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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M. HALEY,)
EXECUTIVE DIRECTOR,)

Complainant,)

v.)

SULLIVAN’S OF ALASKA, INC., d/b/a)
SULLIVAN’S STEAKHOUSE,)

ASCHR No. J-12-005

Respondent.)

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, hereby alleges the following against Respondent Sullivan’s of Alaska, Inc., d/b/a Sullivan’s Steakhouse:

1. Respondent Sullivan’s of Alaska, Inc., is an Alaska corporation doing business as a licensed restaurant, Sullivan’s Steakhouse, located at 320 West 5th Avenue, Anchorage, Alaska (“Sullivan’s Steakhouse”).

2. The Executive Director of the Alaska State Commission for Human Rights (“Executive Director”) brings this Accusation pursuant to AS 18.80.100 and AS 18.80.120 on behalf of Robin Burgess, Bashkim Hetemi, Anthony Sheppard, and other affected individuals who were employed by Sullivan’s Steakhouse.

3. Robin Burgess was hired by Sullivan’s Steakhouse in or about December 2010 to perform a combination of duties including working as a busser, food runner,

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and host. Ms. Burgess was born on June 21, 1994, and was under the age of eighteen at the time she was hired and throughout the duration of her employment at Sullivan's Steakhouse.

4. Bashkim Hetemi was hired by Sullivan's Steakhouse in or about September 2011 as a busser and food runner to clean, stock, and set dining tables and surrounding food service areas. Mr. Hetemi was born on September 3, 1994, and was under the age of eighteen at the time he was hired and throughout the duration of his employment at Sullivan's Steakhouse.

5. Anthony Sheppard was hired by Sullivan's Steakhouse in or about October 2011 as a dishwasher. Mr. Sheppard was born on October 5, 1994, and was under the age of eighteen at the time he was hired and throughout the duration of his employment at Sullivan's Steakhouse.

6. On or about December 29, 2011, Todd Endres, the general manager at Sullivan's Steakhouse, held a meeting on the restaurant premises which was attended by several minor employees. Mr. Endres announced a new policy barring the employment of individuals under the age of eighteen years. Sullivan's Steakhouse immediately terminated the employment of the three above-named individuals and at least two other minor employees.

7. Since December 29, 2011, Sullivan's Steakhouse has maintained a policy and practice of discriminating against minors by failing to hire or rehire anyone under the age of eighteen.

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**FIRST CAUSE OF ACTION
DISCRIMINATION BECAUSE OF AGE
A VIOLATION OF AS 18.80.220(a)(1)**

8. Paragraphs 1 - 7 above are realleged and incorporated herein.

9. Robin Burgess worked for Sullivan’s Steakhouse as a busser, food runner, and host. Ms. Burgess was qualified for her job and her performance was satisfactory.

10. Bashkim Hetemi worked for Sullivan’s Steakhouse as a busser and food runner. Mr. Hetemi was qualified for his job and his performance was satisfactory.

11. Anthony Sheppard worked for Sullivan’s Steakhouse as a dishwasher. Mr. Sheppard was qualified for his job and his performance was satisfactory.

12. Ms. Burgess, Mr. Hetemi, and Mr. Sheppard are members of a protected class based on their ages.

13. Ms. Burgess, Mr. Hetemi, and Mr. Sheppard were terminated from their employment because of their ages.

14. After terminating the employment of Ms. Burgess, Mr. Hetemi, and Mr. Sheppard, Sullivan’s Steakhouse retained and hired persons eighteen years of age and older for busser and food runner positions.

15. The decision of Sullivan’s Steakhouse to terminate the employment of Ms. Burgess, Mr. Hetemi, and Mr. Sheppard violates AS 18.80.220(a)(1).

16. Ms. Burgess, Mr. Hetemi, and Mr. Sheppard have each suffered damages in the form of lost wages and benefits because Sullivan’s Steakhouse terminated their employment.

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PRAYER FOR RELIEF

Wherefore, the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Sullivan’s Steakhouse violated AS 18.80.220(a)(1) by terminating the employment of Robin Burgess, Bashkim Hetemi, and Anthony Sheppard.

2. That the Commission order Sullivan’s Steakhouse to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law.

3. That the Commission order Sullivan’s Steakhouse to obtain in-person training, conducted by a neutral, third-party trainer, of at least six hours in length for its managers and supervisors and three hours in length for its employees, on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, and that such order specify that the trainer and training curriculum be approved by the Executive Director prior to the training being conducted.

4. That the Commission order Sullivan’s Steakhouse to eliminate from the personnel records for all affected employees all documents and entries relating to the facts and circumstances that led to the Executive Director filing the above-captioned charge and any of the related events occurring thereafter.

5. That the Commission order Sullivan’s Steakhouse to refrain from penalizing Ms. Burgess, Mr. Hetemi, or Mr. Sheppard in any way in future considerations for employment and, if rehired, for transfers, promotions, or upgrading because the Executive Director filed a complaint with the Commission.

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6. That the Commission order Sullivan’s Steakhouse to refrain from advising or informing any other employer or potential employer of the affected employees of the facts or circumstances involved in this case.

7. That the Commission order Sullivan’s Steakhouse to pay any back pay, including any lost benefits or remuneration, to Ms. Burgess, Mr. Hetemi, and Mr. Sheppard, plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.

8. That the Commission order Sullivan’s Steakhouse to hire or reinstate Ms. Burgess, Mr. Hetemi, and Mr. Sheppard or pay them the statutory maximum amount of front pay, including benefits or remuneration, the exact amount of which will be proven at hearing.

Dated this 27th day of October 2014 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

Signature Redacted

By:

Elizabeth Smith
Human Rights Attorney
Alaska Bar No. 9402003