

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. DENNIS PHILLIPS,)

Complainant,)

v.)

ASCHR No. J-08-004

TEW'S EXCAVATION, INC.,)

Respondent.)
_____)

ACCUSATION

Complainant, Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex el. Dennis Phillips, submits the following Accusation against respondent, Tew's Excavation Inc.

1. Tew's Excavation Inc. is an Alaskan corporation doing business in Wasilla, Alaska since 2003.
2. Clayton "Mokie" Tew is and was at the time of the events alleged in this accusation the owner of Tew's Excavation, Inc.
3. Dennis Phillips was employed by Respondent as a shop mechanic from May to October of 2007.

- 1 4. During Mr. Phillips' employment with Respondent, Mr. Tew
2 subjected Mr. Phillips to unwelcome and degrading sexual comments
3 and offensive conduct that constitute harassment. These comments and
4 conduct include graphic references to sexual acts and grabbing and
5 groping Mr. Phillips' body.
6
7
8 5. During Mr. Phillips' employment with Respondent, Mr. Tew made
9 humiliating sexual remarks and crude jokes to and about him in the
10 presence of other employees.
11
12 6. Mr. Phillips complained to Mr. Tew about his offensive comments
13 and conduct. Mr. Phillips clearly demonstrated his opposition to
14 what he perceived as harassment and asked for it to stop.
15
16 7. After Mr. Phillips complained, Mr. Tew continued the harassment.
17
18 8. The harassment was so pervasive and severe that it created a hostile
19 work environment and violates AS 18.80.220(a)(1).
20
21 9. Mr. Tew's harassment of Mr. Phillips created a working
22 environment that was so intolerable that Mr. Phillips was forced
23 resign from his job on October 17, 2007. Respondent's constructive
24 discharge of Mr. Phillips violates AS 18.80.220(a)(1).
25
26

27 ACCUSATION

28 ASCHR, Paula M. Haley, Executive Director, ex rel. Dennis Phillips v. Tew's
Excavation, Inc., ASCHR No. J-08-004

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

10. As a result of Respondents' violations as set forth above, Mr. Phillips has suffered damages in the form of lost wages and benefits.

PRAYER FOR RELIEF

Wherefore complainant asks for the following relief:

1. That the Commission issue an order declaring that respondent violated AS 18.80.220(a)(1) by subjecting Mr. Phillips to sexual harrassment and a hostile work environment.
2. That the Commission issue an order declaring that Respondent(s) violated AS 18.80.220(a)(1) by creating working conditions for Mr. Phillips that were so intolerable that Mr. Phillips was forced to resign.
3. That the Commission order Respondent to adopt and disseminate to all current employees and future applicants a policy of nondiscrimination that incorporates the Alaska Human Rights Law and that includes, but is not limited to, a policy prohibiting discrimination because of sexual harassment as prohibited by AS 18.80.220.
4. That the Commission order Respondent to require training of at least six hours in length for all of its owners, supervisors, and managers on the provisions of the Alaska Human Rights Law, with specific emphasis on the provisions prohibiting discrimination based on sexual harassment.
5. That the Commission issue an Order directing Respondent to provide make-whole relief to Mr. Phillips. Such make-whole relief should include back pay in the amount of wages and benefits Mr. Phillips

