

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M. HALEY,)
EXECUTIVE DIRECTOR, *ex rel.*,)
OLGA L. PAWLACZYK,)

Complainant,)

v.)

MERITAGE MANAGEMENT COMPANY,)
LLC, d/b/a INLET TOWER,)

Respondent.)

ASCHR No. J-12-178

RECEIVED
HUMAN RIGHTS COMMISSION
APR 17 2015
COMMISSION SECRETARY

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Olga Pawlaczyk, hereby alleges the following against Respondent

Meritage Management Company, LLC:

1. Respondent Meritage Management Company, LLC (“Meritage”), is an Alaska limited liability corporation doing business since December 2011 as a licensed hotel and apartment lessor known as Inlet Tower at 1200 “L” Street, Anchorage, Alaska.

2. Complainant Olga Pawlaczyk is Caucasian, of Polish descent, and was employed by Meritage as a housekeeping supervisor. Ms. Pawlaczyk was hired on December 15, 2011, when Meritage purchased the hotel. Ms. Pawlaczyk had worked in the housekeeping section at Inlet Tower for the building’s previous owner since approximately 2006.

1 3. Ms. Pawlaczyk, one of two housekeeping supervisors, was believed to
2 be the only person of Caucasian race and Polish national origin employed in the
3 housekeeping section. On May 17, 2012, Meritage's owner and manager, Bob Gross,
4 decided to eliminate Ms. Pawlaczyk's employment and to instead retain the other
5 housekeeping supervisor who was of a different race and national origin.
6

7
8 4. Mr. Gross terminated Ms. Pawlaczyk's employment without any
9 articulable and legitimate non-discriminatory basis or method.
10

11 5. At the time her employment was terminated, and at all times leading up
12 to the termination, Ms. Pawlaczyk was performing all of her job duties in a
13 satisfactory manner and was qualified for her job.
14

15 6. Ms. Pawlaczyk was not offered alternative employment in any
16 housekeeping position. Soon after Ms. Pawlaczyk's employment was terminated,
17 Meritage hired housekeeping employees who were not of Ms. Pawlaczyk's race and
18 national origin.
19

20 7. After Meritage terminated her employment, Ms. Pawlaczyk sought
21 other jobs but was unable to find work that paid her as much as the housekeeping
22 supervisor job with Meritage.
23

24 8. At the time it began doing business as Inlet Tower in December 2011,
25 Meritage hired as employees virtually all of the people who had been previously
26 employed by the hotel's prior owner. Although Meritage maintained certain hiring and
27 employment termination records for its employees, it did not, and has not, maintained
28

ACCUSATION – Page 2

ASCHR, Paula M. Haley, Executive Director, ex rel. Olga L. Pawlaczyk v. Meritage Management Company, LLC, d/b/a Inlet Tower, ASCHR No. J-12-178

1 records of the race, age, and sex of its applicants for employment and of its employees.

2
3 **FIRST CAUSE OF ACTION**
4 **DISCRIMINATION BECAUSE OF RACE AND NATIONAL ORIGIN**
5 **A VIOLATION OF AS 18.80.220(a)(1)**

6 9. Paragraphs 1 - 8 above are realleged and incorporated herein.

7 10. Olga Pawlaczyk worked for Meritage as a housekeeping supervisor.

8 11. Ms. Pawlaczyk is Caucasian and her national origin is Polish.

9 12. Ms. Pawlaczyk was qualified for her job and her performance was
10 satisfactory.

11 13. Meritage terminated Ms. Pawlaczyk's employment because of her race and
12 national origin. Ms. Pawlaczyk was not offered alternative employment in the
13 housekeeping section because of her race and national origin.

14 14. Meritage's termination of Ms. Pawlaczyk's employment constitutes a
15 violation of AS 18.80.220(a)(1).

16 15. Ms. Pawlaczyk has suffered damages in the form of lost wages and
17 benefits because Meritage terminated her employment.

18
19
20
21 **SECOND CAUSE OF ACTION**
22 **FAILURE TO KEEP EMPLOYMENT RECORDS**
23 **A VIOLATION OF AS 18.80.220(b) and 6 AAC 30.810(a) and (b)**

24 16. Paragraphs 1 -15 above are realleged and incorporated herein.

25 17. Meritage is an employer subject to the provisions of the Human Rights
26 Law, AS 18.80.

1 5. That the Commission order Meritage to refrain from penalizing Ms.
2
3 Pawlaczyk in any way in future considerations for employment and, if rehired, for
4 transfers, promotions, or upgrading because Ms. Pawlaczyk complained about
5 discrimination or because she filed a complaint with the Commission.

6 6. That the Commission order Meritage to refrain from advising or informing
7
8 any other employer or potential employer of Ms. Pawlaczyk of the facts or
9 circumstances involved in this case.

10 7. That the Commission order Meritage to pay back pay, including any lost
11
12 benefits, to Ms. Pawlaczyk, plus interest at the applicable legal rate, the exact amount
13 of which will be proven at hearing.

14 8. That the Commission issue an order declaring that Meritage violated AS
15
16 18.80.220(b) and 6 AAC 30.810(a) and (b) by failing to keep records of the race, age,
17 and sex of its applicants for employment and its employees.

18 9. That the Commission issue an order directing Meritage to make and keep
19
20 the records required to be kept by AS 18.80.220(b) and 6 AAC 30.810(a), and including
21 any other appropriate affirmative relief in the form of evidentiary or other rulings.

22 Dated this 17th day of April 2015 at Anchorage, Alaska.

23
24 ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

25 *Signature Redacted*

26 By: _____

27 Elizabeth Smith
Human Rights Attorney
28 Alaska Bar No. 9402003

ACCUSATION – Page 5

ASCHR, Paula M. Haley, Executive Director, ex rel. Olga L. Pawlaczyk v. Meritage
Management Company, LLC, d/b/a Inlet Tower, ASCHR No. J-12-178