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Ex Department Manager Wins Big Against Morris, Illinois Menards Store

A former Millwork Department Manager for the Morris, Illinois Menards store was awarded a total of \$220,000 by an arbitrator after she established that she had been terminated in retaliation for accessing Menards' supposedly anonymous employee hotline to complain about discrimination at the store. In a final award issued on July 24, 2014, Arbitrator Peter Meyers found that Mortensen's termination, coming less than a week after her hotline complaint, was illegal retaliation in violation of federal civil rights laws

Menards operates over 280 stores in the Midwest and has 45,000 employees. Mortensen was hired when the Morris store opened in 2006 and was one of the longest tenured employees when she was fired by store manager Tim Black in August, 2012. Menards requires all of its employees to sign arbitration agreements, under which they agree to pursue any employment related claims through private arbitration. Mortensen filed an arbitration claim in 2012 alleging that when she complained that Tim Black, the Morris store manager, had discriminated against her because of her sex, she was fired within days of her complaint.

Menards assures its employees that if they feel they have been subjected to discriminatory treatment on the job, they can call Menards' anonymous hotline. The arbitrator found after an evidentiary hearing in April of this year, that Menards' alleged "anonymous complaint hotline is anything but anonymous. [Menards] affirmatively obtains information through Caller ID that fully identifies the callers to the hotline and there is no indication how carefully [Menards] guards this information." In Mortensen's case, she made her complaint only five days before she was fired. Evidence uncovered at the hearing indicated that the transcript of her hot line call and her personal information was revealed to upper management at Menards' Eau Claire headquarters. Four days after Menards sent a district manager down to "investigate" her complaint, Tim Black fired Mortensen.

The Arbitrator found that Black, who remains employed by Menards, concocted a false story of a customer complaint to justify his termination of Mortensen

The arbitrator found that the evidence adduced at the hearing required that punitive damages be awarded to Mortensen “to ensure that [Menards] not engage in such illegal activity in the future.”

Mortensen was thrilled with the victory. “Menards employees need to realize that the anonymous hot line maintained by Menards is not in any way anonymous. In reality, it can be a trap for employees who think they are in good faith informing headquarters of wrongdoing- and then they get kicked out the door.”

Mortensen was able to obtain other employment in the area. As part of the arbitrator’s award, Menards has been ordered to remove any evidence of her wrongful termination from its records.

Mortensen’s attorney, Miriam N. Geraghty, of Kinoy, Taren, Geraghty, P.C. in Chicago said: “This should be a wakeup call for Menards. Menards requires its employees to sign arbitration agreements giving up their right to public jury trials in the courts. While Menards hopes that the type of illegal practice uncovered in this arbitration will be hidden from the public view, this arbitration has proved Menards wrong. Hopefully, Menards will learn from Mortensen’s case and revise its policies to protect its employees against illegal behavior.”