Alaska State Commission for Human Rights

2012 Annual Report

STATE OF ALASKA
HUMAN RIGHTS COMMISSION

March 15, 2013

The Honorable Sean Parnell, Governor of Alaska
The Honorable Charlie Huggins, President, Alaska Senate
The Honorable Mike Chenault, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 2012 Annual Report of the Alaska State Commission for Human Rights. This is the Commission's 50th year as Alaska's civil rights enforcement agency.

During 2012, the number of Alaskans contacting the Commission for assistance increased by twelve percent. More remarkably, thirty-three percent more Alaskans filed discrimination complaints in 2012 than in the prior year. While the nature of their complaints was quite similar to those in the prior year, we note that cases based on race increased for the third year running and complaints based on religion are also on the rise.

Despite the dramatic increase in Alaskans seeking assistance from and filing complaints with the Commission, staff resolved about the same number of complaints in 2012 as in 2011. Nonetheless, because of the spike in filings the agency's complaint inventory rose by about 30 percent.

Those who participate in the voluntary mediation program continue to express appreciation for the chance to informally resolve their concerns even if they don't reach agreement to settle. The mediation program settled approximately 70 percent of the cases that went through it in 2012.

The Commission is grateful for the additional resources provided by the Governor and Legislature last year. The additional staff has allowed for more reasonable case loads. As a result case processing time is shorter, which is good for both those who believe they have experienced unlawful discrimination and the businesses they complain about.

The response to the Commission web site, *www.humanrights.alaska.gov*, which now includes case summaries, more detailed information on public hearing cases, and Annual Reports, continues to be very positive. During 2012 the web site had approximately 3,000 visits per month.

The Commissioners want to thank the staff for their continued dedication and commitment after half a century of enforcing Alaska's Human Rights Law. As we approach the celebration of our 50th anniversary in 2013, the Commission maintains its commitment to the mission of Alaska's Human Rights Law and fair and impartial enforcement of the law. The Commissioners ask for your continued support to insure Alaska keeps the promise made more than 50 years ago to prevent and eliminate discrimination.

Lester C. Luncsford
Chairperson

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FOR ADDITIONAL COPIES OF THIS REPORT, INFORMATION REGARDING ALASKA'S HUMAN RIGHTS LAW, OR TO FILE A COMPLAINT, PLEASE CONTACT THE COMMISSION AT THE ADDRESS OR PHONE NUMBERS ABOVE.

PUBLIC HEARING CASES

In the following cases, unless otherwise noted, the Commission staff found substantial evidence existed to support the complainants' allegations. Informal conciliation efforts were unsuccessful, and the staff forwarded the cases to the Commission for public hearing.

In ***Edward Ackerman v. Accurate Import Center,*** complainant alleged that respondent discriminated against him on the basis of his age and treated him as a person with a disability when it terminated his employment. A public hearing was held on the complainant's disability claim before the Office of Administrative Hearings on October 4, 2012, and an administrative law judge thereafter recommended that the Commission find that respondent's termination of Mr. Ackerman's employment violated the Human Rights Law. While the recommended decision was pending, the parties entered into a settlement in which respondent agreed to pay $15,000 to Mr. Ackerman and obtain training on the disability provisions of the Human Rights Law. At the end of 2012 final compliance with the terms of the agreement was pending.

In ***James Breland v. Sears Roebuck & Company,*** complainant alleged that respondent terminated his employment because of his sex and race, Black. Commission staff found that complainant's allegations were not supported by substantial evidence and closed the case. Complainant appealed the decision and on May 17, 2012, the superior court remanded the case to the Commission, finding that substantial evidence supported complainant's allegations. A public hearing before the Office of Administrative Hearings was scheduled for April 23-25, 2013.

In ***Marcellin Brooks v. Wal-Mart Stores, Inc.,*** complainant alleged that respondent discriminated against him because of his race, Black, when it refused to allow him to return an item he had purchased or to offer him in-store credit because he did not have a receipt. He further alleged that later the same day respondent allowed his wife, who is not of complainant's race, to return the item for in-store credit without a receipt. A public hearing was held before the Office of Administrative Hearings on November 8, 2011. On November 29, 2011, an administrative law judge issued a recommended decision finding

NO ROOM FOR DISCRIMINATION

Three hotel guests alleged they were discriminated against because of their race, Middle Eastern and African-American, and one guest's national origin, Turkish, when the hotel evicted them. The hotel asserted that it refused to extend their stay due to noise complaints and because it had no available rooms, but investigation found no evidence to support the hotel's claims. Commission staff found substantial evidence of discrimination and the hotel agreed to conciliate the cases. The hotel agreed to adopt an anti-discrimination policy and provide it to all guests and prospective guests for a two-year period. The hotel also provided training to its staff on the laws prohibiting discrimination in places of public accommodation.

WHERE THERE'S SMOKE THERE'S FIRE

A bartender alleged that her employer terminated her employment due to her pregnancy and in retaliation because she complained about discrimination when she was taken off the work schedule. During investigation the employer asserted that its smoky bar environment would pose health risks to the unborn child, but also contended the termination was due to performance problems. Commission staff found substantial evidence of discrimination and the employer agreed to conciliate the case. The employer paid the bartender $2,500 in back pay, adopted a nondiscrimination policy, and provided training to its managers and owners on the laws prohibiting discrimination in employment.

that respondent's action was not due to complainant's race but rather a nondiscriminatory application of respondent's return policy. On February 24, 2012, the Commission issued a final order adopting the recommended decision and the case was dismissed.

