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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. BRIGETTE N. CRAIG,)
)
Complainant,)
)
v.)
)
NYE FRONTIER FORD,)
)
Respondent.)
_____)

ASCHR No. C-05-166
OAH No. 09-0222-HRC

AMENDED COMPLAINT

Complainant, Paul M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex, el. Brigette N. Craig, submits the following Amended Complaint against respondent Nye Frontier Ford

1. Brigette Craig is a person aggrieved by discriminatory conduct prohibited by AS 18.80.220.
2. At all times relevant herein, and for the purposes of the Complaint, Respondent Nye Frontier Ford was and remains an employer as that term appears in AS 18.80.220 and as defined by AS 18.80.300(3).
3. Respondent first hired Ms. Craig on August 5, 2002 as an administrative assistant.

1 4. On September 28, 2004, Ms. Craig took leave under the Family
2 Medical Leave Act ("FMLA") for a period of 58 days to care for her injured
3 husband.
4

5 5. In December of 2004, Respondent then promoted Ms. Craig to the
6 position of internet consultant.
7

8 6. On December 20, 2004, Ms. Craig returned to work for Respondent as
9 their internet consultant.
10

11 7. On June 7, 2005, Dr. Jason Brooks, M.D., sent a letter to Respondent
12 asking that Ms. Craig be excused from "work duties due to pregnancy related
13 conditions. She has been instructed to stay at home on modified bedrest with
14 recheck in two weeks to see if she can return to part time work."
15

16 8. On June 8, 2005, Ms. Craig took FMLA leave for her pregnancy
17 related complications.
18

19 9. On June 21, 2005, Dr. Jason Brooks sent a letter to Respondent asking
20 that Ms. Craig be excused from "work duties due to complications of pregnancy."
21

22 10. On June 24, 2005, Respondent mailed a letter to Ms. Craig's post
23 office box informing her that she was terminated effective June 21, 2005.
24

25 11. On June 28, 2005 Dr. Brooks released Ms. Craig back to work with a
26 letter stating that she "is currently stable and can resume light duty work."
27

28 12. Respondent then informed by Ms. Craig that her employment had
been terminated a week prior, on June 21, 2005.

Amended Complaint

*ASCHR, Paula M. Haley, Executive Director, ex rel. Brigette N. Craig v. Nye
Frontier Ford, ASCHR No. C-05-166*

1 13. On June 29, 2005, after receiving oral notice of her termination, Ms.
2 Craig picked up her notice of termination from the post office.

3
4 14. On August 24, 2005, Ms. Craig filed a complaint with the Alaska State
5 Commission for Human Rights, alleging that she had been discriminated against on
6 the basis of her pregnancy.

7
8 15. In response to the complaint, Respondent asserted that Ms. Craig was
9 terminated because her FMLA leave had run out.

10 16. On June 28, 2005, after taking two weeks of FMLA leave, Ms. Craig
11 returned to work to find that her position as an internet consultant was vacant but
12 Respondent refused to re-hire her.

13
14 17. It is undisputed that on October 13, 2005, Respondent sent Ms. Craig a
15 letter offering her a comparable position to her former job at a lower rate of pay on
16 the condition that she accept the offer and report to work by October 25, 2005.

17
18 18. Ms. Craig was unable to accept the job offer because she had
19 scheduled to give birth by caesarean section on October 24th and could not report to
20 work the day after her delivery.

21
22 19. At the conclusion of the investigation, the Commission's investigator
23 found substantial evidence to support Ms. Craig's allegation that Respondent failed
24 to rehire her because of her pregnancy.

25
26 20. On April 28, 2009, the efforts to conciliate the case failed and the case
27 was then referred to the hearing unit.

28
Amended Complaint

*ASCHR, Paula M. Haley, Executive Director, ex rel. Brigitte N. Craig v. Nye
Frontier Ford, ASCHR No. C-05-166*

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FIRST CAUSE OF ACTION - PREGNANCY DISCRIMINATION

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

21. During her employment with Respondent, Ms. Craig became pregnant and requested FMLA leave when she was ordered to take bedrest on June 7, 2005.

22. Without notifying Ms. Craig of her leave rights and status, Respondent terminated Ms. Craig while she was on bedrest effective June 21, 2005 in violation of AS 18.80.220(a)(1), but failed to mail the termination letter until June 24, 2005.

23. Ms. Craig only discovered that she had been terminated when she returned to work on June 28, 2005 with her doctor's release letter.

24. Respondent discriminated against Ms. Craig when it refused to rehire her on June 28, 2005 based on her pregnancy.

25. As a result of Respondent's violation of AS 18.80.220(a)(1), Ms. Craig has suffered damages in the form of lost wages.

PRAYER FOR RELIEF

Wherefore complainant asks for the following relief:

1. That the Commission issue an order declaring that respondent violated AS 18.80220(a)(1), by terminating Ms. Craig on the basis of her pregnancy.

2. That the Commission issue an order directing Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law that

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

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

9 4. That the Commission issue an order directing Respondent to offer Ms.
10 Craig immediate employment as an internet consultant. If such a position is not
11 currently available, Respondent will offer Ms. Craig the first available job for which
12 Ms. Craig is qualified and willing to perform. This order should direct Respondent to
13 assign Ms. Craig seniority based on the date of hire of June 28, 2005 and to grant Ms.
14 Craig the appropriate wages, insurance plan, and other benefits and privileges that
15 would accrue to an employee with such seniority.
16
17

18 5. That the Commission issue an order directing Respondent to provide
19 "back pay" to Ms. Craig for the period beginning with the date of the alleged
20 discrimination, June 28, 2005, and ending with the date the Commission issues its
21 order. Computation of back pay will include regular wages, an estimate of the
22 overtime wages complainant would have earned during the period, and any benefits
23 or increases that would normally accrue to respondent's employees of comparable
24 seniority and ability, plus interest at the applicable legal rate.
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*ASCHR, Paula M. Haley, Executive Director, ex rel. Brigitte N. Craig v. Nye
Frontier Ford, ASCHR No. C-05-166*

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6. That the Commission issue an order directing Respondent to provide “front pay” to Ms. Craig for the period beginning with the date of the Commission’s decision to the statutory maximum.

Respectfully submitted this _____ day of May 2009.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

By: _____ /s/
Caitlin Shortell
Human Rights Advocate