

Alaska State Commission for Human Rights

2008 Annual Report

Alaska State Commission for Human Rights
800 A Street, Suite 204
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STATE OF ALASKA
HUMAN RIGHTS COMMISSION

March 2, 2009

The Honorable Sarah Palin, Governor of Alaska
The Honorable Gary Stevens, President, Alaska Senate
The Honorable Mike Chenault, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 2008 Annual Report of the Alaska State Commission for Human Rights. The Commission is entering its 46th year as Alaska's civil rights enforcement agency.

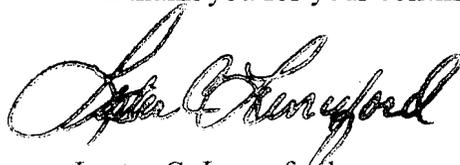
In 2008, several thousand Alaskans contacted the Commission staff with questions and requests for assistance. More older Alaskans are seeking the agency's assistance with their concerns about discrimination. Complaints of discrimination filed by people over the age of forty-one increased by seven percent this year. There has been a three-fold increase in complaints from people over sixty-one years of age since 2005.

The Commission staff completed twenty-three percent more investigations than in 2007. This effort helped the agency avoid developing a case backlog. The Commissioners remain concerned, however, about resolving complaints promptly as investigative caseloads remain high.

The Commission's voluntary mediation program continues to be very successful. Both businesses against whom complaints of discrimination were filed and the Alaskans bringing the claims appreciate the opportunity to informally resolve their concerns. Seventy percent of cases that went through mediation in 2008 settled.

Although staff's primary focus is investigating complaints, outreach in 2008 increased slightly. The Commission was able to visit areas outside of Anchorage and conducted workshops on employment discrimination in Nome and Barrow, presented a training on compliance with the Human Rights Law in Fairbanks, and held workshops on the issue of sexual harassment in Ketchikan. In Anchorage, staff conducted workshops on the Americans with Disabilities Act and how to work with the Commission as a case moves through the investigative process. The staff continues to provide outreach as resources are available.

We thank you for your continued support of the agency's mission to prevent and eliminate discrimination in Alaska.



Lester C. Lunceford
Chairperson

COMMISSIONERS

RANDALL H. ELEDGE, Anchorage

MARK S. FISH, Anchorage

LESTER C. LUNCEFORD, Whittier

GRACE E. MERKES, Sterling

BARBARA (TAMIE) J. MILLER, Wasilla

KAREN RHOADES, Wasilla

ROBERT B. SAWYER, JR., Fairbanks

COMMISSION STAFF

Paula M. Haley, Executive Director

Stephen Koteff, Chief of Enforcement

Caitlin Shortell, Human Rights Advocate

M. Anne Keene, Administrative Manager

Lucinda G. Bay, Administrative Clerk

Joyce A. Hardy, Docket Officer

Jocelyn D. McIntyre, Law Office Assistant

Margaret A. Taylor, Commission Secretary

Robert C. Eddy, Investigations Director

Nanette Gay, Investigations Director

Erin Collins, Investigator

Nicole Hillstrom, Investigator

Brandy Curtis Richards, Investigator

Triptaa Surve, Investigator

Patricia Watts, Investigator

Mary Southard, Mediator

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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PUBLIC HEARING CASES



In *Robin Block v. Pulse Newspaper*, complainant, an above-knee amputee, alleged that respondent refused to reasonably accommodate her by allowing her to have a designated parking space next to respondent's business. Complainant also alleged that respondent terminated her employment after she complained about the lack of accommodation. Commission staff investigated the complaint and found substantial evidence to support the allegations. Efforts to conciliate the matter were unsuccessful, and an administrative law judge from the Office of Administrative Hearings held a hearing on March 18, 2008. As of December 31, 2008, a preliminary decision from the ALJ had not yet been issued.

In *Jenny Chapa v. Advancial Federal Credit Union*, complainant alleged that respondent discriminated against her because of her sex and national origin, Dominican. Commission staff found substantial evidence that respondent subjected complainant to a hostile work environment based on her sex and that it prohibited her from speaking her native language at work when the restriction was not justified by business necessity. The parties reached a settlement in which respondent agreed to provide training to its managers, supervisors, and employees on the laws prohibiting discrimination in employment with emphases on sexual harassment and national origin discrimination. On May 1, 2008, the Commission dismissed the case.

In *Bambi Caviness v. Paradise Tub & Tan*, complainant alleged that respondent discriminated against her based on her sex when respondent's owner subjected her to unwanted touching and comments of a sexual nature. Commission staff found the allegations were supported by substantial evidence and efforts to conciliate the matter failed. The Commission and respondent later entered into a settlement in which the respondent agreed to obtain training for its owner on the laws prohibiting discrimination in employment with an emphasis on sexual harassment. On September 12, 2008, the Commission dismissed the case.

FIRST AID FOR HARASSMENT

The manager of a medical office filed a complaint alleging that the doctor for whom she worked repeatedly subjected her to sexual harassment. She asserted that the doctor often touched her inappropriately and that he gave her gifts expecting sexual favors in return. The manager alleged that the behavior became so intolerable that she was forced to quit. The Commission investigated the manager's complaint and found substantial evidence supported her allegations. In a conciliation agreement, the doctor agreed to pay the office manager \$26,000 in back pay, post a notice advising employees of their right to be free from sexual harassment, and undergo training on the laws prohibiting discrimination. The Commission closed the case upon verification of the respondent's full compliance with the agreement.

RIGHTING RETALIATION

A local government clerk alleged that her employer retaliated against her because she complained about sex harassment by a male coworker who was verbally abusive to female staff. The clerk alleged that it took her employer a year to take corrective action on her complaint. After that, when her contract was about to end, the employer refused to renew it. The parties mediated the complaint and reached a settlement in which the employer agreed to pay the clerk \$20,000 and provide her with a positive reference letter.

In *Lester Hubbard v. Alaska Computer Essentials, Inc.*, complainant alleged that respondent discriminated against him on the basis of his disability, paraplegia. Complainant alleged that as a student in respondent's computer class he was unable to use the restroom because respondent's business lacked facilities that were accessible to persons who use wheelchairs for mobility. Commission staff found that complainant's allegations were supported by substantial evidence, efforts to conciliate the case failed, and the case was assigned to an administrative law judge in the Office of Administrative Hearings. On October 13, 2008, a motion for a default judgment was filed with the ALJ based on respondent's failure to respond to motions or discovery requests. As of December 31, 2008, the ALJ had not ruled on the motion.

In *Larry Flakes v. Alaska Sales and Service*, complainant alleged that respondent failed to promote him from his position of sales representative to a team leader position because of his race, Black. Commission staff found substantial evidence of discrimination, and conciliation attempts were unsuccessful. A public hearing was held by an administrative law judge in the Office of Administrative Hearings on September 22-29, 2008. At the end of 2008, a recommended decision from the ALJ had not been issued.

