

12:15 1 Q. (BY MR. CROTTY) So you just got done reading  
12:15 2 Exhibit 54, correct?  
12:15 3 A. Correct.  
12:15 4 Q. Is there anything in Exhibit 54 that you think is  
12:15 5 inaccurate?  
12:16 6 A. Want me to read it closer?  
12:16 7 Q. Yes.  
12:16 8 A. (Reading.) Okay.  
12:18 9 MR. CROTTY: Can you read the question back?  
12:18 10 MR. McLANE: Please.  
12:18 11 (Record read by court reporter.)  
12:18 12 MR. McLANE: I'm going to object to the form  
12:18 13 of the question.  
12:18 14 Go ahead and answer.  
12:18 15 THE WITNESS: Her? (Referring to court  
12:18 16 reporter)  
12:18 17 MR. McLANE: No.  
12:18 18 Q. (BY MR. CROTTY) Go ahead and answer the question she  
12:18 19 just read back.  
12:19 20 A. I'm sorry, repeat your question.  
12:19 21 MR. McLANE: It happens.  
12:19 22 Q. (BY MR. CROTTY) That's all right.  
12:19 23 (Record read by court reporter.)  
12:19 24 THE WITNESS: No.  
12:19 25 MR. CROTTY: No further questions.

**IDAHO**  
DEPARTMENT OF LABOR  
HUMAN RIGHTS COMMISSION  
C.L. "BUTCH" OTTER, GOVERNOR  
KENNETH D. EDMUNDS, DIRECTOR



**IDAHO HUMAN RIGHTS COMMISSION**

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Friday, February 14, 2014

Jack Lensing, Chairman  
Sagle Fire District  
2689 Gun Club Road  
Sagle, ID 83860

Received  
2/19/14

Re: Robert W. Webber vs. Sagle Fire District  
Complaint No. E-0214-272; 38C-2014-00154

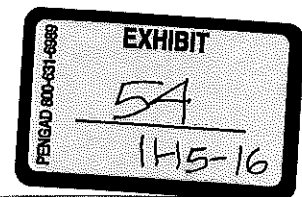
Dear Mr. Lensing:

Enclosed is a copy of a complaint alleging violation of Title 67, Chapter 59, of the Idaho Code, which prohibits discrimination based on race, color, sex, religion, age, national origin, or disability. You will also note that this case is jointly filed with EEOC under the corresponding federal law. The Idaho Human Rights Commission must by law accept for filing, attempt to resolve, and investigate alleged violations of these laws. Retaliation against the complainant or others for filing a charge or for other involvement in the exercise of these rights is illegal.

It is important that you submit a written response to each allegation within thirty (30) days of receiving the complaint. Each allegation not specifically denied may be considered admitted. Your answer should be signed by a company representative. We request that you include as much supporting detail as possible, including documents, witness statements, and any additional information you want us to consider. A copy of your response, including the attachments, will be sent to the complainant for possible rebuttal or explanation. A comprehensive response with supporting evidence from you will provide us with an excellent starting point for attempting to resolve the complaint.

The enclosed flow chart more fully explains our process. One option offered by the Commission is mediation. Mediation is a voluntary process wherein the parties discuss the dispute to see if an agreement to settle their differences can be worked out. If you are interested in using this service, be sure to let me know.

Please be advised that although the files of the Idaho Human Rights Commission are not open to the public at large, this case file is available to both parties during regular business hours (with the exception of confidential negotiations during the course of mediation).



Jack Lensing, Chairman  
Sagle Fire District  
2689 Gun Club Road  
Sagle, ID 83860  
February 14, 2014  
Page Two

Whenever possible, the Commission likes to use email for communication, including the delivery of position statements and Commission determinations. Please make sure that we have your current email address, or the current email address of the individual who will be representing you in this process.

**IF YOU ARE A GOVERNMENTAL ENTITY**, as defined by I.C. §6-902(3), you should be aware that the complainant's filing of an administrative complaint with the Idaho Human Rights Commission satisfies the Notice of Tort Claims filing requirements of I.C. §§6-905 and 6-906, as to claims of discrimination arising under the Human Rights Act. Any other tort claims, not actionable under the Human Rights Act, must still be filed as required by the Tort Claims Act. Upon receipt of this complaint, you may want to notify your insurer.