In ***Ghulam Bushra v. Davis Management, Inc., d/b/a Palmer Chevron,*** complainant alleged that respondent discriminated against her on the basis of her national origin, Pakistani, by subjecting her to different terms and conditions of employment. Complainant also alleged that respondent retaliated against her when it terminated her employment after she complained of discrimination. A public hearing before the Office of Administrative Hearings was scheduled for May 22–23, 2012. Prior to hearing, the Executive Director moved to dismiss the case because witnesses could not be located. On December 31, 2012, the Commission granted the motion and dismissed the case.

In ***William Carmack v. Claude Bass,*** complainant, a tenant in one of respondent's rental units, alleged that respondent discriminated against him on the basis of his race, Black, by subjecting him to terms and conditions of his tenancy that were different than those for tenants not of his race. Investigation did not find evidence that complainant was subjected to different terms and conditions, but did find that respondent had referred to complainant in a racially derogatory manner. After efforts to conciliate the case failed, the Executive Director dismissed the case, finding that a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.

In ***Nina Davidson v. Mat-Su Valley Medical Center, LLC, d/b/a Mat-Su Regional Medical Center, Hospice,*** complainant alleged that respondent discriminated against her on the basis of her disability when it refused to provide her with a reasonable accommodation for her disability. Complainant also alleged that respondent retaliated against her when it terminated her employment after she complained of discrimination. A public hearing before the Office of Administrative Hearings was scheduled for March 6–9, 2012. The parties entered into a settlement agreement prior to hearing in which the respondent agreed to obtain training for its managers and supervisors on the provisions of the Human Rights Law with an emphasis on the prohibition against discrimination because of disability. After full compliance with the agreement the parties moved to dismiss the case and on December 31, 2012, the Commission issued an order dismissing the matter.

TIME FOR ACCOMMODATION

An office assistant alleged that she was discriminated against because of her physical disabilities. She alleged her employer was hesitant to allow her time off for medical appointments, and accused her of violating company policy. Shortly after she notified her employer that she needed five days off for surgery the employer terminated her. She believed the employer no longer wanted to accommodate her disabilities. The parties reached a settlement during mediation. The employer paid her $15,000 and she agreed to return or destroy all employer documents in her possession.

NO PROBLEM WITH PREGNANCY

A nurse alleged that her employer discriminated against her because of her pregnancy when it terminated her employment. Investigation found that other employees had worked throughout their pregnancies and that the employer encouraged employees to bring their new babies to work with them. Evidence showed that the nurse was terminated due to repeated tardiness, performance problems, and complaints from patients. Commission staff did not find that she was discriminated against because of her pregnancy. However, investigation found substantial evidence that the employer's application for employment violated the law. During conciliation the employer agreed to develop an application form that eliminated any question that would require applicants to reveal a disability.

In ***Cord Davis v. Norcon, Inc.,*** complainant alleged that respondent retaliated against him when it refused to re-hire him after he complained of discrimination. Before a public hearing was scheduled the parties entered into a settlement agreement in which the respondent agreed to train its Prudhoe Bay, Alaska, managers, supervisors, and employees in the laws prohibiting discrimination and retaliation in employment. After full compliance with the terms of the settlement, the parties moved to dismiss the case and on December 27, 2012, the Commission issued an order for dismissal.

In ***Stephanie Dryden v. Municipality of Anchorage, Anchorage Police Department,*** complainant alleged that respondent discriminated against her on the basis of her disability when it refused to allow her service dog to accompany her when respondent transported her to Providence Medical Center. A public hearing was scheduled for September 23, 2011; however, after repeated efforts to locate complainant failed, Commission staff filed a motion to dismiss the case. On February 24, 2012, the Commission issued a final decision and the case was dismissed.

In ***Laura Gossman v. Fred Meyer Stores, Inc.,*** complainant alleged that respondent discriminated against her on the basis of her physical disability when it refused to provide a reasonable accommodation for her disability. A public hearing scheduled for May 8–10, 2012, was vacated and the parties entered into a settlement agreement in which respondent agreed to pay complainant $6,500. Respondent also agreed to provide training to its managers, assistant managers, and human resource employees at its Soldotna, Alaska, store in the laws prohibiting discrimination in employment, with an emphasis on disability discrimination and the laws' reasonable accommodation requirements. After full compliance with the terms of the agreement, the parties moved to dismiss the case, and on December 31, 2012, the Commission issued an order for dismissal.

In ***Sue Grundberg v. State of Alaska, Department of Transportation and Public Facilities,*** complainant alleged that respondent 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. Complainant appealed the decision, and on May 18, 2012, the Alaska Supreme Court remanded the case to the Commission, finding substantial evidence to support the complaint. Efforts to conciliate

HOISTING A SETTLEMENT

A seasonal forklift operator alleged his employer discriminated against him on the basis of his disability, his race, Black, and retaliated against him for filing a discrimination complaint. He said his employer hired the same managers against whom he had previously filed discrimination complaints. He stated that he was treated worse than other employees not of his race. Although he had given his employer a doctor's note limiting him to 12-hour work shifts, the employer terminated him for abandoning his job when he left after 12 hours. The mediation program facilitated a settlement in which the employer paid the forklift operator $8,500, gave him a reference, and the forklift operator signed the employer's separate release.