In *Edward Owens v. Municipality of Anchorage, Anchorage Community Development Authority*, complainant alleged that respondent discriminated against him because of his physical disability, back impairment. Complainant worked for respondent for thirteen years as a maintenance technician but was unable to continue performing the essential functions of his position after becoming disabled from an on-the-job injury. Complainant asserted that he could have performed the duties in an available alternative position with an accommodation, but respondent refused to consider an accommodation and terminated his employment. Commission staff found substantial evidence supported complainant's allegations. The parties were unable to reach a settlement and the Commission issued a notice of conciliation failure on December 17, 2008. As of December 31st an accusation had not yet been issued.

In *Nada Raad v. Fairbanks North Star Borough School District*, complainant alleged that respondent discriminated against her because of her national origin, Lebanese, and religion, Muslim, when it failed to hire her for thirty-one different teaching positions. Complainant further alleged that respondent refused to hire her in retaliation for filing a

STOP STEREOTYPING

A lot attendant for a home improvement center alleged that his employer refused to promote him and refused to allow him to operate machinery because of his disability, Asperger's syndrome. Commission staff investigated the complaint and found that the allegations regarding the employer's refusal to promote were not supported by substantial evidence. Staff found, however, that the employer improperly denied the attendant training opportunities because it believed the attendant could not operate the machinery safely. Investigation revealed that the employer simply assumed the attendant would present a threat to himself or others because of his disability without conducting an individualized assessment of his abilities. The Commission conciliated the case with the employer, who agreed to train its supervisors on the laws prohibiting disability discrimination.

WAGS FOR FULL ACCESS

A complainant alleged that after she brought her service dog to a doctor's office she was told she could not have the dog accompany her on return visits. Prior to investigation, the parties agreed to settle the case. The doctor's office agreed to allow the complainant to bring her service dog to future medical appointments and to train all its staff regarding the requirements to allow full access for persons with service animals under the laws prohibiting disability discrimination.

prior discrimination complaint. After a public hearing, the Commission issued an order dismissing the case. Complainant appealed the Commission order, and the Alaska Supreme Court remanded the case to the Commission for further findings on whether respondent's reasons for not hiring complainant for some of the positions were pretextual. On December 9, 2005, the case was transferred to the Office of Administrative Hearings for a preliminary decision. On March 13, 2008, the administrative law judge assigned to the case issued a recommended decision finding that complainant failed to establish national origin discrimination or unlawful retaliation with respect to any of her remaining claims. On October 10, 2008, the hearing commissioners issued a final decision adopting the ALJ's recommendations and dismissed the case.

In *Nancy Rosenblad v. Valley Tesoro Service Station*, complainant alleged that respondent subjected her to sexual harassment and made her working conditions so intolerable she was forced to resign from her position as a barista. Complainant also alleged that respondent retaliated against her for complaining about the harassment by changing her shift and reducing her hours. Commission staff found the allegations were supported by substantial evidence and efforts to conciliate the case failed. Prior to hearing, the parties reached a settlement in which respondent agreed to pay complainant \$3,000 and obtain training for its managers, supervisors, and employees on the laws prohibiting discrimination in employment, with emphases on sexual harassment. After Commission staff verified respondent's compliance with the terms of the settlement agreement the Commission granted the staff's motion to dismiss the case on December 11, 2008.

In *Harry Ross v. Alaska Railroad Corporation*, complainant alleged that respondent failed to promote him from his position of conductor to a trainmaster position because of his race, Black. Commission staff found complainant's allegations were not supported by substantial evidence and complainant appealed the decision to superior court. The superior court reversed the Commission's decision and found substantial evidence of discrimination. The court remanded the case to the Commission. After conciliation efforts were unsuccessful, the case was scheduled for hearing before the Office of Administrative Hearings on January 20, 2009.

FLUENT IN FAIRNESS

A technician for a security company filed a complaint alleging that his employer discriminated against him based on his national origin, Mexican, when it told him to refrain from speaking Spanish at any time during working hours. The employer asserted that the technician was directed to speak only English so that customers could understand him and because some coworkers stated that they felt "uncomfortable" when he spoke Spanish. The Commission staff found that the company's concern about the technician's communication with customers was a valid business necessity, but that a coworker's preference was not. The parties entered into a conciliation agreement in which the company adopted a policy to insure that limits placed on employees' ability to speak their native language is based on business necessity.

SHORT CIRCUIT DISPARITY

An electrical apprentice alleged that his employer disciplined him more harshly than his coworkers because of his race, African-American, and ultimately terminated his employment. The employer denied the allegations, stating that the apprentice was terminated for personal cell phone and internet use while at work. The apprentice pointed out that his coworkers also used their cell phones and the internet for personal reasons during work hours and that they were not terminated. Prior to investigation the parties reached a predetermination settlement in which the employer agreed to pay the apprentice \$7,700.

In *John Ryan v. Magone Marine Service, Inc.*, complainant alleged that respondent discriminated against him on the basis of his race, Black, when respondent terminated him from his position as a welder for unauthorized use of a company vehicle and for falsifying his time card. Complainant alleged that other employees were not fired for similar behavior. Commission staff found substantial evidence to support the allegations and conciliation attempts failed. The parties thereafter reached a settlement in which respondent agreed to provide complainant with make whole relief in the amount of \$1,000 and to adopt and disseminate to all of its employees a policy prohibiting discrimination. The Commission dismissed the case on January 15, 2008.

In *Robert Steck v. Pioneer Bamboo Lounge*, complainant alleged that respondent's owner had discriminated against him based upon his disability, epilepsy, when the owner refused to allow his service animal to remain on respondent's premises. After Commission staff found substantial evidence to support the allegations and conciliation efforts failed, complainant asked to withdraw his complaint and the executive director approved the request. The Commission granted a motion to dismiss on March 19, 2008.

In *James Wright v. Bentley Mall*, complainant alleged that respondent's security guard discriminated against him based upon his race, Alaska Native, when the guard ejected him from the mall. Commission staff found the allegations to be supported by substantial evidence. The parties did not reach an agreement to conciliate; however, respondent entered into a settlement with the Commission in which respondent agreed to adopt and disseminate to all of its employees and contractors a statement of corporate policy reflecting respondent's nondiscriminatory posture and opposition to any retaliatory practices. On July 10, 2008, the Commission dismissed the case.

In *Tanya Ziegler v. Sam's Inc., d/b/a Ahnco Office Solutions*, complainant alleged that respondent discriminated against her because of her sex when respondent's manager subjected her to unwelcomed touching and sexually offensive comments. Complainant further alleged that after she complained to her supervisor about the manager's behavior, respondent took no corrective action and terminated her employment. Commission staff found substantial evidence to support the allegations. Efforts to conciliate the matter failed, and the case was referred to the Office of Administrative Hearings. As of December 31, 2008, a hearing had not yet been scheduled.

