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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M.)
HALEY, EXECUTIVE DIRECTOR,)
ex rel. JESSIE BRINKLEY,)

Complainant,

v.

ASCHR No. J-07-095

ALASKA COMMUNICATIONS)
SYSTEMS HOLDINGS, INC.,)

Respondent.

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Jessie Brinkley, hereby alleges the following against Respondent Alaska Communications Systems, Inc.:

1. On information and belief, Respondent Alaska Communications Systems Holdings, Inc. (hereinafter ACS), is a company incorporated in the state of Delaware and doing business in Alaska.

2. Jessie Brinkley, whose race is Black, was employed by ACS for almost 30 years, from June 18, 1977, to May 24, 2007.

3. During most of her tenure at ACS, Ms. Brinkley worked in the company's sales and services department, eventually rising to the rank of Senior Manager in ACS's Service Center.

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1 4. On or about July 28, 2004, Ms. Brinkley was offered the position of
2
3 Manager of Employee Relations in ACS's Human Resources department.

4 5. Prior to assuming the duties of Manager of Employee Relations, Ms.
5 Brinkley was asked to accept a temporary assignment in ACS's Business Sales
6 subdivision. Ms. Brinkley reported for work in ACS's Human Relations department on
7 or about April 1, 2005, when her temporary assignment in the Business Sales subdivision
8 was completed.

9 6. When she reported to work in ACS's Human Relations department, Ms.
10 Brinkley was informed that the job she had accepted—Manager of Employee
11 Relations—was no longer available. Ms. Brinkley was instead assigned to the position
12 of Recruiting Manager.

13 7. Even though she had no recruiting experience, Ms. Brinkley was assured
14 by ACS that she would be given adequate training to allow her to succeed in her new
15 role. Despite this assurance, Ms. Brinkley was denied training opportunities that would
16 have helped her do her job.

17 8. ACS eventually determined that Ms. Brinkley was “below target
18 performance” in the position of Recruiting Manager and informed her that she would not
19 be retained in that position.

20 9. At the time Ms. Brinkley was told she would not be retained in her
21 position, numerous other managers at ACS had been determined to be “below target
22 performance.” Many of these managers were transferred to other positions within the
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25 **ACCUSATION—Page 2**

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27 *Communications Systems Holdings, Inc.*

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1 company. None of these managers are Black.

2 10. ACS did not transfer Ms. Brinkley to another position in the company.
3
4 Instead, ACS terminated Ms. Brinkley's employment with the company on May 24,
5 2007.

6 **CAUSE OF ACTION—TERMINATION BECAUSE OF RACE**
7 **VIOLATION OF AS 18.80.220(a)(1)**

8 11. Paragraphs 1-10 above are realleged and incorporated herein.

9
10 12. Jessie Brinkley is a member of a protected class by virtue of her race,
11 Black.

12 13. Ms. Brinkley was determined by ACS to be "below target performance" in
13 her position of Recruitment Manager.

14
15 14. ACS terminated Ms. Brinkley's employment because it found her to be
16 "below target performance."

17
18 15. Other ACS employees, who are not Black, have been found to be "below
19 target performance" and were not terminated.

20 16. ACS terminated Ms. Brinkley's employment because of her race, Black.

21 **PRAYER FOR RELIEF**

22
23 Wherefore the Executive Director asks for the following relief:

24 1. That the Commission issue an order declaring that Respondent ACS
25 violated AS 18.80.220 by discriminating against Ms. Brinkley when it terminated her
26 employment.
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28 **ACCUSATION—Page 3**

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1 2. That the Commission order Respondent to adopt and disseminate a
2 policy of nondiscrimination under the Alaska Human Rights Law that includes a
3 policy prohibiting discrimination against employees on the basis of race, and a policy
4 prohibiting retaliation for complaining about discrimination.
5

6 3. That the Commission order Respondent to obtain in-person training of at
7 least six hours in length for its managers and supervisors on the provisions of the Alaska
8 Human Rights Law that prohibit discrimination in employment, and that such order
9 specify that the trainer and training curriculum be approved by Commission staff prior to
10 the training being conducted.
11

12 4. That the Commission order Respondent to eliminate from Ms. Brinkley's
13 personnel records all documents and entries relating to the facts and circumstances that
14 led to Ms. Brinkley's filing of the above-captioned charge of discrimination and any of
15 the related events occurring thereafter.
16

17 5. That the Commission order Respondent to refrain from penalizing Ms.
18 Brinkley in any way in future considerations for employment and, if rehired, for
19 transfers, promotions, or upgrading because Ms. Brinkley complained about
20 discrimination or because she filed a complaint with the Commission.
21

22 6. That the Commission order Respondent to refrain from advising or
23 informing any other employer or potential employer of Ms. Brinkley of the facts or
24 circumstances involved in this case.
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7. That the Commission order Respondent to pay back wages to Ms. Brinkley, plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.

8. That the Commission order Respondent to reinstate Ms. Brinkley to a position equivalent to the position from which she was terminated.

9. That the Commission order Respondent to pay front pay to Ms. Brinkley, beginning with the date of the Commission's final order and ending with the date on which Respondent reinstates Ms. Brinkley in accordance with the preceding paragraph or the date on which the statutory maximum front pay term expires, whichever occurs sooner.

Dated this 6th day of July 2010 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

/s/

Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070