A LITTLE EXTRA ON THE SIDE

A male cook alleged that a restaurant manager terminated his employment after he complained that a female cook was treated more favorably. The Commission's investigation showed that the restaurant fired the cook after he was observed adding extra food to a plate for family members dining at the restaurant and personally delivering the plate to the table to conceal his deed. Commission staff did not find substantial evidence that discrimination had occurred.

the matter failed. Before an accusation was filed, complainant initiated a civil action against respondent in superior court on November 19, 2012. Because complainant's civil complaint alleged the same facts at issue in her complaint before the Commission, the Executive Director closed the case.

In ***Michele Jacketta v. Home Depot,*** complainant alleged that respondent discriminated against her because of her disability when it failed to engage in the interactive process and provide her a reasonable accommodation and instead terminated her employment. Commission staff found substantial evidence to support the claim. A public hearing scheduled for August 23–25, 2011, was vacated after the parties agreed to settle the case. At the end of 2012 the settlement remained pending.

In ***Tomorrow Kosal v. Paul Kopf d/b/a Goldstream Store,*** complainant, a former employee, alleged that respondent retaliated against her by barring her from entering the Goldstream Store to obtain its goods and services after she testified against respondent in a Commission hearing. A public hearing before the Office of Administrative Hearings was scheduled for May 24, 2011. After respondent failed to appear for the hearing, Commission staff filed a motion for a default judgment. On August 10, 2011, an administrative law judge issued a recommended decision finding respondent liable for banning complainant from his store in retaliation for her prior testimony and recommending certain relief, including that respondent be ordered to permit complainant to shop in the store. On February 29, 2012, the Commission issued a final decision adopting the administrative law judge's recommendations.

In ***Babette Kramp v. State of Alaska, Dept. of Transportation and Public Facilities,*** complainant alleged that respondent discriminated against her on the basis of her sex when it subjected her to different terms and conditions of employment. A public hearing scheduled for January 8–11, 2013, was continued pending the parties' efforts to reach a settlement. At the end of 2012 a final agreement to resolve the case was pending.

In ***Michele LaVine v. SCSL, Inc., d/b/a Pioneer Lodge,*** complainant alleged that respondent discriminated against her because of her pregnancy when it terminated her employment as a waitress and bartender. A public hearing was held before the Office of Administrative Hearings on October 13–14, 2011. On April 25, 2012, an administrative law judge issued a decision recommending to the Commission that the case be dismissed. On November 8, 2012, the Commission issued an order dismissing the case.

WHAT'S LOVE GOT TO DO WITH IT?

A female laborer alleged that her male supervisor subjected her to unwanted touching and comments of a sexual nature. She alleged that he grabbed her around her waist, pulled her close and said "She knows I love her." He asked her about her sexual experience in a pickup truck, and said he wanted to see her body. When she did not reciprocate, she was terminated. The parties agreed to mediation and reached a settlement. The employer paid the laborer $7,000 and paid her attorney fees of $2,500. The laborer agreed to sign the employer's separate release.

RELEASED FROM DISCRIMINATION

A customer service representative alleged that her employer discriminated against her on the basis of her disability by denying her request for a reasonable accommodation, placing her on inactive status, and not rehiring her after she was released to return to work with no medical restrictions. When her medical provider initially released her to work 5-hour shifts, the employer allowed this accommodation for a few weeks and then denied it. The employer told her she could apply for future positions when her doctor released her to full-time work. But after she obtained a full medical release, she applied for an open customer service position and the employer did not hire her. The parties reached a settlement in mediation. The employer paid the customer service representative $13,493 and provided her with a neutral reference. She agreed to sign the employer's separate release.

In ***Shawna McCumby v. Aurora Motors,*** complainant alleged that respondent retaliated against her by terminating her employment after she complained that a coworker had subjected her to a hostile work environment because of her sex. A public hearing scheduled for October 24–26, 2012, was continued based on the parties' agreement to settle the case. The parties entered into a settlement agreement in which respondent agreed to pay complainant $7,000, and on December 28, 2012, the Commission granted the parties' request to dismiss the case.

In ***Tami McDowall v. Wal-Mart,*** complainant alleged that respondent discriminated against her because of her disability when it refused to grant her request for a reasonable accommodation and subsequently terminated her employment. After efforts to conciliate the case failed, the Executive Director dismissed the case, finding that a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.200, and that the probability of success on the merits was low.

In ***Melissa Parrish v. AB&M Enterprises, Inc., d/b/a Rumrunners Old Towne Bar & Grill,*** complainant alleged that respondent discriminated against her because of her sex after she reported that she was physically and sexually assaulted by a male coworker at her home. Complainant asserted that when she returned to work she informed respondent that she was intimidated and frightened by her coworker's presence but respondent took no action to address the problem. Complainant alleged that her coworker's presence created an intolerable working condition and she was forced to resign, and that respondent then retaliated against her for complaining of discrimination by banning her from its premises. A public hearing before the Office of Administrative Hearings was held on November 14–17, 2011. An administrative law judge issued a recommended decision on February 8, 2012, finding that respondent discriminated against and retaliated against complainant, and ordering respondent to pay complainant $4,531 and obtain six hours of training for its owners and managers on the provisions of the Alaska Human Rights Law that prohibit discrimination and retaliation. On November 6, 2012, the Commission issued a final order adopting the recommended decision.