HEFTY "BAGGAGE" FEE

A complainant alleged that he was refused employment as an environmental health officer because he had a record of disabilities. Commission staff investigated and found that the complainant had previously worked for this employer for fifteen years but had to resign due to complications from medications he took to control his conditions. Staff also found that the complainant was well qualified for the job and that the hiring committee that evaluated his application had twice recommended him for the position. The employer's manager, who was responsible for hiring, rejected the committee's recommendations due to complainant's prior "baggage." The Commission found that the allegations were supported by substantial evidence. The parties conciliated the case when the employer agreed to pay \$10,000 in back pay and offer complainant the next available position. The employer also trained its managers and supervisors on the laws prohibiting discrimination in employment.

SAY WHAT!

A woman filed a complaint alleging that she was discriminated against by a governmental agency because of her race. She alleged that when she called the government office to obtain information she spoke with the administrative assistant who repeatedly referred to her as a "dumb Native." The parties mediated the complaint and settled the case when the agency agreed to pay the woman \$20,000 and provide her with letters of apology from its managers.

LITIGATION



In **Billingham v. Alaska State Commission for Human Rights**, complainant alleged that her employer, the State of Alaska, treated her differently in the terms and conditions of her employment because of her age and sex and in retaliation for filing an earlier complaint. Commission staff determined that the allegations were not supported by substantial evidence. Complainant appealed the Commission's decision to superior court on December 2, 2004. On July 7, 2006, the court affirmed the Commission decision regarding Ms. Billingham's retaliation claim but remanded the case for additional findings on the age and sex claims. The Commission conducted additional investigation and concluded that no new evidence supported complainant's claims. On February 15, 2008, the superior court affirmed the Commission's final decision.

In **Gallant v. Alaska State Commission for Human Rights**, complainant, who suffered from acute chemical sensitivity as a result of cancer treatments, alleged that Cook Inlet Housing Authority failed to provide a reasonable accommodation to her by refusing to house her in a hotel when chemicals were used in or around her apartment. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed to superior court. The Commission agreed to a limited remand to determine whether complainant's accommodation request would have posed an undue hardship for respondent. During the remand, complainant passed away, and the court determined that there was no party on whose behalf the appeal could proceed. The court vacated the remand order and dismissed the case on October 20, 2008.

In **Grundberg v. Alaska State Commission for Human Rights**, complainant alleged that the State of Alaska, Department of Transportation and Public Facilities, discriminated against her because of her sex, age, fifty-eight, and race, Asian, when it promoted a younger, less qualified male to an Engineer II position for which she applied. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed the decision to superior court. At the end of 2008 briefing in the case had not been completed.

SPEAK NO EVIL

An administrative employee alleged that a manager made numerous vulgar and unwelcome sexual comments to her. She asserted that after she complained to the general manager, her hours were reduced and she was transferred to a position directly supervised by the alleged harasser. Commission staff found that at least two other female employees quit their jobs because of sexual harassment by this manager. When these women told the general manager of their experiences with sexual harassment in the workplace he discounted their testimony because they did not complain earlier. Commission staff found substantial evidence that the general manager failed to take prompt corrective action in response to allegations and evidence of sexual harassment. The parties conciliated the case when the employer agreed to train its managers on the laws prohibiting sexual harassment.

IT'S AN IMAGE THING

A clerk who worked for a payroll company and was undergoing chemotherapy for breast cancer said that she asked her employer to allow her to wear surgical gloves when handling money at work to protect her from infection. The clerk said that her employer refused the request because the "image" of her wearing gloves would be detrimental to its customers and denied her request for a reasonable accommodation for her disability. The parties reached a mediated settlement in which the employer agreed to pay the clerk \$13,000.

In **Johnson v. Alaska State Commission for Human Rights**, complainant alleged that the Anchorage School District discriminated against him because of his sex, race, African American, and his disability, deep vein thrombosis, when it issued him a negative performance evaluation and did not renew his contract. The Commission did not find substantial evidence to support complainant's allegations. Complainant appealed to superior court. The court's decision was pending at the end of 2008.

In **Ross v. Alaska State Commission for Human Rights**, complainant alleged that the Alaska Railroad Corporation refused to promote him to the position of trainmaster because of his race, Black. The Commission did not find substantial evidence to support complainant's allegations and dismissed the case. Complainant filed an appeal of the Commission's decision in superior court. The court issued a decision in which it found substantial evidence that discrimination motivated the Railroad's decision. On March 10, 2008, the court remanded the case to the Commission for further proceedings.

In **Obermeyer v. Alaska State Commission for Human Rights**, complainant alleged that the Anchorage School District refused to hire her as a teacher because of her age, sixty-two. Commission staff found that the allegations were not supported by substantial evidence and closed the case. Complainant appealed the Commission's decision to superior court. At the end of 2008, the court had not yet set a briefing schedule.

In **Villaflores v. Alaska State Commission for Human Rights**, complainant alleged that ConocoPhillips refused to hire him as a human resources representative because of his age, forty-five, and race, Asian. Commission staff found that the allegations were not supported by substantial evidence. Complainant appealed the Commission's decision to superior court. The superior court affirmed the Commission's decision on November 23, 2006, and complainant then appealed to the Alaska Supreme Court. On February 8, 2008, the Supreme Court affirmed the decision and dismissed the case.

In **Warren v. State of Alaska, Department of Public Safety, Alaska State Troopers**, complainant filed a complaint with the Commission alleging that his application for a position as a state trooper was rejected because of his race, Black. Commission staff found that complainant's allegations were not supported by substantial evidence and closed the case. The superior court reviewed the case on appeal. On April 14, 2008, the court affirmed the Commission's decision and dismissed the case.

SO NOT MY JOB!