Please contact me, or have your representative do so, if you have any questions or concerns regarding your response, mediation options, and the possibility of holding a mediation conference.

Sincerely,



Sarah Mae Fisher  
Certified Professional Mediator  
Sr. Civil Rights Investigator  
[sarah.fisher@labor.idaho.gov](mailto:sarah.fisher@labor.idaho.gov)

SMF/mag  
Enclosure

### CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA E-0214-272  
 EEOC 38C-2014-0054

### Idaho Human Rights Commission

State or local Agency, if any

and EEOC

Name (Indicate Mr., Ms., Mrs.)

Mr. Robert W. Webber

Home Phone (Incl. Area Code)

(208) 304-9000

Date of Birth

04-22-1966

Street Address

City, State and ZIP Code

113 S. 4th Ave., Sandpoint, ID 83864

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

SAGLE FIRE DISTRICT

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(208) 263-9541

Street Address

City, State and ZIP Code

2689 Gun Club Road, Sagle, ID 83860

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

- RACE    COLOR    SEX    RELIGION    NATIONAL ORIGIN  
 RETALIATION    AGE    DISABILITY    GENETIC INFORMATION  
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

08-01-2012

02-03-2014

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

\*\*\*SEE ATTACHED\*\*\*

RECEIVED  
 FEB 13 2014  
 IDAHO HUMAN RIGHTS  
 COMMISSION

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

2/10/2014

Date



Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (month, day, year)

THE PARTICULARS ARE:

**I. Complainant's Statement of Harm:**

I have been subject to retaliation, harassment, discipline, and lay-off.

**II. Respondent's Reason for Adverse Action:**

Respondent states that my performance is the reason I have been subject to discipline.

**III. Complainant's Statement of Discrimination:** I believe that I have been subject to discriminatory retaliation. In support of this statement, I offer the following facts:

A. I became Respondent's fire chief in August 2010. I report to Respondent's Board of Fire Commissioners (Board). Although I have received no performance reviews, I believe that my performance has been excellent.

B. The previous fire chief, Robert Goodyear, did not properly handle a personnel matter concerning employee Katie Loper's allegations of harassment based on sex against Captain Jason Cordle. After an investigation was conducted by me and another individual, I discharged Mr. Cordle in July 2011.

C. Mr. Goodyear became a member of the Board after his tenure as fire chief. Since approximately August 2012, he has been harassing me and causing me to be disciplined because he does not agree with Mr. Cordle's discharge. For example: 1) Mr. Goodyear has been continuously argumentative with me; and 2) I was written up by the Board in July 2012 and November 2013 for things that were impossible to do, as well as things that had not been investigated prior to my discipline or were minor and customary errors commonly made by others. My written responses to both write-ups state that I believe my treatment is due to retaliation on the Loper matter, and each response requests protection from harassment and retribution. However, the retaliation has continued.

D. On February 3, 2014, the Board laid me off. I was told that a part-time fire chief would be subsequently hired, but I was not offered the position. I am informed that one of the former fire chiefs is acting as the interim chief.

