



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No.: EMse12010889
[REDACTED]

[REDACTED],
Complainant,

vs.

ROCK BOTTOM RESTAURANT,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred. 910 IAC 1-3-2(b)

On December 19, 2011, [REDACTED] ("Complainant") filed a complaint with the Commission against Rock Bottom Restaurant ("Respondent") alleging discrimination on the basis of sex (pregnancy) in violation of the Indiana Civil Rights Law (IC 22-9, et seq) [REDACTED]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether Complainant was discharged due to her pregnancy. In order to prevail, Complainant must show that (1) she is a member of a protected class; (2) she suffered an adverse employment action; (3) she was meeting Respondent's legitimate business expectations; and (4) there is a causal connection between the adverse action and Complainant's pregnancy.

It is evident that Complainant falls within a protected class by virtue of the fact that she is a female and that her employment was terminated. Respondent reported that Complainant was meeting performance expectations. Respondent's manager admitted that he placed Complainant on maternity leave because not only was he fearful that she would get hurt, he was concerned about the liability to the company. Based upon the above findings, probable cause exists to believe that an unlawful discriminatory practice may have occurred.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. IC 22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6



May 1, 2012
Date

Joshua S. Brewster, Esq.,
Deputy Director
Indiana Civil Rights Commission