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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.*)
CANDICE SCHUYLER,)
)
Complainant,)
)
v.)
)
ERA AVIATION, INC., and HOTH, INC.,)
d/b/a ERA ALASKA,)
)
Respondents.)
_____)

ASCHR No. J-10-351

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Candice Schuyler, hereby alleges the following against Respondents Era Aviation, Inc., and HoTH, Inc., d/b/a Era Alaska:

1. Respondents Era Aviation, Inc., and HoTH, Inc., (hereinafter "Era") are Alaska corporations engaged in the business of air transportation in Alaska.
2. Candice Schuyler was employed by Era as a flight attendant from September 1, 2007, until December 2, 2010.
3. As part of her job, Ms. Schuyler was required to travel in small or light aircraft and to walk to and from these aircraft where she was exposed to the elements in sometimes inclement or hostile weather.
4. On April 23, 2010, Ms. Schuyler was attempting to open a door on one of Era's aircraft when she slipped on ice beneath her feet and hit her head.

1 5. As a result of hitting her head, Ms. Schuyler suffered a concussion that
2 caused her to miss approximately four weeks of work.

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4 6. Because she suffered an on-the-job injury and because she missed work as
5 a result, Ms. Schuyler filed a workers' compensation claim for her injury.

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7 7. On November 8, 2010, Ms. Schuyler was again approaching one of Era's
8 aircraft in inclement conditions, this time walking with Captain Page Lewis, also an Era
9 employee and the pilot of the plane.

10 8. The tarmac was covered with snow, and there was ice below the snow
11 making it hazardous to walk.

12
13 9. As they approached the aircraft, both Captain Lewis and Ms. Schuyler
14 slipped and fell. As a result of the fall, Ms. Schuyler injured her coccyx, or tailbone.

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16 10. Ms. Schuyler sought medical attention for her injury and was told by her
17 doctor to rest. Ms. Schuyler provided Era with a note from her doctor excusing her from
18 work through November 22, 2010.

19
20 11. As she had with her previous work-related injury, Ms. Schuyler filed a
21 workers' compensation claim because she required medical attention for her injury and
22 because she missed work as a result of the injury.

23
24 12. Ms. Schuyler was reevaluated by her doctor on November 22, 2010, at
25 which point her doctor recommended that she take additional time off work for rest. Ms.
26 Schuyler then provided Era with a second note from her doctor that excused her from
27 work through January 8, 2011.
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13. Shortly after Ms. Schuyler provided this second note from her doctor to Era, Era terminated her employment on December 2, 2010, stating that it “had no option but to fill [her] position with a new employee.”

14. Era fired Ms. Schuyler when it learned she would be away from work for less than seven weeks because of a work-related injury.

15. Ms. Schuyler was fifty-four years old when Era terminated her employment.

16. Other Era employees who missed as much or more work than Ms. Schuyler because of work-related injuries, but who were younger than Ms. Schuyler, were not terminated for missing work.

17. In 2010, one Era flight attendant, who was twenty-nine years old, missed more than five-and-a-half months of work to care for a sick relative. This employee was not fired and was allowed to remain on “forced leave” until she chose to return to work.

**FIRST CAUSE OF ACTION
DISCRIMINATION BECAUSE OF AGE
A VIOLATION OF AS 18.80.220(a)**

18. Paragraphs 1-17 above are realleged and incorporated herein.

19. Candice Schuyler was fifty-four years old when she was employed as a flight attendant by Era in 2010.

20. Ms. Schuyler was qualified for job with Era.

21. Ms. Schuyler’s employment was terminated by Era on December 2, 2010, after informing Era that she would need to miss less than seven weeks of work because

1 of a work-related injury.

2 22. Other, significantly younger Era employees missed as much and, in some
3 cases, substantially more work than Ms. Schuyler and were not fired.

4 23. Ms. Schuyler's employment was terminated by Era because of her age, in
5 violation of AS 18.80.220(a).

6 24. As a result of Era's termination of Ms. Schuyler's employment, Ms.
7 Schuyler has suffered damages in the form of lost wages and other remuneration.

8 **PRAYER FOR RELIEF**

9 Wherefore the Executive Director asks for the following relief:

10 1. That the Commission issue an order declaring that Respondent violated
11 AS 18.80.220(a)(1) by terminating Ms. Schuyler's employment because of her age.

12 2. That the Commission order Respondent to adopt and disseminate a policy
13 of nondiscrimination under the Alaska Human Rights Law that includes a policy
14 prohibiting discrimination against employees on the basis of age, and a policy
15 prohibiting retaliation for complaining about discrimination.

16 3. That the Commission order Respondent to obtain training of at least six
17 hours in length for its managers and supervisors on the provisions of the Alaska Human
18 Rights Law that prohibit discrimination in employment, with an emphasis on preventing
19 age discrimination and retaliation.

20 4. That the Commission order Respondent to obtain training of at least three
21 hours in length for its employees on the provisions of the Alaska Human Rights Law that
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1 prohibit discrimination in employment.

2 5. That the Commission order Respondent to eliminate from Ms. Schuyler's
3 personnel records all documents and entries relating to the facts and circumstances that led
4 Ms. Schuyler to file the above-captioned charge of discrimination and any of the related
5 events occurring thereafter.

6 6. That the Commission order Respondent to pay Ms. Schuyler back wages
7 and any other lost remuneration caused by Respondent's actions, plus interest at the
8 applicable legal rate, the exact amount of which will be proven at hearing.

9 7. That the Commission order Respondent to immediately reinstate Ms.
10 Schuyler to the position of flight attendant, with full benefits and seniority consistent
11 with her original date of hire in November 1993.

12 8. That the Commission order Respondent to pay front pay to Ms. Schuyler
13 until she is fully reinstated.

14 9. That the Commission order Respondent to refrain from advising or
15 informing any other employer or potential employer of Ms. Schuyler of the facts or
16 circumstances involved in this case.

17 Dated this 21st day of April 2014 at Anchorage, Alaska.

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ALASKA STATE COMMISSION
FOR HUMAN RIGHTS
signature redacted

Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070

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