

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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

Complainant,

v.

SEWARD CHAMBER OF COMMERCE,
CONFERENCE & VISITORS BUREAU, INC.,

Respondent.

ASCHR No. J-12-139

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* April Bunn, hereby alleges the following against Respondent Seward Chamber of Commerce Conference & Visitors Bureau, Inc.:

1. Respondent Seward Chamber of Commerce Conference & Visitors Bureau, Inc. (hereinafter "Seward Chamber") is an Alaska nonprofit corporation whose primary purpose is to develop, promote, and advance the commercial, financial, industrial, and civic interests of the Seward community.

2. April Bunn was hired by the Seward Chamber on March 21, 2012, as a special events coordinator.

3. Ms. Bunn has a neurological disorder that causes her to have occasional seizures. Ms. Bunn is substantially limited in one or more major life activities during her seizures and is a person with a disability under the Alaska Human Rights Law.

1 4. Despite her disability, Ms. Bunn was qualified to perform her duties as a
2 special events coordinator with or without an accommodation.

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4 5. While at work on April 3, 2012, Ms. Bunn had a seizure that left her
5 temporarily incapacitated. Ms. Bunn was then transported to the hospital for
6 examination.

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8 6. Ms. Bunn did not work the next day, April 4, 2012. The Seward
9 Chamber's executive director, Cindy Clock, called Ms. Bunn on the phone to discuss her
10 employment.

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12 7. During this phone call, Ms. Clock, who had witnessed Ms. Bunn's seizure
13 the day before, informed Ms. Bunn that the seizure was "scary" and that Ms. Bunn would
14 no longer be able to work for the Seward Chamber.

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16 8. The Seward Chamber terminated Ms. Bunn's employment on April 4,
17 2012. Ms. Bunn subsequently sought other employment but was unable to find work that
18 would provide as much compensation as she was paid working for the Seward Chamber.

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

23 9. Paragraphs 1-8 above are realleged and incorporated herein.

24 10. April Bunn is a person with a disability as that term is defined in the
25 Alaska Human Rights Law.

26 11. Ms. Bunn was employed by the Seward Chamber as a special events
27 coordinator from March 21, 2012, to April 4, 2012.
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1 12. Ms. Bunn was qualified to perform all of the functions of her position with
2 or without an accommodation.

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4 13. Despite the fact that Ms. Bunn was qualified to perform all of the functions
5 of her job, with or without an accommodation, Respondent terminated Ms. Bunn's
6 employment with the Seward Chamber.

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8 14. The Seward Chamber terminated Ms. Bunn's employment because of Ms.
9 Bunn's disability.

10 15. Respondent's termination of Ms. Bunn's employment constitutes a
11 violation of AS 18.80.220(a).

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13 16. Because of Respondent's termination of Ms. Bunn's employment, Ms.
14 Bunn has suffered harm in the form of lost wages and benefits.

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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 Seward
19 Chamber of Commerce Conference & Visitors Bureau, Inc., violated AS 18.80.220(a) by
20 terminating April Bunn's employment because of disability.

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22 2. That the Commission order Respondent 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 Respondent to obtain training conducted by a
26 neutral, third-party trainer, of at least six hours in length for its managers, supervisors, and
27 human resources personnel on the provisions of the Alaska Human Rights Law that prohibit
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1 discrimination in employment, with an emphasis on the prohibition against discrimination
2 based on disability.

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

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

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

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

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22 8. That the Commission order Respondent to immediately reinstate Ms. Bunn,
23 with the appropriate wages and benefits, to the position that Ms. Bunn would have
24 occupied at the time of the Commission's order had her employment not been terminated.

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26 9. That the Commission order Respondent to pay front pay, including
27 benefits, to Ms. Bunn, from the date of the Commission's order to the date Respondent
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1 reinstates Ms. Bunn, the exact amount of which will be proven at hearing.

2 Dated this 20th day of April 2015 at Anchorage, Alaska.

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4 ALASKA STATE COMMISSION
5 FOR HUMAN RIGHTS

6 *Signature Redacted*

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8 _____
9 Stephen Koteff
10 Human Rights Advocate
11 Alaska Bar No. 9407070
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