DEVELOPMENT
OF
HUMAN RIGHTS LAW
IN
ALASKA

ANNUAL REPORT OF THE ALASKA STATE
COMMISSION FOR HUMAN RIGHTS

1980

OFFICE OF THE GOVERNOR
DIANA SNOWDEN, CHAIRPERSON
PUBLISHED MARCH, 1981

I N D E X

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

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March, 1981

Dear Governor Hammond,
Members of the Legislature,
and fellow Alaskans

On behalf of the members of the Alaska State Commission for Human Rights I am pleased to offer you our 1980 Annual Report, "Development of Human Rights Law in Alaska".

The majority of the report is a summary of developments in the law which have occurred since the Commission redirected its program toward vigorous enforcement and public education in 1974. Recording what standards have emerged from the Commission and the courts is appropriate as we enter what we hope will be a positive climate for civil and human rights in this decade.

The Commission sincerely appreciates the support it has experienced during these years. Governor Hammond's personal commitment to equal opportunity, the Legislature's favorable performance review of the Commission last year and the pattern of human rights, court decisions give us optimism that Alaskan society is committed to the principles of equality.

Sincerely,

Diana Snowden

Diana Snowden
Chairperson

by
Niel Thomas
Executive Director

The chapter beginning after this report tells a remarkable story. Few states in the nation can say that their laws against discrimination have been interpreted to mean that:

- they are stronger in many respects than parallel federal laws;
- they were intended to have "teeth";
- the agency administering the law must operate with fairness and impartiality to all who come to it;
- a defense must be "clear and convincing" in order to rebut a discrimination case which on its face has merit;
- relief from discrimination ranges from enforceable orders to stop it through a variety of corrective measures; and
- retaliation against people who advocate their rights within reasonable limits must be stopped.

Six years ago no court or the Commission itself had issued formal legal opinions about the Human Rights Law. The chapter by Assistant Attorney General Carolyn Jones, who has been the Commission's legal advisor since 1975, shows how nearly complete the legal jigsaw puzzle is after these few years.

1980 was the year for Alaskans to ask themselves whether these developments in human rights really reflect the wishes of the people. So the Legislature conducted a comprehensive performance review of the Commission, asking such questions as

- should changes be made in legal standards or procedures of the Human Rights Law;
- should the federal government enforce civil rights laws instead of the State of Alaska;
- should the names of parties to complaints and investigative files be confidential unless a hearing or court case occurs; and
- is the Commission's backlog explained by underfunding, or inefficiency.

When the Legislature completed its review it determined that

- the existing law needed no change, except to elim-

inate duplicate jurisdiction at the Labor Department over equal pay cases and to make clear that the University of Alaska is covered;

- enforcement is a state perogative not to be turned over to the federal government;

- confidentiality during early stages of processing increases the liklihood of early resolution of cases; and

- the Commission is "relatively cost-efficient".*

Comparative Performance

Revised federal performance standards have taken effect for the Commission and 72 related state and local agencies. The 1980 results for Alaska were not available during the Legislature's review, of course, but the published federal results show Alaska to be at or near the top of each of these indicators:

- rate of acceptance of case closures

- proportion of cases settled with a remedy, and

- average dollar value of remedy (more than triple the second-place agency).

The Commission's pace of backlog elimination, however, was not as favorable as some other agencies, because of the FY80 budget reduction noted above.

Rural Program

The 1980 Legislature expressed a gratifying responsiveness to the Commission's need to teach legal rights to rural Alaskans and respond fully to their complaints. The Legislature created a new position to coordinate the Commission's rural activities. Assistant Director Jerry Woods has been forging links and

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* Some state budget cuts from 1979 were therefore restored, but federal reimbursements decreased because the case resolution rate dropped during the underfunded budget year of the performance review. The untenantability of the Commission's Anchorage office further reduced case production. The staff was unable to move until December 1, 1980. These unanticipated costs, plus the loss of federal receipts, have triggered a supplemental budget request, the first since 1975, now under review.

helping to train groups in rural Alaska which can help carry out the Commission's program. His report follows Ms. Jones'.

Systemic Discrimination

The Alaska Supreme Court called our attention to "systemic" discrimination in 1975 and we have written about this concept at some length in our earlier reports. Systemic discrimination differs from its familiar one-on-one overt discrimination counterpart. Systemic, as the word implies, focuses on systems, customary "rules of the game", which are inherently disadvantageous to certain groups and which are not really necessary. An example would be excessive height requirements for jobs excluding disproportionate numbers of women, Asians, Hispanics, Eskimos and Aleuts.

The Commission's systemic program, established in 1978, singles out these types of cases for special treatment, since the practices involved are often widespread and affect many people. Assistant Director Daveed Schwartz reports on the issues surfacing in these cases.

Field Offices

The Commission's daily activity with the public occurs mostly in one of its three field offices. Their activities are summarized by Assistant Directors Cathi Carr-Lundfelt (Fairbanks), Zella Boseman (Anchorage) and Frank Peratrovich (Juneau).