In ***Lyla Propps v. Alaskan Wood Products, LLC,*** complainant alleged that she was discriminated against because of her sex when respondent subjected her to unwanted sexual advances and when respondent falsely accused her of theft after her employment was terminated. A public hearing before the Office of Administrative Hearings was

MARRIAGE PENALTY?

An airline pilot alleged that her employer discriminated against her because of her marital status when it terminated her employment. Investigation showed that the employer required married pilots to live with their spouses and dependent children in order to qualify for housing allowances, but non-married pilots qualified for housing allowances without such conditions. The employer terminated the pilot's employment for receiving a housing allowance when her spouse allegedly maintained a residence elsewhere. During the Commission's investigation, the pilot withdrew her complaint after reaching a settlement with her employer.

DOCTOR'S ORDERS

A radiographer alleged that his employer discriminated against him because it perceived him to be disabled, and required him to get a psychiatric evaluation. When his doctor provided him a full release to return to work with no restrictions, his employer still did not put him back to work and did not give him an estimated date of return, effectively terminating his employment. The parties agreed to mediation and reached a settlement. The employer paid the radiographer $22,951 and provided him with a neutral reference. The employee agreed to pay any taxes due on the settlement and sign the employer's separate release.

scheduled to be held on January 24–25, 2013. After learning that respondent had been involuntarily dissolved during the pendency of the Commission's action, the Executive Director moved to dismiss the case. At the end of 2012 the motion to dismiss was still pending.

In ***Mellissa Rosga, on behalf of her minor sons Dakota, Chase, and Timothy v. Wilson Walker d/b/a Walker Properties,*** complainant, who with her family is a tenant in respondent's rental unit, alleged that respondent discriminated against her because of her sons' disabilities by refusing to allow her sons' companion animals to reside with them as a reasonable accommodation. A public hearing was held before the Office of Administrative Hearings over several days in June and July 2012. At the end of 2012 a recommended decision from an administrative law judge was pending.

In ***Harry Ross v. Alaska Railroad Corporation,*** complainant alleged that respondent failed to promote him because of his race, Black. After a public hearing, the Commission dismissed the case. Complainant appealed the decision to superior court, and on March 30, 2012, the court reversed the Commission's decision and remanded the case to the Commission. At the end of 2012 the parties had briefed the issues on remand to an administrative law judge and a new recommended decision was pending.

In ***Janet Wass v. Ace Delivery and Moving, Inc.,*** complainant alleged that respondent subjected her to a hostile working environment when respondent's owner made repeated derogatory comments about Jews, Arabs, and Muslims. Investigation found substantial evidence to support complainant's allegations as well as evidence that respondent's owner made frequent derogatory comments about Alaska Natives and Mexicans. At the end of 2012 a public hearing date had not yet been set.

In ***David Whedon v. David Loutrel d/b/a Wild Salmon Direct,*** complainant alleged that respondent subjected him to racially derogatory comments during his employment. Complainant alleged that after he objected to respondent's discriminatory behavior and stated his intent to bring legal action, respondent retaliated by terminating complainant's employment as a deckhand on respondent's fishing tender. A public hearing before the Office of Administrative Hearings was held on January 24–25, 2012. After the hearing, an administrative law judge recommended to the Commission that the case be dismissed, and on November 6, 2012, the Commission issued a final order dismissing the case.

WOMEN NEED NOT APPLY

A woman who applied for a night clerk position at a liquor store alleged that the store's manager refused to hire her because of her sex. She alleged that the manager told her the store would only consider a man for the position because part of the job required stocking shelves. When the Commission investigated the case, the respondent admitted that it was seeking a man, noting that the clerk would have to work alone late at night. Staff found substantial evidence of discrimination and the parties agreed to conciliate the case. Respondent agreed to pay the complainant $1,854 in back pay and to obtain training on the laws prohibiting discrimination in employment.

ACCOMMODATING SETTLEMENT

A travel agent alleged that her employer discriminated against her on the basis of her physical disability, epilepsy. She said that her employer had provided some accommodations such as allowing her to leave work early when she had a seizure and to leave for medical appointments. Her employer informed her that her medical condition was affecting her work performance and terminated her eight days later. The parties agreed to mediation and reached a settlement. The employer paid the travel agent $2,500 and provided her with a neutral reference. Both parties also agreed to release each other from liability.

LITIGATION

In ***Alaska State Commission for Human Rights v. Shane Crowson f/d/b/a Alaska Heavy Haul Transport,*** the Commission filed suit to enforce its final order in ***Sarah Love v. Shane Crowson f/d/b/a Alaska Heavy Haul Transport.*** In that case, complainant alleged that respondent subjected her to unwelcome sexual advances and comments of a sexual nature throughout her employment as a pilot car driver, and that her working conditions became so intolerable that she was forced to resign. Respondent stipulated to an order finding that he violated the Human Rights Law and ordering him to pay complainant $1,500 in back pay. On March 10, 2010, the Commission adopted the stipulation in a final order; however, respondent failed to make payment and the Commission filed an action in superior court to enforce its order. Respondent failed to answer and the Commission obtained a default judgment on April 17, 2012.

