

ALASKA STATE COMMISSION FOR HUMAN RIGHTS  
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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR )  
HUMAN RIGHTS, MARTI BUSCAGLIA, )  
EXECUTIVE DIRECTOR, *ex rel.* )  
STEVEN GOVATOS, )

Complainant, )

v. )

ASCHR No. J-15-165

ASRC ENERGY SERVICES ALASKA, INC., )

Respondent. )

ACCUSATION

Marti Buscaglia, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Steven Govatos, hereby alleges the following against Respondent ASRC Energy Services Alaska, Inc. (AES AK):

1. Steven Govatos was employed as a Well Maintenance Technician by CH2M Hill, Inc., (CH2M) to work at an oil production facility located at Milne Point on the North Slope of Alaska from March 2011 to March 2015.

2. In approximately 1995, Mr. Govatos was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), a brain disorder causing inattention and/or hyperactivity-impulsivity that interferes with functioning or development.

3. Mr. Govatos's ADHD substantially limits, among other things, his ability to concentrate.

4. For periods of time prior to his employment with CH2M, and continuously

1 from March 2011 to March 2015, Mr. Govatos was prescribed Adderall to treat his  
2 ADHD.

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4 5. While taking Adderall Mr. Govatos is able to concentrate normally and  
5 experiences no other ADHD symptoms.

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7 6. Mr. Govatos took Adderall continuously during his employment with  
8 CH2M and successfully performed all of the duties of his position.

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10 7. CH2M supplied workers for the Milne Point facility pursuant to a contract  
11 with Hilcorp, an oil and gas exploration company.

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13 8. In March 2015, CH2M lost its contract with Hilcorp, and Hilcorp entered  
14 into a new contract with Respondent AES AK to provide personnel at Milne Point.

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16 9. Upon entering into the contract with Hilcorp, Respondent hired Mr.  
17 Govatos, and all of the other CH2M employees who had been working at Milne Point, to  
18 continue to work at the site.

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20 10. Respondent required Mr. Govatos to complete a "Post Offer General and  
21 Occupational History Questionnaire," which asked, among other things, if Mr. Govatos  
22 was taking any medication, receiving treatment for a condition, or had been diagnosed  
23 with a condition that "may interfere with the safe and effective performance" of his  
24 duties.

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26 11. Mr. Govatos answered "no" to these questions because he did not believe,  
27 based on his experience working the same job with CH2M, that his ADHD or the fact  
28 that he was taking Adderall interfered with the safe and effective performance of his job.

**ACCUSATION**—Page 2

*ASCHR, Marti Buscaglia, Executive Director, ex rel. Steven Govatos v. ASRC Energy Services Alaska, Inc., ASCHR No. J-15-165*

1           12.     Respondent also required Mr. Govatos to submit to a urinalysis shortly  
2 after he was hired.

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4           13.     The urinalysis revealed the presence of medication in Mr. Govatos's  
5 system, and Respondent asked Mr. Govatos to explain the positive result.

6           14.     Mr. Govatos explained to Respondent that he was taking Adderall pursuant  
7 to a prescription from his doctor to treat his ADHD.

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9           15.     As a result of Mr. Govatos's positive uranalysis result and his disclosure  
10 that he was taking Adderall, Respondent removed him from the Milne Point job site.

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12           16.     Respondent consulted Dr. Emil Vandermeer, who works for Beacon  
13 Occupational Health and Safety Services, about Mr. Govatos's use of Adderall. Dr.  
14 Vandermeer advised Respondent not to allow Mr. Govatos to work while he was taking  
15 Adderall. Dr. Vandermeer also recommended that Mr. Govatos be subjected to a series  
16 of tests to diagnose his condition, and that Mr. Govatos change his medication to  
17 Strattera, one that Dr. Vandermeer would accept as safe in Mr. Govatos's work  
18 environment.  
19  
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21           17.     Mr. Govatos's treating physician, Dr. Royal Kiehl, wrote to Respondent  
22 and Dr. Vandermeer to explain that further testing for Mr. Govatos was not required  
23 because Mr. Govatos had been thoroughly evaluated over the course of twenty-years and  
24 his diagnosis was well-established by multiple treating physicians over that time.

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26           18.     Dr. Kiehl also stated that Mr. Govatos was fully able to perform his job  
27 effectively and safely while using Adderall, and that Adderall was the most effective  
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1 treatment for Mr. Govatos.

2 19. Despite Dr. Kiehl's statements, Respondent refused to allow Mr. Govatos  
3 to work while he was taking Adderall.  
4

5 20. Mr. Govatos then agreed, against Dr. Kiehl's advice, to try using Strattera,  
6 the alternative medication suggested by Dr. Vandermeer, in order to keep his job.  
7

8 21. Strattera was not effective at treating Mr. Govatos's ADHD symptoms,  
9 and while using Strattera Mr. Govatos was unable to perform the duties of his position.  
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11 22. Because Mr. Govatos was unable to work without taking Adderall, and  
12 because Respondent would not allow Mr. Govatos to work while he was taking Adderall,  
13 Respondent terminated Mr. Govatos's employment on May 22, 2015.  
14

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

19 23. Paragraphs 1-22 above are realleged and incorporated herein.  
20

21 24. Steven Govatos is a person with a disability as that term is defined in AS  
22 18.80.300.  
23

24 25. Mr. Govatos was employed by Respondent AES AK.  
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26 26. Mr. Govatos was qualified to perform all of the essential functions of his  
27 job with Respondent with an accommodation.  
28

29 27. Respondent was aware that Mr. Govatos required a reasonable  
30 accommodation to perform his job.



1 prohibit discrimination in employment.

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

6           6. That the Commission order Respondent to refrain from penalizing Mr.  
7 Govatos in any way in future considerations for employment and, if rehired, for transfers,  
8 promotions, or upgrading because Mr. Govatos filed a complaint with the Commission.  
9

10           7. That the Commission order Respondent to refrain from advising or informing  
11 any other employer or potential employer of Mr. Govatos of the facts or circumstances  
12 involved in this case.

13           8. That the Commission order Respondent to pay back wages, including any  
14 lost benefits, to Mr. Govatos plus interest at the applicable legal rate, the exact amount of  
15 which will be proven at hearing.  
16

17           9. That the Commission order Respondent to immediately reinstate Mr.  
18 Govatos to the position of Well Maintenance Technician from which he was terminated  
19 on May 22, 2015, with full benefits and seniority consistent with his original date of hire.  
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21           10. That the Commission order Respondent to pay front pay to Mr. Govatos  
22 until he is fully reinstated.  
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Dated this 31st day of March 2107 at Anchorage, Alaska.

ALASKA STATE COMMISSION  
FOR HUMAN RIGHTS  
*Signature Redacted*

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Stephen Koteff  
Human Rights Advocate  
Alaska Bar No. 9407070

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