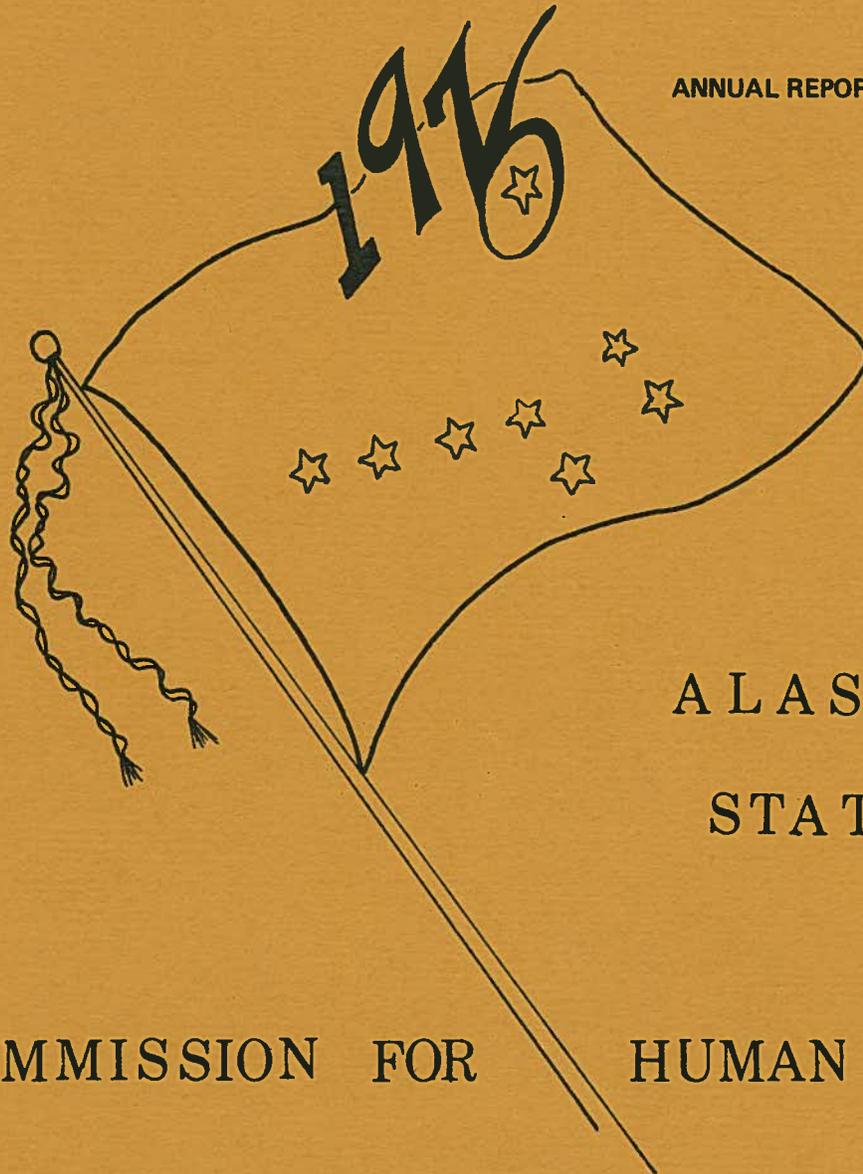


ANNUAL REPORT



ALASKA
STATE

COMMISSION FOR HUMAN RIGHTS

Jay Hammond, Governor

COMMISSIONERS

Carol Smith, Chairwoman
John Gonzales, Vice-Chairperson
Willie Ratcliff, Commissioner
Dorothy Larson, Commissioner
Roberto Garza, Commissioner
Thomas Johnson, Commissioner
Diana Snowden, Commissioner

EXECUTIVE DIRECTOR

Niel Thomas

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

JAY S. HAMMOND, GOVERNOR

2457 ARCTIC BLVD., SUITE 3
ANCHORAGE 99503
PHONE: 274-4632

December 31, 1976

The Honorable Jay Hammond
Governor, State of Alaska

Alaska State Legislature
Juneau, Alaska

Dear Governor Hammond and Members of the Legislature:

The Alaska State Commission for Human Rights is pleased to transmit to you the Annual Report of the Commission, covering its activities from January 1, 1976, through this date. This report is in keeping with AS 18.80.150 of the Human Rights Law which provides:

The Commission shall, at the beginning of each legislative session, report to the legislature on civil rights problems it has encountered in the preceding year, and may recommend legislative action. The Commission shall file the report with the Governor and the legislative council by December 31 of each year. The legislative council shall prepare a copy of the report for each member of the legislature.

The Commission's awareness of human rights problems in Alaska became more fully refined during 1976. More importantly, we believe that Alaska's institutions, its courts, and its individual citizens became more acutely aware of their rights and responsibilities under the Human Rights Law. Because of the healthy support of the Governor and the legislature, the Commission's efforts to enforce the laws against discrimination appear to be well understood and accepted throughout Alaska.

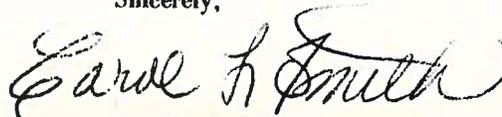
For the first time, 1976 saw Alaska's highest court ratify the direction which the Governor and the legislature have given to the Commission when it stated:

Aggressive, large-scale enforcement will be of critical importance if systematic and continued discrimination . . . is to be eradicated . . . The statutory scheme constitutes a mandate to the agency to seek out and eradicate discrimination in employment, in credit and financing practices, in places of public accommodation and in the sale, lease or rental of real property.

Through its public education efforts the Commission shows promise of increasing the public's understanding of what crushing human losses result from discrimination.

We are therefore pleased to share with you our accomplishments, and our observations about the job which faces us in 1977.

Sincerely,



Carol L. Smith
Chairwoman

INDEX

IN MEMORIAM – BILL VAUDRINiii
I. OVERVIEW OF THE HUMAN RIGHTS COMMISSION.	
A. Complaint Resolution	1
B. Public Education	3
C. Policy and Direction	4
II. MAJOR ISSUES, ENFORCEMENT ACTIONS AND LITIGATION.	
A. "Issue Cases of General Importance	5
B. Cases Pending Administrative Hearing	7
C. Major Court Decisions	15
D. Commission Participation in Other 1976 Litigation	18
E. Other Individual cases in Litigation Without Commission Participation	20
III. ANALYSIS OF COMMISSION CASE LOAD	22
IV. PUBLIC EDUCATION PROJECTS.	
A. Studies	28
B. Anchorage Equal Rights Commission	31
C. Technical Assistance and Other Public Education Pro- jects	33
V. POLICY DEVELOPMENT AND ADMINISTRATION.	
A. Legislative Activity	39
B. Commission Policy Determinations and Questions	41
C. Program Implementation By Staff	44

APPENDIXES

I.	Quarterly Case Production Analysis	48
II.	Summary of Cases Processed by Region	49
III.	Race of Persons Filing Charges	50
IV.	Sex of Persons Filing Charges	51
V.	Analysis of New Filings by Reason Alleged by Complainant	52
VI.	Analysis of New Filings by Type of Unlawful Practice	53
VII.	Regional Analysis of New Filings by Type of Unlawful Practice	54
VIII.	Status of Unresolved Cases. Jan - Dec 1976.	55
IX.	Percentage of Cases Under Review or at Later Processing Stages	56
X.	Reasons Cases Were Closed	57

IN MEMORIAM

BILL VAUDRIN

The Alaska State Commission for Human Rights notes with deepest sympathy the death of its past Executive Director, Bill Vaudrin.

During the two years he served the Commission, Mr. Vaudrin led the agency through the most rapid period of growth of its ten-year history. He realized that the resources of Federal VISTA volunteers could demonstrate to the State the value of a full-time legal and professional staff.

The three-year VISTA commitment which he recommended to the Commission bore fruit almost immediately with legislative funding of a professional staff worker in Southeastern Alaska. Shortly thereafter, a legal position in the Department of Law and professional investigator position began to receive legislative endorsement.

His most visible public accomplishment was his vigorous support of Native concerns, particularly in Rural Alaska. He led the agency to its continuing concern that it not be exclusively a city-oriented bureaucracy which ignored the very real social problems in the State's rural areas.

Mr. Vaudrin was strongly committed to the principle that active enforcement of the Human Rights Law would yield the important social changes that law mandates.

On the national level, he served on the Board of the International Association of Official Human Rights Agencies. At several of its national meetings and regional conferences, his influence significantly broadened the thinking of the organization to concern for non-Black minority group members.

More than any other thing, perhaps, what will be missed is the energy, dedication and enthusiasm Mr. Vaudrin brought to his work. Speaking to him for even a few minutes was an exciting and inspiring experience. A bright star has dimmed in our universe, but our memory will prevent that light from ever being extinguished.

Resolution No. 1, 1976.
Adopted by the Commissioners of the
Alaska State Commission for Human Rights
February 29, 1976

I. OVERVIEW OF THE HUMAN RIGHTS COMMISSION.

The Alaska State Commission for Human Rights is the agency created by the state laws against discrimination to identify and eliminate discriminatory practices and teach the public what the law provides. The Human Rights Law says that:

. . . discrimination . . . is a matter of public concern . . . [it] not only threatens the rights and privileges of the inhabitants of the state but also menaces the the institutions of the state and threatens peace, order, health, safety and general welfare of the state and its inhabitants.

The law defines unlawful practices in employment, credit and financing, public accommodations, real estate transactions and governmental services. The bases upon which discrimination is prohibited include race, color, national origin, age, sex, religion, marital status, changes in marital status, pregnancy or parenthood, and physical handicap. The success of the Commission's programming can be measured by the extent to which the human suffering—and outright losses flowing from this suffering—are reduced from year to year.

The Commission strives to achieve these goals through resolving complaints filed with the Commission and through public education.

A. COMPLAINT RESOLUTION

Any Alaskan has the right to file a complaint of discrimination with the Alaska State Commission for Human Rights. (He or she also has the right to bypass the Commission and bring a lawsuit under the Human Rights Law directly in Superior Court.) The staff of the Commission analyzes the complaint and attempts to resolve it.

Preliminary investigation: A Commission investigator first attempts to resolve the complaint through an informal investigation conducted within two weeks of filing. Some cases are disposed of during this time because the Commission lacks jurisdiction. Others settle immediately to everyone's satisfaction. Most cases have an issue which must be more fully developed through a detailed investigation. These are placed with others to wait their turn for assignment.

When a case is assigned, the investigator is required by law to conduct an impartial investigation, giving both the person who filed the complaint and those charged with having practiced discrimination, the "respondent," a full and fair opportunity to provide facts to the Commission. The process generally involves interviews with witnesses and inspection and copying of documents. Discrimination is often a subtle combination of factors and practices. As the U.S. Congress observed when it enacted stronger civil rights coverage in 1972, respondents often lack the "technical perception" of the law to understand that discrimination is present. Therefore, investigations can be lengthy and detailed, depending upon the type of case. Very few cases involve an overt statement of hostility based upon a person's race, sex, handicap, etc.

Determination and settlement: When the investigation is complete, the Commission's staff decides whether or not discrimination was present. (Because of delays in assigning cases for investigation, many cases are closed prior to a determination because the complainant or witnesses have moved away or have lost interest in the case.) If no discrimination is found, notices are sent to the complainant and respondent by certified mail.

These parties are also notified if the Commission's staff believes that discrimination has taken place. At the same time, the staff proposes remedies to alleviate the problem. The respondent is offered an opportunity to discuss the proposed remedies with the Commission staff and enter into an enforceable agreement in which all discrimination is eliminated.

Most cases are resolved through these nonadversary procedures. The signing of such a settlement agreement with the Commission does not require the respondent to admit to a violation of the Human Rights Law. The complainant who accepts such a remedy through the Commission is generally foreclosed from raising the issue again, either before the Commission or in court.

Adversary proceedings: When voluntary settlement efforts fail, the Commissioners convene a public hearing at which they sit as administrative judges. The Commission's staff presents the case in support of the complaint, and the respondent presents a defense. The Commissioners frequently hire an attorney to serve as examiner to prepare recommendations for their final action. After the Commissioners have entered their decision, either the complainant or respondent may seek to have the Commission's decision reviewed by the Superior Court, if either disagrees with it. The review may continue to the Supreme Court level.

Occasionally, a respondent will attempt to challenge the Commission's powers in court, even prior to the commencement of public hearing (adversary) proceedings. In such cases, and when the Commissioners' decisions are under review in the courts, the Commission's attorney at the Department of Law represents the position of the Commission.

The Human Rights Law also permits individuals to file lawsuits directly in Superior Court without prior filing with the Commission. The Commission has the power, through its attorney, to participate in such actions as a party, or as a friend of the court. If a complainant has filed an action in court which the Commission is handling simultaneously, the Commission may seek a delay of the court action for not more than 45 days in order to attempt to resolve the matter administratively.

B. PUBLIC EDUCATION.

Many persons are unaware of their rights under the Human Rights Law. The Commission estimates that less than 10% of those who are discriminated against actually appear at a Commission office to file a complaint. It is therefore the Commission's responsibility to prepare educational materials which teach people what the law provides. The Commission also seeks out opportunities to broadcast its message through the media and to appear before groups and organizations.

The law places obligations upon employers, public accommodation firms, housing managers, providers of credit, and the government. Many such officials are as unaware of their responsibilities as the public is unaware of its rights. The Commission has an equal responsibility to teach people how to comply with the law. Much of the Commission's educational efforts are designed to reach individuals and groups with information designed to reduce discrimination before it occurs.

A successful educational program, combined with effective enforcement procedures, reduces discriminatory practices, and therefore the number of complaints filed.

C. POLICY AND DIRECTION.

The Human Rights Commission's policy making and direction comes from seven unsalaried Commissioners appointed by the Governor for staggered terms of five years each. Their responsibilities are defined by the Legislature and the policies of the Governor. The Commissioners appoint an Executive Director (who is approved by the Governor) to carry out the Commissioners' policies and objectives. The current Executive Director is Niel Thomas. The Commission maintains field offices in Anchorage, Juneau, Fairbanks, and Barrow. Assistant Directors in the three larger cities (Barrow reports to Fairbanks) manage the case processing and educational functions of the Commission at the field level. A separate administrative office exists in Anchorage, with a Case Processing Coordinator, Bob Kemp, legal assistants to the Executive Director who prepare cases for hearing, and a Public Education Coordinator. The Commission's attorney, Carolyn Jones, is a member of the staff of the Department of Law, but the position is funded by the Human Rights Commission.

