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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. CORD DAVIS,)
)
Complainant,)
)
v.)
)
NORCON, INC.,)
)
Respondent.)
_____)

ASCHR No. J-09-292

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Cord Davis, hereby alleges the following against Respondent Norcon, Inc.:

1. Respondent Norcon, Inc. (hereinafter Norcon), is an Alaska corporation that provides mechanical and electrical construction services to oil and gas producers on Alaska’s North Slope.
2. Cord Davis was employed by Norcon as a heavy equipment operator from March 2007 to October 2009.
3. On July 4, 2009, Mr. Davis, along with two of his coworkers, complained in writing to Norcon’s president that one of Norcon’s general foremen, Andy Eckman, was creating a “hostile workplace” by engaging in “unlawful discrimination and harassment of ethnic employees.”
4. Norcon investigated Mr. Davis’s complaint and found that Mr. Eckman had used racially derogatory terms such as “Ricky Ricardo” to refer to an Hispanic

1 employee. Norcon found that Mr. Eckman had also referred to an employee of Russian
2 national origin as “The Commissar,” and that he had referred to an employee of Nepalese
3 national origin as a “towel head.”
4

5 5. As a result of its investigation, Norcon disciplined, but did not terminate,
6 Mr. Eckman.
7

8 6. On October 1, 2009, Norcon laid off Mr. Davis and other employees as
9 part of a reduction in force.
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11 7. On November 3, 2009, Norcon rehired Shaun Hardy, one of the employees
12 laid off on October 1, 2009.
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14 8. Mr. Hardy was not one of Mr. Davis’s coworkers who complained about
15 Mr. Eckman’s discriminatory behavior.
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17 9. Mr. Hardy was less qualified than Mr. Davis to perform the job of heavy
18 equipment operator.
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20 **FIRST CAUSE OF ACTION—FAILURE TO HIRE**
21 **RETALIATION FOR COMPLAINING ABOUT DISCRIMINATION**
22 **A VIOLATION OF AS 18.80.220(a)(4)**
23

24 10. Paragraphs 1-9 above are realleged and incorporated herein.
25

26 11. Cord Davis was employed by Norcon, Inc., from March 2007 to October
27 2009
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12. Mr. Davis opposed practices forbidden under AS 18.80.200 -18.80.280
when he complained about discriminatory comments made by Andy Eckman.

13. Norcon took an adverse employment action against Mr. Davis when

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refused to rehire him, and instead rehired a less qualified coworker who did not complain about discrimination, approximately four months after Mr. Davis complained about Mr. Eckman.

14. Norcon’s refusal to rehire Mr. Davis constitutes retaliation for Mr. Davis’s opposition to discrimination and violates AS 18.80.220(a)(4).

15. Because of Norcon’s refusal to rehire Mr. Davis, Mr. Davis has suffered harm in the form of lost wages and benefits.

PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent Norcon, Inc., violated AS 18.80.220(a)(4) by retaliating against Mr. Davis when it refused to rehire him.

2. That the Commission order Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law that includes a policy prohibiting retaliation against employees because they have opposed discrimination or participated in a proceeding under the Human Rights Law.

3. That the Commission order Respondent to obtain training of at least six hours in length for its managers and supervisors on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on the prohibition against retaliation.

