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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. SUELYNN HIGHT,)
)
Complainant,)
)
v.)
)
SOA, DLWD, DIVISION OF LABOR)
STANDARDS AND SAFETY,)
)
Respondent.)
_____)

ASCHR No. J-08-071
OAH No. 09-0114-HRC

AMENDED ACCUSATION

Complainant, Paul M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex el. SueLynn Hight, submits the following Accusation against respondent State of Alaska, Department of Labor and Workforce Development, Division of Labor Standards and Safety.

1. State of Alaska, Department of Labor and Workforce Development, Division of Labor Standards and Safety is an employer subject to AS 18.80.220.
2. Sue Lynn Hight was employed by Respondent as a safety enforcement officer.
3. On February 15, 2008 and March 20, 2008, Ms. Hight filed a complaint with the Alaska State Commission for Human Rights alleging discrimination based on her sex and retaliation.

1 4. On April 7, 2008, Respondent suspended Ms. Hight for two day
2 without pay for failure to follow instructions regarding entry of information in a
3 database and for dishonesty in the course of an investigatory interview.
4

5 5. Ms. Hight submitted to Respondent that she believed she was
6 following appropriate procedures when she entered information into a database on
7 April 7, 2008.
8

9 6. On April 10, 2008, Respondent ordered Ms. Hight to vacate her office
10 and to move to a smaller work area with no privacy directly in front of her
11 supervisor's office.
12

13 7. On May 27, 2008, Ms. Hight visited an inspection site where she
14 found a three story ladder that was, in itself in compliance but lacked a system to
15 protect against falls. As a result of the lack of fall protection, Ms. Hight cited the
16 inspection site and refused to mount the ladder due to the risk of a fall.
17

18 8. On July 15, 2008, Respondent suspended Ms. Hight for 10 days
19 without pay.
20

21 9. On August 15, 2008, Respondent gave Ms. Hight an unacceptable
22 performance evaluation.
23

24 10. At the time of the performance evaluation, Respondent had relocated
25 Ms. Hight from a private office to a cubicle adjoining her supervisor's office so as to
26 monitor Ms. Hight's comings and goings.
27

28 **FIRST CAUSE OF ACTION – RETALIATION**

Amended Accusation

ASCHR, Paula M. Haley, Executive Director, ex rel. SueLynn Hight v. State of Alaska, Department of Labor and Workforce Development, Division of Labor Standards and Safety, ASCHR No. J-08-071, OAH No. 09-0114-HRC

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Paragraphs 1 through 10 are incorporated herein as if set forth in full.

11. Ms. Hight engaged in a protected activity when she filed complaints of discrimination with the Alaska State Commission for Human Rights on February 15, 2008, March 20, 2008, and April 16, 2008, alleging that respondent had discriminated against her on the basis of sex and retaliated against her for opposing discrimination.

12. In retaliation for Ms. Block's filing of complaints with the Commission, Respondent suspended Ms. Hight for 10 days without pay on July 15, 2008 in violation of AS 18.80.220(4).

13. Because of Respondent's violation of AS 18.80.220(a)(4) Ms. Hight suffered damages in the form of lost wages and benefits for the ten day period of her July 15, 2008 suspension.

PRAYER FOR RELIEF

Wherefore complainant asks for the following relief:

1. That the Commission issue an order declaring that respondent(s) violated AS 18.80.220(a)(4) by retaliating against SueLynn Hight for filing a complaint of discrimination with the Alaska State Commission for Human Rights when it suspended her employment for a 10 day period on July 15, 2008.

1 2. That the Commission order Respondent to disseminate to all
2 employees an approved statement of corporate policy reflecting respondent's
3 nondiscriminatory posture and opposition to any retaliatory practices within thirty
4 days of the date the Commission approves this agreement. The statement shall
5 provide that failure on the part of any employee to observe and implement such
6 policy shall constitute grounds for disciplinary action, including dismissal.
7 Respondent shall send a copy of its proposed policy to the Commission for review
8 and approval within fifteen days of the date the Commission approves this
9 agreement.

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13 3. That the Commission order Respondent to provide training to its
14 managers, supervisors, and employees in the laws prohibiting discrimination in
15 employment within thirty days of the date the Commission approves this agreement.
16 The training shall be at least three hours in length and shall be conducted in-person
17 by a trainer approved by the Commission. Respondent shall send a copy of the
18 resume of the person it proposes to conduct this training along with an outline of
19 the proposed program and training materials to the Commission for review and
20 approval at least fifteen days prior to the date of the training.

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23 4. That the Commission order Respondent to eliminate from
24 complainant's personnel records all documents and entries relating to complainant's
25 ten-day suspension from July 15, 2008, to July 29, 2008. Respondent also affirms
26 that complainant will not be penalized in future considerations for employment and,

27 Amended Accusation

28 *ASCHR, Paula M. Haley, Executive Director, ex rel. SueLynn Hight v. State of Alaska, Department
of Labor and Workforce Development, Division of Labor Standards and Safety, ASCHR No. J-08-
071, OAH No. 09-0114-HRC*

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if rehired, for transfers, promotions, or upgrading because of the circumstances; additionally, no other employer or potential employer of complainant will be advised in any fashion of the facts or circumstances involved in this case.

5. That the Commission order Respondent to provide "back pay" to complainant for the period beginning with the date of the alleged discrimination (10-day suspension without pay), July 15, 2008, and ending with July 29, 2008. Computation of back pay will include regular wages, an estimate of the overtime wages complainant would have earned during the period, and any benefits or increases that would normally accrue to respondent's employees of comparable seniority and ability, plus interest at the applicable legal rate.

6. That the Commission order monitoring of respondent's compliance with the terms of the Commission's order for a period of not less than five years.

Respectfully submitted this 2nd day of April 2009.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

By: _____ /s/
Caitlin Shortell
Human Rights Advocate

Amended Accusation
ASCHR, Paula M. Haley, Executive Director, ex rel. SueLynn Hight v. State of Alaska, Department of Labor and Workforce Development, Division of Labor Standards and Safety, ASCHR No. J-08-071, OAH No. 09-0114-HRC