INTERRACIAL COUPLE

A Black male and a White female who were married charged that when new landlords took over management of their apartment that excuses were made for their eviction when the real reason was their interracial marriage. When the Commission's staff became involved, together with an attorney from Alaska Legal Services, the lawyer for respondent negotiated a six-week extension of their tenancy in return for withdrawal of the complaint.

II. MAJOR ISSUES, ENFORCEMENT ACTIONS AND LITIGATION

Prior to 1975, no court in Alaska had ever been called upon to interpret the Alaska Human Rights Law. The 1974 decision of the Human Rights Commissioners to institute a vigorous enforcement program began to bear fruit in 1976 with the first court rulings on the Human Rights Law. Many other cases in earlier stages may be expected to reach final determination in Alaska's courts in 1977 and later.

A. "ISSUE" CASES OF GENERAL IMPORTANCE.

In 1976 the Alaska Supreme Court ratified the power of the Executive Director to initiate complaints which are in the nature of class actions; that is, complaints which attack broad issues of discrimination affecting many people. (For an analysis of that Supreme Court decision see the analysis of **Hotel, Motel, etc. Local 879 v Thomas** on page 15 following). Such cases are initiated by the Executive Director when sufficient facts come to his attention to justify the commencement of an investigation. The procedure for handling such cases is nearly identical to the procedure followed when individuals file complaints. "Executive Director complaints" are major undertakings which require a substantial commitment of staff and funding. For this reason, the Commission has generally had no more than three such cases pending at any time. In 1976 four of these cases made significant progress which merit comment.

Thomas v State of Alaska, Department of Public Safety: This action challenged alleged discriminatory practices in Public Safety's hiring of state troopers and fish and wildlife protection officers. The complaint alleged discrimination against minorities and women in these sworn officer positions. Settlement discussions with the Attorney General (representing the Department of Public Safety) and special counsel Douglas Serdahely (who was hired to represent the Commission) resulted in the negotiation of an interim relief agreement of one year's duration. During this period, the Department, in cooperation with the Division of Personnel, is developing a validated written examination for sworn officer positions. An affirmative recruitment program, with particular emphasis on recruitment in rural areas by officers, has been established which is designed to attract women and minority applicants. Oral examination boards have been reconstituted to include at least one woman and one minority group member for each round of interviews. Oral boards are being conducted in rural as well as urban areas. All of the

selection devices, including background checking procedures which may have an adverse impact upon minorities and women, have been or are in the process of being reversed. Training materials, academy facilities and operations manuals are being reviewed for race and sex bias. During the interim agreement period the Department is making full efforts, subject to the availability of qualified women and minorities, to insure that one out of three new hires are female and minorities, specifically including Blacks and Natives. At the conclusion of the interim period, in early 1977, a final agreement is scheduled to be negotiated, which will reflect the validation of the new written examination and completion of the undertakings of the interim agreement.

Thomas v State of Alaska, Division of Corrections: This action challenges the alleged failure of the Division of Corrections to provide equal correctional facilities and services to women in Anchorage. The complaint alleges that the Eagle River facility for men is superior both in its physical capabilities and in correctional programming when compared with the Annex facility in downtown Anchorage for women detainees and offenders. The Division of Corrections moved promptly and obtained Legislative funding for the lease of a new female facility. Corrections entered into an agreement with Toppers, Inc. to lease the former Ridgeview Nursing Home and convert it for correctional use. Problems with zoning arose, however, and the Anchorage Assembly refused to grant the necessary approval which would enable the facility to be used. At the end of 1976, Corrections was continuing its attempt to locate an alternative facility. Meanwhile, the Commission was continuing to assert that regardless of which facility is finally selected, Corrections has a present obligation to provide equal correctional services to its female detainees and offenders in Anchorage.

Thomas v Pipeliners 798 United Association: This is a case initiated in 1975 which challenges the alleged failure of this pipeline welders union to dispatch women and minorities, specifically Blacks, to welder and welder helper jobs. The investigation continued through 1976, in preparation for a possible public hearing upon certification of the Commission's new rules governing class actions. (See discussion of *Thomas v "Culinary Union"*, page 13, following). Of particular importance was the Commission's search through thousands of incident

reports filed by Alyeska security contractors to locate those made on members of Local 798 in the pipeline camps. Apparently in response to the Commission's pending investigation, Local 798 began for the first time in 1976 to dispatch some women and Blacks as welder helpers. (Some Natives had been dispatched as welder helpers previously.)

Akpik, et al., v North Slope Borough School

District: This complaint is similar to an Executive Director's complaint in that it raises an issue of general importance in rural Alaska. The complainants, teacher aides throughout the North Slope, alleged that nearly all aides are Native, and nearly all teachers are non-Native, and that the two positions carry significantly different fringe benefits. Which are discriminatory to the aides. Of particular concern is the practice

(common in rural areas) of providing housing or cash housing allowances to non-Native personnel as a term and condition of employment while failing to provide similar benefits to Native personnel. Settlement discussions were actively taking place in late 1976, with meetings scheduled between the school district and the North Slope Borough Assembly at which the school district would seek funding which would equalize the benefits between Native and non-Native personnel.

"NATIVES ONLY"

Two women charged in the early days of the pipeline that counseling jobs located in the camps were reserved for Native males only. They charged race and sex discrimination. Without admitting to a violation, the company negotiated a cash settlement approximately equal to the losses attributable to the women not being hired.

The four cases discussed above do not represent a complete list of all Executive Director charges or of all major issues pending before the Commission. As will be seen in the section following, many cases presently at the hearing stage and some cases in litigation in court are also cases of general importance.

B. CASES PENDING ADMINISTRATIVE HEARING.

Of 586 cases resolved in 1976, only 26 were on the Commission's hearing docket in 1976. Each of these cases contain issues of general importance which respondents were not willing to settle voluntarily with the Commission's staff, thus triggering the Commission's hearing mechanism. (Note that 39 cases are listed in the statistical tables following, reflecting that some hearings discussed below include more than one complainant.) Following is a discussion of each such case.

Agoney v Frontier Rock & Sand: This Native complainant alleges that he was discharged from a truck driving position on the pipeline while the white bus driver who was accompanying him was not. He asserts that a defective heater in his truck necessitated frequent stops to warm up when the temperature was -20° F. He says he was fired for making these stops. The case has been scheduled before the Commission's examiner Vincent Vitale in Anchorage January 25-26, 1977.

Allen v Laborers and Hod Carriers, Local 341: This Black complainant alleges that he was denied a position as a paid union field representative because the union has consistently practiced discrimination against minorities in its paid positions since its formation in 1947. The union denies the charge, and argues that its constitution and bylaws foreclosed the procedure by which Allen sought to be elected to the job. The case is scheduled for hearing before the Commission's examiner Joan Katz commencing February 14, 1977.

Bell v Parker Drilling Company: Bell, who has a hearing and speech disability, alleged that he was not rehired into his position on a drilling rig on the North Slope because of his physical handicap. He cited a five-year accident-free working history in similar drilling positions in various locations throughout the country, including with respondent. At the hearing conducted in 1976 respondent argued that Bell's disability made him a danger to himself and other workers. The Commission's examiner Robert Hicks agreed with respondent and recommended to the hearing Commissioners that Bell's complaint be dismissed. The Commission staff has filed exceptions to the examiner's recommendations to the hearing Commissioners; a decision at the Commissioner level is pending.

Berry v Green-Associated, Inc.: This woman charges that she sought a position as a chain gang worker on the pipeline but was refused while men with fewer qualifications were accepted for testing and hiring. The company denies the charge of sex discrimination and asserts that Berry's working history shows that she was unqualified. The case is pending before the Commission's examiner Sandra Saville.

SEXUAL HARRASSMENT

A Black female appeared at the Commission and showed the staff a handwritten document from her boss which not only instructed her in her work responsibilities but required her to sleep with the boss. The Commission negotiated a settlement in which the complainant received backpay, a cash award for her humiliation and embarrassment, and a requirement that the company issue written instructions to all its supervisory staff warning them that sexual harrassment is a violation of the Human Rights Law.

Borch v The Island King: Borch alleges that this Ketchikan restaurant discharged her because she became pregnant. The restaurant alleges that she was a poor waitress, and that she was laid off because of a reduction in business volume. The restaurant further claims that discrimination because of pregnancy is not sex discrimination. (Her complaint was filed prior to the 1975 amendment of the Human Rights Law to include pregnancy as a separate basis for discrimination.) The case is pending before the Commission's examiner Edward Stahla and is scheduled for hearing in Ketchikan January 13-14, 1977.

Clemens v Alcantra Youth Center: Clemens is a woman who worked as a temporary counselor at this former correctional center in Palmer. She alleges that men with fewer qualifications than she were hired into permanent positions and that she was terminated from her temporary position as a result. Alcantra officials assert that they followed proper State personnel procedures in hiring the men who were placed higher on personnel lists than she.

Fetterman v Christie & Strait: Fetterman alleges that he was discharged from his position as a carpenter in the construction of the Chena View Hotel in Fairbanks by a supervisor who stated that Fetterman was too old. The case is pending before the Commission's examiner Richard Savell, with pre-hearing procedures completed by the end of 1976.

Fridricksson v Alaska USA Federal Credit Union: Fridricksson alleges that the credit union in Adak refused to promote her to the position of manager because of her sex. She alleges she was qualified to do the job and in fact had held it on an acting basis pending selection of a new manager. The credit union asserts that she was unqualified, and further alleges that all non-profit organizations are exempt from Alaska's Human Rights Law. A motion on this jurisdictional question was pending before the Commission's examiner Peter Partnow at the end of 1976.

ALCOHOL ABUSE DISCHARGE

The company said that it had discharged the woman who filed a complaint with the Commission because of her abuse of alcohol. Complainant replied that men with similar problems had not been discharged. As the Commission was investigating the case the company offered the complainant her job back with backpay.



DISPATCHES RECEIVED

Many complainants withdraw their charges when the act of filing causes the respondent to rethink its position. Such was the case when two females charged that their union refused to dispatch them to pipeline jobs. While the Commission was investigating, the union dispatched the women, who then withdrew their charges.

Herrman v Strain and Patrick: This Native woman alleged that her landlady and the landlady's son (who subsequently purchased the trailer in which Herrman was living) harassed and evicted her because of her race. Both respondents denied all charges, but negotiated a settlement agreement approved by the Commission's examiner Denis Lazarus immediately prior to commencement of the hearing.

Hoolsema v Alaska Lumber & Pulp Co.: Hoolsema is a diabetic who was not hired by ALP because of his physical handicap. He asserts that his condition was under control after it had been identified by a company physician. The Commission's public hearing was held in 1974, but the record remains open to receive further medical testimony about the complainant's condition.

PROMOTION QUESTION

A Black Male alleged that his company discriminated against him when it refused to promote him from security guard to sergeant. The Commission found that the complainant had actually been promoted from one guard ranking to another. During the investigation, however, it became clear that Alaska Natives had consistently not been promoted. The company was warned to examine the effect of its promotion practices on Alaska Natives.

Jeffers v City and Borough of Juneau: Jeffers alleges that the municipal swimming pool in Juneau maintains hours for swimming by women only, thus denying him the right to equal governmental services because of his sex. The city denies the charges and maintains that services are in fact available equally. The case is scheduled to be heard by the Human Rights Commissioners in early 1977.

Kirkpatrick v Ketchikan Pulp Company: Kirkpatrick alleges that a company-retained physician prevented her from being hired because of a physical disability, a modest eczema which was related to her pregnancy. She charges that at least one man with worse eczema was hired. The company denies the charge and states that it was required to follow its physician's advice and that the chemicals used in paper processing would constitute a danger to her health. The case is scheduled for hearing before the Commission's examiner Robert Wagstaff January 11-12, 1977, in Ketchikan.

Lamug v Whitney-Fidalgo Seafoods, Inc.: This is a retaliation case in which this former cannery worker alleges that she was not rehired into her position in Kodiak because she had earlier complained to the Human Rights Commission that she was fired because of a physical handicap. The company denies the charges and asserts that her prior complaint with the Commission had nothing to do with her non-rehire, rather, she was a poor worker. The case is pending before the Commission's examiner John Hedland.

Mayer v Yellow Cab Co.: This woman alleges that the Yellow Cab Co. in Fairbanks has never hired a woman cab driver, including her. At the hearing conducted by the Human Rights Commissioners in October, 1976, Mayer testified that she attempted to apply by speaking with the company dispatcher, who told her that the company did not hire women, that application forms were locked up, that she could speak with the owner but it would do no good. The company defended on the grounds that the discussion with the dispatcher did not constitute an application and that the company's reputation could not be used as evidence in support of Mayer's individual complaint. The post-hearing briefing schedule was near completion at the end of 1976 in preparation for decision by the Commissioners.

Muldrow v State of Alaska, Division of Corrections: This Black female alleges that she was not hired as a correctional worker because of her race. The State denied the charges in a hearing held before the Commission's examiner Kermit Barker in February, 1976. The State contended that it followed proper personnel procedures in hiring the white male that it did. The examiner agreed that Ms. Muldrow had made out a prima facie case of discrimination, but held that the State had rebutted her claim sufficiently to require her to come forward with further evidence of discrimination. The Commission's staff took exception with the examiner's recommended decision, which was pending before the Commissioners at the end of 1976.

Presley v Fairbanks Police Department: This woman alleges that her sex was the reason why she was not hired as a police officer. The city denies the charge and states that she was unqualified. The case was placed on the Commission's hearing docket in late 1976.

Raymond v Wien Air Alaska, Inc.: Ms. Raymond charges that she was not hired as a cargo handler at Wien's Deadhorse station because of her sex. The respondent asserts that there were no facilities which precluded their hiring women there. Wien further contended that Raymond was unqualified. The Commission's examiner Joseph Huddleston recommended that the Commission rule in Wien's favor, and Raymond's attorney, acting as the Commission Director's designee, filed exceptions to the examiner's proposal. The decision of the Commissioners was pending at the end of 1976.

Russo v Painter and Allied Trades Union, Local 1140: This woman alleged that she was never dispatched by the painters union after completing their apprenticeship training program. She charges that men in her class were dispatched while she was not because she is a woman. The union denies sex discrimination and claims that the only persons who received work following that class were those who secured jobs for themselves. The case was placed on the Commission's hearing docket in late 1976.

