BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR )
HUMAN RIGHTS, PAULA M. )
HALEY, EXECUTIVE DIRECTOR, )
ex rel. NAZARY J. BUTERIN, JR. )
Complainant, )

v. ) ASCHR No. J-07-062

ANCHORAGE PLUMBING )
AND HEATING, )

Respondent. )

ACCUSATION

Complainant, Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex rel. Nazary J. Buterin, Jr., submits the following Accusation against Respondent Anchorage Plumbing and Heating.

1. Nazary J. Buterin, Jr. is a person aggrieved by discriminatory conduct prohibited by AS 18.80.220 as explained below.

2. Respondent, Anchorage Plumbing & Heating, Inc., is (and was, at all times relevant to this accusation) an employer within the meaning of AS 18.80.300(5).

3. On information and belief, Gerald Brawn was employed by Respondent as a manager at all times relevant to this accusation.

5. On or about April 24, 2007, Mr. Buterin complained to Mr. Brawn that on the previous day a coworker had made race-based, discriminatory comments in his presence while telling a story to coworkers.

6. On or about April 24, 2007, Mr. Brawn met with Mr. Buterin and the coworker who had made the discriminatory comments to discuss Mr. Buterin’s complaint.

7. On April 25, 2007, Mr. Buterin again met with Mr. Brawn. During that meeting Mr. Buterin asked Mr. Brawn to take additional action regarding his complaint.

8. During the April 25, 2007 meeting Mr. Brawn told Mr. Buterin that he is “nothing but trouble” and that Mr. Buterin had “to start getting along with people.”

9. During the April 25, 2007 meeting Mr. Brawn terminated Mr. Buterin’s employment with Anchorage Plumbing & Heating, Inc.

10. At all times relevant herein, and for the purposes of the Accusation, Respondent, Anchorage Plumbing & Heating, Inc. was and remains an employer as that term appears in AS 18.80.220 and as defined by AS 18.80.3004(4).

**PRAYER FOR RELIEF**

Wherefore Complainant asks for the following relief:

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1. That the Commission issue an order declaring that Respondent violated AS 18.80.220(a)(4) by terminating Mr. Buterin’s employment in retaliation for complaining about discrimination.

2. That the Commission issue an order directing Respondent to provide “back pay” in the amount of wages and benefits Mr. Buterin would have been paid by Respondent had he continued to work for Respondent, minus the wages Mr. Buterin earned from other sources to replace this income, plus interest at the applicable legal rate, from April 25, 2007, the date of retaliation, until the date of the Commission order.

3. That the Commission issue an order directing Respondent to reinstate Mr. Buterin to his former position, with the appropriate wage and with all of the other benefits and privileges of employment that would accrue to an employee in Mr. Buterin’s position based on his original date of hire.

4. That the Commission issue an order directing Respondent to provide “front pay” to complainant for the period beginning with the date of the Commission’s decision to the date Respondent reinstates Mr. Buterin in accordance with the preceding paragraph.

5. That the Commission issue an order directing Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law

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that includes, but is not limited to, a policy prohibiting retaliation.

6. That the Commission issue an order directing Respondent to obtain training of its managers and supervisors on the provisions of the Alaska Human Rights Law, with specific emphasis on the provisions prohibiting retaliation.

Dated this 8th day of September 2009 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

By: /s/ Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070

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