

SUPREME COURT OF MONTANA

Lay v. State Department of Military Affairs, Disaster & Emergency Services Division

Lay, 2015 MT 158 (Mont. 2015) · No. DA 14-0552 · Decided June 10, 2015

SUMMARY

The Montana Supreme Court affirmed summary judgment for the defendants in Monique Lay’s action arising from the elimination of her position during a reduction in force. The court held that the gravamen of her claims was retaliation for opposing alleged sexual favoritism, making the Montana Human Rights Act the exclusive remedy and rendering her claims time-barred because she did not file suit within 90 days of the Human Rights Bureau’s dismissal.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Jim Rice; Jim Rice; James Jeremiah Shea; Beth Baker; Patricia Cotter; Laurie McKinnon
JURISDICTION	Montana
DECIDED	June 10, 2015
DOCKET	DA 14-0552
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lay appealed the First Judicial District Court's grant of summary judgment to the defendants on claims arising from the elimination of her employment position.
STANDARD OF REVIEW	Summary judgment orders are reviewed de novo under the criteria of Montana Rule of Civil Procedure 56. Summary judgment is proper when the pleadings, discovery materials, and affidavits show no genuine issue of material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	Monique Lay v. State of Montana Department of Military Affairs, Disaster and Emergency Services Division, John Walsh, Erv Kent, Ed Tinsley, Paul Grimstad, Jessica Davies

TOPICS

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QUESTIONS PRESENTED

1. Whether Lay's claims, despite being pleaded as constitutional, tort, conspiracy, Monell, and wrongful-discharge claims, were subject to the exclusive procedures of the Montana Human Rights Act.
2. Whether Lay's claims were time-barred because she failed to commence a civil action within 90 days after the Montana Human Rights Bureau dismissed her complaint.

HOLDINGS

1. The Montana Human Rights Act governed Lay's claims because the gravamen of her complaint was that she was terminated in retaliation for objecting to sexual favoritism in employment, regardless of the alternative legal labels used in the complaint.
2. Lay's claims were time-barred because she did not commence a civil action within 90 days after the Montana Human Rights Bureau dismissed her complaint.
3. Because Lay's claims were properly subject to the Montana Human Rights Act, she could not separately pursue them under the Montana Wrongful Discharge From Employment Act.

KEY QUOTATIONS

“In determining whether the MHRA is applicable, we look to the gravamen of the party’s complaint, as opposed to the party’s characterization of her claims.” (¶ 15)

“Because the gravamen of the complaint is an allegation that the Division terminated Lay in retaliation for her objection to sexual favoritism in employment, the District Court did not err by holding that Lay’s claims were subject to the procedures set forth in the MHRA, and as a result were time-barred.” (¶ 17)

FACTUAL BACKGROUND

Lay was employed as a public information officer for Montana's Emergency Services Division until her position was eliminated during a reduction in force on January 11, 2012. She alleged that the elimination was retaliation for her complaints that a supervisor had given favorable treatment to another employee with whom he had a sexual relationship. The administrative grievance process rejected her claim, and the Montana Human Rights Bureau later dismissed her discrimination complaint. Lay did not file a district-court action within 90 days of the Human Rights Bureau's dismissal.

PROCEDURAL HISTORY

Lay's position as a public information officer was eliminated in a reduction in force. She first pursued a grievance before the Department of Labor and Industry Hearings Bureau, which found that the termination was

based solely on business reasons; she did not appeal that decision. She then filed a complaint with the Montana Human Rights Bureau, which dismissed the complaint on August 13, 2012, and advised her that any district-court action had to be filed within 90 days. Lay filed suit on January 9, 2013. The District Court granted the defendants summary judgment, concluding that the Montana Human Rights Act provided the exclusive remedy and that Lay's claims were time-barred.

DISPOSITION

affirmed

CASES CITED

- LaTray v. City of Havre, 2000 MT 119, 299 Mont. 449, 999 P.2d 1010
- Edwards v. Cascade County Sheriff's Department, 2009 MT 451, 354 Mont. 307, 223 P.3d 893
- Vettel-Becker v. Deaconess Medical Center of Billings, Inc., 2008 MT 51, 341 Mont. 435, 177 P.3d 1034
- Saucier v. McDonald's Restaurants of Montana, Inc., 2008 MT 63, 342 Mont. 29, 179 P.3d 481
- Arthur v. Pierre Ltd., 2004 MT 303, 323 Mont. 453, 100 P.3d 987
- Shields v. Helena School District No. 1, 284 Mont. 138, 943 P.2d 999 (1997)
- Bruner v. Yellowstone County, 272 Mont. 261, 900 P.2d 901 (1995)
- Fandrich v. Capital Ford Lincoln Mercury, 272 Mont. 425, 901 P.2d 112 (1995)
- Harrison v. Chance, 244 Mont. 215, 797 P.2d 200 (1990)
- Griffith v. Butte School District No. 1, 2010 MT 246, 358 Mont. 193, 244 P.3d 321
- Cutler v. Jim Gilman Excavating, Inc., 2003 MT 314, 318 Mont. 255, 80 P.3d 1203
- In re B.P., 2001 MT 219, 306 Mont. 430, 35 P.3d 291