In ***Alaska State Commission for Human Rights v. The New Printers Workshop,*** the Commission filed suit to enforce its order in ***Michael Hansen v. The New Printers Workshop.*** In that case, the Commission found after a public hearing that respondent violated the Human Rights Law when it terminated complainant in retaliation for filing a discrimination complaint. In an order entered June 20, 2011, the Commission required respondent to obtain anti-discrimination training for its managers and employees and pay complainant $1,440 in back pay. After respondent failed to make payment, the Commission filed an action in superior court on October 11, 2011 to enforce its order. The defendant New Printers Workshop failed to respond to the complaint, and at the end of 2012 the Commission was preparing to file a motion for default.

In ***Anchorage School District v. Alaska State Commission for Human Rights,*** respondent appealed the Commission's decision in ***Vilma Anderson v. Anchorage School District.*** After a public hearing, the Commission found that respondent discriminated against Vilma Anderson on the basis of her physical disability, retinitis pigmentosa, which caused tunnel vision and blindness. Complainant alleged that

HARASSMENT CAST AWAY

A crew member employed on a fishing vessel alleged that the vessel owner/captain discriminated against her because of her sex by subjecting her to unwelcome comments and conduct of a sexual nature. She alleged that his behavior continued after she told him to stop and that she felt so unsafe that she quit her job and borrowed funds from a third party to fly home. Commission staff found substantial evidence supported her allegations. The vessel owner entered into a conciliation agreement that required him to pay the crew member $4,413 in back pay, post a nondiscrimination policy on his vessel, and attend training on the laws prohibiting discrimination in employment, including sexual harassment.

GOING TO BAT AGAINST DISCRIMINATION

An Alaska Native alleged that his union discriminated against him on the basis of his race. He complained to his union about a coworker's racially offensive comments, such as "He deserved to be out there shoveling snow because he was an Eskimo." He alleged that the union refused to assist him. The parties reached a settlement during mediation. The union agreed to advise all employees at the next union meeting that harassment in the workplace is unacceptable. The union also agreed to file a grievance on behalf of complainant for a pay shortage with his former employer.

respondent refused to accommodate her by not allowing her to bring her service dog to work and terminated her employment as a substitute teacher because it wrongly believed she could not safely and effectively do her job. The Commission found that respondent violated the Human Rights Law and ordered it to pay complainant back pay of $43,000, plus interest, and to obtain training for its managers and supervisors. On October 12, 2011, the superior court affirmed the Commission's decision. On November 14, 2011, respondent appealed to the Alaska Supreme Court. The parties subsequently agreed to a settlement in which respondent paid Ms. Anderson the full amount of back pay owed and obtained the training ordered by the Commission, and the appeal was dismissed on March 22, 2012.

In ***Kimberley Bernhardt v. Alaska State Commission for Human Rights,*** complainant alleged that her employer, Interstate Brands Corporation, discriminated against her because of her physical disability when it refused to provide her with a reasonable accommodation and terminated her employment. On December 23, 2011, the Commission staff closed the case because complainant filed a complaint in superior court alleging the same violations of AS 18.80 as were alleged in her Commission complaint. Complainant appealed the decision to superior court. At the end of 2012 the appeal was stayed pending resolution of Chapter 11 bankruptcy proceedings filed by Interstate Brands Corporation.

In ***James L. Breland v. Alaska State Commission for Human Rights,*** complainant alleged that Sears Roebuck terminated his employment because of his race, Black, and sex. He alleged that he was terminated when he failed to immediately report a violation of the company's loss prevention policy by another associate, but that a Caucasian female coworker was not terminated for similar conduct. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to superior court. On May 15, 2012, the court remanded the case to the Commission with a finding that substantial evidence supported the complaint.

In ***Gregg Conitz v. Alaska State Commission for Human Rights,*** complainant alleged that Teck Cominco Alaska, Inc., discriminated against him because of his race, Caucasian, when it selected Alaska Natives he alleged were less qualified for the supervisory positions for which he applied. Commission staff found that complainant's

MINING FOR JUSTICE

A woman working as a bull cook at a remote mining camp alleged that a coworker sexually harassed her when he entered her room while she was sleeping and tried to get into bed with her. The woman also alleged that after she reported the coworker's behavior to the camp manager nothing was done, and shortly thereafter her employer terminated her. Commission staff investigated the allegations and found substantial evidence to support the complaint. The parties entered into a conciliation agreement in which the mining camp operator agreed to pay the complainant $4,000 in back pay and obtain training for its managers on the laws prohibiting discrimination in employment.

RESOLUTION'S COOKING

A fifty-two-year-old Hispanic kitchen assistant alleged that his employer discriminated against him on the basis of his race and age. He said he had over thirty years of cooking experience but the chef refused to interview him for cook positions and hired younger, less qualified applicants not of his race. When he complained to the chef, the chef said he never thought of him as anything other than an assistant and he didn't think the employee would "fit in." The parties reached a mediated settlement. The employer agreed to pay the kitchen assistant $9,000.

allegations were not supported by substantial evidence. Complainant appealed the decision to the superior court, and the court affirmed the findings and dismissed the appeal on February 17, 2011. Complainant then appealed to the Alaska Supreme Court. At the end of 2012 briefing was completed but a date for oral argument had not yet been set.

In ***Antonette Cuanzon v. Alaska State Commission for Human Rights,*** complainant alleged that the State of Alaska, Department of Administration, Division of Finance, discriminated against her because of her race, Filipino, national origin, and age, sixty-two, when it reclassified her position and demoted her to an accounting clerk, and when it failed to hire her for an accounting technician position. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed the decision to superior court. On September 28, 2012, the court issued a decision in which it affirmed the Commission's finding that complainant's failure to hire allegation was not supported by substantial evidence, but remanded complainant's allegation regarding her demotion for further investigation.