Scholle v City of Fairbanks: This case challenges the City of Fairbanks nepotism ordinance as discrimination based upon sex and marital status. Scholle, who was not hired as a clerk in the City police department because her husband was driving a truck for the water department at the time, alleges that because most Fairbanks employees are men, that the ordinance generates sex discrimination. The Commission's Executive Director intervened to argue that the ordinance also constitutes marital status discrimination. At the end of 1976, the facts in the case had been agreed to between the Commission staff and the City, and briefs were being analyzed by the Commission's examiner Richard Savell.

**LAYOFF NOT
DISCRIMINATORY**

A Black female charged that she was laid off from her bullcook job on the pipeline because of her race. The investigation revealed that she was unable to work because of her recent hospitalization. The Commission found no discrimination.

Stevens v Fluor, Inc.: This Native woman alleges that race and sex were factors in Fluor's refusal to hire her as a mail clerk in a pipeline camp. The company asserts that no position was available at the time of her application, and that it made diligent attempts following her application to locate her when a position did become vacant, but that she was not available. Pre-hearing procedures were nearly completed by the end of 1976 before the Commission's examiner Richard Savell.

Stovall v Anchorage Police Department: Newell (nee Stovall) gained her position as police officer with the Anchorage Police Department as a result of a complaint filed in 1975 with the Human Rights Commission. Her settlement agreement provided for backpay and no retaliation. In 1976 she charged that the settlement agreement had been violated because of the Department's refusal to reimburse her for meals allowances which police officers receive. She further charged that she received a disciplinary notice for using the police locker room, which had been reserved for male officers. The settlement agreement with the Commission provided for binding arbitration, and the Commission's arbitrator Wayne Ross ruled that the agreement's provisions for backpay did not include meals allowances because the Commission's staff had waived that claim during settlement discussions. Ross also ruled that the disciplinary notice was facially invalid, although not discriminatory, and persuaded the Department to remove it from her file voluntarily.

Thomas v Hotel, Motel, etc., Local 879: This is the "culinary case" which alleges sex discrimination in dispatching procedures by the union's local in Fairbanks. Although a hearing was commenced in 1975, the case was halted by order of the Superior Court in Fairbanks on jurisdictional questions discussed more fully under court decisions, page 15, following. The hearing is scheduled to be resumed, if further settlement efforts are unsuccessful, in 1977 following promulgation of the Commission's rules governing class action hearings.

Thomas, et al. v Northern Lights Disco: This Director's complaint challenged an alleged discriminatory admissions fee policy based on race and sex at this Anchorage nightclub. Several individuals also filed complaints, including LaVon Williams who alleged that the owner used racial epithets against her and caused her to be removed from the club. The club denied that the owner touched Ms. Williams, but admitted that derogatory language had been used. While not contesting the facts of the pricing scheme, the club asserted that Williams' boyfriend threatened the owner. At the consolidated hearing conducted in December, 1976, the Commission's examiner Olaf Hellen indicated verbally that he would recommend dismissal of the Williams complaint and recommend that the pricing policy was discriminatory. The examiner's written recommendations were pending at the conclusion of 1976.

Thomas v Salburg Apartments: This case commenced when an unidentified Black female phoned the Commission in Fairbanks to allege that Salburg was refusing to rent apartments to Blacks. The Commission sent both Black and White staff members to the apartment to determine what the policies were. As a result of these inquiries, the Director alleged race discrimination. Respondent filed a blanket denial of the charges with the Commission, and the case was pending the appointment of an examiner at the end of 1976.

Thomas v State of Alaska, Division of Marine Transportation: This case is a consolidation of numerous charges filed by females who attempted to seek positions allegedly closed to women on the marine highway system. The court and administrative actions associated with this case are discussed more fully under litigation on page 20, following. (*McClellan case.*)

Willard v State of Alaska, Division of Buildings: This Native man alleges that he was discharged after working for one month as one of three janitors in State buildings in Juneau. He asserts that his unjust termination was based on race because the State retained two other janitors who were White. The State denies the charges and contends there was only work enough for two janitors and that Willard's performance was the least adequate of the three. The case was pending pre-hearing procedures in late 1976.

UNAUTHORIZED LEAVE

One company's policy required prior notice before any employee was permitted to take a leave of absence. A Black man told the Commission that he was fired from his sales position after he returned from his leave. Investigation revealed that he had not sought permission to take leave, and that all persons were treated equally under the policy regardless of race.

MALE WAITERS ONLY

A restaurant owner insisted that its tradition of Sicilian cuisine prevented it from hiring women as waiters. Two experienced waitresses who applied were denied jobs. They filed complaints with the Commission. The Commission refused to believe that the restaurant's atmosphere hinged on the sex of its service personnel, and the restaurant agreed to offer them jobs and a monetary settlement.

GROOMING STANDARDS

Two White males charged that their company refused to hire them as bullcooks because of their long hair and beards. The Commission's staff determined that employers are entitled to set grooming standards which are different for men and women, but that the standards may not be enforced differently. By agreement with the Commission, the employer agreed to develop written standards for grooming which will be enforced equally.

C. MAJOR COURT DECISIONS.

Two major decisions of the Alaska Supreme Court, and a decision by the Federal District Court in Alaska established important principles under the Human Rights Law. A brief discussion of each of these three decisions follows.

Hotel, Motel, Restaurant, Construction Camp Employees & Bartenders Union, Local 879 v Thomas, (Alaska Supreme Court; decided July 2, 1976): The Commission's Director charged a pattern and practice of discrimination existed during 1974 in the dispatching of women to the pipeline by the "Culinary Union" local in Fairbanks. The complaint was in the nature of a class action, that is, it was brought on behalf of hundreds of women, who, the complaint alleged, were denied pipeline jobs because of their sex, and were later denied opportunity because they were placed on a subordinate dispatch list since they did not have prior pipeline experience. The union took the Commission to court to claim that the Executive Director did not have the power to file such a complaint. The Superior Court at Fairbanks disagreed, and the Alaska Supreme Court affirmed. The Supreme Court wrote:

Clearly the legislature intended the Commission to be more than a simple complaint-taking bureau; the statutory scheme constitutes a mandate to the agency to seek out and eradicate discrimination in employment, in credit and financing practices, in places of public accommodations and in the sale, lease or rental of real property,

The Court cited the Legislature's intent to "remedy this most intractable of social ills" and compared it favorably with similar laws in other states:

It would be unreasonable to interpret this legislation as requiring the Executive Director to proceed on an individual case by case basis in challenging widespread illegality. Aggressive large scale enforcement will be of critical importance if systematic and continued discrimination of this sort is to be eradicated.

(The Superior Court also held that the Commission could not proceed to hold hearings on such cases without rules of procedure. The Supreme Court's affirmation of the Superior Court decision necessitated the adoption of rules, which will take effect January 14, 1977. Thus, through 1976, class action type hearings before the Commission were held in abeyance until after the class action regulations were promulgated.)

Loomis Electronic Protection, Inc. v Schaefer, (Alaska Supreme Court; decided May 14, 1976): Paddy J. Schaefer, who sought a job with Loomis unsuccessfully, brought suit in Superior Court charging sex discrimination. In her court complaint her attorney, Richard Savell, sought employment, backpay, interest, costs, attorney fees and other compensatory and punitive damages. Prior to a trial on the merits, Loomis reached the Alaska Supreme Court on the claim that it was entitled to a jury trial on these issues. The Supreme Court agreed. And, significantly, the Court held that complainants alleging violations of the Human Rights Law were entitled to "complete relief" because:

the legislature intended to put as many "teeth" as possible into this law. We fail to see how, consistent with that purpose and intent, the legislature could have contemplated a statutory schema that had not included the right to recover damages. Otherwise, there would be many cases in which no meaningful relief would be available to the injured party, the one whose civil rights had been violated and whom the law seeks to protect. We believe that the broad language of [the law] indicates a legislative intent to authorize an award of compensatory and punitive damages for violations of [the law], in addition to the equitable remedies such as enjoining illegal employment activities and ordering backpay as a form of restitution.

ASSAULT CAUSED DISCHARGE

A 24-year-old man charged that his age was the cause of his discharge. He alleged that he was an outstanding employee, but the youngest in his job classification. Investigation revealed that several young workers were in his job classification and that he had been accused of assaulting a co-worker. The company routinely fires employees, regardless of age, for assault, and the Commission found no discrimination.

Simpson v Providence Washington Insurance Group, (Federal District Court, Alaska, decided December 8, 1976): Simpson was a senior claims examiner who filed suit under the Human Rights Law when he was terminated under a mandatory retirement program after reaching age 65. He cited the prohibition of the state law against age discrimination in his complaint. The defendants took the case to Federal Court to argue that the Alaska law was superseded by its Federal counterpart which only protects workers who are between the ages of 40 and 64. The Human Rights Commission entered the case to argue with his attorney, Edgar Paul Boyko, that the Alaska legislature, when it placed no age restrictions on the state law, intended to cover an area which the Federal government had left untouched. The Federal court agreed that such was the intent of the legislature:

The [Alaska] statute unequivocally states that there shall be no discrimination based on age. Defendant seeks to imply an upper age limit of 65 years of age into this statute on several theories. Defendant contends that 65 is the universally recognized age of retirement and that the Alaska legislature must have intended to so limit this statute. The court cannot accept this premise upon which this conclusion rests. While it is true that many retirement programs require retirement at 65 such an age is hardly recognized as an universal constant . . . it is against precisely the type of retirement policy and frame of mind challenged herein that much criticism has been leveled. . . the court will not frustrate the purpose of the statute by adopting an implied interpretation which reflects the state of mind that initially impelled legislative action. [The law] is not vague and is not overly broad. [It] applies only to persons whose age is the reason for the discriminatory practice.

The court noted that at least eight other states had prohibited age discrimination in a fashion similar to Alaska's Human Rights Law. It further noted that the Human Rights Law does not supersede specific state laws "pertaining to child labor, the age of majority, or other age restrictions or requirements". Thus, the decision does not affect mandatory retirement of state judges, or minimum age of state troopers, for instance, because state laws specifically so provide.

RECORDS VIOLATIONS

A hotel bellhop was fired and charged race discrimination, but the Commission found the termination justified. During the course of the investigation, it became clear that the respondent was not keeping records on its employees documenting their race, sex and age, as required by the Human Rights Law. The hotel is cooperating with the Commission in establishing such a record-keeping system.

D. COMMISSION PARTICIPATION IN OTHER 1976 LITIGATION.

A number of other cases invoking the Human Rights Law were active in 1976. Some are still pending, and others were settled with less impact than the Local 879, Loomis, and Simpson decisions.

Behrends v Bradley, et al. (Superior Court First Judicial District; pending motions to dismiss and for summary judgment.) In 1975, a number of female employees of Behrends Department Store in Juneau filed complaints with the Human Rights Commission alleging a pattern of discrimination in unequal pay because of their sex. While the Commission was attempting to settle the matter prior to commencement of adversary (public hearing) proceedings, Behrends went to court to challenge the Commission's proceedings. In its first claim, Behrends argues that it is entitled to see the complete files of all complaints alleging sex discrimination filed since the establishment of the Juneau office of the Commission in 1974. Second, Behrends alleges that no discrimination has taken place. Finally, Behrends, noting the Local 879 decision, argued that the Commission could not hold a hearing prior to the passage of class action regulations. In its motions to dismiss and for summary judgment, the Commission argues that: (1) its investigative files are not public record because of Federal laws which require their confidentiality; (2) until the Commission has heard and decided the entire case at public hearing, the court has no jurisdiction to hear a claim by a respondent that discrimination did not take place or that conciliation efforts were improper; and (3) the Commission has not commenced adversary proceedings, making it premature for Behrends to raise questions about class actions rules.

Thomas v Alyeska Pipeline Services, Inc.: In a continuing investigation (which dates from 1975) into alleged discriminatory practices by the Pipeliners (welders) Union 798, the Commission subpoenaed reports maintained by Alyeska security contractors which gave facts about harassment of minorities and women by members of the welders union. Alyeska, a non-party to the administrative complaint, opposed and argued that it was entitled to examine all investigative files compiled by the Commission in the 798 case, and to depose the Commission's investigator. The Superior Court held that the investigatory files of a law enforcement agency are privileged from disclosure under State and Federal law. The Court subsequently approved an agreement between the Commission and Alyeska under which the Commission was able to gain access, under court supervision, to the requested security reports.

Bald v RCA Alascom and Teamsters; (Alaska Supreme Court; pending oral argument.) Bald argued that as a Seventh Day Adventist she is not required, as a condition of her employment, to pay dues to the union which represents workers at the RCA facility. But the preliminary question is whether the Federal Labor Law (National Labor Relations Act) preempts the Alaska Human Rights Law and prohibits her from raising questions of religious discrimination under the Human Rights Law. The Commission, in an *amicus* brief filed with the Alaska Supreme Court, argues that the NLRA does not supersede Alaska's Human Rights Law.

Wondzell v Alaska Lumber & Pulp. (Alaska Supreme Court; pending argument.) The basic issue is raised in Wondzell as in the Bald case. In addition, Wondzell argues that his employer has a duty to make a reasonable accommodation to his religious requirement by permitting him to pay money equal to his dues to a charitable organization instead of to the union. The Commission, as an intervenor on Wondzell's behalf, argues that the employer has the obligation to make some type of reasonable accommodation, but does not go as far as to suggest that Wondzell has no obligation to pay dues to his union.

Davidson v Kent. (Alaska Supreme Court; pending filing of briefs.) Davidson, a former employee of the Association of Retarded Citizens of Anchorage, alleged that she was fired when she complained that her employer discriminated against another worker because of physical handicap. Her suit, filed with the Superior Court at Anchorage, was dismissed because the court believed that she had an obligation to take her complaint first to the Human Rights Commission. On appeal, the Human Rights Commission asks leave to appear as a friend of the court to argue that the Human Rights Law gives every citizen the right to file suit in Superior Court without coming first to the Commission. (The law also provides that final adjudication by the court or the Commission, precludes a "second bite at the apple" in the other forum.)

McClellan, et al. v State of Alaska, Division of Marine Transportation. (Superior Court, First Judicial District; pending decision on complainants' motion for summary judgment.) Female employees, or women who sought jobs with the State's Division of Marine Transportation, which operates the ferry system, first filed complaints of discrimination with the Commission alleging that they were denied certain classes of jobs because of their sex. When the Commission was unable to hold hearings on their cases because of lack of funding in late FY '76, several complainants withdrew from the Commission, hired their own attorney, and brought suit against the State in Superior court. The Commission, through private attorneys (which the law authorizes it to hire in cases involving the State), intervened to persuade the court to withhold further action on the case briefly because the Commission staff was still attempting to settle the matter with the Attorney General. Even these further settlement attempts by the Commission's staff were unsuccessful, however. Following expiration of the 45 day "delay" procedure, these complainants proceeded with a motion for summary judgment.

