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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. YALY GUERRERO )

Complainant, )

v. )

ASCHR No. J-07-216

GEMS INTERNATIONAL OF )  
ALASKA, INC. )

Respondent. )

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Yaly Guerrero, hereby alleges the following against Respondent Gems International of Alaska.

1. Yaly Guerrero is a person aggrieved by discriminatory conduct prohibited by AS 18.80.220.

2. At all times relevant, and for the purposes of this Accusation, Respondent Gems International of Alaska, Inc. (“Gems International”), was an employer as that term appears in AS 18.80.220 and as defined by AS 18.80.300(5) that operated a jewelry store in Ketchikan.

3. Dino Dodani, also known as Dinesh Dodani, is and was the co-owner of Gems International including at the time the events alleged in this accusation

1 occurred.

2 4. Yaly Guerrero was employed by Respondent as at all times relevant to  
3 this accusation.  
4

5 5. Respondent hired Ms. Guerrero on May 7, 2007 to work in its  
6 Ketchikan jewelry store.  
7

8 6. During Ms. Guerrero's employment with Respondent, Mr. Dodani  
9 subjected Ms. Guerrero, who is Hispanic, to degrading comments and insulting  
10 treatment that constitute harassment based on Ms. Guerrero's race. The comments  
11 and conduct include repeating Ms. Guerrero's words back to her in a thickened and  
12 exaggerated Spanish accent.  
13

14 7. During Ms. Guerrero's employment with Respondent, Mr. Dodani  
15 screamed and yelled at Ms. Guerrero, swore at her, and called her "stupid" and a  
16 "moron."  
17

18 8. The Respondent's harassment described in paragraphs 6 and 7 above  
19 occurred several times every day and in the presence of other employees.  
20

21 9. Mr. Dodani's harassment of Ms. Guerrero was so pervasive and severe  
22 that it created a hostile work environment and violates AS 18.80.200(a)(1).  
23

24 10. Mr. Dodani's harassment of Ms. Guerrero created a working  
25 environment so intolerable that on July 2, 2007 Ms. Guerrero was forced to resign  
26 from her job. Respondent's constructive discharge of Ms. Guerrero violates AS  
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28 **ACCUSATION** – Page 2 of 4

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1 18.80.220(a)(1).

2 11. As a result of Respondent's violations as set forth above, Ms. Guerrero  
3 has suffered damages in the form of lost wages.  
4

5 **PRAYER FOR RELIEF**

6 Wherefore Complainant asks for the following relief:  
7

8 1. That the Commission issue an order declaring that Respondent  
9 violated AS 18.80.220(a)(1) by subjecting Ms. Guerrero to racial harassment and a  
10 hostile work environment.  
11

12 2. That the Commission issue an order declaring that Respondent  
13 violated AS 18.80.220(a)(1) by creating working conditions for Ms. Guerrero that  
14 were so intolerable that Ms. Guerrero was forced to resign.  
15

16 3. That the Commission issue an order directing Respondent to adopt and  
17 disseminate a policy of nondiscrimination that incorporates the Alaska Human  
18 Rights Law and that includes, but is not limited to, a policy prohibiting  
19 discrimination because of race, and that the policy be approved by the Commission  
20 prior to its dissemination.  
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22 4. That the Commission issue an order directing Respondent to provide  
23 training to its managers, supervisors, and employees in the laws prohibiting  
24 discrimination in employment, and that the training shall be at least three hours in  
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28 **ACCUSATION** – Page 3 of 4

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1 length and shall be conducted in-person by a trainer pre-approved by the  
2 Commission.

3  
4 5. That the Commission issue an order directing Respondent to provide  
5 back pay to complainant for the period beginning with the date of the constructive  
6 discharge, July 2, 2007, and ending with the date the Commission approves this  
7 agreement, and that the total be adjusted for wages earned and interest accrued.  
8

9 6. That the Commission issue an order directing Respondent to submit  
10 a report to the Commission within forty-five days of the date the Commission issues  
11 its order describing the manner in which it has carried out the undertakings herein  
12 outlined.  
13

14 Respectfully submitted this 29th day of March 2010.

15  
16 ALASKA STATE COMMISSION  
FOR HUMAN RIGHTS

17  
18 By: \_\_\_\_\_ /s/  
19 Lauri J Owen  
20 Human Rights Attorney  
21 Alaska Bar No. 0705032  
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