

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR HUMAN )  
RIGHTS, PAULA M. HALEY, EXECUTIVE )  
DIRECTOR, *ex rel.*, JENNIFER BOZINE )  
(nka Jennifer Thorne), )

Complainant,

v.

ALASKA SALES AND SERVICE, INC., )  
Respondent. )

ASCHR No. J-11-289

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Jennifer Bozine (nka Jennifer Thorne), hereby alleges the following against Respondent Alaska Sales and Service, Inc.:

1. Respondent Alaska Sales and Service, Inc. (“Alaska Sales”) is an Alaska corporation that operates new and used automobile dealerships, together with associated repair services, including a body shop and paint center at 1300 East 5<sup>th</sup> Avenue, Anchorage, Alaska, 99501 (“body shop”).

2. Jennifer Bozine was hired by Alaska Sales on April 10, 2006. Ms. Bozine was rapidly thereafter promoted or transferred, on November 16, 2006, to the position of an automotive paint prepper in the body shop and remained so employed until approximately September 27, 2011. Ms. Bozine was qualified and did satisfactorily perform as an automotive paint prepper.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. At all times relevant herein, Alaska Sales' body shop managers, Wayne Spencer and Kevin Pfeiffer, were responsible for hiring, discipline, supervision, and reassignment or transfer of employees at or in the body shop.

4. During Ms. Bozine's employment, the body shop was comprised of predominantly male employees. In September 2011, Ms. Bozine was the only female paint prepper.

5. Due to a perceived reduction in business, Alaska Sales reorganized the body shop in September 2011, thereby terminating some employees and shifting other employees to different positions. Specifically, Alaska Sales decided to eliminate one of two paint prepper positions. Ms. Bozine held one of these positions. A male employee worked and was paid at a lower scale in the other position as an apprentice prepper.

6. Kevin Pfeiffer decided to retain the apprentice male paint prepper, and Ms. Bozine was notified of her non-retention but promised that she could possibly come back to the body shop.

7. Ms. Bozine was more qualified as a painter and prepper than the male employee, including having her own tools, certifications, more experience and seniority, and the ability to work independently.

8. On September 28, 2011, despite her objections, Ms. Bozine was involuntarily reassigned to a receptionist or general office clerk position. Ms. Bozine communicated to Alaska Sales managers her dissatisfaction in the receptionist position.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

9. Because Alaska Sales removed her from her position in the body shop, Ms. Bozine was forced to resign from Alaska Sales on November 15, 2011.

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

10. Paragraphs 1 - 9 above are realleged and incorporated herein.

11. Jennifer Bozine worked for Alaska Sales as a paint prepper in the body shop.

12. Ms. Bozine was qualified and her performance was satisfactory as a paint prepper.

13. Ms. Bozine was removed from her paint prepper position and transferred to a receptionist position.

14. Alaska Sales retained a less qualified and less experienced male as a paint prepper.

15. The decision of Alaska Sales to remove Ms. Bozine from her paint prepper position violates AS 18.80.220(a)(1).

16. Because she was removed from her paint prepper position, Ms. Bozine had no reasonable option but to quit her job. As a result, Ms. Bozine has suffered damages in the form of lost training, prospects, wages, and benefits.

**PRAYER FOR RELIEF**

Wherefore, the Executive Director asks for the following relief:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1. That the Commission issue an order declaring that Alaska Sales violated AS 18.80.220(a)(1) by treating Jennifer Bozine (nka Jennifer Thorne) differently because of her sex.

2. That the Commission issue an order declaring that Alaska Sales constructively discharged Ms. Bozine in violation of both AS 18.80.220(a)(1) and (a)(4) by subjecting her to illegal sex-based discrimination.

3. That the Commission order Alaska Sales to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law.

4. That the Commission order Alaska Sales to obtain in-person training, conducted by a neutral, third-party trainer, of at least six hours in length for its managers, supervisors, and human resources personnel, and training of at least three hours in length for all other 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.

5. That the Commission order Alaska Sales to eliminate from Ms. Bozine's personnel records all documents and entries relating to the facts and circumstances that led to Ms. Bozine filing the above-captioned charge and any of the related events occurring thereafter.

6. That the Commission order Alaska Sales to refrain from penalizing Ms. Bozine in any way in future considerations for employment and, if rehired, for transfers,

1 promotions, or upgrading because Ms. Bozine complained about discrimination or because  
2 she filed a complaint with the Commission.  
3

4 7. That the Commission order Alaska Sales to refrain from advising or  
5 informing any other employer or potential employer of Ms. Bozine of the facts or  
6 circumstances involved in this case.  
7

8 8. That the Commission order Alaska Sales to pay any back pay, including  
9 any lost benefits or remuneration, to Ms. Bozine, plus interest at the applicable legal rate,  
10 the exact amount of which will be proven at hearing.  
11

12 9. That the Commission order Alaska Sales to reinstate Ms. Bozine or pay the  
13 statutory maximum amount of front pay, including benefits or remuneration, the exact  
14 amount of which will be proven at hearing.  
15

16 Dated this 29th day of September 2014 at Anchorage, Alaska.

17 ALASKA STATE COMMISSION  
18 FOR HUMAN RIGHTS

19 *Signature Redacted*

20 By: \_\_\_\_\_  
21 Elizabeth Smith  
22 Human Rights Attorney  
23 Alaska Bar No. 9402003  
24  
25  
26  
27  
28