

BEFORE THE MONTANA DEPARTMENT OF LABOR AND INDUSTRY
IN THE MATTER OF HUMAN RIGHTS BUREAU CASE NOS. 0061011710 AND
0061011711

JOY RUTH FLEMING,)	Case Nos. 2134/2135-2006
)	
Charging Party,)	
)	JUDGMENT AND ORDER
CHRIS "Butch" GRENZ and CITY))	
OF MILES CITY,)	
)	
Respondents.))	
)	

JUDGMENT AND ORDER

This matter coming before the hearing examiner and the Department of Labor & Industry on the Offer and Acceptance, pursuant to of Judgment pursuant to Rule 68, M.R.Civ.P.

IT IS HEREBY ORDERED that:

1. Judgment is hereby entered in favor of Joy Fleming and against Chris "Butch" Grenz and also against the City of Miles City on the above entitled contested case (DLI Nos. 2134/2135-2006) and Human Rights Case Nos. 0061011710 and 0061011711).

2. Grenz and Miles City are found to be liable and are hereby ordered to pay to Joy Fleming:

- a. the sum of Twenty Thousand and no/100 Dollars (\$20,000.00) and post-judgment interest as required by law; and
- b. for Joy Fleming's costs, including reasonable attorney fees, incurred as of January 21, 2007.

3. Grenz and Mile City are hereby enjoined, by order of the Montana Department of Labor & Industry, from engaging in similar acts of illegal discrimination, as alleged in Joy

Fleming's complaint of discrimination (Human Rights Case Nos. 0061011710/ 0061011711),

to-wit:

a. Grenz and Miles City are each enjoined from violating Section 49-2-303, MCA, and specifically from making or causing to be made statements which express, both directly or indirectly, a limitation or specification or discrimination against women or an intention to make a limitation or specification or discrimination against women in terms of the recruitment, hiring, assignment, promotion or retention of building inspectors;

b. Grenz and Miles City are each enjoined from violating Section 49-3-201, MCA, and specifically from considering or continuing to consider gender as a factor in making decisions regarding the recruitment and employment of persons as city building inspectors and from indicating a preference for men and against women in that regard;

c. Grenz and Miles City are each enjoined from violating Section 49-3-201, MCA, and specifically from failing to review the city's personnel policies for purposes of assuring compliance with the state's nondiscrimination laws and policies;

d. Grenz and Miles City are each enjoined from violating Section 49-3-207, MCA, and specifically from failing to assure that every contract or subcontract for public work or for goods and services contains provisions that all hiring must be done on the basis of merit and qualification and a provision that there may not be discrimination on the basis of gender or other protected class status;

e. Grenz and Miles City are each enjoined from violating Sections 49-2-303 and 49-3-201, MCA, and specifically from engaging in offensive conduct of a sexual nature toward women city employees, including referring to one or more of them as "baby cake" or "bitch," in a manner which is offensive to both female and male employees, which is sufficiently pervasive to alter the terms and conditions of those women employees, and when objections have been made to that offensive conduct, from failing to take effective action to remedy that misconduct and prevent its recurrence; and

d. Grenz and Miles City are each enjoined from violating Sections 49-2-301 and 49-3-209, MCA, and specifically from taking or threatening to take adverse action against Joy Fleming or

any person who agreed to cooperate in the investigation of her human rights charge, by contending that Joy Fleming has no right to complain about discrimination or retaliation, by objecting to Joy Fleming's use of the common work area to perform her duties, or by imposing new work rules.

4. Grenz and Mile City are also hereby enjoined, by order of the Montana Department of Labor & Industry, from violating Sections 49-2-301 or 49-3-209 by engaging in any illegal acts of retaliation in the future.

5. Within 120 days of the issuance of this Order, (a) Grenz shall undergo 4 hours of training in his duties under Title 49 of the Montana Codes Annotated and (b) all supervisory personnel for the City of Miles City shall undergo training in their duties under Title 49 of the Montana Code Annotated.

Done, dated and entered this 27th day of March, 2007.

/s/ GREGORY L. HANCHETT
Gregory Hanchett, Hearing Examiner
State of Montana Department of Labor & Industry - Hearings Bureau

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the parties or their attorneys of record by depositing them in the U.S. Mail, postage prepaid, and addressed as follows:

TIMOTHY KELLY
KELLY LAW OFFICE
PO BOX 27
EMIGRANT MT 59027-0065

LAURENCE R MARTIN
ATTORNEY AT LAW
PO BOX 2558
BILLINGS MT 59103-2558

TOM SINGER
ATTORNEY AT LAW

PO BOX 987
BILLINGS MT 59103-0987

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the parties or their attorneys of record by means of the State of Montana's Interdepartmental mail service.

MARIEKE BECK, LEGAL SERVICES
DEPARTMENT OF LABOR & INDUSTRY
PO BOX 1728
HELENA MT 59624-1728

DATED this 27th day of March, 2007.

/s/ SANDRA PREBIL