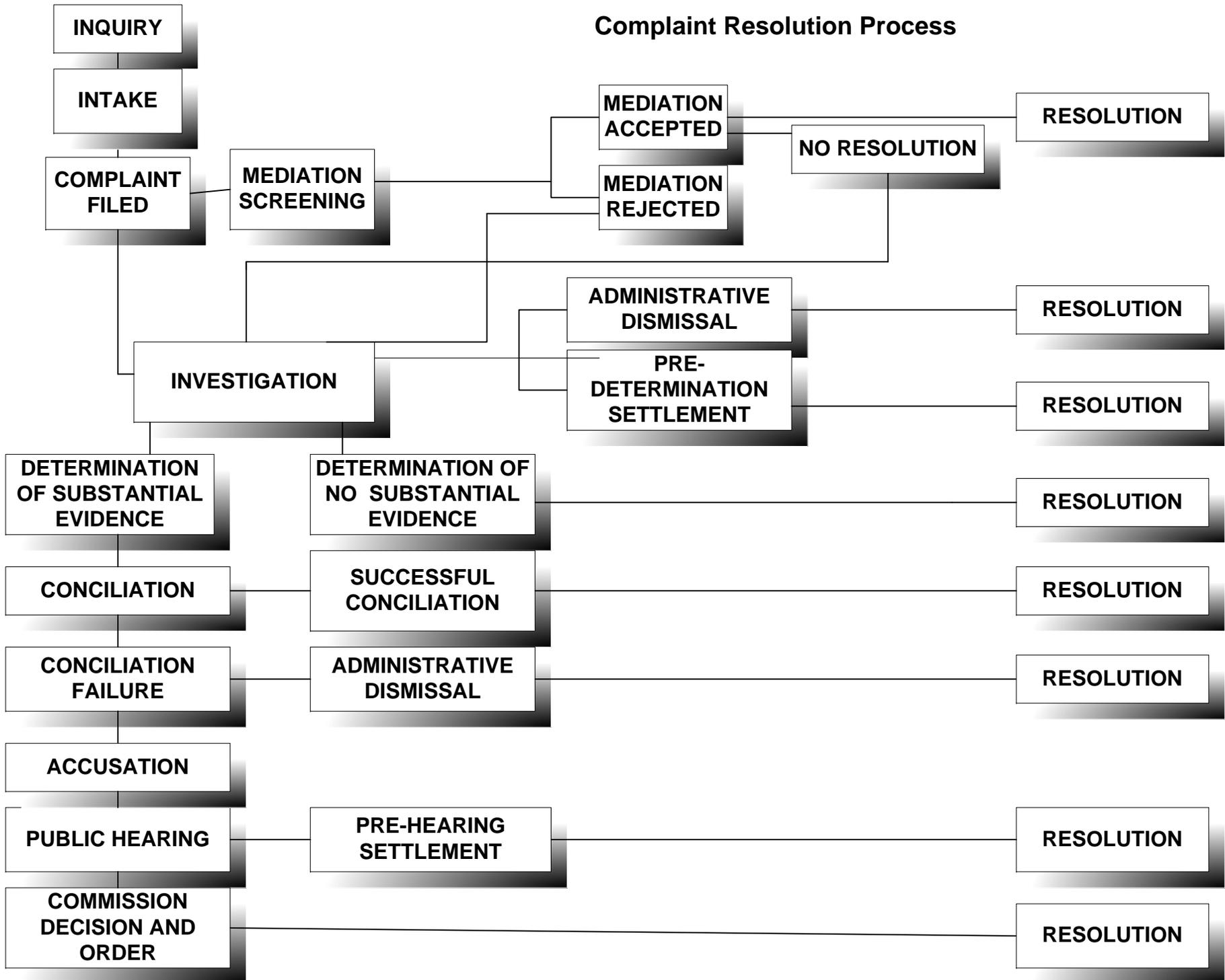
An apprentice serviceman complained that he was treated differently by his employer because of his race, Black. He alleged that he was the only apprentice that was assigned menial tasks such as sweeping floors, getting lunch for his supervisor, and making coffee, and that his supervisor made offensive racial comments in his presence. He also alleged that he was not provided training or allowed to work extra hours while other apprentices received both. He said that he resigned his position after three months because his working conditions were intolerable. The parties mediated the complaint and reached a settlement in which the employer agreed to pay the apprentice \$1,500 and provide training to its supervisor regarding prohibitions on race discrimination.

SHIPSHAPE

A sixty-one year old man who applied for a job as a fishing vessel captain alleged that a boat owner refused to employ him because of his age and because the owner perceived him to be disabled. The captain alleged that after being offered a position the offer was withdrawn. He further alleged that following his company-ordered physical examination the owner told him he could wake up one morning crippled. Prior to the Commission's investigation, the owner offered to settle the case and entered into a predetermination settlement in which the boat owner agreed to pay the captain \$25,000 in back pay.

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Complaint Resolution Process



2008 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	192
Male	143
Unknown	1
Total Filings	336

ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

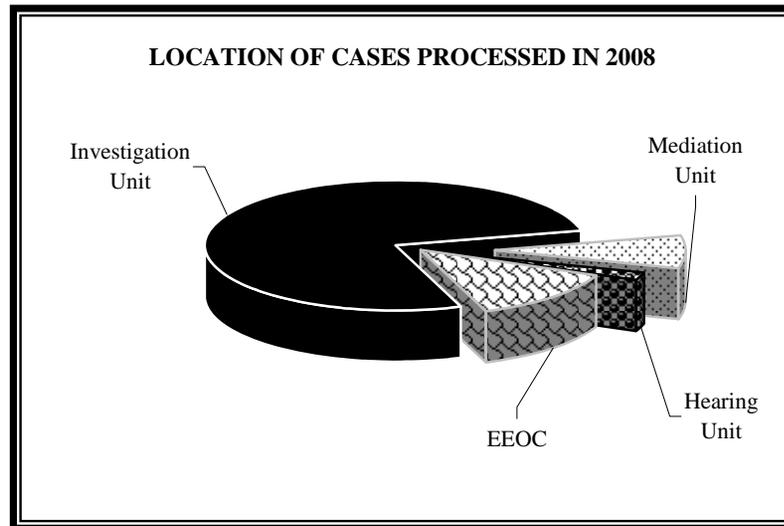
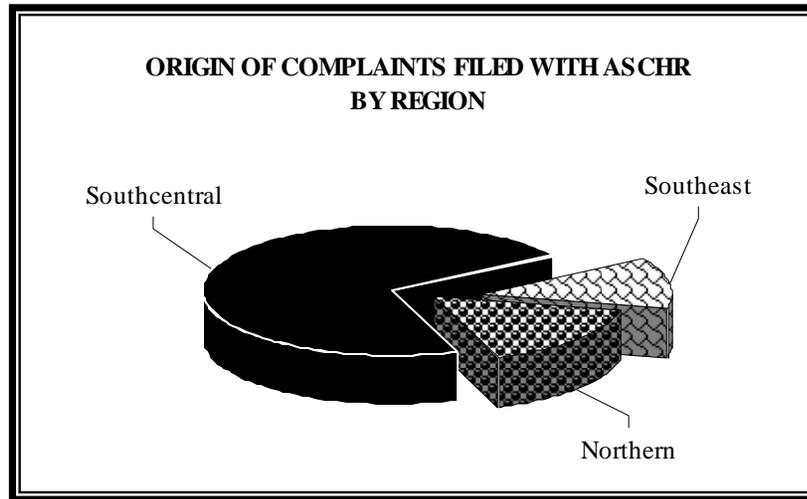
Caucasian	167
Black	46
Alaska Native	39
Unknown	28
Hispanic	24
Asian	22
Other	6
American Indian	4
Total Filings	336

ANALYSIS OF FILINGS BY COMPLAINANT'S AGE

20 years and under	10
21 – 40 years	106
41 – 60 years	185
61 years and over	32
Unknown	3
Total Filings	336

