

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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ALASKA STATE COMMISSION)
FOR HUMAN RIGHTS, ROBERT W.)
CORBISIER, EXECUTIVE)
DIRECTOR, *ex rel.* LAURA HILL,)
)
Complainant,)
)
v.)
)
ABC MOTOR HOME RENTALS, INC.,)
)
Respondent.)
_____)

ASCHR No. J-18-023

ACCUSATION

Robert W. Corbisier, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Laura Hill, hereby alleges the following against Respondent ABC Motor Home Rentals, Inc.:

1. ABC Motor Home Rentals, Inc., is an Alaskan corporation doing business in Anchorage, Alaska, whose physical and mailing addresses are listed with the Alaska Division of Corporations and Professional Licensing as 3875 Old International Airport Road, Anchorage, Alaska, 99502.

2. Respondent also owns and operates ABC RV Sales with locations at 8103 Old Seward Highway, Anchorage, Alaska, 99518; and 5550 Old Seward Highway, Anchorage, Alaska, 99518.

1 3. John Marquardt and Diane C. Marquardt are the owners of ABC Motor
2 Home Rentals, Inc., through their family trust, the J and D Marquardt Family Trust dated
3 Nov. 24, 2004. John Marquardt is the Director and President of Respondent, while Diane
4 Marquardt is the Director and Vice President of Respondent.

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6 4. Respondent hired Laura Hill as the reservations manager on October 3, 2016.
7 Her beginning salary was \$36,000 per year with the promise of a salary review after ninety
8 (90) days.

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10 5. Ms. Hill received a \$10,000 raise after six (6) months of employment, in
11 March 2017.

12 6. Respondent's fleet manager, who had worked for Respondent for numerous
13 years and was hired while still incarcerated, was a registered sex offender who had as a
14 condition of his probation a prohibition on contact with minors.

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16 7. After one of Respondent's minor employees reported to Ms. Hill that
17 Respondent's fleet manager sexually harassed her and placed her in fear of imminent
18 sexual assault, Ms. Hill advised Respondent's management of the incident and reminded
19 them of prior complaints about the fleet manager.
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21 8. During a meeting to discuss disciplining the fleet manager, Respondent's
22 management lobbed jokes back and forth about the fleet manager's prior history of sexually
23 harassing Respondent's employees, followed by John Marquardt voicing his opinion that
24 the fleet manager should simply be suspended without pay for several months. After
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1 further discussion and Hill's vocal insistence, management reluctantly terminated the fleet
2 manager on or about August 17, 2017.

3 9. During the management meeting regarding the fleet manager's disciplinary
4 action, Respondent affirmatively decided that the sexual harassment incident involving
5 Respondent's minor employee was not to be reported by any employee to the fleet
6 manager's probation officer. Further, in terminating the fleet manager, Respondent
7 affirmatively decided to allow Respondent to continue residing at another location
8 Respondent owned.
9

10
11 10. Respondent retaliated against Ms. Hill by terminating her without just cause
12 on September 20, 2017, for reporting the incident of sexual harassment, which forced
13 Respondent to terminate its fleet manager, who was a long-time and trusted employee.
14

15 11. In December of 2017, the fleet manager returned to Respondent's premises
16 and announced to another employee that Respondent rehired him, effectuating the
17 temporary suspension that Marquardt originally desired for the fleet manager's disciplinary
18 action, and without fear of reprisal from Ms. Hill.
19

20 12. On February 8, 2018, Ms. Hill filed a complaint with the Alaska State
21 Commission for Human Rights that Respondent discriminated against her on the basis of
22 her sex, female, and retaliation for reporting sexual harassment of a seventeen year old
23 employee.
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26 **FIRST CAUSE OF ACTION**
27 **DISCRIMINATION BECAUSE OF SEX**
28 **A VIOLATION OF AS 18.80.220(a)(1)**

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14. Paragraphs 1 through 13 are realleged and incorporated herein.

15. Respondent employed Ms. Hill as the reservations manager, replacing a former male reservations manager. Hill was qualified to perform the duties of her job.

16. Ms. Hill requested to be paid on an hourly basis as the previous male reservations managers were paid, but her request was denied.

17. After hiring Ms. Hill, John Marquardt continued to assign additional responsibilities on top of those she was hired to perform.

18. Ms. Hill was also delegated extra duties by the male rental operations manager, many of which were historically been performed by the rental operations manager.

19. After Respondent learned more of her background, Respondent further expected Hill to update the reservations database. When Ms. Hill said that such a large job would require increasing her pay, she was told the owner paid well and her salary would be reviewed in ninety (90) days.