Mr. Peratrovich is substituting this year for Janet Bradley, the Commission's most senior staff member, who is furthering her professional growth at the Washington D.C. headquarters of the Commission's federal counterpart agency, the Equal Employment Opportunity Commission. She is spending her year at EEOC (with EEOC reimbursing Alaska's costs) in the unit which works with other state and local civil rights programs. She is sharing Alaska's experience with other agencies and providing an important state perspective to federal policy makers.

Hearing

When cases cannot be settled in a field office they are transfered to a hearing unit, a staff function which presents complaints before examiners for decision by members of the Commission. A new priority system will ensure that hearing cases will address important issues affecting many people, but a short term backlog of one-on-one cases may occur. Hearing Presenter Teresa Williams reports on hearing cases, including a chart of all pending cases and cases completed in 1980.

Regulations

The growth of case law and establishment of more efficient case processing systems necessitated a comprehensive revision of the Commission's regulations in 1980. The Commission took particular care to use plain English, since regulations interpret and explain rights and procedures to the public, consistent with the intent of the Legislature. The revised regulations took effect February 11, 1981.

Agency Professionalism

Late in 1980 the Commission also revised its procedural manual for processing cases by eliminating unnecessary forms, simplifying the language in form letters and instructions, and creating easy-to-read pamphlets about legal standards and case procedures. The manual is available to the public, not just because state law requires it but because the Commission wants people to understand their rights and obligations and the Commission's procedures.

The case procedures manual, which is constantly being refined and improved upon, has been distributed to related agencies around the country because the Commission believes it will make an important contribution to agency professionalism.

In 1980 the focus on professionalism will continue with completion of a comprehensive training package for agency staff and commissioners. Nothing this complete exists in related agencies or the federal government to our knowledge, so the Commission expects to share these materials widely also.

State Government EEO

Public concern over equal employment opportunity in Alaska State government continued in 1980. Our report comparing comprehensive 1980 and 1978 employment data stimulated the discussion, as did a report based upon 1978 data (released in 1980) by the U.S. Civil Rights Commission. Both reports conclude that much remains to be done to make the government's commitment to equal opportunity fully supported by results.

The Commission is a somewhat independent enforcement agency with the power to process (and initiate) complaints against state government no differently from cases against any other employer. The Commission also advises major employers on request (including the State) on compliance procedures. In 1980 the Commission found itself playing both roles with State government, one day offering advice and another day meeting on a case.

The State also has its own internal EEO advisor, the Division of EEO in the Department of Administration. (Most major employers in Alaska have similar "in-house" advisors.) As this

report went to press, the Legislature was considering a bill defining the duties of this division.

The Commission is required by law to review State government's equal opportunity progress every three years. The 1979 comprehensive report may be followed in future years with reports each year examining one-third of the State departments. Reviews of this type will become feasible starting next year since most departments are moving toward full implementation of their affirmative action plans.

Minority Contractors

As last year's annual report went to press the Commission announced settlement of a major case which had alleged deficiencies in the State's contracting procedures as applied to businesses owned by minority people. The ambitious program which the agreement launched last year can be assessed when its first full reporting year has been completed in the summer, 1981. Meanwhile, the Commission pledged in the agreement to support mutually agreeable remedies which require legislative action, such as less strict bonding requirements.

DEVELOPMENT OF THE ALASKA STATE HUMAN RIGHTS LAW

Summary of Oral Address by Carolyn Jones, Assistant Attorney General, to Staff of Alaska State Commission for Human Rights on January 14, 1981.

During the past five years we have seen an amazing development of human rights case law in Alaska, both in the courts and before the Human Rights Commission.

There are currently eleven Alaska Supreme Court decisions, one U.S. Supreme Court decision, one Ninth Circuit decision and one Federal District Court decision all interpreting the State Human Rights Law. In addition, the Alaska State Commission for Human Rights has issued 26 decisions. The cases fill out to a very complete picture. If you were doing a jigsaw puzzle there would only be a few pieces missing.

Before we zero in on the cases, however, let me give you the broad overview of what has been happening. A court watcher likes to not only read court decisions but also to see who wrote the opinion and who wrote the dissent. It gives a feeling for the court as a whole and for what one can expect in the future from the court.

Alaska State Court

In the eleven cases before the Alaska Supreme Court, eight of the decisions were unanimous. One of them was affirmed without any opinion whatsoever. There is only one decision that was a 3-2 decision, that's in the Mayer v. Yellow Cab case.

Every justice on the Alaska Supreme Court has written as least one opinion. Justice Burke and Senior Justice Dimond have written two, Justice Connor has dissented twice, Justice Matthews has dissented only once. The Human Rights Commission point of view has prevailed in every single one of those cases. What that tells us about the Alaska Supreme Court is that, like the Alaska Legislature, it believes that the Alaska Human Rights Law is a strong law that should have a lot of teeth in it and it should be interpreted so that we can eliminate discrimination.