E. OTHER INDIVIDUAL CASES IN LITIGATION WITHOUT COMMISSION PARTICIPATION.

In the following seven cases, individuals have filed suit directly in State or Federal courts alleging violations of the Human Rights Law. The law provides that the Commission may become a party to these proceedings, and requires all such persons to file copies of their court complaints with the Commission. The Commission's attorney continuously reviews each case throughout the court proceedings to determine whether an issue of general importance is raised which merits the Commission's becoming a party. In general, the Commission does not become a party to each such case, but stands ready to enter a case at the Supreme Court level if an issue of general importance is decided by the lower court.

Betancourt v Banister-Joyce-Leonard. (Federal District Court, Alaska; pending trial.) This complaint, although filed in Federal court, alleges that the Alaska law was also violated when this South American born person was not granted rest periods by his employer when American born employees were.

Bray v State of Alaska, Court System. (Superior Court, Third Judicial District; pending trial.) Ms. Bray alleges that, because she was a woman, she was paid unequally by the Alaska Court System as compared with men holding comparable jobs.

Ferguson v Fluor Alaska, Inc. (Superior Court, Second Judicial District; pending trial.) Ms. Ferguson alleges that she was terminated from her pipeline job because her husband also was working for the same employer at the same camp. She alleges marital discrimination.

Meade v Operating Engineers Local 302. (Superior Court, Third Judicial District; pending trial.) Ms. Meade alleges that she was dispatched to a pipeline job and fired four days later, allegedly because the dispatch was "improper". She claims she has not been dispatched since because she is a woman.

Morgheim v Hiber. (Superior Court, Third District; stipulated dismissal.) Morgheim, a TV station employee, alleged that she was discriminated against, because her employer made harassing sexual advances to her.

**REASONABLE
ACCOMMODATIONS
IMPOSSIBLE**

A Seventh Day Adventist charged that a company was refusing to hire him because of his religion, which prohibits Saturday work. The employer was able to show that no accommodation to his religious requirement was possible, because weekend work was an integral part of the job and limited staffing did not allow reassignment or substitution of other workers.

Reed v Alaska Constructors. (Superior Court, Second Judicial District; pending trial.) Reed alleges termination because of age.

Thomas* v Anchorage Telephone Utility. (Superior Court, Third Judicial District; pending trial.) This is a class action filed on behalf of numerous female workers at the telephone company in Anchorage. They allege discrimination because of sex in terms of employment, salary, benefits, opportunity for lateral and horizontal advancement, and promotion. They allege that the pay raise program does not preserve seniority for women while preserving seniority for men, and that they received lower percentage raises. They further allege that lesser qualified men fill positions which the complainants should have occupied.

* *Lead plaintiff is a telephone company employee; no relation to Commission's Director.*

III. ANALYSIS OF COMMISSION CASE LOAD

Computerizing the Commission's case records in 1975 makes it possible for the Commission for the first time to spot trends in its case load. This chapter discusses the Commission's case activity in 1976, compares it with the 1975 report to the legislature, and suggests some trends which appear to be developing.

In its last annual report the Commission estimated that its backlog would stand at 975 cases by December, 1976. In actuality the Commission's load of unresolved cases stood at 776 at the end of December, 1976. (See table below) New filings were nearly equal to estimates, with 762 cases received in 1976, where 775 were predicted. But staff performance in resolving cases far exceeded estimates. The Commission expected, because of the termination of the use of VISTAs as investigators, that only 350 cases would be completed in 1976. The actual result was 586 cases resolved. Appendix I sets forth the total number of cases filed per quarter beginning January 1, 1975, total resolutions, and the resulting level of unresolved cases. Predicting a continued growth of unresolved cases at the same rate presently being experienced, the Commission estimates that its load of unresolved cases at the end of FY '77 (June 30, 1977) will stand at 893, an estimate which tracks well with the 907 estimate furnished to the legislature in connection with the Commission's budget submission for FY '78. (That budget submission suggests a further case load rise to 1247 at the end of FY '78 if the Commission is funded at a maintenance level in the next budget year.)

SUMMARY ANALYSIS OF 1976 COMMISSION CASE LOAD

	1976 New filings	1976 Resolutions	Backlog 12/31/76	Est. Backlog 6/30/77	Est. Backlog 6/30/78
Estimates 1975 Report	775	350	975	970*	1247*
Actual Performance	762	586	776	893**	?

* Estimates furnished in budget submission

** Estimate based upon this report

Regional factors: Appendix II sets forth case activity for each of the Commission's three regions. (The Southeastern Region includes Ketchikan; the Northern Region includes the new Barrow office.) Of particular note is the performance of the Southeastern Regional office, which resolved 114 cases in 1976, up from 67 cases in 1975, although the total staff of the region was reduced from five to two because of the termination of the VISTA program. (New filings in Southeastern remained constant, but the 129 filings in Southeastern for 1976 included approximately 40 cases filed by prisoners at the Juneau jail facility. Thus, Southeastern actually experienced a significant decrease in new cases.) Also of note is the increased production of the Commission's Northern Regional office in Fairbanks, which resolved 206 cases in 1976, up from 79 in 1975. Much of the performance of this office may be attributed to the fact that new state-funded investigators assigned Fairbanks by the legislature in late 1975 became fully productive. They were stimulated by the promotion of that office's most productive investigator to supervisor of regional activities there. Both the Southcentral and Northern offices (based in Anchorage and Fairbanks) experienced an approximately equal growth in new filings, and the Southcentral Region's productivity remained approximately constant. In Southcentral, most VISTAs phased out early in 1976, but permanent staff under legislative funding for FY '77 did not join the Commission until the Fall of 1976.

Satellite offices: The Commission saw evidence of its longstanding belief that discrimination is present everywhere, but comes to the attention of the Commission only when it maintains an office in a given location. For instance, when the Commission was using VISTAs as investigators, one was always stationed in Ketchikan, which office consistently maintained a modest level of activity. In 1975, the Commission's Ketchikan investigator took in 48 cases. But by 1976, when the Commission closed its Ketchikan office, only 13 new cases were filed there. Although the Commission endeavored to cover Ketchikan by inviting collect telephone calls to its office in Juneau, and by dispatching investigators regularly to Ketchikan, it became clear that nothing is as effective as having a full-time staff person located in a community. Similarly, in Barrow the Commission only received seven complaints throughout 1975 when it had no staff there. By the fall of 1976 the Commission's new Barrow investigator was hired and the Commission's office opened. During the fourth quarter alone, the investigator received five complaints where only 1 had been received during the first three quarters of 1976.

Race and sex of complainants: Men continued to file charges at the same rate as women in 1976, continuing the ratio experienced in 1975. Charges filed by the Executive Director, or by several individuals constituted 1% of the new filings. Similarly, the division between races filing complaints remained constant: Whites (44%), Blacks (28%), Natives 16%), Spanish Surnamed Americans (4%), Asians (2%), and other groups and unknowns (6%). Race discrimination was alleged in 43% of the new cases; sex discrimination in 24%. (Appendix III depicts the distribution of the races of those persons filing charges; Appendix IV compares the gender of those filing charges; Appendix V summarizes the reasons alleged by the complainants.)

Unlawful practices alleged: Employment discrimination continued to be the dominant theme of the Commission's new charges in 1976 (79%). Cases alleging discrimination in housing, public accommodations and finance totalled only 11%. The greatest new emphasis between 1975 and 1976 occurred in complaints alleging discrimination in the provision of services by state and local governments. Where such cases comprised only 5% of the total of new complaints in 1975, the proportion increased to 10% in 1976 because the total number of cases tripled, from 25 to 75. Amendments of the credit section of the law to increase protection against unlawful financing practices based on sex and marital status in all forms of credit transactions (Senate Bill 60, 1975 session) did not preclude a deluge of cases at the Commission. In 1976, only 16 such cases were filed, with none in Southeastern. The Commission's belief is that significant voluntary compliance has taken place, as evidenced by many changes being made during the year in credit application forms. Additionally, most individuals who complained of credit discrimination to the Commission staff found that their credit applications were approved shortly after a Commission investigator made informal inquiry prior to taking a formal complaint. (Appendix VI sets forth the proportions of types of charges filed during 1976; Appendix VII breaks out this information for each of the Commission's three regions.

Stage of processing: The Commission's case load can be analyzed to determine the proportion of cases which have been assigned for investigation, are under conciliation, are pending hearing, or are awaiting investigative assignment. (See table below.) This analysis reveals that 37% of the Commission's open case load at the end of 1976 had been assigned for investigation or was pending a later stage of the procedure. The remaining 63% of all open cases were still pending assignment to investigators. But those were mostly cases filed during the last two years. All cases filed prior to January 1975 had been assigned or were pending at later stages. Eighty percent of those filed in 1975 and 45% of those filed during the first three months of 1976 had been assigned or were pending later stages. Six 1973 cases were on the Commission's docket at the end of 1976, of which four were pending hearings, one was pending an appeal of dismissal, and one was under investigation which had been delayed because the Commission had to engage in extended legal proceedings to obtain information from the respondent and locate witnesses scattered throughout the country. Nineteen cases filed in 1974 were pending at the end of 1976, of which eight were awaiting hearing, three were pending decision before the Commissioners, and two were under conciliation. The remaining six were under investigation, mostly by the Equal Employment Opportunity Commission, which conducted a parallel effort with the Commission to close older cases. (Appendix VIII depicts the proportion of the Commission's open case load at the end of 1976 at each stage of processing; Appendix IX analyzes the proportion of cases pending at the investigative or later stages as compared with their dates of filing.)

**SUMMARY OF CASE ASSIGNMENT RATIOS
12/31/76**

	Filed before 1/1/75	Filed Before 1/1/76	Filed Before 6/30/76	Total open case load 12/31/76
Total Open Cases	25	229	454	776
% Assigned for investigation or pending later stages	100%	80%	45%	37%

Closing actions: The Commission experienced a tripling of the number of cases closed with enforceable settlement agreements. In 1975, 42 such cases were closed by settlement order; by 1976 the number had risen to 199, or 20% of all closing actions. Approximately equal proportions of the closing actions were attributable to the failure of the complainant to proceed with the case, determinations of no discrimination, cases closed administratively by the Commission, and other actions, including inability to locate the complainant after the case was assigned for investigation. With 20% of the Commission's closing attributable to the Complainants' failure to proceed with their cases, the Commission realizes that the 12-18 month assignment delay which its funding limitation creates results in many people losing interest by the time the Commission is ready to take up their cases. (Appendix X depicts the proportion of cases closed for each of these reasons.)

**REASONS FOR CASE CLOSINGS
1976**

REASONS	Number of Cases	Percent of Total
Administrative Dismissal	124	21%
Enforceable Conciliation	119	20%
Failure of Complainant to Proceed	118	20%
No Discrimination Found	99	17%
Complainant Not Locatable	54	9%
Other: withdrawal, untimely filed, lack of jurisdiction	72	13%
TOTAL	586	100%

Settlement value: When each case is closed, the Commission staff documents the value of the settlement to the persons benefited. In many cases, a job is obtained with back pay, or a position previously denied is granted which can be estimated to have a certain value for the following year. Some cases result in the payment of money damages to complainants. These estimates give the Commission an important basis for measuring the value of its efforts in terms of hard, cold dollars to Alaskans who suffer losses because of discrimination. In 1976, the total value of these cases resolved was \$524,451, an amount not far below the total state appropriation to operate the Commission.

BOSS GETS LESS

One woman told the Commission that after she was hired, she was required to train two men who were hired later than she but at a higher salary. The company claimed that the differential was justified by the fact that women were generally receiving lower wages than men, and that only men were permitted to perform certain duties. During the investigation the respondent changed its position, and offered to equalize her salary with men performing similar functions.

WRONG PERSON CHARGED

A White male came to the Commission to allege that a Native foreman had fired him and his partner because of their race. Investigation revealed that the complainant was actually fired by the general foreman, who is also white.

PASSOVER LEAVE

The only way for a Jewish teacher in a rural community to observe Passover with others of her faith was to journey to a nearby city. She filed her complaint a few days before leaving, claiming that the school district where she was employed would require her to pay the cost of her substitute. The Commission explained that the Human Rights Law requires reasonable accommodations to employees' religious needs. The district made other arrangements to enable her to depart.

IV. PUBLIC EDUCATION PROJECTS

A. STUDIES.

In 1976 the Commission completed four major studies into problems of discrimination: police practices, the status of women, housing, and the feasibility of establishing local human rights commissions.

Police Practices: At its summer meeting in Fairbanks, Commissioners heard requests from the Native, Black and feminist communities for an examination of alleged improper treatment of citizens by members of the Fairbanks Police Department. The Commission assigned two of its Fairbanks staff to a six-week preliminary study of police arrest patterns involving minorities, and general treatment of citizen complaints made to the Department. The report concluded that the level of arrests of Natives and Blacks in Fairbanks far exceeded the proportion of these groups in the Fairbanks population. Particularly dramatic was the disparity in arrests for minor offenses. The report further concluded that virtually no procedure existed for handling citizen complaints of improper police practices. The department was almost totally unable to document the outcome or even the existence of such complaints. The report recommended establishment and widespread publication of new procedures to inform the public of how citizen complaints would be handled, including a thorough documentation of them. The study did not conclude that the disparity in arrest statistics indicated a policy of overt racism within the Department. Indications were that race could be one factor which would explain the statistics. Additional factors which might not be related to race were also suggested in the study. The Commission urged the Department to cooperate with the University of Alaska and citizen groups to ascertain which factors gave rise to the statistics. The Commission's report was publicized widely in Fairbanks, but City officials never made any written response to the Commission.

Status of Women: House Bill 795, sponsored by Representative Lisa Rudd and enacted by the Legislature in its 1976 term, designated the Human Rights Commission to conduct preliminary studies into the status of women in employment, education, health and the justice system. Twenty-five thousand dollars was allocated to complete the preliminary studies, beginning in July, 1976, with the final text to be presented to the Legislature at the end of January, 1977. By the end of 1976, the Commission had approved preliminary drafts of the studies, with the project due to be completed on schedule.

Housing discrimination and substandard housing in rural Alaska: Under contract with the U.S. Department of Housing and Urban Development, the Commission completed its study of housing discrimination and substandard housing in rural Alaska during 1976. The report constituted an examination of existing literature on the subject, together with Commission recommendations for increased activity designed to diminish housing discrimination in Alaska and combat substandard housing conditions in rural Alaska.

