

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 ON REFERRAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS

ALASKA STATE)
COMMISSION FOR HUMAN)
RIGHTS, PAULA M. HALEY,)
EXECUTIVE DIRECTOR, ex)
rel. VILMA ANDERSON,)
)
Complainant,)
)
v.)
)
ANCHORAGE SCHOOL)
DISTRICT,)
)
Respondent.)
_____)

ASCHR No. C-05-231
OAH No. 09-0233-HRC

AMENDED COMPLAINT

Complainant, Paul M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex relatione Vilma Anderson, submits the following Amended Complaint:

1. Vilma Anderson is a person aggrieved by discriminatory conduct prohibited by AS 18.80.220.

1 2. At all times relevant herein, and for the purposes
2
3 of the Complaint, Respondent, Anchorage School District
4 was and remains an employer as that term appears in AS
5 18.80.220 and as defined by AS 18.80.300(D).
6

7
8 3. Ms. Anderson is a person with a disability within the
9 meaning of AS 18.80, because she is visually impaired.
10

11 4. As a result of her disability, Ms. Anderson uses a
12 service dog for guidance.
13

14 5. Respondent first hired Ms. Anderson in October of
15 2005 as a substitute teacher.
16

17 6. Ms. Anderson worked in several substitute teaching
18 positions for Respondent, between October 11 through
19 October 25, 2005.
20

21 7. Respondent employed Ms. Anderson as a
22 substitute teacher until it terminated her employment October
23 26, 2005.
24

25
26 Amended Complaint

27 *ASCHR, Paula M. Haley, Executive Director, ex rel. Vilma*
28 *Anderson v. Anchorage School District, ASCHR No. C-05-231,*
OAH No. 09-0233-HRC

1 8. On October 26, 2005, Respondent removed Ms.
2
3 Anderson from its substitute teaching list and refused to
4
5 accommodate her disability by denying her the right to have
6
7 her service dog present in the classroom where she was
8 teaching.

9 9. Respondent informed Ms. Anderson in the October
10
11 26th meeting that she was terminated immediately.

12 10. At the termination meeting, Respondent gave the
13
14 following reasons for terminating Ms. Anderson: 1) a concern
15
16 about potential student allergies and phobias to her service
17
18 animal; 2) a concern that Ms. Anderson would not safely
19
20 perform evacuation, lock downs and fire drills; and 3) a belief
21
22 that Ms. Anderson's disability prevented her from adequately
23
24 supervising students.

25
26 Amended Complaint

27 *ASCHR, Paula M. Haley, Executive Director, ex rel. Vilma*
28 *Anderson v. Anchorage School District, ASCHR No. C-05-231,*
 OAH No. 09-0233-HRC

1 11. Respondent also refused to accommodate Ms.
2
3 Anderson's request for teaching materials to be printed in a
4
5 much larger font.

6 12. Respondent did not confirm that Ms. Anderson was,
7
8 in fact, unable to adequately supervise students or safely
9
10 implement lock downs, evacuations and fire drills with or
11
12 without a reasonable accommodation.

13 13. Respondent failed to conduct any assessments or
14
15 safety tests that could determine if safety was, in fact, an
16
17 issue in Ms. Anderson's ability to supervise a class prior to
18
19 removing her from the substitute teacher pool.

20 14. Respondent refused to provide teaching materials
21
22 to Ms. Anderson in a larger font, but failed to establish that it
23
24 would be unduly burdensome to accommodate this request.
25
26

27 Amended Complaint

28 *ASCHR, Paula M. Haley, Executive Director, ex rel. Vilma
Anderson v. Anchorage School District, ASCHR No. C-05-231,
OAH No. 09-0233-HRC*

1 15. Respondent failed to explore a reasonable
2
3 accommodation that would allow Ms. Anderson to substitute
4
5 teach at schools with no known allergies or phobias.

6 16. Respondent failed to identify and offer Ms.
7
8 Anderson alternative positions with the Anchorage School
9
10 District that Ms. Anderson could perform with or without an
11
12 accommodation, but instead only suggested that she apply for
13
14 a bilingual tutoring position, without assuring her a job in that
15
16 position.

17 **FIRST CAUSE OF ACTION – FAILURE TO ACCOMODATE**

18 Paragraphs 1 through 16 are incorporated herein as if set
19
20 forth in full.

21 17. Respondent violated AS 18.80.220(a)(1) when it
22
23 terminated Ms. Anderson based on her physical disability and
24
25 removed her from the all-call dispatch system.

26 Amended Complaint

27 *ASCHR, Paula M. Haley, Executive Director, ex rel. Vilma*
28 *Anderson v. Anchorage School District, ASCHR No. C-05-231,*
 OAH No. 09-0233-HRC

1 includes, but is not limited to, a policy prohibiting discrimination
2
3 because of disability.

4 4. That the Commission issue an Order directing
5
6 Respondent to require training on the provisions of the Alaska
7
8 Human Rights Law, with specific emphasis on the provisions
9
10 prohibiting discrimination based on disability for all its Alaska
11 based supervisors and managers.

12 5. That the Commission issue an Order directing
13
14 Respondent to immediately place Complainant on it's "all call"
15
16 substitute list and to allow her to teach. This order should
17
18 direct respondent to assign Complaint seniority based on the
19
20 date of hire October 11, 2005 and to grant Complainant the
21
22 appropriate wages, insurance plan, and other benefits and
23
24 privileges that would accrue to an employee with such
25
26 seniority.

27 Amended Complaint
28 *ASCHR, Paula M. Haley, Executive Director, ex rel. Vilma
Anderson v. Anchorage School District, ASCHR No. C-05-231,
OAH No. 09-0233-HRC*

1 6. That the Commission issue an Order directing
2
3 Respondent to provide "back pay" to Complainant for the
4
5 period beginning with the date of the alleged discrimination,
6
7 October 26, 2005, and ending with the date of the
8
9 Commissions order. Computation of back pay will include
10
11 regular wages, an estimate of the overtime wages complainant
12
13 would have earned during the period, and any benefits or
14
15 increases that would normally accrue to respondent's
16
17 employees of comparable seniority and ability, plus interest at
18
19 the applicable legal rate.

20 7. That the Commission issue an Order directing
21
22 Respondent to provide "front pay" to Complainant to the
23
24 statutory maximum.
25
26

27 Amended Complaint

28 *ASCHR, Paula M. Haley, Executive Director, ex rel. Vilma
Anderson v. Anchorage School District, ASCHR No. C-05-231,
OAH No. 09-0233-HRC*

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

Respectfully submitted this _____ day of May, 2009.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

By: _____ /s/

Caitlin Shortell
Human Rights Advocate

Amended Complaint
*ASCHR, Paula M. Haley, Executive Director, ex rel. Vilma
Anderson v. Anchorage School District, ASCHR No. C-05-231,
OAH No. 09-0233-HRC*