

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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

Complainant,

v.

ASCHR No. J-13-306

NORTH SLOPE BOROUGH, SEARCH )  
AND RESCUE DEPARTMENT, )

Respondent.

ACCUSATION

Marti Buscaglia, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Steve Williamson, hereby alleges the following against Respondent North Slope Borough, Search and Rescue Department (hereinafter “the Borough” or “NSB”):

1. Respondent employed Steve Williamson as a pilot from August 24, 2005, to October 8, 2013.
2. On November 1, 2011, Mr. Williamson’s coworker and fellow pilot, Larry Shue, complained to the Borough that a former chief pilot, whom the Borough was considering for rehire, had made frequent racially derogatory comments about Alaska Natives. Mr. Shue indicated that Mr. Williamson supported his complaint.
3. After Mr. Shue indicated Mr. Williamson’s support for his complaint, the Borough reprimanded Mr. Williamson, changed his shift, and denied him training.
4. On May 9, 2012, Mr. Williamson filed a complaint with the Alaska State

1 Commission for Human Rights, alleging that the Borough retaliated against him for  
2 opposing discrimination when it reprimanded him, changed his shift, and denied him  
3 training.  
4

5 5. On December 12, 2012, Mr. Williamson had surgery to replace a heart  
6 valve. As a result of this surgery, Mr. Williamson temporarily lost his Federal Aviation  
7 Administration (FAA) medical certification. Mr. Williamson's position required him to  
8 have a medical certification issued by the FAA.  
9

10 6. FAA rules required Mr. Williamson to wait six months after his surgery  
11 before his medical certification could be reinstated.  
12

13 7. On April 8, 2013, Mr. Williamson's medical provider released him to  
14 return to work, but he did not yet have his medical certification reinstated by the FAA.  
15

16 8. Mr. Williamson requested that the Borough reassign him to another  
17 position because he did not have his FAA medical certification and he was unable to  
18 work as a pilot.  
19

20 9. Although there were positions to which the Borough could have  
21 reassigned Mr. Williamson, the Borough did not reassign him. Instead, the Borough  
22 placed Mr. Williamson on continued unpaid leave.  
23

24 10. On October 8, 2013, the Borough terminated Mr. Williamson's  
25 employment because the FAA had not yet reinstated his medical certification.  
26

27 11. NSB policy allows employees to take up to a year of unpaid leave, with  
28 permission. Mr. Williamson had been on unpaid leave for less than one year when the  
Borough terminated his employment.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

12. On November 29, 2013, the FAA reinstated Mr. Williamson's medical certification.

**FIRST CAUSE OF ACTION  
TERMINATION BECAUSE OF DISABILITY  
A VIOLATION OF AS 18.80.220(a)**

13. Paragraphs 1-11 above are realleged and incorporated herein.

14. At the time his employment was terminated by the Borough, Mr. Williamson was a person with a disability as that term is defined in AS 18.80.300(14).

15. Mr. Williamson was qualified to perform the essential functions of his position with an accommodation.

16. To the extent Mr. Williamson was determined by the Borough to be unable to perform the essential functions of his position, Mr. Williamson was qualified to perform the duties of other positions that were available.

17. Mr. Williamson requested that the Borough make one or more reasonable accommodations for his disability.

18. The Borough refused to accommodate Mr. Williamson and terminated his employment.

19. The Borough's refusals to accommodate Mr. Williamson, and its termination of Mr. Williamson's employment, constitute violations of AS 18.80.220(a).

20. Because of the Borough's refusals to accommodate Mr. Williamson, and because the Borough terminated Mr. Williamson's employment, Mr. Williamson has suffered harm in the form of lost wages and benefits.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SECOND CAUSE OF ACTION  
TERMINATION IN RETALIATION FOR PROTECTED ACTIVITY  
A VIOLATION OF AS 18.80.220(a)**

21. Paragraphs 1-20 above are realleged and incorporated herein.

22. On November 1, 2011, Mr. Williamson opposed practices that are forbidden under AS 18.80.200 – 18.80.280 by complaining about derogatory racial comments made by a former and potential coworker.

23. On May 9, 2012, Mr. Williamson filed a complaint under AS 18.80 when he filed a complaint against the Borough with the Alaska State Commission for Human Rights.

24. The Borough refused to accommodate Mr. Williamson and terminated his employment because he opposed practices that are forbidden under AS 18.80.200 – 18.80.280 and because he filed a complaint under AS 18.80.

25. The Borough’s refusals to accommodate Mr. Williamson, and its termination of Mr. Williamson’s employment, constitute violations of AS 18.80.220(a)(4).

26. Because of the Borough’s refusals to accommodate Mr. Williamson, and because the Borough terminated Mr. Williamson’s employment, Mr. Williamson has suffered harm in the form of lost wages and benefits.

**PRAYER FOR RELIEF**

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent violated AS 18.80.220(a) and AS 18.80.220(a)(4) by failing to accommodate Mr. Williamson and by

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

terminating his employment.

2. That the Commission order Respondent to adopt and disseminate to all employees a policy of nondiscrimination under the Alaska Human Rights Law, including a policy for providing reasonable accommodations to employees and a policy for refraining from retaliating against employees for engaging in protected activity.

3. That the Commission order Respondent to obtain, within thirty days of the Commission's order, training conducted by a neutral, third-party trainer, of at least six hours in length, for its managers, supervisors, and human resources personnel on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on 1) an employer's obligation not to discriminate against persons with disabilities, 2) an employer's obligation to provide reasonable accommodations to persons with disabilities, and 3) and employer's obligation not to retaliate against persons who engage in protected activity under AS 18.80.

4. That the Commission's order specify that the aforementioned policy, trainer, and training curriculum be subject to approval by the Executive Director.

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

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

9. That the Commission order Respondent to immediately reinstate Mr. Williamson, with the appropriate wages and benefits, to the position that Mr. Williamson would have occupied at the time of the Commission's order had his employment not been terminated.

10. That the Commission order Respondent to pay front pay, including benefits, to Mr. Williamson, from the date of the Commission's order to the date Respondent reinstates Mr. Williamson, the exact amount of which will be proven at hearing.

Dated this 11th day of July 2016 at Anchorage, Alaska.

ALASKA STATE COMMISSION  
FOR HUMAN RIGHTS

*Signature Redacted*

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