Local commissions: By amendment of the Human Rights Law in 1975, the Legislature made explicit the power of municipalities throughout the state to establish local human rights commissions. The amendment, AS 18.80.290, empowers municipalities to enact ordinances prohibiting discrimination, and to allocate funds in support of staff activities, with programming similar to the State Commission. Where cities and boroughs exist together, the legislation empowers the two governments to act jointly in support of one staff. The philosophy is to encourage well-informed local persons to participate in the statewide effort to eliminate discriminatory practices and educate the public on the causes of discrimination.

To inform local communities of their opportunity under the new legislation, the Commission obtained a grant in 1976 from the Alaska Humanities Forum. The grant enabled the Human Rights Commission to retain Dr. Kerry Feldman, an anthropologist at the University of Alaska, Anchorage, to visit nine communities throughout Alaska. Dr. Feldman's assignment in Ketchikan, Barrow, Fairbanks, Sitka, Dillingham,

NON-NATIVES FIRED

A construction crew in a rural village was comprised of Natives and non-Natives. During the job, the foreman asked each worker to identify himself by race, and then announced that all non-Natives would be terminated. They filed complaints with the Commission, and the contractor offered each non-Native worker two weeks wages to settle the claim.

SETTLEMENT BEFORE FILING

Many Commission cases settle shortly after a complainant files with the Commission. In one case, however, the employer equalized a woman's wages with the pay of men in comparable jobs when she told her employer she was going to the Commission. She also received the differential between her past salary and that of the men.

HOUSING DENIED WOMAN

A woman told the Commission that her landlord would not rent to single females such as she. She said the landlord told her that "females use more heat and have boyfriends". The Commission advised the landlord's attorney that the landlord stood to be sued for damages, and the landlord subsequently offered her an apartment, which she accepted.

Bethel, Nome, Juneau and Kodiak was to meet with community leaders and local citizens to determine what level of interest existed in formation of a commission at the municipal level. Where such interest developed, Dr. Feldman and the Commission staff were available for technical assistance in preparing ordinances and facilitating the process. Dr. Feldman concluded that the most interest existed in Ketchikan, Juneau and Fairbanks. The Southeastern communities, both took significant steps toward developing and enacting ordinances to establish commissions there. In Fairbanks, which had had human rights legislation earlier, Dr. Feldman and the Commission's staff worked with community leaders to establish \$30,000 in funding for a staff human rights position. Dr. Feldman reported less success in gathering information in Barrow and Sitka; he submitted full reports on human rights interest in Dillingham, Bethel, Nome and Kodiak. According to Dr. Feldman:

Local commissions were seen as desirable wherever I went, though not generally perceived this way by government officials. Rural and urban conflicts confuse the issues since each interest group was concerned that human rights would be granted to one segment and denied to the other. The major problem was always how to fund a local commission.

ADVANCES TO FEMALES

Pipeline contractors frequently request former employees by name when they call the union dispatching hall. One female said that her company refused to call her because she had spoken with one of its supervisors at a social occasion and had refused his personal advances. When the Commission began investigating, that manager agreed to request her by name and pledged that no personal problems would result. Such apparently was the case because she withdrew her complaint later.

B. ANCHORAGE EQUAL RIGHTS COMMISSION.

In Anchorage, a city "Human Relations Commission" had existed under City legislation prior to unification. The Municipal charter which created the unified government in Anchorage contained a section mandating the establishment of an "Equal Rights Commission" to cover the entire Municipality. The effort to obtain Municipal-wide legislation for Anchorage began shortly after unification and continued through 1976 before the Municipal Assembly. Legislation paralleling the state Human Rights Law was proposed to the Assembly, but with the addition of a clause (not contained in state law) prohibiting discrimination against homosexuals, the so called "sex preference" clause. Although the ordinance with the sex preference clause was adopted twice by the Assembly, it was twice vetoed by Mayor George Sullivan. (The State Human Rights Commission, while supporting the principle of the legislation at the municipal level paralleling state law, expressed no opinion and remained neutral on the sex preference question throughout the debate in Anchorage.) By Fall 1976, the Assembly had once again enacted the legislation by this time without the controversial section. This final version gained the Mayor's approval.

In support of delegating as much human rights activity to the municipal level as possible, the State Commission had previously executed an agreement with the former City Commission under which the City Commission would have the first opportunity to resolve all discrimination complaints within its jurisdiction, even if they were first filed with the State Commission. (The City Commission would also take state charges where cases were filed at the City level, so that the State could continue the case if the City were unable to resolve it within the relatively short time period which its legislation permitted for resolving complaints.)

After unification, the City Commission began to function as a Municipal agency. In 1976, the Municipal Equal Rights Commission received 94 cases under the Memorandum of Understanding. Thirteen of these cases had been filed first with the Municipal Commission. During the year, 28 of the 94 cases were completed, returned to the State Commission, and generated closing action by the State Commission. (Most were withdrawn by the charging parties, or otherwise closed for administrative reasons.) Thirty-four additional cases were not completed within the time limit of the Municipal Commission and were placed with other

C. TECHNICAL ASSISTANCE AND OTHER PUBLIC EDUCATION PROJECTS.

In addition to its responsibility for cases, the State Commission staff and Commissioners are active in a host of activities which are designed to acquaint the public with the Human Rights Law, the rights which it grants to Alaska citizens, and the responsibilities it places upon organizations and upon State and local governments to comply with the law. Examples of some of these activities follow.

1. Statewide Educational Activities.

Bush justice conference: Three members of the State Commission staff participated heavily as resource persons at the Alaska Federation of Natives' Bush Justice Committee Conference in Kenai. The conference heard from rural people what their needs from the criminal justice system are. Without making formal presentations or playing an official role in the conference itself, the Commission's staff actively made contact with participants from all over Alaska to become familiar with problems associated with the equal provision of State government services, particularly in rural areas. At the conclusion of the conference, the Commission's Director observed that the many personnel from many State agencies have dominated the conference to the exclusion of rural people being able to express themselves freely.

State EEO training: Alaska's State government has for many years maintained a staff function within the Office of the Governor designed to identify and eliminate discriminatory practices in State government hiring. This "State EEO program" has an uncompensated board of citizens who serve as advisors to a staff unit of three persons. The Human Rights Commission assisted that staff in obtaining funding from the U.S. Civil Service Commission to hire trainers with particular expertise in government personnel systems and their possible discriminatory aspects. Several training sessions were sponsored by the State EEO group for all personnel officers throughout State government who have equal employment responsibilities. Staff from the Commission assisted as trainers.

CECE: The Alaska Native Foundation received a grant from the U.S. Office of Education to establish a "Committee for an Even Chance in Education" (CECE), a technical assistance center for local school districts. The center, located at the Foundation's headquarters in Anchorage, and headed by former Broadcasting Commission Director Robert Arnold, has a technical staff which is available on request to any local school district which wishes assistance in solving problems of discrimination. The Human Rights Commission's Director was named to the CECE Advisory Committee, which met three times in 1976 to exchange ideas and identify issues of possible discrimination in Alaska's school systems.

School Board Conference: In support of the CECE committee's work, the Commission's Director participated as a general resource person at the Association of Alaska School Board's annual conference in Kodiak in the Fall of 1976. Of particular interest was the Commission's proceeding involving Native and non-Native personnel at the North Slope Borough School District, a case of general importance to school districts and other employers throughout rural Alaska. The case, Akpik, et al. v NSBSD, is discussed in more detail on page 7.

Municipal Clerks Conference: The Commission's Director spoke to a statewide conference of Municipal clerks about local governments' responsibilities to avoid discrimination in hiring.

Bar Association Convention: The Commission's Director and attorney presented a training session on the State Human Rights Law at the State Bar Association Convention.

AFL-CIO: The Commission's Director summarized current Commission cases involving labor unions at the state AFL-CIO convention in Anchorage.

LICENSE DENIED

The only woman ever to have applied for a certain type of occupational license from the State charged that the license was denied her because she is a woman. The Commission's analysis of applications revealed that very few applicants ever receive licenses and that sex was no factor in the denial of the license to the complainant.

JOB FOUND

A 60-year-old Indian man was unemployed for over two years while he was trying to get a pipeline job. The Commission advised him to file a complaint against the State Employment Service, which had scrambled the paperwork associated with his application. Within a week of his filing, a local job was found for him which paid over \$12,000 per year.

2. **Regional Public Education:** Throughout Alaska, the Commission's staff continued to furnish advice to anyone who asked for it. Assistant Directors in Fairbanks, Juneau and Anchorage were specifically assigned responsibility to reach out to the public and offer their services.

The Commission's most common service is responding to the hundreds of phone calls which come in from the public about everything from serious human rights problems of statewide consequence to neighborhood problems such as barking dogs. The Anchorage office analyzed a sample of such calls to verify the pattern of inquiries which tend to arrive at the Commission:

**ANALYSIS OF 270 SAMPLE TELEPHONE INQUIRIES
Anchorage Office**

Caller described facts which might be discrimination	170	
Proportion filing complaints		50%
Caller described facts not appearing to be discrimination	100	
Referral to other agencies		30%
Caller trying to get credit		10%
Ombudsman cases		10%
Landlord/tenant problems		10%
Alaska Legal Services		10%
Resident hire		20%
Request complaint forms		33%
Information for school work		33%
Federal agency discrimination		33%

The Commission estimates that it receives approximately 1200 inquiries of this type per year.

Anchorage region: The Commission's Anchorage staff, headed by the Assistant Director Dorothy Case, travelled widely throughout Southcentral and Western Alaska, including English Bay, Kodiak, Egegik, Dillingham, South Naknek, Valdez, various pipeline camps, Unalakleet and Bethel. Examples of these rural situations included investigation of a school teacher who was alleged to be harassing Native students, a school system which allegedly refuses to spend funds equally between a city and its rural schools, a cannery in which bunkhouses were unequal in quality for Native and non-Native fishermen, a cannery which laid off females and allowed males to continue working, a non-Native female who alleged she was fired while Natives who performed more poorly were retained, and dozens of complaints from Blacks, Natives and other minorities alleging discrimination on the pipeline.

A 1974 study by the Commission of transportation problems at the island of Atka, far out in the Aleutian Chain, was revived in late 1976 when villagers contacted the Commission. The study revealed that transportation to the island is minimal, with only spotty service by the U.S. Navy once or twice a year. The information furnished to the Commission in late 1976 indicated that even that service was unlikely to continue. Meanwhile the island had obtained telephone service and was able to confer with Commission officials about the possibility of reviving a former military runway which used to exist on the island. At the end of 1976, discussions were continuing with the possibility that the village, either directly or through the Aleut Corporation, would request assistance from the legislature to refurbish the runway so that regular transportation of persons and goods to the island could be achieved.

The Anchorage central office was also active in many organizations in the Anchorage area, including National Organization for Women, several Lions Clubs, the Alaska Black Caucus, classes at the University of Alaska and local high schools.

Southeastern Region: In Southeastern, public education efforts included radio and TV appearances, news releases, speeches before civil rights groups, the Chamber of Commerce, the Baha'i's of Juneau and Haines, the Juneau Bar Association and attendance at conventions of the National Organization for Women, Business and Professional Women and the Alaska Native Brotherhood-Sisterhood. The Commission's Assistant Director Janet Bradley is a charter member of the Juneau NAACP. She is also the Legislative Coordinator for the state chapter of the National Organization for Women and state secretary of the Alaska Federation of Business and Professional Women. The Southeastern staff was particularly active in working with the City and Borough of Juneau School District in its efforts to adopt an affirmative action plan to guarantee nondiscrimination in school district hiring.

The staff travelled throughout Southeastern, visiting Haines, Skagway, Hoonah, Sitka, Hydaburg, Petersburg and Ketchikan. Throughout the state, the Commission's staff is on call to journey to locations to take complaints, or to advise villagers by telephone and to assist with filing complaints by mail.

The closing of the Commission's Ketchikan office dealt a severe blow to Alaska's third largest city in the ability of the Commission to respond to human rights concerns there. The Commission increased its staff visits there, and told local residents to call the Juneau office collect with complaints. Investigations were scheduled periodically as cases collected.

New Barrow Office: The 1976 Legislature departed from its traditional pattern of limiting the Commission's staff to cities by establishing an investigator in Barrow this year. It is the first State-funded non-city-based human rights staff position in the history of the Commission. One purpose of the position will doubtless be to demonstrate to the Legislature the importance of having human rights personnel available to rural people in order to identify human rights problems which people outside of Alaska's cities experience. The Commission hired Morgan Solomon, a resident of Wainwright and Barrow whose lifetime experience throughout North Slope villages made him uniquely suitable for communicating the Commission's role throughout this part of the State. He was immediately assigned responsibility for the Akpik (teacher aide) case involving the school system, and five other individual cases which had earlier been filed. His office, located in space provided by the North Slope Borough, quickly became a center for information about the Human Rights Law.

Northern Region: The Commission's Northern Region, based in Fairbanks with a satellite office in Barrow, was the center of pipeline complaints in 1976. Several staff investigators from the Fairbanks office toured the entire northern end of the pipeline—the southern section was covered from Anchorage—investigating as many as 30 complaints on a 10-day trip. Some cases involved following leads from one camp to another. The Commission's Northern Region Director Cathi Carr-Lundfelt personally conducted investigations in Barrow, Clear and Nome.

Because of the pipeline impact, the Fairbanks office reported that its heaviest volume of inquiries came from individuals seeking residency cards. These were referred to the State Department of Labor. Another large volume of inquiries came from White males seeking pipeline jobs who protested union procedures designed to guarantee equal employment opportunity to minorities and women. Fairbanks also reported a series of discriminatory advertisements in newspapers which specified sex, contrary to Human Rights Law. One ad specified age. The Commission's staff solved such problems informally by contacting the advertiser. With the housing crunch, many other people were referred to the Rent Control Board during the period in which it was functional.

Some of the organizations which drew the attention of the Commission's staff, included speeches and meetings with Federally Employed Women, Fairbanks Native Association, Ft. Wainwright's Race Relations Workshop, planning meetings for a family crisis center, the Comprehensive Alcoholism Program, Tanana Valley Community College, planning assistance to a Black Bicentennial Symposium, Fairbanks Educational Association, Business and Professional Women, National Organization for Women, a radio station survey of community needs, Women in Government, Eielson Air Force Base Social Action Committee, the Fairbanks City Council, and Zonta International.

