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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. JUANA CONTRERAS-)
MENDOZA,)
)
Complainant,)
)
v.)
)
RED DOG INN,)
)
Respondent.)

ASCHR No. J-06-187

ACCUSATION

Complainant Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex rel. Juana Contreras-Mendoza, submits the following Accusation against Respondent Red Dog Inn.

1. Red Dog Inn is an Alaskan corporation doing business in Naknek, Alaska.
2. Winifred Alford is, and was at the time of the events alleged in this complaint, the owner of Red Dog Inn.
3. At the time of the events alleged in this complaint, Pedro Aguilar-Rodriguez and Rogelio Mejorada were employees of Red Dog Inn.
4. Juana Contreras-Mendoza was employed as a cook by Respondent from September 2006 to October 7, 2006, by Red Dog Inn in Naknek, Alaska.

1 5. On August 2, 2006, Mr. Mejorada told Ms. Contreras-Mendoza that she
2 was beautiful and he liked her. Ms. Contreras-Mendoza clearly indicated the conduct
3 was unwelcome and reminded him that he was married. Ignoring her opposition, Mr.
4 Mejorada continued to make sexual comments to Ms. Contreras-Mendoza throughout
5 her employment.
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8 6. On September 6, 2006, Mr. Aguilar-Rodriguez told Ms. Contreras-
9 Mendoza that if she did not have sex with him, that she would be fired. Mr. Aguilar-
10 Rodriguez was intoxicated and was hugging Ms. Contreras-Mendoza and rubbing
11 himself against her body. Ms. Contreras-Mendoza clearly indicated the conduct was
12 unwelcome and rejected his physical advances. Ms. Contreras-Mendoza told
13 Winifred Alford about Mr. Aguilar-Rodriguez's conduct. Ms. Alford did not take
14 any action.
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17 7. On September 7, 2009, Mr. Aguilar-Rodriguez, who was again
18 intoxicated, banged on Ms. Contreras Mendoza's door to demand that she have sex
19 with him.
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21 8. On September 19, 2009, Mr. Mejorada attempted to induce Ms.
22 Contreras-Mendoza to have sex with him. Ms. Contreras-Mendoza again rejected
23 Mr. Mejorada's advances.
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25 9. On October 7, 2006, Respondent terminated Ms. Contreras-Mendoza's
26 employment, informing her that she had complained too often about sexual
27 harassment.
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FIRST CAUSE OF ACTION- SEXUAL HARASSMENT

Paragraphs 1 through 9 are incorporated herein as if set forth in full.

10. Mr. Mejorada and Mr. Aguilar-Rodriguez subjected Ms. Contreras-Mendoza to offensive and unwelcome sexual conduct, which was so severe and distressing that it violated AS 18.80.220(a)(1).

11. Ms. Contreras-Mendoza opposed the harassment and reported to Ms. Alford promptly after each incident of harassment that Mr. Mejorada's and Mr. Aguilar-Rodriguez's conduct was inappropriate and offensive.

12. Respondent failed to take prompt corrective action to remedy the harassment. As a result of this failure, the harassment continued, altering the terms and conditions of Ms. Contreras-Mendoza's employment.

SECOND CAUSE OF ACTION – RETALIATION

Paragraphs 1 through 12 are incorporated herein as if set forth in full

13. After Ms. Contreras-Mendoza reported the sexual harassment to Respondent, Respondent terminated Ms. Contreras-Mendoza's employment on October 7, 2006, in violation of AS 18.80.220(a)(4). Respondent informed Ms. Contreras-Mendoza that she was terminated because she had complained too much about sexual harassment.

14. As a result of Respondents' violations as set forth above, Ms. Contreras-Mendoza has suffered damages in the form of lost wages and benefits.

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PRAYER FOR RELIEF

Wherefore Complainant asks for the following relief:

1. That the Commission issue an order declaring that Respondent violated AS 18.80.220(a)(1) by subjecting Ms. Contreras-Mendoza to sexual harassment.

2. That the Commission issue an order declaring that Respondent violated AS 18.80.220(a)(4) by retaliating against Ms. Contreras-Mendoza for complaining of sexual harassment by terminating her employment.

3. That the Commission order Respondent to provide make-whole relief to Ms. Contreras-Mendoza equal to back pay in the amount of wages and benefits she would have been paid by Respondent had Respondent not terminated her employment, minus the wages she earned from other sources, plus interest, from the date of discrimination to the date of the order.

4. That the Commission order Respondent to provide front pay to Ms. Contreras-Mendoza beginning from the date of the Commission's order requested herein, until such date the Commission believes is reasonable, in the amount of wages and benefits she would have been paid by Respondent had Respondent not terminated her employment, minus the wages she earned from other sources.

5. That the Commission order Respondent to 1) expunge from Ms. Contreras-Mendoza's personnel records all documents and entries relating to the facts and circumstances that led to the filing of the above charges of discrimination and the related events occurring thereafter, 2) not to penalize Ms. Contreras-Mendoza in future considerations for employment, transfers, promotions, or upgrading because

1 of said circumstances, and 3) not to advise other employers or potential employers of
2 these complaints in any fashion or the facts or circumstances involved in this case.

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4 6. That the Commission order Respondent to adopt and disseminate to all
5 current employees and future applicants a policy of nondiscrimination under the
6 Alaska Human Rights Law that includes, but is not limited to, a policy prohibiting
7 discrimination because of sexual harassment and retaliation as prohibited by AS
8 18.80.220.

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10 7. That the Commission order Respondent to require training of at least
11 three hours in length for all of its owners, supervisors, and managers on the
12 provisions of the Alaska Human Rights Law, with specific emphasis on the
13 provisions prohibiting discrimination based on sexual harassment and retaliation, and
14 that the Commission provide for commission staff's review and approval of the
15 trainer and training curriculum prior to the training

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17 8. That the Commission order Respondent to post in a prominent place in
18 all business locations and to disseminate to all present employees and all future
19 applicants and employees a copy of the human rights poster regarding sexual
20 harassment that is attached to this complaint as Exhibit 1.

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22 9. That the Commission order monitoring of Respondent's compliance
23 with the terms of the Commission's order for a period of not less than five years.
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