ANALYSIS OF FILINGS BY TYPE

Employment	298
Public Accommodation	15
Housing	11
Government Practices	10
Finance	2
Total Filings	336



ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	63	40
Sex	47	31
Physical Disability	42	19
Age	33	30
Retaliation for Filing	18	7
Mental Disability	11	5
Pregnancy	9	3
Religion	8	8
National Origin	7	21
Retaliation	6	35
Parenthood	1	3
Marital Status	0	2
Multiple Bases	91	--
Total Filings	336	204

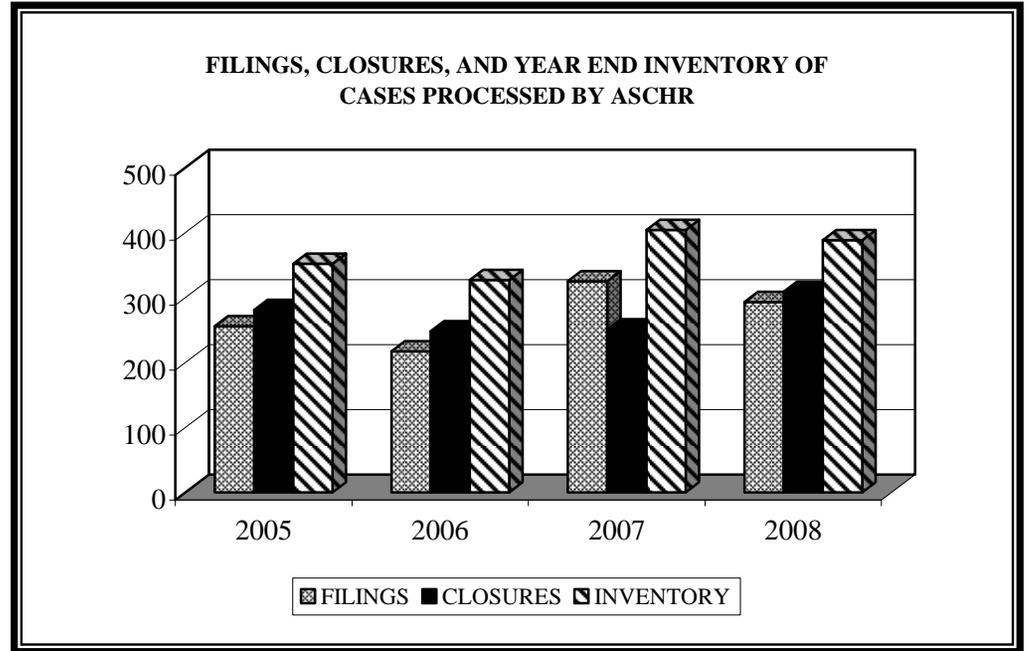
ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	60	122
Terms & Conditions	32	120
Failure to Hire	32	9
Denied Service	11	2
Harassment	9	28
Sexual Harassment	9	26
Failure to Promote	7	2
Other	4	39
Pay Equity	2	9
Eviction	2	3
Demotion	1	9
Failure to Rent	1	1
Failure to Dispatch	0	5
Denied Credit	0	2
Multiple Issue	166	---
Total Filings	336	377

ANALYSIS OF 2008 CLOSURES

REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
MEDIATION:	30¹	8.40%
Mediation – Successful Settlement	18	5.04%
Mediation - Complaint Withdrawn with Successful Settlement	2	.56%
Mediation - Complaint Withdrawn	2	.56%
Mediation – Predetermination Settlement (PDS)	8	2.24%
ADMINISTRATIVE:	45	12.61%
Complaint Withdrawn	13	3.65%
Lack of Jurisdiction	5	1.40%
Complainant Not Available	15	4.20%
Failure of Complainant to Proceed	1	.28%
Complainant to Court	4	1.12%
Administrative Dismissal	4	1.12%
Tribal Sovereign Immunity	3	.84%
NOT SUBSTANTIAL EVIDENCE	252	70.59%
CONCILIATION/SETTLEMENT:	23	6.44%
Complaint Withdrawn with Successful Settlement	13	3.64%
Predetermination Settlement (PDS)	2	.56%
Substantial Evidence/ Conciliation Agreement	8	2.24%
HEARING:	7	1.96%
Decision for Respondent	1	.28%
Pre-Hearing Settlement	5	1.40%
Hearing Unit – Other	1	.28%
TOTAL 2008 CLOSURES	357	100%

¹This number does not include 2 settlements negotiated in 2008 which closed in early 2009.



SUMMARY OF CLOSURES

CATEGORY OF CLOSURE	2006		2007		Detail of 2008 Closures			
	No.	%	No.	%	ASCHR		EEOC	
					No.	%	No.	%
Mediation	35	12.8	28	9.6	29	8.1	1	.3
Administrative	50	18.2	39	13.3	39	10.9	6	1.7
Not Substantial Evidence	164	59.9	190	65.1	213	59.7	39	10.9
Conciliation/Settlement	14	5.1	21	7.2	21	5.9	2	.5
Hearing	11	4.0	14	4.8	7	2.0	0	0
TOTAL CLOSURES	274		292		309²		48	
	357							

² This number does not include completed investigations of 11 cases which are still in conciliation or were transferred to the Hearing Unit in 2008.

EEO PROGRESS IN STATE GOVERNMENT

Alaska Statute 18.80.060(6) requires the Commission to "make an overall assessment, at least every three years, of the progress made toward equal employment opportunity by every department of State government; results of the assessment shall be included in the annual report." To obtain relevant data for this assessment, the Commission's staff requested statistics from the Department of Administration, Division of Personnel, the agency charged with administering and overseeing the state's equal employment opportunity (EEO) program. After review and analysis of these statistics, the Commission's Investigations Directors interviewed selected commissioners, deputy commissioners, special assistants to commissioners, and administrative service directors about the progress, or lack thereof, made toward equal employment opportunity within their departments.

As in the last triennial assessment, the Commission looks in this report at statistics for minorities and women in State government, reviews the role of the Division of Personnel in the State's EEO program, and profiles selected departments to provide examples of how the State's EEO program is implemented. Overall, the data show that from 2006 to 2008 there were no significant changes in the State's overall EEO profile; however, there was a substantial increase in the number of females employed at higher salary ranges. Similar to past years, some departments saw greater changes than others. Eight departments showed increases in both minority and female participation, while others demonstrated some losses.

MINORITIES AND WOMEN IN STATE GOVERNMENT

In this report, the Commission provides statistics for three calendar years ending in 2008. The data show that in 2008, minorities comprised 19.8 percent of the State's permanent, full-time work force. This is a 1.3 percent gain over 2005. Nevertheless, this number remains 6.9 percent below the percentage of minorities (26.7) in the State's labor force population.