In ***Sue 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. Complainant appealed the decision to superior court, and on April 21, 2010, the court affirmed the Commission's decision. Complainant then appealed to the Alaska Supreme Court. On May 18, 2012, the court remanded the case to the Commission, determining that the allegations were supported by substantial evidence.

In ***Paul Kopf d/b/a Goldstream Store v. Alaska State Commission for Human Rights,*** respondent appealed a hearing decision by the Commission finding that respondent subjected an employee, Lynn Dowler, to a hostile work environment by making derogatory comments about her religion and proselytizing about his own religious beliefs. The Commission also found that respondent made Ms. Dowler's working conditions so intolerable that she was forced to resign, and ordered respondent to pay Ms. Dowler $76,853, plus interest. On February 7, 2012, the court dismissed the appeal for lack of prosecution.

NAMES CAN HURT

A female cook alleged that her manager subjected her to offensive comments of a sexual nature and that the day after her manager repeatedly called her "a whore," she resigned due to the intolerable working conditions. The parties agreed to mediation and reached a settlement. The employer paid the cook $3,800 and agreed not to retaliate against her. She agreed to sign the employer's separate release.

FAIR IS FAIR

A cook/sorter alleged that his employer disciplined him differently because of his race, African-American and Caucasian. He said his employer terminated him for having an argument in the workplace parking lot, but only gave a write-up to a Caucasian coworker for a similar altercation. In mediation the employer agreed to rehire the cook in a part-time position and work him into full-time depending on availability. The employer also agreed to a meeting with management to address the employee's expectations, job duties, workplace conduct, and the employer's disciplinary procedures.

In ***Jerzy Kuzniecow v. Alaska State Commission for Human Rights,*** complainant alleged that he was terminated by his employer, Blue ACE, LLC, d/b/a Blue North Fisheries, because of his age, fifty-nine. Commission staff found that complainant's allegation was not supported by substantial evidence and complainant appealed to superior court. At the end of 2012 briefing in the case was complete and a decision by the court was pending.

In ***Cheryl Nichols v. Alaska State Commission for Human Rights,*** complainant alleged that BAE Systems subjected her to a hostile work environment and terminated her employment in retaliation for her participation in an internal investigation of sexual harassment by a manager. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed the decision to superior court. On February 22, 2012, the court affirmed the Commission's decision to close the case and dismissed the appeal.

In ***Gilma Rodas v. Human Rights Commission,*** complainant alleged that her employer, Ocean Beauty Seafoods, LLC, discriminated against her because of her physical disability when it refused to provide her with a reasonable accommodation and terminated her employment. Commission staff did not find substantial evidence to support complainant's allegations. On November 30, 2012, complainant filed an appeal with the superior court. At the end of 2012 the appeal remained stayed pending payment or waiver of the cost bond.

In ***Luis R. Rodriguez v. Delta Airlines,*** complainant alleged that Delta Airlines discriminated against him because of his race, Hispanic, when it eliminated his position and subsequently selected a non-Hispanic employee who had less seniority than complainant for a temporary position. Commission staff did not find substantial evidence to support complainant's allegations. On October 19, 2011, complainant appealed the Commission's decision to the superior court. The case was stayed after complainant failed to pay the cost bond. On November 7, 2012, the court granted complainant's request to pay a reduced bond. At the end of 2012 briefing had not yet been scheduled.

TRUCKIN' TO A BETTER JOB

A male security guard alleged that his employer retaliated against him after he complained about a coworker's offensive comments of a sexual nature. He said the coworker routinely made sexual comments including graphic descriptions of sexual encounters. After the guard complained, his employer transferred him to a less desirable work location and refused his request for a transfer. A supervisor left the guard with the impression that his job was at risk. The parties agreed to a mediated settlement. The employer paid the guard $3,687 to take a truck driver class and provided him with a positive reference letter.

BEAUTICIAN MISSED THE CUT

A cosmetology student alleged that the school discriminated against her when it discharged her from its program after she complained about a disparaging racial remark by another student. The comment involved the "frizzy" hair of the complainant's mixed-race son. After receiving her complaint, school administrators properly looked into the incident and learned the remark was made by a hairdresser who was observing the unkempt nature of the child's hair, with hopes she could practice giving the child a haircut. Commission staff's investigation found the school's expulsion of the student had nothing to do with her complaint, and everything to do with her behavior in the classroom and failure to meet curriculum requirements.

In ***Harry Ross v. Alaska State Commission for Human Rights,*** complainant appealed to superior court a Commission decision after a hearing that found the Alaska Railroad Corporation did not discriminate against complainant because of his race, Black, when it failed to promote him to a trainmaster position. On March 30, 2102, the court remanded the case to the Commission with instructions for the administrative law judge to make further findings on the legitimacy of respondent's decision.

In ***James Schaap v. Alaska State Commission for Human Rights,*** complainant alleged that the University of Alaska, Southeast, discriminated against him because of age, sixty-two, sex, and disability when it failed to hire him for a professor position and instead hired a less qualified younger female. Commission staff did not find substantial evidence to support complainant's allegations and complainant appealed the decision to superior court. At the end of 2012 briefing was scheduled to be completed in March 2013.