V. POLICY DEVELOPMENT AND ADMINISTRATION

The backbone of the Commission's program is the body of policies generated by the Human Rights Commissioners, as carried out and administered by its staff. The Commissioners take their cue from the Human Rights Law, as it is amended by the Legislature from year to year. Additionally, the Commission, as an agency of the Office of the Governor, attempts to harmonize its objectives with those of the Administration. In 1976, the Legislature took several significant directions under the Human Rights Law. Policy matters were reviewed and resolved by the Commissioners, and internal procedures were strengthened at the staff level.

A. Legislative activity.

Four pieces of legislation involving the Human Rights Commission appeared in the 1976 Legislature.

House Bill 795: is the bill which directed the Commission to perform studies on the status of women. This legislation and the Commission's activities under it are discussed more fully at page 28 of this report.

Senate Bill 630: was the Legislature's response to several cases filed by rural Natives and women which challenged the traditional upper age limits of union apprenticeship programs. The Human Rights Commission, after a 3-3 tie vote, took no position on the bill, which passed the Senate unanimously and the House with a clear majority. Governor Jay Hammond allowed the bill to become law without his signature. The legislation amends the Human Rights Law to provide an exemption from age discrimination prohibitions for union apprenticeship programs.

House Bill 531: was a general rewriting and clarification of the State's Freedom of Information Law. An amendment was inserted on the House floor to clarify the fact that the Commission's investigative files are confidential. The bill passed the House but did not clear the Senate.

GRIEVANCE PROCEDURE

A Black male told the Commission that his union was refusing to represent him in a grievance against his former employer. The Commission encouraged the complainant to continue to work with his union, which responded by investigating his complaint and dispatching him to another job. The complainant withdrew his charges against the union, but kept his complaint against the company active.

House Bill 859: was proposed by the Commission as a result of pending cases which allege discrimination against non-Native teaching personnel in the Barrow school system. It gives school districts more flexibility in scheduling their school years in order to accommodate the cultural needs of their personnel. The bill passed both houses and was signed by Governor Hammond this year.

One other legislative proposal was placed before the Commission this year. At its October meeting in Fairbanks, the Commission convened a hearing at which individuals testified on the need for legislation to prohibit discrimination against homosexuals, a "sex preference clause". Members of the Alaska Gay Coalition, the State National Organization for Women, a psychologist, and various individuals testified about the nature and extent of discrimination against homosexuals in Alaska. They solicited the support of the Commission for the introduction of legislation in the 1977 Legislature. By a vote of 4-3, the Commissioners denied the request.

To further its interchange of information with the Legislature, the Commission conducted a legislative information session with Legislators in Fairbanks during its Commission meeting there in October. Various other members of the Legislature appeared at Commission meetings at other locations to exchange ideas and discuss their concerns for human rights.

HUMILIATION AWARD

Investigation of one complaint revealed that the Black complainant was reprimanded for leaving work two minutes early, while nothing was said to the White co-worker who left with her. The Black woman was also taunted for her "kinky hair". The company offered a \$900 award to compensate her for her humiliation and embarrassment in exchange for complainant's dropping the charge.

UNFAIR SUPERVISOR

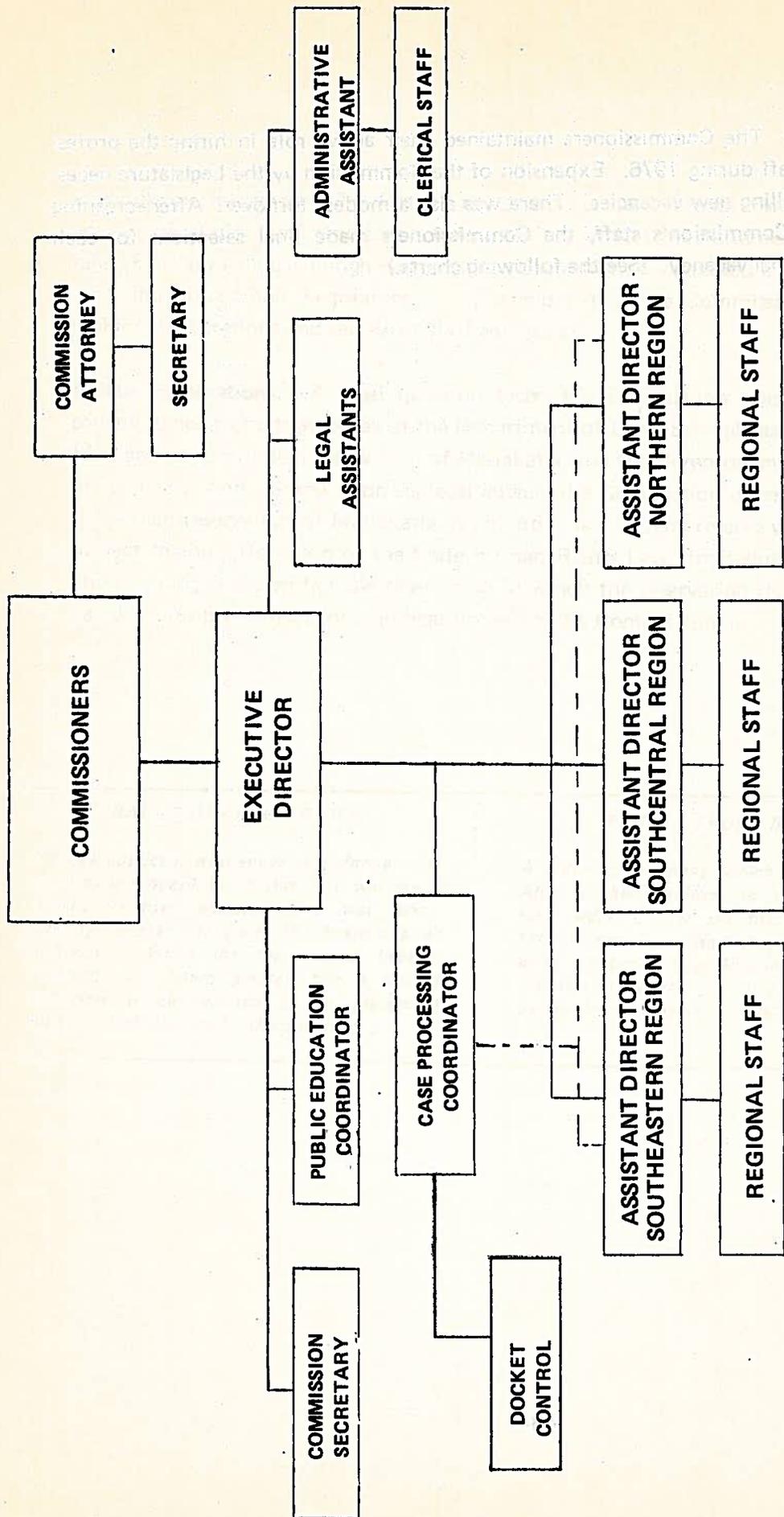
A Black female charged that her white supervisor was refusing to pay her at her level of responsibility, as compared with other white co-workers. During the Commission's investigation the supervisor obtained other employment, the complainant received her raise, and withdrew her complaint.

B. COMMISSION POLICY DETERMINATION AND QUESTIONS.

Strategy: Basic policy directions of the Commission did not change in 1976. As noted elsewhere in this report, the major shift to the Commission's present emphasis occurred in 1974, when the Commission decided to pursue a vigorous enforcement program; 1976 was a year of bringing this policy determination to initial fruition. The first meeting in 1977 has been set as a review of this policy decision to determine if the Commission's approach during the past two years continues to be sound. The staff has been requested to develop an analysis of the Commission's performance during this period and to set forth alternative strategies for coming years. That Commission meeting, scheduled for Juneau during the legislative session, is designed to receive maximum input from Legislators and other interest groups.

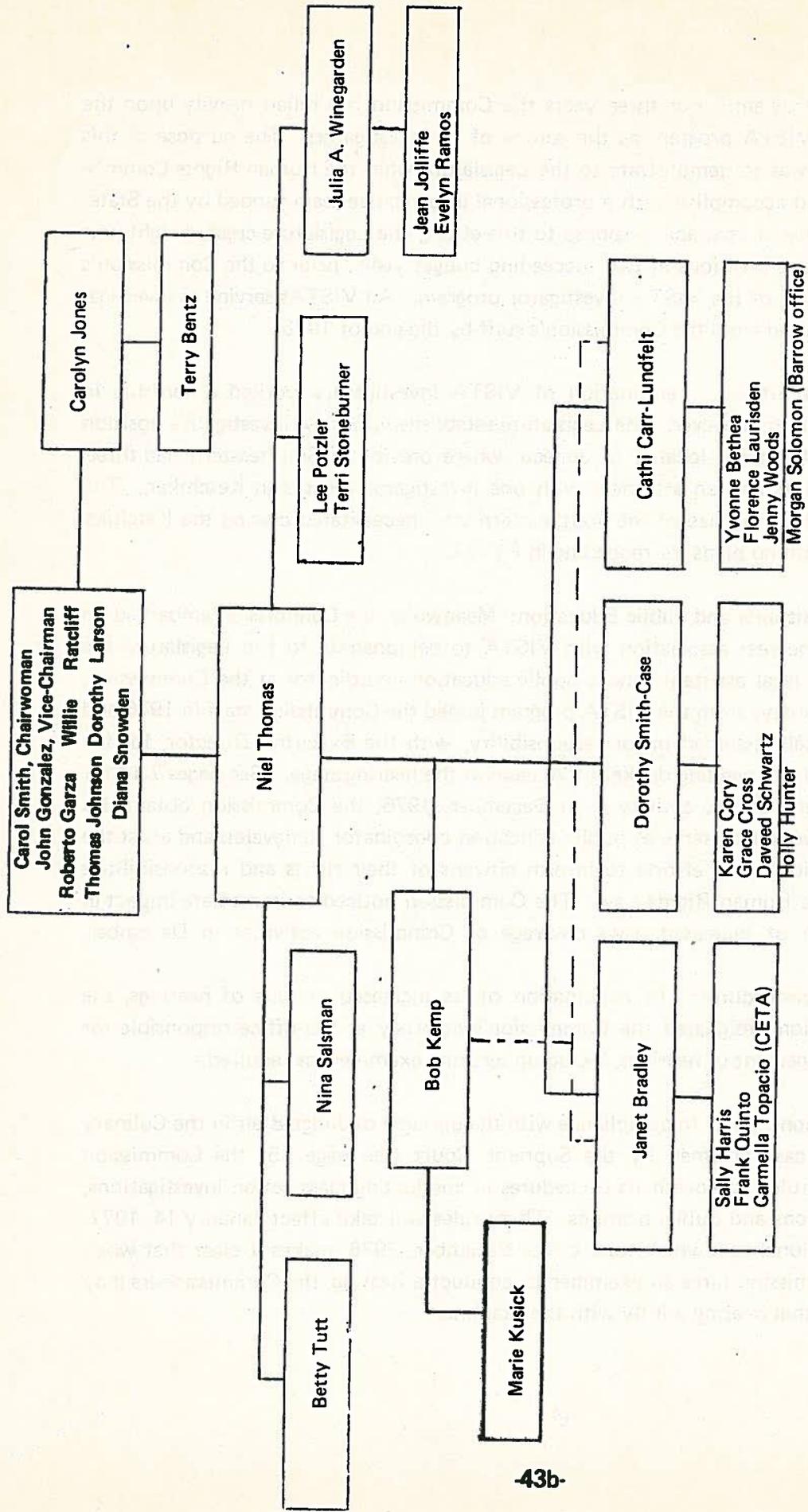
Efficiency Review: Other matters of policy coming to the Commission's attention during 1976 included the recommendation of the Governor's Management Efficiency Review Committee that the Commission, together with all other boards and commissions in the Governor's Office, be shifted to another agency. The Commission concurred with the idea that the Office of the Governor should not have direct management supervision of operating programs, but suggested that the Commission is a quasi-independent agency which does not fit well with other departments. At the end of 1976, preliminary indications from the Office of the Governor were that if the Commission is to be moved, it may be placed in the Office of the Lt. Governor. Any move would require Legislative action.

Ombudsman Complaints: The establishment of the Office of the Ombudsman generated complaints against the Human Rights Commission. The Commissioners reviewed pending unresolved Ombudsman complaints at each Commission meeting. The vast majority of Ombudsman complaints alleged slow processing of complaints filed with the Commission. The uniform result of these complaints was the finding by the Ombudsman that the Commission lacked adequate resources and funding to respond promptly to all complaints. The Commission adopted one suggestion of the Ombudsman that the Commission furnish to complainants regular notices that their complaints were pending and would be acted upon as promptly as possible.



General Supervision _____

Technical Supervision - - - - -



General Supervision

Technical Supervision

VISTA Program: For three years the Commission has relied heavily upon the Federal VISTA program as the source of its investigators. The purpose of this program was to demonstrate to the Legislature what the Human Rights Commission could accomplish with a professional investigative team funded by the State. Apparently in favorable response to this effort, the Legislature created eight new investigative positions in two succeeding budget years, prior to the Commission's termination of the VISTA investigator program. All VISTAs serving as investigators departed from the Commission's staff by the end of 1976.

Ketchikan office: Termination of VISTA investigators worked a hardship in Southeastern, however. The Legislature established one new investigative position for Southeastern, located in Juneau, where previously Southeastern had three investigators and an attorney, with one investigator located in Ketchikan. The reduction in the size of the Southeastern staff necessitated closing the Ketchikan office, with no plans for reopening in FY '77.

Legal Assistants and Public Education: Meanwhile, the Commission embarked on a new one-year association with VISTA to demonstrate to the Legislature the need for legal assistants and a public education coordinator at the Commission. Two attorneys from the VISTA program joined the Commission staff in 1976 and immediately assumed major responsibility, with the Executive Director, for the Commission's pending docket of 26 cases at the hearing stage. (See pages 7-14 for a summary of this activity.) In December, 1976, the Commission obtained a VISTA worker to serve as public education coordinator to develop and assist the Commission in its efforts to inform citizens of their rights and responsibilities under the Human Rights Law. The Commission noticed an immediate impact in the form of increased news coverage of Commission activities in December.

Hearing procedures: In anticipation of its increased volume of hearings, the Commission designated the Commission's attorney as the office responsible for the management of hearings, including securing examiners as required.

