

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

\*\*\*\*\*

MAGDALENE COLLINS,	)	
Charging Party,	)	
	)	CASE NO. 0001009322
v.	)	
	)	<b>ORDER SUSTAINING OBJECTION</b>
LEWIS & CLARK COUNTY,	)	<b>AND REMANDING FOR HEARING</b>
Respondent.	)	

\*\*\*\*\*

The above-captioned matter came before the Montana Human Rights Commission (Commission) on March 19, 2001. The matter was before the Commission for consideration of the Charging Party's objection to the dismissal of the complaint. Oral argument was requested by Charging Party, but Wilmot Collins, husband of Magdalene Collins, appeared on Charging Party's behalf. Sheila Cozzie, Human Resource Director for Respondent, appeared to answer questions on behalf of Respondent.

After consideration of the record and arguments advanced by the parties, the Commission sustains the objection of the Charging Party and remands the matter for hearing. In remanding the matter, the Commission finds that the record does not support the Investigator's finding of no reasonable cause to believe unlawful discrimination on account of race or national origin occurred. Although the record shows that interviewers for Respondents noted that Charging Party had spoken of a desire to work four ten-hour shifts during the interview process, it does not show that any of her interviewer asked her whether she would refuse to accept the position if offered to her on condition that she work five eight-hour days. The record is also unclear as to whether it was explained to Charging Party during her last interview that Respondent's collective bargaining agreement prevented them from offering her a work schedule with longer than eight-hour days. Additionally, the record does not make it clear whether Respondent was informed of Charging Party's nursing experience in West Africa or whether, having that information, Respondent disregarded it because it was African, and not American, experience.

The Commission finds that the record was not fully developed and that a contested case hearing is necessary in order to develop the record. By allowing the parties to present their respective cases fully and call their own witnesses who will be subject to cross examination, the Hearing Officer will be able personally to observe the parties' demeanor and that of their witnesses.

IT IS HEREBY ORDERED, that the Charging Party's objection is sustained and the matter is remanded to the Department for a contested case hearing.

Dated this \_\_\_ day of March, 2001.

---

Gloria "Patt" Etchart, Chair  
Montana Human Rights Commission

**CERTIFICATE OF SERVICE**

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **ORDER SUSTAINING OBJECTION AND REMANDING FOR HEARING** was served on the following persons by U. S. Mail, postage prepaid on the \_\_\_\_\_ day of March, 2001.

MAGDALENE COLLINS  
1009 MAPLE ST  
HELENA, MT 59601

SHEILA COZZIE  
HUMAN RESOURCE DIRECTOR  
1930 9<sup>TH</sup> AVE  
HELENA, MT 59601

---

Farah Davidson, Human Rights Bureau