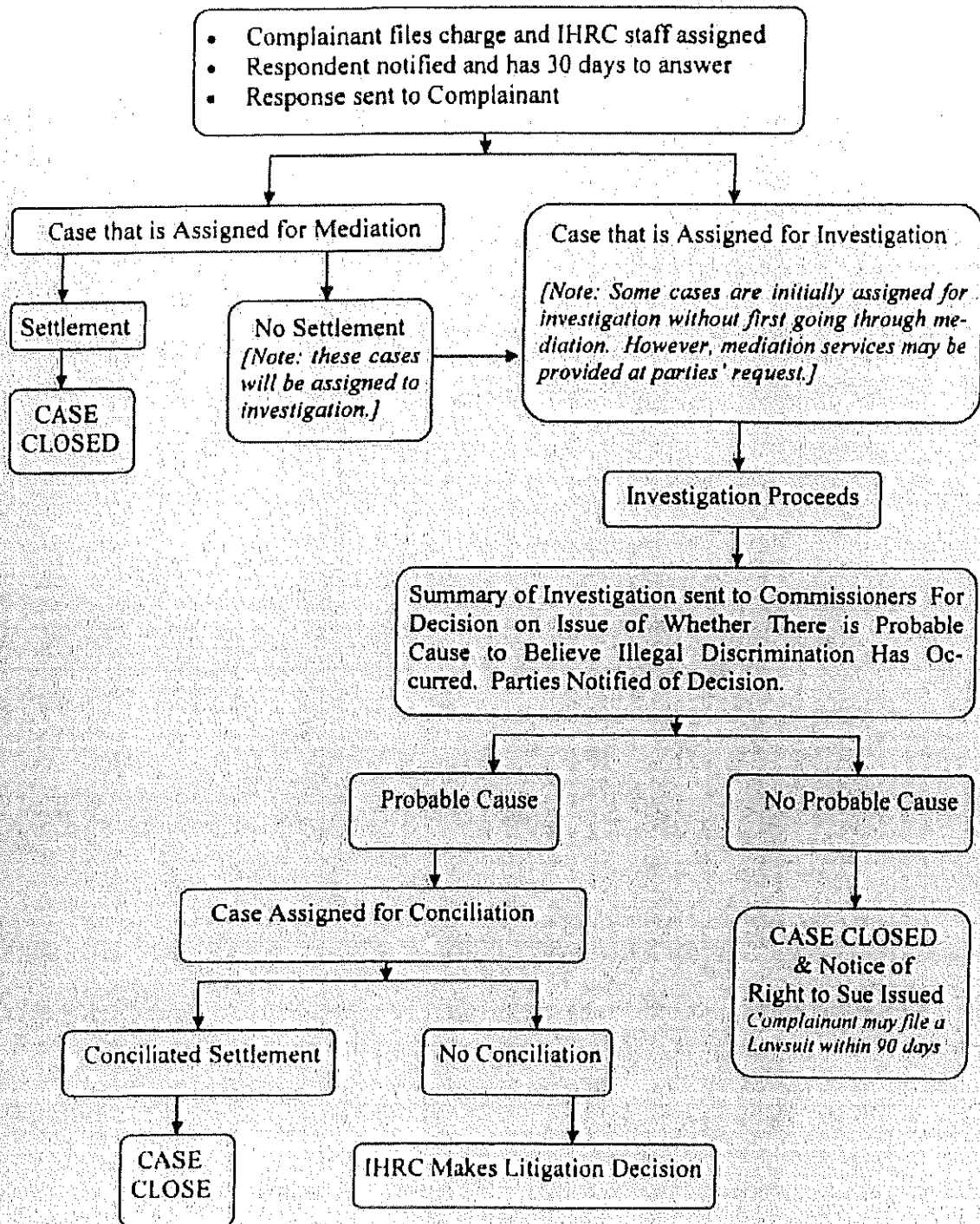
E. I believe that my treatment is in retaliation for my protection of Ms. Loper's rights against discrimination based on sex.

F. Respondent employs more than 15 employees.

I believe the practices of the above-named Respondent are in violation of:

- Title 67, Chapter 59 of the Idaho Code
- Title 44, Chapter 17 of the Idaho Code
- Title VII of the Civil Rights Act of 1964, as amended
- Age Discrimination in the Employment Act of 1967 (ADEA)
- Americans with Disabilities Act (ADA)

## IHRC ADMINISTRATIVE COMPLAINT RESOLUTION PROCEDURE



**U.S. Equal Employment Opportunity Commission**

TO:

Date **February 13, 2014**

EEOC Charge No.  
**38C-2014-00154**

FEPA Charge No.  
**E-0214-272**

CHARGE TRANSMITTAL

SUBJECT:

Robert W. Webber  
*Charging Party*

v.

SAGLE FIRE DISTRICT  
*Respondent*

Transmitted herewith is a charge of employment discrimination initially received by the:

EEOC       Idaho Human Rights Commission on Feb 13, 2014  
*Name of FEPA*      *Date of Receipt*

Pursuant to the worksharing agreement, this charge is to be initially investigated by the EEOC.

Pursuant to the worksharing agreement, this charge is to be initially investigated by the FEPA.

The worksharing agreement does not determine which agency is to initially investigate the charge.

EEOC requests a waiver

FEPA waives

No waiver requested

FEPA will investigate the charge initially

*Please complete the bottom portion of this form to acknowledge the receipt of the charge and, where appropriate, to indicate whether the Agency will initially investigate the charge.*

Typed Name and Title of EEOC or FEPA Official

**Pamela Parks, Director**

Signature/Initials

*Pamela Parks By Sm*

Robert W. Webber  
*Charging Party*

v.