In ***William Toliver v. Alaska State Commission for Human Rights,*** complainant alleged that Brown Jug, Inc., discriminated against him because of his race, African American, when it barred him from purchasing alcohol at one of its stores. Commission staff did not find substantial evidence to support complainant's allegations. Complainant appealed the Commission's decision to superior court. On February 1, 2011, the superior court affirmed the Commission's decision. Complainant then filed an appeal to the Alaska Supreme Court. On June 29, 2012, the court remanded the case to the Commission to conduct further investigation.

STEREOTYPES COSTLY

A job applicant who was five months pregnant alleged that an employer did not hire her for an open desk clerk position due to her pregnancy. At her interview she was told she was a top qualified applicant, but the boss prefers not to hire a pregnant woman because she may leave in a few months as a prior employee had done. The mediation program facilitated a settlement in which the employer paid the applicant $1,650.

GOOD WORKERS HAVE NO SHELF LIFE

A sixty-year-old applicant alleged an employer discriminated against her on the basis of her age. She said that she had been a bartender all her life. When she applied for this bartender position, the manager told her to look around the bar, and that they did not need older women for the position, but someone in their early twenties. The employer agreed to pay the applicant $500 to settle the case.

TOO SLOW TO ACT

A mine laborer alleged that a coworker continually subjected him to racial slurs and insults about his national origin, Senegal, race, Black, and religion, Muslim, and that his employer took no corrective action. The laborer also alleged that he was discriminated against when the employer terminated him after he engaged in a fight with his harasser. Commission staff found substantial evidence that the laborer was subjected to racial slurs and insults and that the employer failed to take corrective action. However, staff did not find the termination was discriminatory because the employer terminated both employees for violating the company's policy prohibiting fighting. The employer entered into a conciliation agreement that required it to provide training to all managers and employees in the laws prohibiting discrimination in employment, including racial harassment.

2012 Case Processing Statistics

Analysis of Filings By Complainant's Sex

Female	267
Male	224
Director's Charge	1
Total Filings	492

Analysis of Filings By Complainant's Race

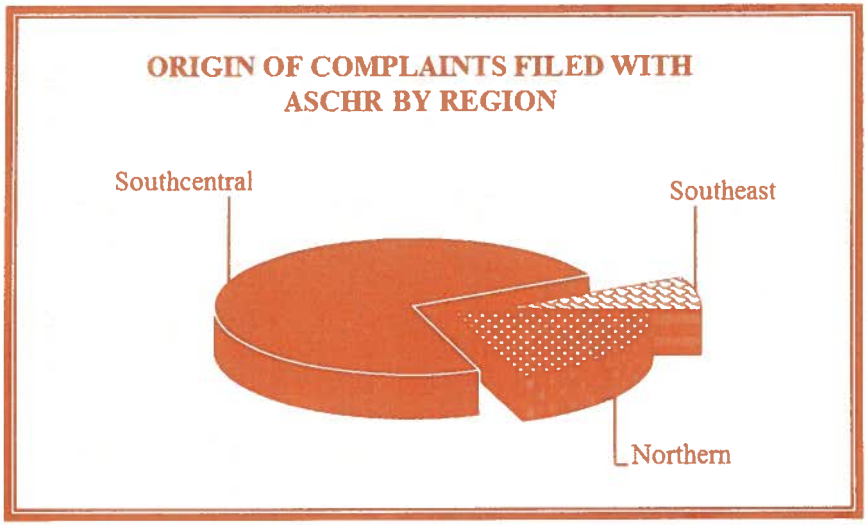
Caucasian	212
Black	80
Alaska Native	51
Hispanic	40
Unknown	37
Asian	36
Other	21
American Indian	14
Director's Charge	1
Total Filings	492

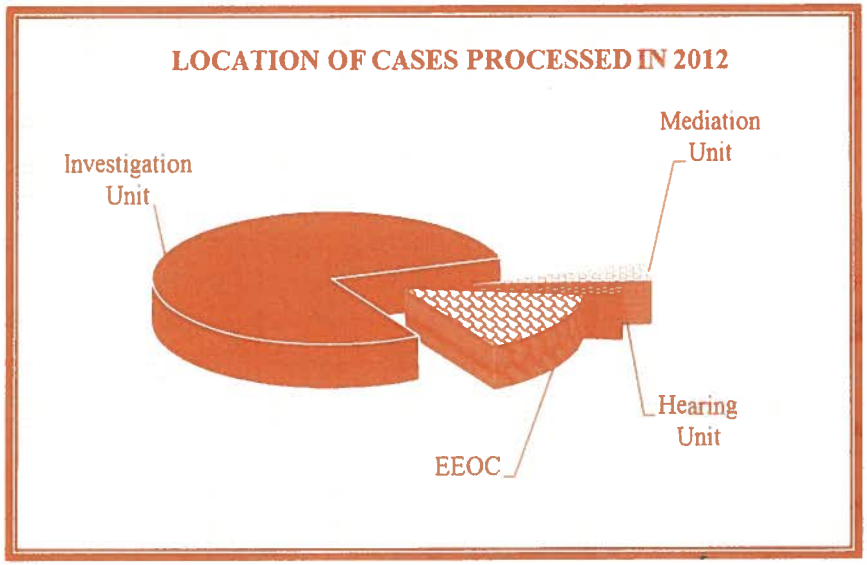
Analysis of Filings By Complainant's Age

