

IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

STATE OF MISSOURI ex rel. MEREDITH GREEN,

Respondent,

v.

MISSOURI COMMISSION ON HUMAN RIGHTS, et al.,

Appellants.

DOCKET NUMBER WD84592
(Consolidated with WD84605)

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: June 7, 2022

APPEAL FROM

The Circuit Court of Cole County, Missouri
The Honorable Jon E. Beetem, Judge

JUDGES

Division Two: Mitchell, P.J., and Ardini and Chapman, JJ.

CONCURRING.

ATTORNEYS

Timothy A. Ricker, Springfield, MO, Attorney for Respondent.

James M. Paul and Andrew L. Metcalf, St. Louis, MO, Attorneys for Appellants Mercy Health and Mercy Clinic Joplin, LLC.

Eric S. Schmitt, Attorney General, and David L. McCain, Jr., Deputy Chief Counsel, Governmental Affairs, Jefferson City, MO, Attorneys for Appellants Missouri Commission on Human Rights and Alisa Warren.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS WESTERN DISTRICT

STATE OF MISSOURI ex rel. MEREDITH GREEN, Respondent,
v.
MISSOURI COMMISSION ON HUMAN RIGHTS, et al., Appellants.

WD84592 (Consolidated with WD84605)

Cole County

Before Division Two Judges: Karen King Mitchell, Presiding Judge, and Edward R. Ardini, Jr., and Thomas N. Chapman, Judges

The Missouri Commission on Human Rights (MCHR), its Executive Director, and Mercy Health and Mercy Clinic Joplin, LLC (collectively, Mercy) appeal from summary judgment granted in favor of Meredith Green on her petition for a permanent writ of mandamus directing the MCHR to issue her a right-to-sue letter. On appeal, the MCHR raises two points, arguing that the circuit court erred in granting the writ because (1) the MCHR could not issue a right-to-sue letter until it determined whether it had jurisdiction over Green’s complaint against Mercy and (2) Green failed to show that she was entitled to a right-to-sue letter in that the parties dispute whether Mercy is a covered “employer.” Mercy raises six points on appeal. For Points I-V, Mercy claims that the court erred in granting the writ because (1) the MCHR lacked authority to issue a right-to-sue letter until it determined whether it had jurisdiction over Green’s complaint; (2) Mercy is not a covered “employer” because it is not a “person” under the Missouri Human Rights Act (MHRA); (3) Mercy is not an “employer” because it does not have six or more employees; (4) Mercy was not Green’s employer; and (5) Mercy is exempt from the MHRA because Mercy is owned and operated by a religious organization. For Point VI, Mercy contends that the court erred in granting summary judgment for Green because she requested the right-to-sue letter too early.

AFFIRMED.

Division Two holds:

1. Here, because the facts material to the circuit court’s granting of the writ of mandamus are not in dispute, and issuance of the writ was based on the court’s interpretation of the MHRA, which we review de novo, we likewise review the judgment granting Green’s writ petition de novo.

2. The purpose of a writ of mandamus is to compel the performance of a ministerial duty that one charged with the duty refuses to perform.

3. When interpreting a statute, we must give effect to legislative intent as reflected in the plain language of the statute.

4. The MHRA authorizes the MCHR to receive and investigate complaints of employment discrimination. If the MCHR determines that there is probable cause to credit the allegations in a complaint, the MCHR must take steps to eliminate the discrimination.

5. If, however, the MCHR does not complete its administrative review of the complaint within 180 days from the date it was filed, the MHRA allows the complainant to request a right-to-sue letter and then file suit in court.

6. The MCHR must issue a right-to-sue letter when (1) a complaint has been filed with the MCHR, (2) 180 days have passed since the filing of the complaint without the MCHR having completed its review, and (3) the complainant submits a written request for a right-to-sue letter. And, upon issuance of the right-to-sue letter, the MCHR must terminate all proceedings relating to the complaint.

7. Amendments to the MHRA made in 2017 allowed challenges based on the timeliness of complaints but did not change the statute’s mandate regarding issuance of right-to-sue letters or its prohibition on the MCHR taking any action on a complaint after a right-to-sue letter has been issued.

8. Where the MHRA is silent with respect to any jurisdictional issue other than the timeliness of complaints and the requirements for issuance of right-to-sue letters remain unchanged, we will not interpret the MHRA to require the MCHR to determine whether it had jurisdiction over Green’s complaint before issuing a right-to-sue letter if the requirements for such issuance are otherwise met.

9. The mere fact that an allegation in the complaint—here, whether Mercy is a covered “employer”—is disputed does not deprive the MCHR of authority to investigate a complaint. When the MCHR does not complete its investigation within 180 days and the complainant requests a right-to-sue letter, it is irrelevant what determinations the MCHR might have made with respect to the disputed allegation.

10. Because the statutory conditions for issuance of a right-to-sue letter were satisfied, the MCHR was required to issue such a letter to Green and terminate all proceedings related to her complaint even though the MCHR had not yet determined whether Mercy was an “employer.”

11. Although a complainant is not entitled to a right-to-sue letter before expiration of the 180-day period, the complainant need not wait 180 days before submitting a request for such a letter. A request filed before expiration of 180 days is effective upon expiration of that period.

12. Because, having received Green’s request for a right-to-sue letter, the MCHR lacked authority to continue investigating her complaint after 180 days from its filing or to take any action other than to issue the right-to-sue letter, the court did not err in ordering the MCHR to issue the letter.

Opinion by: Karen King Mitchell, Presiding Judge

June 7, 2022

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.