During the same three-year period, the percentage of females showed a similar gain, rising from 49.3 percent to 50.5 percent. More significant is the increase of female representation in higher paying positions. The percentage of women in the highest wage bracket (>\$6,999 a month) increased by 8.5. Those making from \$6,000 to \$6,999 a month increased by 10.4 percent. And in the next lower bracket (\$5,000 to \$5,999) the percentage grew by 5.3. On the other hand, women still dominated the lower paying salary groups. For example, almost 69 percent of those making less than \$4,000 a month were female.

THE ROLE OF THE DIVISION OF PERSONNEL

Since December 2002, the Division of Personnel has been administering and overseeing the State's EEO program. Personnel's EEO staff in the agency's Employee Services Section is charged with this responsibility. The Division of Personnel also informally investigates EEO complaints filed internally within the departments and coordinates with state and federal civil rights enforcement agencies in the processing of formal complaints filed externally.

As noted above, at the close of 2008, almost twenty percent of the State's 13,911 permanent, full-time workers were minorities, an increase of 1.3 percent over 2005. The State arrived at these numbers without a target or a projected goal of where it wanted to be in its EEO profile by the end of the three-year assessment period. Personnel's Director explained that this is partly because the State has not been able to update its Affirmative Action Plan.

The last revision of the State's Affirmative Action Plan occurred in 1998. The pending revisions are to be based on the data gathered from the 2000 census. At the end of 2005, Personnel indicated that it intended to begin work on the plan as soon as proposed regulations to implement the plan had been reviewed and adopted. The current Director stated that no work has been done on the Affirmative Action Plan since the last EEO report. The Director stated that the plan was a priority for the Division, but high turnover in Division staff responsible for implementing the EEO program has delayed their efforts. The Director said that once an updated Affirmative Action Plan is in place, the Division would work with the State's various departments on strategies to meet its goals.

The Division has increased its focus on providing training to the departments. Training has focused on compliance with EEO principles for current employees and includes "Respectful Workplace" and "Valuing Diversity" components. In 2008, the Division's Training and Development Section conducted a total of 64 training sessions on EEO and diversity related topics throughout the State.

The Division has continued its focus on workforce planning with the State's various departments to analyze staffing and fill staffing needs. To meet the departments' needs to fill specialized positions, the Division hired a professional recruiter to focus on recruiting applicants for hard to fill positions. The Director stated that this effort has had some positive results. The recruiter, she said, has promoted the State as a desirable place to work in order to attract more applicants and create a base of culturally diverse workers in entry-level positions. The Division hopes that once trained and committed to State service, these workers will move up to higher-level positions as promotional opportunities arise. The State has also considered modifying hiring rules to attract more qualified applicants. For example,

2008 State of Alaska Workforce Permanent Full-time Employees			
Race	Female	Male	Total
African American	266	234	500
Alaska Native	443	318	761
American Indian	97	84	181
Asian	588	366	954
Hispanic	212	168	380
White	5422	5713	11135
Grand Totals	7028	6883	13911

2008 State of Alaska Workforce Permanent Part-time Employees			
Race	Female	Male	Total
African American	2	1	3
Alaska Native	8	1	9
American Indian	4	0	4
Asian	14	3	17
Hispanic	1	1	2
White	46	13	59
Grand Totals	75	19	94

2008 State of Alaska Workforce Permanent Full-time Seasonal Employees			
Race	Female	Male	Total
African American	2	11	13
Alaska Native	45	84	129
American Indian	6	14	20
Asian	20	27	47
Hispanic	13	18	31
White	390	781	1171
Grand Totals	476	935	1411

after Hurricane Katrina, the State amended its rules to allow displaced hurricane victims to be hired as State residents for a certain period of time.

WORKPLACE ALASKA AND USE OF EXPANDED ASSESSMENT UNDER-UTILIZATION REPORTS

Departments in the executive branch rely on Workplace Alaska, the State’s on-line recruitment system, to fill position vacancies and to identify applicants in under-utilized job classes. EEO and veteran status data are collected from applicants who voluntarily self-report such information in the “Applicant Profile” portion of the on-line application. When applicants who did not volunteer EEO information are hired, they are asked to provide the data when completing their new-hire paperwork. Pursuant to State policy, hiring managers and supervisors are required to consider these applicants during the recruitment process.

2008 State of Alaska Workforce Permanent Part-time Seasonal Employees			
Race	Female	Male	Total
African American	1	0	1
Alaska Native	1	3	4
White	10	6	16
Grand Totals	12	9	21

In the past, the Division of Personnel provided quarterly workforce under-utilization reports to the fifteen departments within the executive branch. These reports, referred to as “Quarterly Workforce Demographic Reports,” were posted quarterly on the Division’s website. The reports provided information to division managers and supervisors about job groups within their departments where minorities and/or females were under-utilized. The Director and other Department officials indicated that these reports have not been readily available to the departments within the executive branch recently because the State’s EEO database has not been functioning for over a year. The Director stated that the under-utilization reports are still given to the departments when vacancies are being filled. The Director said that the State is in the process of creating a “data warehouse” called “ALDER” (Alaska Data Enterprise Reports system), and once this system is up and running the Division will have the ability to generate any type of report a department may need. With ALDER in place, she said, the Department will be able to produce reports more quickly and with greater accuracy. The Director stated that the projected launch date for the system is August 15, 2009.

Minorities and Females Employed in the Executive Branch of Alaska State Government Permanent Full-time, Permanent Part-time and Seasonal 1999 - 2008				
Year	Minorities	Percentage	Females	Percentage
1999	2320	17.1	6367	46.8
2000	2405	17.4	6584	47.5
2001	2551	17.8	6784	47.4
2002	2624	18.0	6964	47.7
2003	2664	18.3	6902	47.4
2004	2630	18.2	6852	47.5
2005	2708	18.4	7044	47.9
2006	2807	18.7	7230	48.3
2007	2953	19.5	7338	48.5
2008	3056	19.8	7591	49.2

SELECTED DEPARTMENT PROFILES

The **Department of Military and Veterans Affairs** posted gains in both minority and female participation during the last three years. Minorities increased from 17.9 to 21.2 percent, and women increased from 29.4 to 33.3 percent. The Department's Commissioner

and Deputy Commissioner noted that the Department posted gains in both minority and female employment during the previous assessment period (2003-2005) as well, and stated that they were pleased to see continued improvements in the Department's EEO profile. The Commissioner and Deputy Commissioner both expressed their belief that leadership is key to diversity and that the values of an agency's leaders will generally be reflected in its workforce. They also noted that the Department saw virtually no growth in terms of permanent, full-time positions during the assessment period and attributed gains in minority and female employment to the Department's sincere focus on EEO. Both stated that while it is always important to recruit the best qualified candidates, it is just as important to be able to draw from the broadest possible pool of applicants. The Commissioner noted that recruitment practices that tend to narrow applicant pools are generally not conducive to diversity. The Deputy Commissioner cited as an example the practice of basing eligibility for certain positions on previous State of Alaska employment. The Commissioner and Deputy indicated that while the Department receives few EEO complaints, the Division of Personnel provides guidance and expertise on EEO-related matters as well as investigative support. They believe that good leadership and the Department's transparency have paid dividends in the past and will continue to serve the Department's needs in the years to come.

