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Puskas v. Pine Hills Youth Correctional Facility, 2013 MT 223

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In a claim against a former employer for sexual harassment, hostile work environment, and retaliation, the employee’s needs should be balanced against those of the employer.

Cassie Puskas (Puskas), a former correctional officer, filed claims of sexual harassment, hostile work environment, and retaliation against her former employer Pine Hills Youth Correctional Facility (Pine Hills). Puskas’ claims arose from her dealings with an inmate known as A.H. A.H. was in the sex offender unit at Pine Hills and suffered from mental health issues. A.H. acted out frequently, and Puskas was often the target of A.H.’s outbursts. A.H. masturbated while staring at Puskas, followed Puskas around the sex offender unit trying to touch her, and threatened to kill Puskas on at least one occasion. Puskas went to talk with the director and care of custody of the Pine Hills facility, Teri Young (Young), about the situation. Puskas felt strongly that A.H. should be transferred from the sexual offender unit to the maximum security unit so she would no longer have to work with him. Young agreed that Puskas and A.H. should be separated, but she disagreed that A.H. should go to maximum security. A.H. would miss out on several integral parts of his treatment program if he went to maximum security. Young offered Puskas to change units instead, which Puskas had previously done to distance herself from inmate harassment situations. Neither Young nor Puskas gave in. Puskas quit after her meeting with Young.

The case presented the Montana Supreme Court with three issues. All three issues centered on the possible unit transfer for Puskas and whether that was a reasonable solution to resolve A.H.’s harassment. The Court held: Pine Hills offered to transfer Puskas to another unit; Pine Hills reasonably and promptly offered the unit transfer to remedy the harassment situation; and Pine Hills had a legitimate, non-discriminatory reason to transfer Puskas to another unit. The Court determined that Pine Hills had only two options to deal with the situation. Either transfer
Puskas to another unit or transfer A.H. to maximum security. There were several factors that the district court determined weighed heavily in favor of not transferring A.H., and the Supreme Court held that the district court did not err in this regard. Because A.H. could not be moved, the only option left was to transfer Puskas. The Court held the solution was a reasonable one, and Puskas’ claims against Pine Hills failed.

In workplace sexual harassment claims, employers must take reasonable corrective action to protect the employee. However, the Montana practitioner should be aware that the employee does not always get to determine what that corrective action is. Often times a balancing act between the needs of the employee and the needs of the employer is necessary.

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Honorable Jeffrey M. Sherlock, District Court of the First Judicial District, Case No. BDV 2010-1217

For Appellant: Alex Rate, Rate Law Office, P.C., Helena, MT.

For Appellees: McKenzie Hannan, Special Assistant Attorney General, Montana Department of Corrections, Helena, Montana.

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