

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR  
HUMAN RIGHTS, PAULA M. HALEY,  
EXECUTIVE DIRECTOR, *ex rel.*  
JOANNA HANSEN,

Complainant,

v.

MATANUSKA-SUSITNA BOROUGH,  
DEPARTMENT OF FINANCE,  
REVENUE & BUDGET DIVISION,

Respondent.

ASCHR No. J-10-096

RECEIVED  
HUMAN RIGHTS COMMISSION

SEP 16 2013

COMMISSION SECRETARY

ACCUSATION

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

Matanuska-Susitna Borough, Department of Finance, Revenue & Budget Division:

1. In February 2010, Respondent Matanuska-Susitna Borough, Department of Finance, Revenue & Budget Division (the Borough), hired Joanna Hansen to work as a temporary on-call accounting assistant.

2. Ms. Hansen began working for the Borough in the aforementioned capacity on February 22, 2010.

3. Prior to and during her employment with the Borough, Ms. Hansen suffered from constant and often severe back pain. In consultation with her doctor, Ms. Hansen decided that the best option to reduce her pain was to have surgery.

4. Ms. Hansen did not have health insurance through her employment with

1 the Borough. She was, however, insured through another source, although that  
2 insurance was about to run out.

3  
4 5. Ms. Hansen's surgery would have been prohibitively expensive if she had  
5 to pay for it and it was not covered by her health insurance.

6  
7 6. Because of her need for surgery, and because she could not have afforded  
8 it if she waited, Ms. Hansen requested a brief amount of leave from the Borough to  
9 allow her to have the surgery and recover.

10  
11 7. On March 23, 2010, Ms. Hansen requested seven days of leave to  
12 accommodate her need for surgery, scheduled for April 19, time to recover after the  
13 April 19 surgery, and a pre-op appointment.

14  
15 8. The next day, on March 24, 2010, Ms. Hansen's supervisor, Jennifer  
16 Lindamood, tentatively approved Ms. Hansen's leave request and asked Ms. Hansen to  
17 obtain a letter from her doctor confirming her recovery period.

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19 9. On or about March 26, 2010, the Borough was provided with a note from  
20 Ms. Hansen's doctor stating that she would need more time off than she had originally  
21 estimated, from April 19, 2010, to May 9, 2010.

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23 10. Despite the fact that Ms. Hansen needed the additional time, the Borough  
24 granted Ms. Hansen's request for the leave.

25  
26 11. On April 15, 2010 (a Thursday), Ms. Lindamood reminded Ms. Hansen in  
27 an email to "be sure to turn in your signed time sheet tomorrow before you leave," and  
28 to "give me a call before you return to work so I may advise you of the work load status

1 and verify receipt of physician's [sic] release." Ms. Lindamood also wrote: "Good luck  
2 on your surgery and be sure to heed all your doctor's instructions so you heal properly."

3  
4 12. Ms. Hansen responded to Ms. Lindamood that she would do as she was  
5 asked.

6 13. Ms. Hansen was never given the opportunity to follow through on Ms.  
7 Lindamood's instructions. On April 21, 2010, two days after Ms. Hansen's surgery, the  
8 Borough issued a written termination notice to Ms. Hansen. The notice stated, in part,  
9 that Ms. Hansen's employment was being terminated because her "back issues" made  
10 her unavailable for work. The termination was made effective May 7, 2010, two days  
11 before Ms. Hansen was scheduled to return to work.  
12  
13

14 **FIRST CAUSE OF ACTION**  
15 **DISCRIMINATION BECAUSE OF DISABILITY**  
16 **FAILURE TO PROVIDE A REASONABLE ACCOMMODATION**  
17 **A VIOLATION OF AS 18.80.220(a)**

18 14. Paragraphs 1-13 above are realleged and incorporated herein.

19 15. At the time of her employment with the Borough, Joanna Hansen was a  
20 person with a disability because she had an impairment that substantially limited one or  
21 more major life activities.  
22

23 16. Ms. Hansen was qualified to perform all of the functions of her position  
24 with the Borough.

25 17. Ms. Hansen requested that the Borough grant her leave as an  
26 accommodation for her disability.  
27

28 18. The Borough led Ms. Hansen to believe that it was granting her request

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1 for accommodation by approving her leave request.

2 19. Ms. Hansen reasonably relied on the Borough's representation to her that  
3 it was granting her accommodation request and took the leave she needed for her  
4 surgery and recovery.  
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6 20. Two days after her leave began, the Borough, without any notice to Ms.  
7 Hansen and without any other attempt to engage Ms. Hansen interactively, reneged on  
8 its grant of accommodation and terminated Ms. Hansen's employment.  
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10 21. The Borough's termination of Ms. Hansen's employment constitutes a  
11 violation of AS 18.80.220(a).  
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13 22. Ms. Hansen has suffered harm in the form of lost wages and benefits  
14 because the Borough terminated her employment.  
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### 16 **PRAYER FOR RELIEF**

17 Wherefore the Executive Director asks for the following relief:

18 1. That the Commission issue an order declaring that Respondent Matanuska-  
19 Susitna Borough, Department of Finance, Revenue & Budget Division violated AS  
20 18.80.220(a) by terminating Joanna Hansen's employment because of a disability.  
21

22 2. That the Commission order the Borough to adopt and disseminate a policy  
23 of nondiscrimination under the Alaska Human Rights Law.  
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25 3. That the Commission order the Borough's managers, supervisors, and  
26 employees to obtain training of at least four hours in length on the provisions of the Alaska  
27 Human Rights Law that prohibit discrimination in employment, with an emphasis on the  
28

1 prohibition against discrimination based on disability.

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

7  
8 5. That the Commission order the Borough to refrain from penalizing Ms.  
9 Hansen in any way in future considerations for employment and, if rehired, for transfers,  
10 promotions, or upgrading because Ms. Hansen complained about discrimination or because  
11 she filed a complaint with the Commission.

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13 6. That the Commission order the Borough to refrain from advising or  
14 informing any other employer or potential employer of Ms. Hansen of the facts or  
15 circumstances involved in this case.

16  
17 7. That the Commission order the Borough to pay back wages, including any  
18 lost benefits, to Ms. Hansen plus interest at the applicable legal rate, the exact amount of  
19 which will be proven at hearing.

20  
21 Dated this 6<sup>th</sup> day of September 2013 at Anchorage, Alaska.

22  
23 ALASKA STATE COMMISSION  
FOR HUMAN RIGHTS  
*signature redacted*

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26 \_\_\_\_\_  
Stephen Koteff  
Human Rights Advocate  
Alaska Bar No. 9407070