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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. EDWARD LEON OWENS,)
)
Complainant,)
)
v.)
)
MUNICIPALITY OF ANCHORAGE,)
ANCHORAGE COMMUNITY)
DEVELOPMENT AUTHORITY,)
)
Respondent.)
_____)

ASCHR NO. J-07-035

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex relatione Edward Leon Owens, submits the following Accusation:

1. Edward Leon Owens 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, Municipality of Anchorage, Anchorage Community Development Authority ("MOA ACDA") was and remains an employer as that term appears in AS 18.80.220 and as defined by AS 18.80.300(4).
3. Respondent employed Mr. Owens as a maintenance technician for thirteen years until Respondent terminated his employment on February 14, 2007.
4. Edward Leon Owens is a person with a disability within the meaning of AS 18.80 due to: (1) a herniation of his L-1 and L-2 discs in 2001 and a subsequent

1 injury in 2004 that substantially limit his ability to perform one or more major life
2 activities; and (2) because Respondent regarded Mr. Owens as being disabled.

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4 5. On November 23, 2004, Respondent put Mr. Owens on "light duty" to
5 allow him to perform his job of maintenance technician with the exception of lifting,
6 climbing ladders, and prolonged bending.

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8 6. On December 22, 2006, Respondent directed Mr. Owens to begin a
9 series of fitness for duty evaluations to determine whether Mr. Owens could perform
10 the essential duties of his position, maintenance technician.

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12 7. On January 17, 2007, Respondent placed Mr. Owens on administrative
13 leave pending a review of his ability to perform the essential duties of his position.

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15 8. On February 14, 2007, Respondent informed Mr. Owens that it had
16 determined he could not perform the essential duties of his position as a maintenance
17 technician.

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19 9. On February 14, 2007, Respondent offered Mr. Owens a Lot
20 Patrol/Parking Attendant position, which Mr. Owens could have performed with an
21 accommodation, but Respondent insisted that Mr. Owens accept or decline the
22 position immediately without consideration of the requested accommodation.

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24 10. Due to the fact that Mr. Owens' physical disability would have been
25 exacerbated by performing the duties of the Lot Patrol/Parking Attendant position
26 without an accommodation, Mr. Owens was unable to accept Respondent's proposal.

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28 11. In response to Mr. Owens' request for accommodation in the proposed
position, Respondent immediately terminated Mr. Owens' employment.

1 12. Mr. Owens had the necessary skill, experience, and education and was
2 able to perform the essential functions of the proposed position for Respondent with
3 an accommodation for his physical disability.
4

5 13. At all times relevant hereto Mr. Owens had a physical disability as that
6 term is defined in the Americans with Disabilities Act and AS 18.80.300(12)(A).
7

8 **FIRST CAUSE OF ACTION – FAILURE TO ACCOMMODATE**

9 Paragraphs 1 through 13 are incorporated herein as if set forth in full.
10

11 14. Respondent failed to provide reasonable accommodations for Mr.
12 Owens' known physical limitations in violation of AS 18.80.220(a)(1) and Title I of
13 the Americans with Disabilities Act of 1990.
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15 15. As a result of Respondent's failure to grant Mr. Owens' reasonable
16 accommodation, Mr. Owens lost his livelihood when Respondent terminated his
17 employment.
18

19 16. Because of Respondent's violation of AS 18.80.220(a)(1) Complainant
20 has suffered damages in the form of lost wages and benefits.
21

22 **PRAYER FOR RELIEF**

23 Wherefore Complainant asks for the following relief:

24 1. That the Commission issue an Order declaring that Respondent violated
25 AS 18.80.220 by failing provide reasonable accommodation for Mr. Owens' physical
26 disability and in terminating Mr. Owens' employment.
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