Class action rules: In compliance with the decision of Judge Blair in the Culinary Workers case affirmed by the Supreme Court (see page 15) the Commission adopted rules to govern its procedures in conducting class action investigations, conciliations and public hearings. These rules will take effect January 14, 1977. An additional rule which took effect December, 1976, makes it clear that when the Commission hires an examiner to conduct a hearing, the Commissioners may conduct that hearing jointly with the examiner.

Revenue Sharing: The Commission negotiated an agreement with the U.S. Department of Treasury's Office of Revenue Sharing (ORS). The Federal Revenue Sharing Law prohibits discrimination by municipalities in their use of revenue sharing funds. The agreement between ORS and the Human Rights Commission provides that when a citizen complains to ORS of discrimination in the use of revenue sharing funds, ORS will request the Commission to investigate the complaint and recommend action to ORS. Similarly, when the Commission in the course of any of its cases determines that a municipality is in violation of the Human Rights Law and revenue sharing funds are present, the Commission will present its findings to ORS and recommend action. ORS is required by the Revenue Sharing Act to terminate funds to any municipality which practices discrimination.

C. PROGRAM IMPLEMENTATION BY STAFF.

Staff operations followed normal routines in 1976, with several new developments worthy of comment.

Federal agency relations: The Alaska Human Rights Law parallels several enactments at the Federal level, including the Equal Pay Act of 1963, Civil Rights Act of 1964, Fair Housing Act of 1968, Age Discrimination Law, Equal Credit Opportunity Act, and the Equal Educational Opportunity Act. Federal agencies administering these statutes include the U.S. Department of Labor, Equal Employment Opportunity Commission (EEOC), U.S. Department of Housing and Urban Development (HUD), and the U.S. Department of Health, Education and Welfare's Office for Civil Rights (HEW). The staff of the State Commission and these Federal agencies strengthened their relationships in 1976 to minimize duplication of effort. The normal result was for the State Commission to take the lead in cases invoking both Federal and State law. The strongest relationship exists between the State Commission and the EEOC which reimburses the State Commission approximately \$483 for each employment discrimination case which is co-jurisdictional with EEOC. (By Federal law, EEOC must grant the state a 60 day time period to resolve any Federal employment discrimination case before EEOC may act.) The EEOC funding subsidizes the Case Processing Coordinator position at the State Commission, Bob Kemp, and a clerical worker. The Coordinator is the central liaison between the State Commission and all other Federal agencies with which the State Commission cooperates. A series of meetings between the Coordinator and the U.S. Department of Labor resulted in cooperative case processing agreements where age discrimination and equal pay in employment is alleged.

Closing actions: In 1976, the Case Processing Coordinator was granted delegated authority to execute all closing actions on cases at the preliminary (prior to hearing) stage. Authority for closing routine cases was delegated to Assistant Directors in 1976. Cases completed in the Commission's field offices are acted upon by the Case Processing Coordinator. Only those cases which do not settle are referred to the Executive Director for placement on the Commission's hearing docket.

Case statistics: The Office of the Case Processing Coordinator is also responsible for maintaining the statewide statistics and records of all cases filed with the Commission, a system which was significantly strengthened in 1976. All case records have been computerized so that monthly printouts are available to Commissioners and the public to document the Commission's work load. Separate printouts are also prepared for Federal agencies, and the State's Division of Personnel.

Preliminary investigations: Case processing procedures were strengthened with a new system of preliminary investigations. Immediately after a case is filed, the field staff conducts a brief investigation by analyzing the complaint, informing the respondent of the nature of the complaint and listening to facts which may disprove it, and offering the respondent an opportunity to settle. The procedure assures complainants prompt action on every complaint and gives respondents the earliest possible opportunity to resolve the dispute. Preliminary investigations are completed within two weeks of filing. Those matters which are urgent can be disposed of immediately. Most cases require further development, however, necessitating assignment to an investigator at a much later time. The normal delay is approximately 12-18 months because of the Commission's backlog.

Privileged mail ruling: 1976 saw increased contact between the Commission's staff and prisoners in various state institutions who wished to allege discriminatory provision of state correctional services. The Commission staff in Southeastern successfully negotiated with the Division of Corrections an agreement by which prisoner mail to the Commission would be accorded privileged status, that is, would be forwarded to the Commission unopened and without censorship.

Internal training: Training for Commissioners and staff continued in 1976 with informal, on the job sessions conducted by supervisors, the Commission's Director and attorney.

A grant from the U.S. Civil Service Commission under the Intergovernmental Personnel Act of 1972 enabled the Commission to bring to Alaska one of the country's foremost state-level civil rights attorneys, Jack Ruzicho. Mr. Ruzicho, the former head of a 15-attorney unit enforcing civil rights law in the Ohio Attorney General's office, conducted a two day training session for the staff of the State Commission, the Anchorage commission, and other civil rights enforcement personnel. Limited funding prevented the Commission's non-Anchorage staff from attending, but a tape recording was furnished to each office.

Commissioner Diana Snowden, at the request of the U.S. Department of Housing and Urban Development, attended at Federal expense a training session for human rights Commissioners around the country on housing discrimination enforcement techniques. The session was held near Baltimore, Maryland.

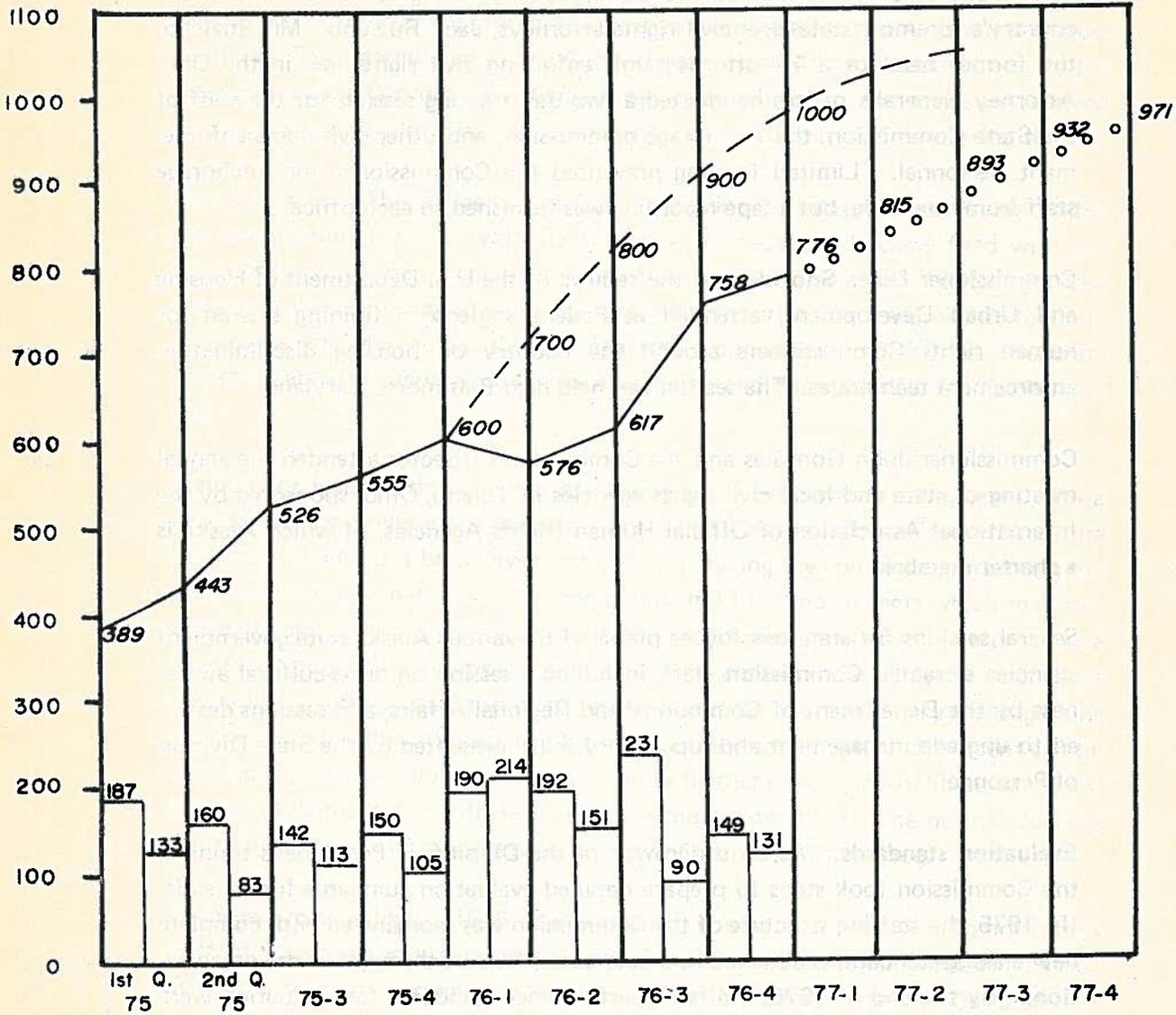
Commissioner John Gonzales and the Commission's Director attended the annual meeting of state and local civil rights agencies in Toledo, Ohio, sponsored by the International Association of Official Human Rights Agencies, of which Alaska is a charter member.

Several sessions for state employees prepared by various Alaska state government agencies attracted Commission staff, including a session on cross-cultural awareness by the Department of Community and Regional Affairs, and sessions designed to upgrade management and supervisory skills, presented by the State Division of Personnel.

Evaluation standards: As an outgrowth of the Division of Personnel's training, the Commission took steps to prepare detailed evaluation standards for its staff. (In 1975, the staffing structure of the Commission was reorganized with complete new class specifications designed to create career ladders throughout the organization.) By the end of 1976, drafts of performance standards for evaluation were circulating at the staff level in preparation for Commission action in early 1977.

APPENDIX I

Quarterly Case Production Analysis
1975 - 1976 (Est. 1977)



- Actual Backlog level
- - - - - Est. from 1975 Annual Report
- o o o o o o o o Current 1977 Estimate

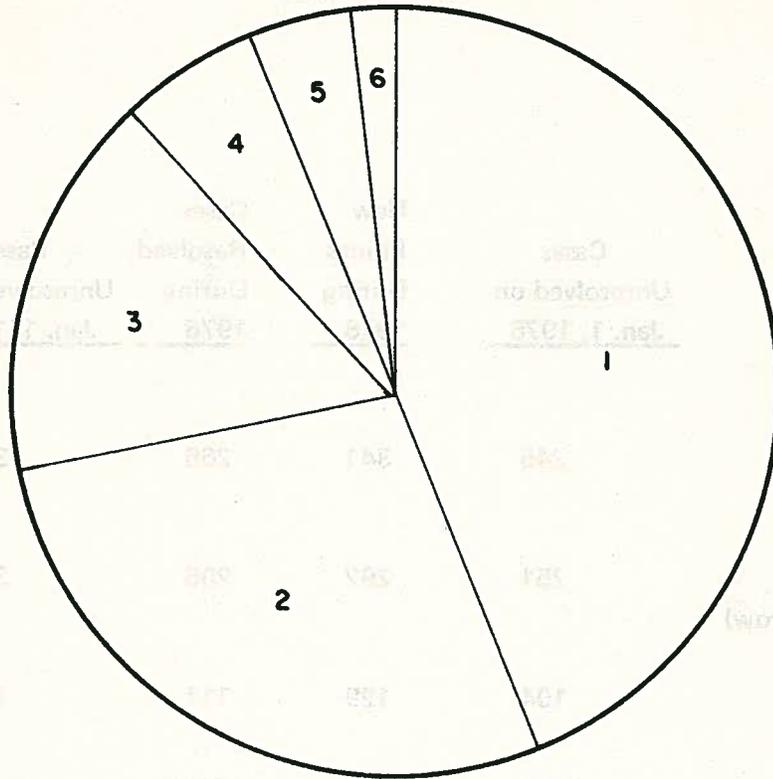
APPENDIX II

Summary of Cases Processed by Region
Jan - Dec 1976

<u>REGION</u>	<u>Cases Unresolved on Jan. 1, 1976</u>	<u>New Filings During 1976</u>	<u>Cases Resolved During 1976</u>	<u>Cases Unresolved on Jan. 1, 1977</u>
Southcentral (Anchorage)	245	341	266	320
Northern (Fairbanks/Barrow)	251	292	206	337
Southeastern (Juneau)	104	129	114	119
TOTAL	600	762	586	776

APPENDIX III

**Race of Persons Filing Charges
Jan - Dec 1976**



<u>RACE</u>	<u>NUMBER</u>	<u>PERCENTAGE</u>
1. Caucasian	335	44%
2. Black	215	28%
3. Alaska Native	121	16%
4. Other/Unknown	48	6%
5. Spanish Surnamed	28	4%
6. Asian	15	2%
TOTAL	762	100%

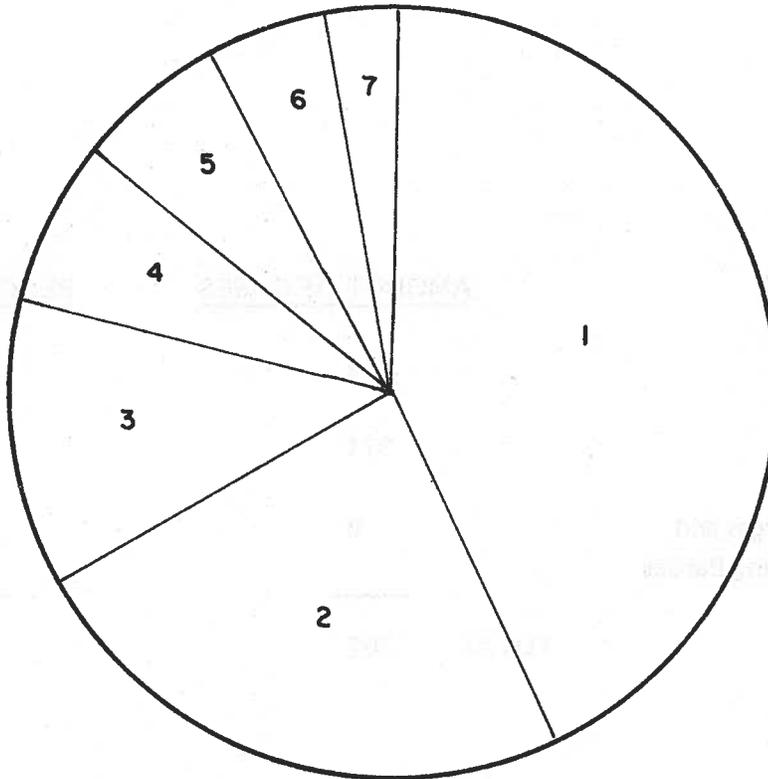
APPENDIX IV

**Sex of Persons Filing Charges
Jan - Dec 1976**

	<u>DEFINITIONS</u>	<u>AMOUNT OF CASES</u>	<u>PERCENTAGES</u>
1.	Female	382	50%
2.	Male	371	49%
3.	Director's Charges and Multiple Charging Parties	9	1%
		<hr/>	<hr/>
	TOTAL	762	100%

