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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. JUDY VOORHIS, )  
 )  
Complainant, )  
 )  
v. )  
 )  
STATE OF ALASKA, DHSS, )  
Division of Public Assistance, )  
 )  
Respondent. )  
\_\_\_\_\_ )

ASCHR No. C-05-141  
OAH No. 09-0129-HRC

**AMENDED COMPLAINT**

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex relatione Judy Voorhis, submits the following Amended Complaint:

1. Judy Voorhis 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, State of Alaska, Department of Health and Social Services, Division of Public Assistance, 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 first hired Ms. Voorhis on July 15, 2002 as an eligibility technician.

1           4.     Respondent employed Ms. Voorhis as an eligibility technician until it  
2 terminated her employment on June 10, 2005.

3  
4           5.     Judy Voorhis is a person with a disability within the meaning of AS  
5 18.80, because she has has a back and knee impairment that substantially limit one or  
6 more of her major life activities.

7  
8           6.     As a result of her disability, Ms. Voorhis is in constant pain and uses a  
9 morphine pump to control the pain.

10          7.     Respondent had notice of Ms. Voorhis' physical impairment during her  
11 employment with Respondent.

12  
13          6.     On May 13, 2003, Ms. Voorhis asked Respondent to modify her  
14 workstation because of her disability and Respondent granted her request.

15  
16          7.     On July 16, 2003, Respondent promoted Ms. Voorhis to eligibility  
17 technician II due to her excellent work performance.

18          8.     On May 12, 2004, Respondent demoted Ms. Voorhis to eligibility  
19 technician I and counseled her about a decline in her work performance.

20  
21          9.     On March 18, 2005, Respondent notified Ms. Voorhis that on March  
22 22, 2005, it would hold an investigatory interview with Ms. Voorhis about her work  
23 performance.

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25          10.    On March 18, 2005, Ms. Voorhis submitted a partly completed written  
26 accommodation request asking that Respondent move her workstation closer to the  
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28  
**Amended Complaint**  
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1 lobby and office equipment to alleviate some of the pain and stress that she  
2 experienced in her current work station location.

3  
4 11. On March 22, 2005, Ms. Voorhis met with Respondent and discussed  
5 her work performance. On that same day, Respondent moved Ms. Voorhis' work  
6 station to be closer to the lobby and office equipment.

7  
8 12. On March 25, 2005, Ms. Voorhis filed a discrimination complaint  
9 against Respondent with the Alaska State Commission for Human Rights, alleging  
10 that Respondent had discriminated against her on the basis of her physical disability.

11  
12 13. On March 29, 2005, Ms. Voorhis submitted a completed written  
13 request for a reasonable accommodation to Respondent, in which she requested a  
14 reduced caseload, to have her work brought to her office, a reevaluation of her work  
15 environment, to be allowed to activate her cases by phone, and assignment of  
16 different duties like payroll and administrative work.

17  
18 14. On March 30, 2005, Ms. Voorhis modified her request to include  
19 reassignment to another position.

20  
21 15. Although Respondent considered many of Ms. Voorhis' requests,  
22 Respondent took no action on Ms. Voorhis' request for reassignment.

23  
24 16. On April 14, 2005, Respondent suspended Ms. Voorhis for one day for  
25 unsatisfactory work performance.

26  
27 17. On June 10, 2005, Respondent terminated Ms. Voorhis' employment  
28 because she was no longer able to perform the duties of her position.

**Amended Complaint**

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Division of Public Assistance, ASCHR No. C-05-141, OAH No. 09-0129-HRC*

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18. Ms. Voorhis had the necessary skill, experience, and education and would have been able to perform the essential functions with or without an accommodation if Respondent had granted her request for reassignment.

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

Paragraphs 1 through 18 are incorporated herein as if set forth in full.

19. Respondent violated AS 18.80.220 by failing to provide reasonable accommodation for her physical disability in the form of a reassignment and for failure to engage in an interactive process in response to Ms. Voorhis' request for reassignment.

20. Respondent violated AS 18.80.220 by terminating Ms. Voorhis' employment.

21. Because of Respondent's violation of AS 18.80.220(a)(1) Ms. Voorhis 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 by failing to provide reasonable accommodation for her physical disability in the form of a reassignment and for failure to engage in an interactive process in response to Ms. Voorhis' request for reassignment.

2. That the Commission issue an Order declaring that Respondent violated AS 18.80.220 by terminating Ms. Voorhis' employment.

*Amended Complaint  
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3. That the Commission issue an Order directing Respondent to provide make whole relief to Ms. Voorhis equal to back pay in the amount of wages and benefits Ms. Voorhis would have been paid by Respondent had she continued to work for Respondent, minus the wages Ms. Voorhis earned from other sources to replace this income, at the applicable legal rate per annum from June 10, 2005, the date of discrimination, until the date of the Commission Order.

4. That the Commission issue an Order directing Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law that includes, but is not limited to, a policy prohibiting discrimination because of disability.

5. That the Commission issue an Order directing Respondent to require training on the provisions of the Alaska Human Rights Law, with specific emphasis on the provisions prohibiting discrimination based on disability for all its Alaska based supervisors and managers.

Respectfully submitted this 16<sup>th</sup> day of March 2009.

ALASKA STATE COMMISSION  
FOR HUMAN RIGHTS

By:                   /s/                    
Caitlin Shortell  
Human Rights Advocate