

1 BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

2 ALASKA STATE COMMISSION FOR )  
3 HUMAN RIGHTS, MARTI BUSCAGLIA, )  
4 EXECUTIVE DIRECTOR, *ex rel.*, )  
5 CHARLIE KANAYURAK, )

6 Complainant, )

7 v. )

ASCHR No. J-15-386

8 NORTH SLOPE BOROUGH FIRE )  
9 DEPARTMENT, )

10 Respondent. )  
11 \_\_\_\_\_ )

12 ACCUSATION

13  
14 Marti Buscaglia, Executive Director of the Alaska State Commission for Human  
15 Rights, *ex rel.*, Charlie Kanayurak, hereby alleges the following against Respondent  
16 North Slope Borough Fire Department:  
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- 18 1. Respondent North Slope Borough Fire Department (“NSB Fire  
19 Department”) is located in Utqiagvik, f/k/a Barrow, Alaska.  
20  
21 2. Charlie Kanayurak is a resident of Utqiagvik and was employed by NSB Fire  
22 Department as the Battalion Fire Chief for Village Operations.  
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24 3. The Borough employed Mr. Kanayurak as a Battalion Chief beginning in  
25 August 2012.  
26  
27 4. On November 12, 2015, Shannon Esparza, Respondent’s Acting Fire Chief,  
28 directed Mr. Kanayurak to attend a training session scheduled to be held on the afternoon  
of November 16, 2015.

ALASKA STATE COMMISSION FOR HUMAN RIGHTS  
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5. Mr. Kanayurak informed his supervisor that he would not be able to attend the training because his daughter had a previously scheduled medical appointment and he needed to attend the appointment with his daughter.

6. This was not the first time Mr. Kanayurak had requested leave to take his daughter to a medical appointment. Mr. Kanayurak's daughter has a serious medical condition and is a person with a disability, and Mr. Kanayurak has been to many medical appointments made necessary by his daughter's medical condition.

7. Respondent was aware of Mr. Kanayurak's daughter's medical condition and had granted Mr. Kanayurak leave under the Family Medical Leave Act several times in 2015 so that he could take his daughter to medical appointments.

8. On the morning of November 16, 2015, Mr. Kanayurak contacted Respondent's human resources department and learned that the same training was also being held on December 10, 2015.

9. On the morning of November 16, 2015, Mr. Kanayurak informed Ms. Esparza that he could not attend training that day because his daughter had a medical appointment at the same time as the training.

10. Ms. Esparza told Mr. Kanayurak that she believed he was using his daughter's medical condition as an excuse to not attend the training, denied Mr. Kanayurak's request for paid leave, and informed Mr. Kanayruak that he would be forced to use leave without pay to go to his daughter's medical appointment if he did not attend the training.

1 11. Mr. Kanayruak did not attend the training and took his daughter to her  
2 appointment.

3  
4 12. Respondent forced Mr. Kanayruak to take leave without pay for his absence  
5 during the training.

6 13. Respondent has previously allowed other employees to reschedule  
7 mandatory training without having to take leave without pay.  
8

9 **FIRST CAUSE OF ACTION**  
10 **DISCRIMINATION BECAUSE OF PARENTHOOD AND BECAUSE OF**  
11 **ASSOCIATION WITH A PERSON WITH A DISABILITY**  
12 **A VIOLATION OF AS 18.80.220(a)**

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

14 15. In November 2015, Mr. Kanayurak was employed by the North Slope  
15 Borough Fire Department.

16 16. While employed by Respondent, Mr. Kanayurak sought paid leave to take  
17 his daughter to a medical appointment.  
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19 17. Mr. Kanayurak's daughter is a person with a disability.

20 18. Respondent denied Mr. Kanayurak's request to take paid leave to take his  
21 daughter to a medical appointment.  
22

23 19. Respondent denied Mr. Kanayurak's request for paid leave because the  
24 leave was needed for Mr. Kanayurak to take his daughter to a medical appointment.

25 20. Respondent allows other employees to take paid leave to miss training  
26 sessions when such leave is not requested for the employees to take their children to  
27  
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1 medical appointments.

2 21. Respondent's denial of Mr. Kanayurak's request for paid leave constitutes a  
3 violation of AS 18.80.220(a).  
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5 22. Because of Respondent's violation of AS 18.80.220(a), Mr. Kanayurak has  
6 suffered harm in the form of lost wages.  
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### 8 PRAYER FOR RELIEF

9 Wherefore, the Executive Director asks for the following relief:

- 10 1. That the Commission issue an order declaring that Respondent North Slope  
11 Borough Fire Department violated AS 18.220(a) on the basis of parenthood and  
12 complainant's association with a person with a disability.  
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- 14 2. That the Commission order that Respondent North Slope Borough Fire  
15 Department adopt and disseminate a policy of nondiscrimination under the Alaska Human  
16 Rights Law.  
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- 18 3. That the Commission order that Respondent North Slope Borough Fire  
19 Department obtain in-person training of at least three hours in length for its managers and  
20 supervisors on the provisions of the Alaska Human Rights Law that prohibit  
21 discrimination in employment, and that such order specify that the trainer and training  
22 curriculum be approved by the Executive Director prior to the training being conducted.  
23
- 24 4. That the Commission order that Respondent North Slope Borough Fire  
25 Department eliminate from Mr. Kanayurak's personnel records all documents and entries  
26 relating to the facts and circumstances that led to Mr. Kanayurak's filing of the above-  
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1 captioned charge and any of the related events occurring thereafter.

2 5. That the Commission order Respondent North Slope Borough Fire  
3 Department to refrain from penalizing Mr. Kanayurak in any way in future considerations for  
4 employment and, if rehired, for transfers, promotions, or upgrading because Mr. Kanayurak  
5 complained about discrimination or because he filed a complaint with the Commission.  
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7 6. That the Commission order Respondent North Slope Borough Fire  
8 Department to refrain from advising or informing any other employer or potential employer  
9 of Mr. Kanayurak of the facts or circumstances involved in this case.  
10

11 7. That the Commission order Respondent North Slope Borough Fire  
12 Department to pay back pay, including any lost benefits or remuneration, to Mr.  
13 Kanayurak, plus interest at the applicable legal rate, the exact amount of which will be  
14 proven at hearing.  
15

16 Dated this 20th of February 2017 at Anchorage, Alaska.  
17

18 ALASKA STATE COMMISSION  
19 FOR HUMAN RIGHTS

20 *Signature Redacted*

21 By

22 Sara Bloom  
23 Human Rights Attorney  
24 Alaska Bar No. 1509071  
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