20 years and under	14
21 – 40 years	184
41 – 60 years	246
61 years and over	44
Unknown	3
Director's Charge	1
Total Filings	492

Analysis of Filings By Type

Employment	444
Housing	21
Public Accommodation	15
Government Practices	12
Total Filings	492





Analysis of Filings By Basis

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	65	109
Physical Disability	63	51
Sex	41	79
Age	35	68
Mental Disability	19	10
Pregnancy	15	4
Retaliation for Filing	13	26
Religion	13	12
National Origin	8	61
Retaliation	5	69
Marital Status	3	4
Parenthood	2	2
Multiple Basis*	210	---
Total Filings	492	

Analysis of Filings By Issue

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	67	202
Terms & Conditions	55	207
Failure to Hire	29	13
Other	17	25
Failure to Accommodate	11	44
Denied Service	9	6
Failure to Promote	5	12
Eviction	4	6
Sexual Harassment	3	39
Demotion	3	10
Harassment	2	42
Pay Equity	2	10
Failure to Rent	1	3
Failure to Dispatch	0	3
Multiple Issue*	284	---
Total Filings	492	

*Some complaints alleged more than one basis and/or issue.

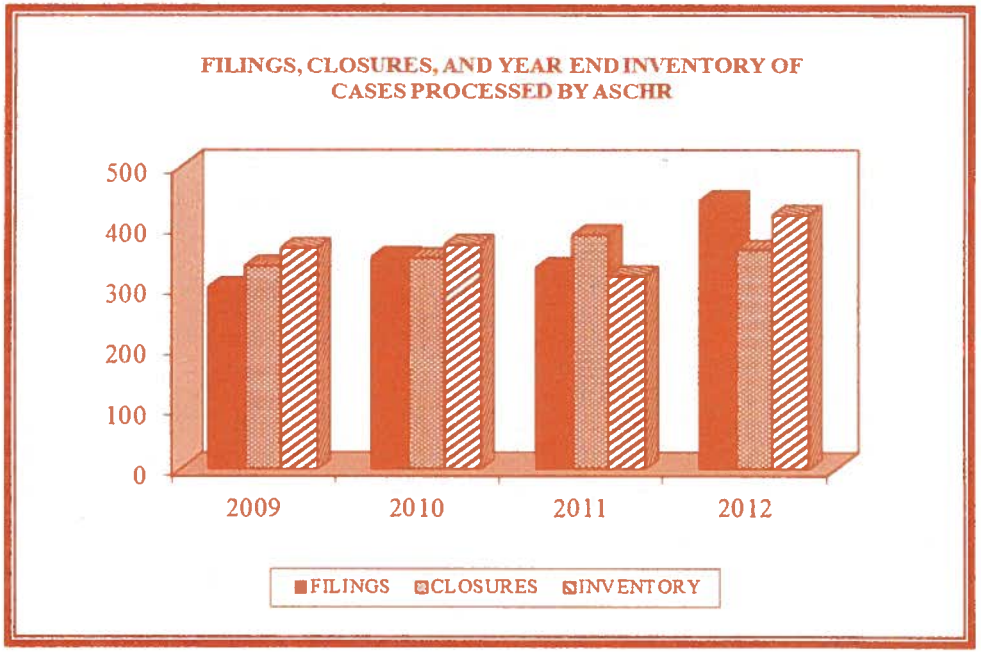
Analysis of 2012 Closures

Reason For Closure	Number of Closures
Mediation:	**27[1]**
Mediation – Successfully Settled	24
Mediation – Complaint Withdrawn	3
Administrative:	**44**
Complaint Withdrawn	20
Complaint Untimely or Lack of Jurisdiction	13
Complainant Not Available	5
Complainant to Court	3
Administrative Dismissal	3
Not Substantial Evidence	**316**
Conciliation and Settlement:	**24**
Pre-Determination Settlement (PDS)	15
Substantial Evidence / Conciliation Agreement	9
Hearing:	**14**
Decision for Complainant	2
Decision for Respondent	3
Decision – Other	2
Pre-Hearing Settlement	4
Administrative Dismissal	3
Total 2012 Closures	**425**

[1]The number of mediation settlements does not include 2 settlements negotiated in 2012 which closed in early 2013.

Determinations Finding Substantial Evidence of Discrimination

Substantial Evidence Findings:	16
Successfully Conciliated	1
Conciliation Failed	12
Pending	3



Summary of Closures

Category of Closure	2010	2011	Detail of 2012 Closures	
			ASCHR	EEOC
Mediation	17	30	18	9
Administrative	42	62	38	6
Not Substantial Evidence	283	307	270	46
Conciliation and Settlement	27	22	22	2
Hearing	15	13	14	0
			362[2]	**63**
Total Closures	**384**	**434**	**425**	

[2]The number of closures does not include completed investigations of 15 cases which are still in conciliation or were transferred to the Hearing Unit in 2012.

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

The Alaska State Commission for Human Rights is the State agency that enforces the Alaska Human Rights Law. The Commission consists of seven Commissioners 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. The Commission answers inquiries and accepts complaints from all regions of the state. The Commission also offers a free mediation program.

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 complaints;

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 where investigation has found substantial evidence that discrimination occurred; and

Provides technical assistance and advice on the Alaska Human Rights Law and public outreach.

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.

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