Respondent is strongly advised to continue to regularly train its staff and managers in the prevention of sexual harassment.

SO ORDERED:

Dated: February 5, 2009



William E. Brennan, Esq.
Commissioner/Chairman