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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.*)
MICHELLE LAVINE,)
Complainant,)
v.)
SCSL, INC., d/b/a PIONEER LODGE,)
Respondent.)

ASCHR No. J-09-161

ACCUSATION

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

1. Respondent SCSL, Inc., is an Alaska corporation that owns and operates the Pioneer Lodge at 339900 West Parks Highway in Willow, Alaska.
2. The Pioneer Lodge employed Michelle LaVine as a waitress and bartender from April 2008 to June 5, 2009.
3. Ms. LaVine performed all of her duties as a waitress and bartender satisfactorily and was at no time ever counseled or disciplined for any issues relating to her job performance.
4. During her employment, Ms. LaVine became pregnant. Ms. LaVine was not pregnant when she was hired by Respondent in April 2008.
5. Ms. LaVine's pregnancy did not interfere with her ability to perform her

1 duties as a waitress and bartender at the Pioneer Lodge.

2 6. In late May and early June 2009, Ms. LaVine was approximately five
3 months pregnant. At this time Ms. LaVine's pregnancy had become well-known at the
4 Pioneer Lodge, and Ms. LaVine physically appeared to be pregnant.
5

6 7. On Friday, June 5, 2009, Ms. LaVine contacted Linda Stillwell, one of
7 Respondent's owners, to inform her that she would not be able to work her scheduled
8 shift on the following Sunday, June 7. Ms. LaVine also informed Ms. Stillwell that she
9 had arranged to have another employee cover her shift for her
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11 8. Ms. Stillwell told Ms. LaVine that she had already arranged for another
12 person to cover Ms. LaVine's shift. Ms. Stillwell further informed Ms. LaVine that her
13 employment was being terminated.
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15 9. After Respondent terminated Ms. LaVine's employment, it assigned Ms.
16 LaVine's duties to other employees who were not pregnant.
17

18 **FIRST CAUSE OF ACTION**
19 **DISCRIMINATION BECAUSE OF PREGNANCY**
20 **A VIOLATION OF AS 18.80.220(a)(1)**

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

22 11. Michelle LaVine was employed by Respondent SCSL, Inc. as a waitress
23 and bartender.
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25 12. Throughout her employment Ms. LaVine performed all of her job duties in
26 a satisfactory manner.

27 13. During her employment, Ms. LaVine became pregnant, and her pregnancy
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ACCUSATION—Page 2

ASCHR, Paula M. Haley, Executive Director, ex rel. Michelle LaVine v. SCSL, Inc d/b/a Pioneer Lodge, ASCHR No. J-09-161

1 was well-known to Respondent and others who worked at and frequented the Pioneer
2 Lodge.

3
4 14. On June 5, 2009, Respondent terminated Ms. LaVine's employment.

5 15. After it terminated Ms. LaVine, Respondent assigned Ms. LaVine's duties
6 to other workers who were not pregnant.

7
8 16. Respondent terminated Ms. LaVine's employment because she was
9 pregnant.

10 17. Respondent's termination of Ms. LaVine's employment constitutes a
11 violation of AS 18.80.220(a)(1).

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13 **PRAYER FOR RELIEF**

14 Wherefore the Executive Director asks for the following relief:

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16 1. That the Commission issue an order declaring that Respondent violated AS
17 18.80.220(a)(1) by terminating Ms. LaVine's employment.

18
19 2. That the Commission order Respondent to adopt and disseminate a
20 policy of nondiscrimination under the Alaska Human Rights Law that includes a
21 policy prohibiting discrimination against employees on the basis of pregnancy.

22 3. That the Commission order Respondent to eliminate from Ms. LaVine's
23 personnel records all documents and entries relating to the facts and circumstances that
24 led Ms. LaVine to file the above-captioned charge of discrimination and any of the
25 related events occurring thereafter.
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4. That the Commission order Respondent to pay back wages, tips, and any other lost remuneration to Ms. LaVine, plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.

5. That the Commission order Respondent to refrain from advising or informing any other employer or potential employer of Ms. LaVine of the facts or circumstances involved in this case.

Dated this 21st day of March 2011 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

/s/

Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070