The **Department of Education and Early Development** saw losses in both minority and female participation during this assessment period. In 2008, minorities comprised 16.3 percent of the Department's permanent, full-time employees as compared to 20.1 percent in 2005. The number of women also declined from 70.1 to 65.8 percent during this same period. The Department's Administrative Services Director indicated that the loss in female employment reflects the retirement and inter-departmental transfer of senior staff members. He indicated that the Department works with employees to retain them and fills vacancies by promoting from within. Additionally, the Administrative Services Director stated that the Department invests valuable time to provide training for its staff and contractors through courses provided by the Division of Personnel, such as "A Respectful Workplace" and "Valuing Diversity," and training on other EEO issues. The Administrative Services Director indicated that, because of its small size, any change in staff impacts the Department's EEO numbers.

Alaska Native/Native Americans Employed by the State of Alaska Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal 1999-2008		
Year	Number Employed	Percentage of Workforce
1999	924	6.8
2000	920	6.6
2001	971	6.8
2002	1014	6.9
2003	1011	6.9
2004	1001	6.9
2005	1005	6.8
2006	1038	6.9
2007	1087	7.2
2008	1108	7.2

African Americans Employed by the State of Alaska Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal 1999 - 2008		
Year	Number Employed	Percentage of Workforce
1999	455	3.3
2000	482	3.5
2001	510	3.6
2002	505	3.5
2003	504	3.5
2004	486	3.4
2005	499	3.4
2006	490	3.3
2007	505	3.3
2008	517	3.3

The **Department of Revenue** reversed a trend of losses shown in the last assessment by posting increases in both minority and female employment. The Department continues to rank higher than most other departments in both minority and female participation: second in minority employment at 26.0 percent, and fifth in female employment at 64.7 percent. In 2008, minority employment rose 4.1 percent from 2005, and women increased 1.0 percent. The Department’s Commissioner stated that he was pleased to see the statistical data that indicated increases in minorities and women even though there were no specific initiatives or programs put in place to encourage the gains. The Department did not see a need to implement programs or initiatives to increase minority or female participation. Instead, the Commissioner indicated that the challenge for the Department has been in filling vacant positions by looking at the merits of the qualifications for each applicant.

During the last three years, the **Department of Public Safety** (DPS) showed slight losses in both minority and female employment, as it did during the previous assessment period. In 2008, minorities comprised 16.8 percent of the Department’s permanent, full-time employees, as compared to 17.2 percent in 2005, a loss of 0.4 percent. Female participation fell from 34 percent to 33.1 percent. The Department’s Deputy Commissioner attributed these statistics to a problem facing law enforcement agencies nationwide—that is, a dwindling pool of interested and qualified candidates. The Deputy Commissioner indicated that the Department had difficulty finding qualified candidates, regardless of race or sex. He noted that some qualified Trooper candidates, and particularly female candidates, object to required assignments in Bush communities and therefore opt for similar positions in municipal police departments, sometimes at higher pay. The Deputy Commissioner discussed some recent initiatives that might make careers in DPS more attractive to women and minorities. These include a Work Rules Group that, among other things, is considering the idea of relaxing Bush tour requirements, and a Native Trooper Working Group to undertake recruitment efforts in villages. The Deputy Commissioner also pointed to a mentoring program that would help female candidates succeed in their physical training tests, and an internship program, similar to a military cadet program, that would enroll youth in Native villages to prepare them for later careers with DPS.

Several other Departments showed gains in both minority and female participation during the last three years. The **Department of Health and Social Services**, which has had the

Asian/Pacific Islanders Employed by the State of Alaska Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal 1999-2008		
Year	Number Employed	Percentage of Workforce
1999	645	4.7
2000	696	5.0
2001	737	5.1
2002	772	5.3
2003	818	5.6
2004	820	5.7
2005	872	5.9
2006	919	6.1
2007	958	6.3
2008	1018	6.6

Hispanics Employed by the State of Alaska Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal 1999-2008		
Year	Number Employed	Percentage of Workforce
1999	296	2.2
2000	307	2.2
2001	333	2.3
2002	333	2.3
2003	331	2.3
2004	323	2.2
2005	332	2.3
2006	360	2.4
2007	403	2.7
2008	413	2.7

highest percentage of minority employees since 2003, showed an increase in minority participation from 26.4 percent in 2005 to 28.7 percent at the end of 2008. Female employment in the department increased from 69.3 to 71 percent during the same period. The **Department of Law** posted an increase in minority employment from 13.4 percent in 2005 to 16.1 percent at the end of 2008, while the number of females employed by the department increased from 65.2 percent to 68 percent. The **Department of Natural Resources** saw an increase in minority employment from 10.4 percent in 2005 to 10.8 percent in 2008, and an increase in female participation from 49.2 percent to 50.4 percent. At the **Department of Fish and Game** minority employment was up 2.2 percent and women increased by 3 percent. The **Department of Corrections** posted an increase in minorities from 21.3 percent in 2005 to 21.7 percent in 2008, as well as an increase in female employment from 34.9 percent in 2005 to 35.8 percent in 2008. The **Department of Transportation and Public Facilities** saw a 1.1 percent increase in minority employment and 1 percent increase in female employment.

Alaska Natives Employed in the Executive Branch of Alaska State Government Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal 1999 - 2008		
Year	Number of Alaska Natives Employed	Percentage of Total Workforce
1999	703	5.2
2000	702	5.1
2001	758	5.3
2002	794	5.4
2003	808	5.6
2004	798	5.5
2005	809	5.5
2006	837	5.6
2007	885	5.8
2008	903	5.8

Minorities Employed in the Executive Branch of Alaska State Government Permanent Full-time 2008 Monthly Averages				
Salary Group	All Employees in Salary Range	Percentage of All Employees in Salary Range	Total Minority Employees in Salary Range	Percentage of Minorities in Salary Range
<2000	1192	8.6	318	26.7
2000-2999	1556	11.2	513	33.0
3000-3999	2570	18.5	701	27.3
4000-4999	2928	21.0	561	19.2
5000-5999	2458	17.7	364	14.8
6000-6999	1358	9.8	154	11.3
>6999	1849	13.3	165	8.9
Grand Totals	13911	100.0	2776	20.0