SAGLE FIRE DISTRICT  
*Respondent*

TO WHOM IT MAY CONCERN:

This will acknowledge receipt of the referenced charge and indicate this Agency's intention to initially investigate the charge.

This will acknowledge receipt of the referenced charge and indicate this Agency's intention not to initially investigate the charge.

This will acknowledge receipt of the referenced charge and request a waiver of initial investigation by the receiving agency.

This will acknowledge receipt of the referenced charge and indicate this Agency's intention to dismiss/close/not docket the charge for the following reasons:

Typed Name and Title of EEOC or FEPA Official

**Michael Baldonado**

Signature/Initials

TO:

**Idaho Human Rights Commission  
317 W. Main Street  
Boise, ID 83735**

Date **February 13, 2014**

EEOC Charge No.  
**38C-2014-00154**

FEPA Charge No.  
**E-0214-272**

**U.S. Equal Employment Opportunity Commission**

<p><b>SAGLE FIRE DISTRICT</b>                  2689 Gun Club Road                  Sagle, ID 83860</p>	<p>PERSON FILING CHARGE</p> <p style="text-align: center;"><b>Robert W. Webber</b></p> <p>THIS PERSON (check one or both)</p> <p><input checked="" type="checkbox"/> Claims To Be Aggrieved</p> <p><input type="checkbox"/> Is Filing on Behalf of Other(s)</p> <hr/> <p>EEOC CHARGE NO.  <b>38C-2014-00154</b></p> <hr/> <p>FEPA CHARGE NO.  <b>E-0214-272</b></p>
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**NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTION WHERE A FEP AGENCY WILL INITIALLY PROCESS**  
*(See the enclosed for additional information)*

THIS IS NOTICE THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- Title VII of the Civil Rights Act (Title VII)  
  The Equal Pay Act (EPA)  
  The Americans with Disabilities Act (ADA)  
 The Age Discrimination in Employment Act (ADEA)  
  The Genetic Information Nondiscrimination Act (GINA)

HAS BEEN RECEIVED BY

- The EEOC and sent for initial processing to \_\_\_\_\_  
*(FEP Agency)*
- The **Idaho Human Rights Commission** \_\_\_\_\_ and sent to EEOC for dual filing purposes.  
*(FEP Agency)*

While EEOC has jurisdiction (upon expiration of any deferral requirement if this is a Title VII, ADA or GINA charge) to investigate this charge, EEOC may suspend its investigation and await the issuance of the Agency's final findings and orders. These findings and orders will be given weight by EEOC in making its own determination as to whether reasonable cause exists to believe that discrimination has occurred.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency will be considered by EEOC when it reviews the Agency's final findings and orders. In many cases EEOC will take no further action, thereby avoiding the necessity of an investigation by both the Agency and EEOC. This likelihood is increased by your active cooperation with the Agency.

As a party to the charge, you may request that EEOC review the final findings and orders of the above-named Agency. For such a request to be honored, you must notify EEOC in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by EEOC. Regardless of whether the Agency or EEOC processes the charge, the Recordkeeping and Non-Retaliation provisions of the statutes as explained in the enclosed information sheet apply.

For further correspondence on this matter, please use the charge number(s) shown above.

Enclosure(s): Copy of Charge

**CIRCUMSTANCES OF ALLEGED DISCRIMINATION**

- Race  
  Color  
  Sex  
  Religion  
  National Origin  
  Age  
  Disability  
 Retaliation  
  Genetic Information  
  Other

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
February 13, 2014	Michael Baldonado, District Director	



## INFORMATION ON CHARGES OF DISCRIMINATION

### EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), .4(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record retention periods – generally, three years for basic payroll records and one year for personnel records. Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

**Section 1602.14 Preservation of records made or kept.** . . . . Where a charge ... has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent ... shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term *personnel records relevant to the charge*, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

### NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 207(f) of GINA, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against any individual, or for a union to discriminate against its members or applicants for membership, because they have opposed any practice made an unlawful employment practice by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the statutes. The Equal Pay Act contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone because they have exercised or enjoyed, or aided or encouraged others in their exercise or enjoyment, of rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

### NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's name, address and phone number, and ask your attorney to write us confirming such representation.