APPENDIX V

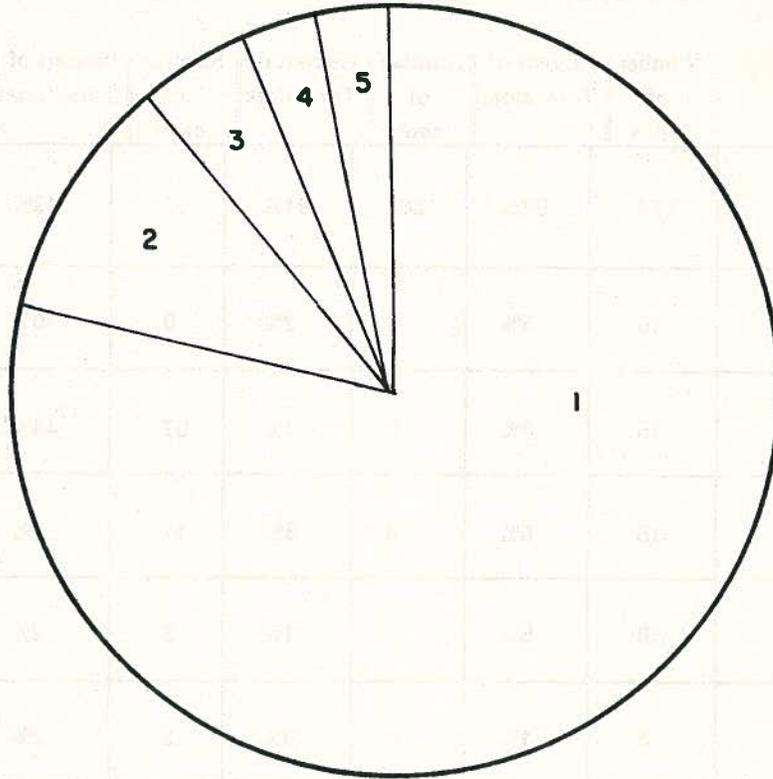
**Analysis of New Filings
By Reason Alleged by Complainant
Jan. - Dec. 1976**



<u>DEFINITION</u>	<u>AMOUNT OF CASES</u>	<u>PERCENTAGES</u>
1. Race	326	43%
2. Sex	186	24%
3. Multiple Reasons	91	12%
4. Other (religion, pregnancy, parenthood, physical handicap)	55	7%
5. Age	42	6%
6. National Origin	36	5%
7. Marital Status/Changes in Marital Status	26	3%
	<hr/>	<hr/>
	TOTAL	100%
	762	

APPENDIX VI

**Analysis of New Filings
By Type of Unlawful Practice
Jan. - Dec. 1976**



	<u>DEFINITIONS</u>	<u>STATUTES</u>	<u>AMT. OF CASES</u>	<u>PERCENTAGES</u>
1.	Employment	AS 18.80.220	599	79%
2.	Government Practices	AS 18.80.255	75	10%
3.	Housing	AS 18.80.240	37	5%
4.	Other	AS 18.80.220 - .255	27	3%
5.	Public Accommodation	AS 18.80.230	24	3%
		TOTAL	762	100%

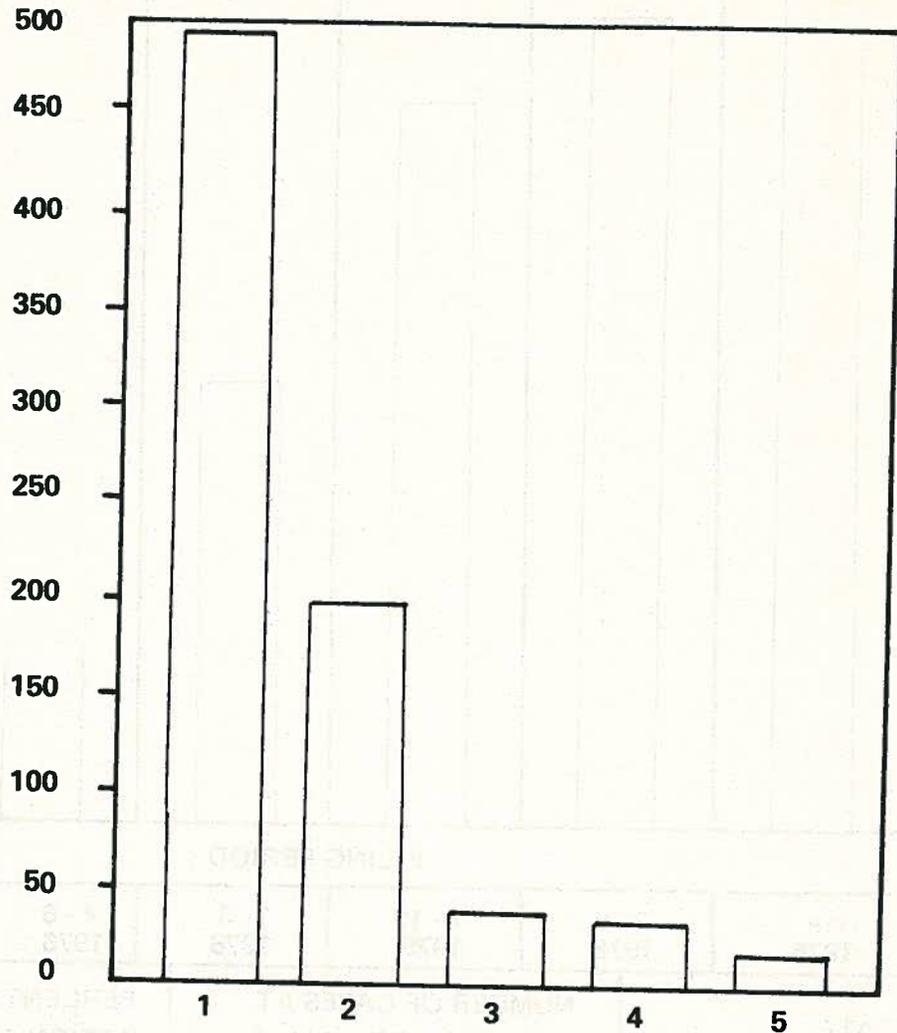
APPENDIX VII

Regional Analysis of New Filings, By Type of Unlawful Practice
Jan - Dec 1976

	South Central		Northern		Southeast		Total	
	Number of cases	Percent of Total cases	Number of cases	Percent of Total Cases	Number of cases	Percent of Total Cases	Number of cases	Percent of Total Cases
Employment AS 18.80.220	279	82%	265	91%	55	43%	599	79%
Finance AS 18.80.250	10	3%	6	2%	0	0%	16	2%
Government Practices AS 18.80.255	15	4%	3	1%	57	44%	75	10%
Housing AS 18.80.240	16	5%	9	3%	12	9%	37	5%
Public Accommodations AS 18.80.230	18	5%	3	1%	3	2%	24	3%
Retaliation AS 18.80.200	3	1%	6	2%	2	2%	11	1%
TOTALS	341	100%	292	100%	129	100%	762	100%

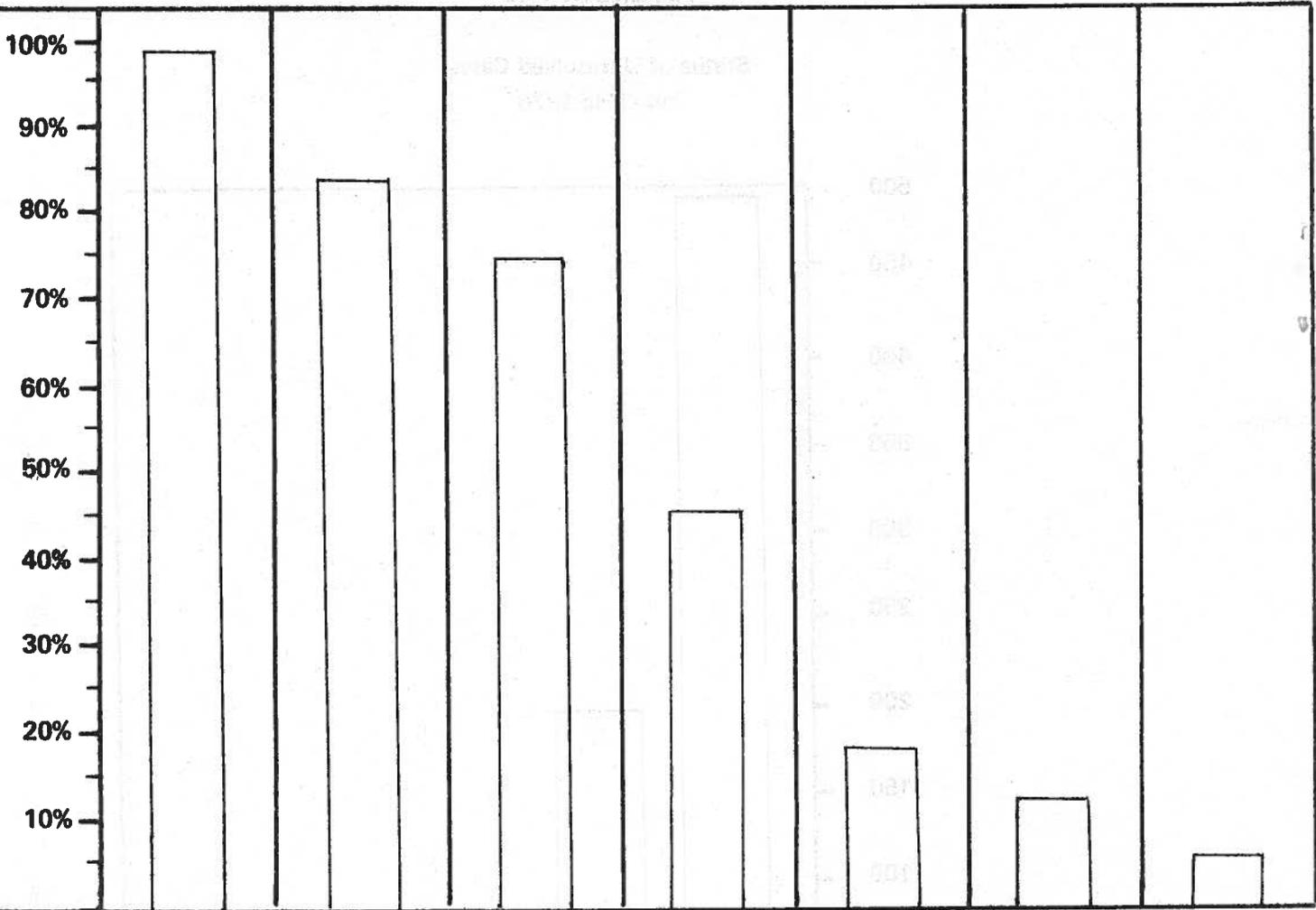
APPENDIX VIII

**Status of Unresolved Cases
Jan - Dec 1976**



	<u>NUMBER</u>	<u>PERCENTAGE</u>
1. Not yet assigned for investigation	488	63%
2. Under investigation	196	25%
3. Under Conciliation	37	5%
4. Awaiting hearing	39	5%
5. Other	16	2%
TOTAL	776	100%

Percentage of Cases Under Review or at Later Processing Stages

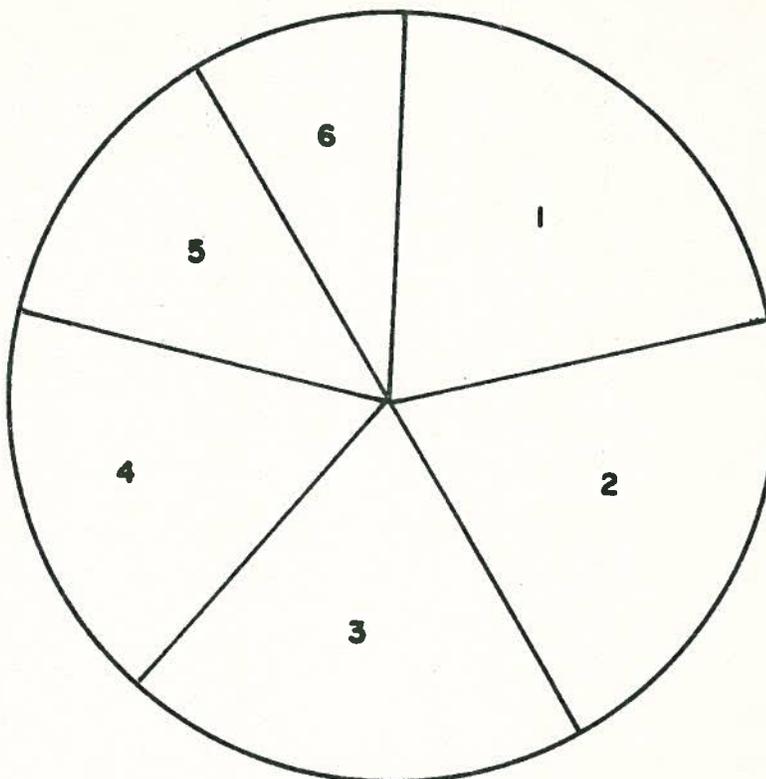


FILING PERIOD

FILING DATE		NUMBER OF CASES AT VARIOUS AGE LEVELS	PERCENTAGE ASSIGNED FOR INVESTIGATION OR AT A LATER STAGE
	Pre 1975	25	100%
	1 - 6 1975	89	84%
	7 - 12 1975	115	72%
	1 - 3 1976	100	45%
	4 - 6 1976	125	18%
	7 - 9 1976	189	14%
	10 - 12 1976	133	7%
TOTAL		776	37%

APPENDIX X

Reasons Cases Were Closed
Jan - Dec 1976



	DEFINITIONS	NUMBER OF CASES	PERCENTAGES
1.	Administrative Dismissal	124	21%
2.	Conciliation/Settlement	119	20%
3.	Failure of Complainant to Cooperate/Proceed	118	20%
4.	No Probable Cause	99	17%
5.	Other*	72	13%
6.	Complainant Unavailable	54	9%
	TOTAL	586	100%

* Includes: withdrawals, failure to file timely and lack of jurisdiction