Females Employed in the Executive Branch of Alaska State Government Permanent Full-time 2008 Monthly Averages				
Salary Group	All Employees in Salary Range	Percentage of All Employees in Salary Range	Total Female Employees in Salary Range	Percentage of Females in Salary Range
<2000	1192	8.6	734	61.6
2000-2999	1556	11.2	1193	76.7
3000-3999	2570	18.5	1738	67.6
4000-4999	2928	21.0	1401	47.8
5000-5999	2458	17.7	932	37.9
6000-6999	1358	9.8	497	36.6
>6999	1849	13.3	533	28.8
Grand Totals	13911	100.0	7028	50.5

**Minorities Employed in the Executive Branch
of Alaska State Government
Permanent Full-time
2005 and 2008**

Department Name	2005			2008			Minority Percentage Increase/ Decrease
	Total Employees	Minorities	Percentage	Total Employees	Minorities	Percentage	
Administration	898	170	18.9	992	201	20.3	1.4
Commerce, Community and Economic Development	418	92	22.0	448	78	17.4	-4.6
Corrections	1279	273	21.3	1423	309	21.7	0.4
Education and Early Development	288	58	20.1	295	48	16.3	-3.8
Environmental Conservation	425	57	13.4	455	66	14.5	1.1
Fish and Game	780	48	6.2	817	69	8.4	2.2
Governor's Office	131	15	11.5	138	23	16.7	5.2
Health and Social Services	2840	749	26.4	3089	887	28.7	2.3
Labor and Workforce Development	841	159	18.9	794	146	18.4	-0.5
Law	463	62	13.4	522	84	16.1	2.7
Military and Veterans Affairs	262	47	17.9	264	56	21.2	3.3
Natural Resources	651	68	10.4	677	73	10.8	0.4
Public Safety	717	123	17.2	764	128	16.8	-0.4
Revenue	443	97	21.9	504	131	26.0	4.1
Transportation and Public Facilities	2740	448	16.4	2729	477	17.5	1.1
Grand Totals	13176	2466	18.7	13911	2776	20.0	1.3

**Ranking Departments by
Percentage of Minorities**

Department Name	2008 Totals
Health and Social Services	28.7
Revenue	26.0
Corrections	21.7
Military and Veterans Affairs	21.2
Administration	20.3
Labor and Workforce Development	18.4
Transportation and Public Facilities	17.5
Commerce, Community and Economic Development	17.4
Public Safety	16.8
Governor's Office	16.7
Education and Early Development	16.3
Law	16.1
Environmental Conservation	14.5
Natural Resources	10.8
Fish and Game	8.4

**Females Employed in the Executive Branch
of Alaska State Government
Permanent Full-time
2005 and 2008**

Department Name	2005			2008			Minority Percentage Increase/ Decrease
	Total Employees	Females	Percentage	Total Employees	Females	Percentage	
Administration	898	579	64.5	992	613	61.8	-2.7
Commerce, Community and Economic Development	418	244	58.4	448	266	59.4	1.0
Corrections	1279	446	34.9	1423	509	35.8	0.9
Education and Early Development	288	202	70.1	295	194	65.8	-4.3
Environmental Conservation	425	215	50.6	455	229	50.3	-0.3
Fish and Game	780	308	39.5	817	347	42.5	3.0
Governor's Office	131	98	74.8	138	101	73.2	-1.6
Health and Social Services	2840	1969	69.3	3089	2194	71.0	1.7
Labor and Workforce Development	841	525	62.4	794	506	63.7	1.3
Law	463	302	65.2	522	355	68.0	2.8
Military and Veterans Affairs	262	77	29.4	264	88	33.3	3.9
Natural Resources	651	320	49.2	677	341	50.4	1.2
Public Safety	717	244	34.0	764	253	33.1	-0.9
Revenue	443	282	63.7	504	326	64.7	1.0
Transportation and Public Facilities	2740	682	24.9	2729	706	25.9	1.0
Grand Totals	13176	6493	49.3	13911	7028	50.5	1.2

**Ranking Departments by
Percentage of Females**

Department Name	2008 Totals
Governor's Office	73.2
Health and Social Services	71.0
Law	68.0
Education and Early Development	65.8
Revenue	64.7
Labor and Workforce Development	63.7
Administration	61.8
Commerce, Community and Economic Development	59.4
Natural Resources	50.4
Environmental Conservation	50.3
Fish and Game	42.5
Corrections	35.8
Military and Veterans Affairs	33.3
Public Safety	33.1
Transportation and Public Facilities	25.9

ALASKA HUMAN RIGHTS LAW

The Alaska Human Rights Law is codified as Alaska Statutes 18.80.010 – 18.80.300. The Human Rights Law makes it unlawful to

DISCRIMINATE IN

- ❖ EMPLOYMENT
- ❖ PLACES OF PUBLIC ACCOMMODATION
- ❖ SALE OR RENTAL OF REAL PROPERTY
- ❖ FINANCING AND CREDIT
- ❖ PRACTICES BY THE STATE OR ITS POLITICAL SUBDIVISIONS

BECAUSE OF

- ❖ RACE
- ❖ RELIGION
- ❖ COLOR
- ❖ NATIONAL ORIGIN
- ❖ SEX
- ❖ PHYSICAL/MENTAL DISABILITY

AND IN SOME INSTANCES BECAUSE OF

- ❖ AGE
- ❖ MARITAL STATUS
- ❖ CHANGES IN MARITAL STATUS
- ❖ PREGNANCY
- ❖ PARENTHOOD

WHAT IS THE HUMAN RIGHTS COMMISSION?

The Alaska State Commission for Human Rights is the State agency that enforces the Alaska Human Rights Law. The Commission consists of seven members appointed by the Governor and confirmed by the Legislature. The Commission employs a staff and maintains an office in Anchorage. The Commission has statewide jurisdiction and accepts complaints from all regions of the state.

WHAT DOES THE HUMAN RIGHTS COMMISSION DO?

The Commissioners

Establish policy and adopt regulations necessary to implement the Human Rights Law;

Hold public hearings to consider cases where conciliation efforts have failed;

Issue decisions applying the Human Rights Law to individual or class action cases;

Order back pay, reinstatement, or other appropriate relief to complainants;

Order the elimination of discriminatory practices; and

Enforce Commission decisions and orders in the Alaska courts.

The Commission staff

Accepts complaints of discrimination from persons alleging violations of the Alaska Human Rights Law;

Investigates complaints in a fair and impartial manner;

Attempts early settlement of complaints whenever possible;

Dismisses complaints when no violation of the Alaska Human Rights Law has occurred;

Conciliates complaints when the Alaska Human Rights Law has been violated;

Presents cases at public hearing before the Commission; and

Provides technical assistance and advice on the Alaska Human Rights Law and conducts training on complying with the Alaska Human Rights Law.

HOW CAN THE COMMISSION HELP YOU?

If you believe that you have experienced discrimination, you may contact the Commission. The Commission may assist you in filing a complaint.

If you need advice about your responsibilities under the Alaska Human Rights Law, the Commission staff can provide information.