BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

STATE COMMISSION FOR HUMAN RIGHTS, ROBERT W. CORBISIER, EXECUTIVE DIRECTOR, ex rel., JOSEPH LOCKE, Complainant,
v. SUSHI SPOT, INC., d/b/a PETER’S SUSHI SPOT, Respondent.

ASCHR No. J-18-094

ACCUSATION

Robert W. Corbisier, Executive Director of the Alaska State Commission for Human Rights, ex rel. Joseph Locke, hereby alleges the following against Respondent Sushi Spot, Inc., d/b/a Peter’s Sushi Spot:

1. Respondent Sushi Spot, Inc., d/b/a Peter’s Sushi Spot (“Sushi Spot”) is a restaurant located at 3020 Minnesota Drive, Anchorage, Alaska, 99508.

2. Respondent’s Certificate of Incorporation was dated on or about December 8, 2003. According to the 2021 Biennial Report filed with the State of Alaska on or about January 2, 2021, Peter Park owns 70% of the corporation and Sooji Park owns 30% of the corporation.

3. Joseph Locke was employed as a server on or about April 4, 2016.
4. At the time his employment was terminated, and at all times leading up to the termination, Mr. Locke was qualified for his job and performing all job duties in a satisfactory manner.

5. On or about March 22, 2018, Mr. Locke arrived at the restaurant to pick up his tips while wearing a foot brace that had been prescribed by his physician.

6. Mr. Locke notified Respondent on or about March 26, 2018, that he was physically able to continue working with the foot brace.

7. When Mr. Locke attempted to return to work, he found Respondent had other employees covering his shift.

8. Respondent terminated his employment on or about March 29, 2018, when he expressed that he wanted to resign because Respondent was not allowing him to work.

**FIRST CAUSE OF ACTION - DISCRIMINATION BECAUSE OF DISABILITY/TREATED AS IMPAIRED A VIOLATION OF AS 18.80.220(a)**

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

10. Joseph Locke was employed by Respondent as a server.

11. Mr. Locke was qualified to perform his job as a server and was performing his job duties in a satisfactory manner.

12. On or about March 22, 2018, Mr. Locke went to the restaurant to collect his tips while wearing a physician prescribed foot brace.
13. Respondent treated Mr. Locke as disabled when he saw Mr. Locke on the restaurant’s camera and instructed Mr. Locke to go home because the foot brace was inappropriate and “not a good look” for the restaurant.

14. Respondent further instructed Mr. Locke not to return until he was no longer wearing the foot brace.

15. Mr. Locke had a release from his doctor that would allow him to continue working with the foot brace.

SECOND CAUSE OF ACTION – DISCRIMINATION BECAUSE OF DISABILITY/FAILURE TO ACCOMMODATE
A VIOLATION OF AS 18.80.220(a)

16. Paragraphs 1 to 15 above are realleged and incorporated herein.

17. Mr. Locke was prescribed a foot brace by his physician due to gout flare-up.

18. Mr. Locke believed that he could perform the functions of his job, a server.

19. Despite the release from his doctor, Respondent failed to engage in the interactive process and consider a reasonable accommodation.

20. Respondent’s failure to engage in the interactive process constitutes a violation of AS 18.80.220(a).

21. Because of Respondent’s failure to engage in the interactive process and allow Mr. Locke to continue working, he suffered lost wages.
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 by refusing to engage Mr. Locke in discussions regarding potential accommodations.

2. Respondent therefore agrees to adopt and disseminate to all employees an approved statement of corporate policy reflecting Respondent’s nondiscriminatory posture and opposition to any retaliatory practices.

3. That the Commission order Respondent to obtain one hour of in-person training for its managers, supervisors, and employees on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on disability-based discrimination, and that such order specify that the trainer and training curriculum be approved by Commission staff prior to the training being conducted.

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

5. That the Commission order Respondent to refrain from penalizing Mr. Locke in any way in future considerations for employment and, if rehired, for transfers,
promotions, or upgrading because Mr. Locke complained about discrimination or because he filed a complaint with the Commission.

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

7. That the Commission order Respondent to pay back wages to Mr. Locke for the period beginning on March 22, 2018, and ending on the date of the Commission’s order, plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.


ALASKA STATE COMMISSION FOR HUMAN RIGHTS

SIGNATURE

By: ____________________________
Helen T. Hickmon
ABA# 0211067
Human Rights Advocate