20. Although Ms. Hill's responsibilities continued to increase, she never complained and instead worked more days and longer hours to accomplish her assigned tasks.

21. After working an average of 60 to 90 hours per week, Ms. Hill received a \$10,000 salary increase after six (6) months, three (3) months later than promised.

22. Respondent promised Hill that she could take significant "comp time" in the winter to compensate her for the excessive number of hours she worked as a salaried

1 employee during the summer of 2017. Respondent terminated her prior to allowing her to
2 take advantage of this benefit.

3 23. Within two (2) weeks of terminating her, Respondent promoted a male
4 employee to reservations manager, and gave that employee a \$29,000 increase in salary
5 above what Respondent paid Ms. Hill.
6

7 24. By subjecting Ms. Hill to a hostile work environment, treating her unfairly
8 compared to male employees, and terminating her because of her sex, Respondent violated
9 AS 18.80.220(a)(1).
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11 25. As a result of Respondent's violation, Ms. Hill has suffered harm in the form
12 of lost wages and benefits.
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14 **SECOND CAUSE OF ACTION**
15 **RETALIATION FOR OPPOSITION TO PRACTICES**
16 **FORBIDDEN UNDER AS 18.80.220(a)(4)**

17 26. Paragraphs 1 through 25 above are realleged and incorporated herein.

18 27. Ms. Hill was in all ways qualified for her job.

19 28. During her employment, Ms. Hill was subjected to unlawful treatment by
20 Respondent when she reported sexual harassment of an employee under her supervision.
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22 29. The rental operations manager told Ms. Hill soon after she was hired that he
23 needed to let her know the fleet manager was a registered sex offender.
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1 30. Soon after Ms. Hill's employment, she advised management of reports she
2 had received regarding the fleet manager's vulgar actions and comments regarding his
3 personal desires, specifically including sexual desires involving other employees.

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5 31. After a minor employee reported sexual harassment and that employee's fear
6 of imminent sexual assault by Respondent's fleet manager, Ms. Hill emailed management
7 and reminded them of previous complaints received regarding the fleet manager's
8 behavior.

9
10 32. At the subsequent management meeting to discuss the sexual harassment,
11 jokes were made about the sexual harassment and it was decided that reporting this event
12 to the employee's probation officer was not an option. Instead of adopting John
13 Marquardt's preferred disciplinary action of temporary suspension, the fleet manager was
14 fired, but allowed to continue living on Respondent's property.

15
16 33. Following Ms. Hill's formal written notice regarding the fleet manager's sexual
17 harassment and vulgar comments about his personal sexual desires, Respondent terminated
18 Ms. Hill for pretextual reasons.

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20 34. Respondent informed Ms. Hill she was terminated because she "did too
21 much" outside of her job description, and due to a "downturn" in tourism.

22
23 35. Respondent terminated Ms. Hill's employment as retaliation for reporting
24 sexual harassment by one of Respondent's favored managers, which is a violation of AS
25 18.80.220(a)(4).

1 supervisors, conducted by a neutral, third-party trainer, on the provisions of the Alaska
2 Human Rights Law that prohibits discrimination in employment, with an emphasis on an
3 employer's obligation not to create a hostile work environment or retaliate against an
4 employee for reporting or complaining about discrimination.
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6 5. That the Commission's order specify that the aforementioned policy, trainers,
7 and training curricula be subject to approval by the Executive Director.
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9 6. That the Commission order Respondent to eliminate all documents and entries
10 from Ms. Hill's personnel records relating to the facts and circumstances that led to Ms. Hill's
11 filing of the above-captioned charge and any of the related events occurring thereafter.
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13 7. That the Commission order Respondent to refrain from penalizing Ms. Hill in
14 any way in future considerations for employment and if hired, for transfers, promotions, or
15 upgrades because Ms. Hill complained about discrimination or because she filed a complaint
16 with the Commission.
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18 8. That the Commission order Respondent to refrain from advising or informing
19 any other employer or potential employer of Ms. Hill of the facts or circumstances involved
20 in this case, or from making any negative comments about Ms. Hill to any of her other
21 employers or potential employers.
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23 9. That the Commission order Respondent to pay back wages, including any
24 lost benefits, to Ms. Hill, plus interest at the applicable legal rate, the exact amount of
25 which will be proven at hearing.
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27 10. That the Commission order Respondent to pay front pay, including benefits,
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to Ms. Hill, the exact amount of which will be proven at hearing.

Dated this 25th day of March 2020 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS
SIGNATURE REDACTED

Robert W. Corbisier
Executive Director
Alaska Bar No. 0311072