There have been 26 decisions by the Human Rights Commissioners. Ten of those have been dismissals; three others have been dismissed on one issue. There have been two or three dissents without opinion, at least one of them by Commissioner Smith and one of them by Commissioner Snowden. If you read all of the decisions you will find that the Commission also believes in liberally construing the statute.

Federal Courts

Finally, the Federal Courts have been even more supportive of Human Rights Law in Alaska than the State Human Rights Commission and the Alaska Supreme Court. Of course they have had greater opportunities. In the Wondzell case, the U.S. Supreme Court refused to hear the appeal of a state decision that a person who feels that he cannot pay his union dues because of his religion should be allowed to pay them to a charity. This case frightens unions and their representatives because unions really hang their hat on the National Labor Relations Act as the one act that regulates all their dealings. For the U.S. Supreme Court to refuse to even hear the case means a lot. As a result, an employee may now decide to donate dues to a charity because of religious beliefs that prohibit union membership. Also, if the union feels that this is a hardship it's the union's burden to show it. The ultimate effect of the case is support from the U.S. Supreme Court for the Alaska Human Rights Law.

Finally, the Ninth Court of Appeals, another Federal Court, stated in the Providence Washington Insurance Group v. Simpson and ASCHR case that the Federal Age Discrimination in Employment Act also does not supercede the State Human Rights Law when the State Human Rights Law provides greater coverage on the basis of age.

In summary, when you step back and look at the total picture, you'll see that courts as well as the Commission have supported the State Human Rights Law. They have taken a uniform approach in liberally constructing the statute's purpose of eradicating discrimination in Alaska.

Rely on State Cases

I want to give you one warning about using federal precedent to decide Alaskan cases of discrimination. Apart from the fact that there are enough Alaska precedents in the civil and administrative case law that you really don't need to resort to federal precedent very much any more, there have been some Alaska decisions that discuss when you may turn to federal precedent. In Loomis Electronic Protection v. Schaefer, the Alaska Supreme Court concluded that Title VII case law is instructive in proceedings under AS 18.80 because the language of Title VII is similar to that of A.S. 18.80. When you need help in interpreting AS 18.80, therefore, you may look to Title VII case law.

But in Wondzell v. Alaska Wood Products, the Alaska Supreme Court concluded that the Alaska Legislature intended that AS 18.80 be a stronger statute than Title VII and that AS 18.80 should be more liberally interpreted than Title VII in order to eradicate discrimination. Consequently, while you may turn to

Title VII for instruction in interpreting AS 18.80, you may also be able to advance an interpretation of AS 18.80 that goes even further than Title VII because of what the Alaska Supreme Court has held in Wondzell.

Finally, in McLean v. State of Alaska, the Alaska Supreme Court concluded that even though Title VII is instructive in construing AS 18.80, the only time you look to Title VII for instruction is when the state statute is ambiguous. If the state statute is clear and unambiguous, then you follow the state law without referring to federal law for help in defining AS 18.80.

Specific Issues - Due Process

Let's look at the issues, which have been addressed by the Commission and Alaska courts and what have been the general trends. If you read every single one of the Alaska cases, fed them into the computer and punched the button for DUE PROCESS how would the computer printout read? You would find that even though the State Human Rights Commission has a lot of authority to eradicate discrimination, that does not mean that it can ride rough-shod over the rights of the parties involved.

> So, in Thomas v. Local 879, the Alaska Supreme Court stated that the Respondent in a class action proceeding is entitled to fair notice of who the complainants are so the Respondent can prepare meaningfully for conciliation and, if that fails file an answer that is responsive. As a result of Thomas, the Commission now has class-action regulations.
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> In the case of Hoolsema v. Alaska Lumber and Pulp, the Commission dismissed that case and stated that a Respondent is entitled to fairness during a hearing that includes: having the witnesses sworn, having the right to cross-examine, having experts who are qualified, keeping out any evidence of conciliation efforts, requiring direct testimony to substantiate the charges, and separating the prosecutor's function from the investigator's function.

Jurisdiction

If we asked the computer for the Alaska Human Rights Law on JURISDICTION, the computer would kick out the Bald v. RCA Alascom, Wondzell, and Simpson cases.

Bald and Wondzell held that the National Labor Relations Act, a federal law that was created to eliminate labor strife, does

not pre-empt the State Human Rights Law. The Alaska State Human Rights Law applies to labor unions and the State Human Rights Commission has jurisdiction over them. Simpson held that the Federal Age Discrimination in Employment Act does not pre-empt the State Human Rights Law. In the absence of federal law specifically removing an area of employment discrimination from the Commission's jurisdiction, those three decisions reinforce the Commission's jurisdiction over any Alaskan employer free of federal intrusion.

What about jurisdiction within the agency itself to act? There are two cases on that subject.

First, in Cory v. McDaniel, the Human Rights Commission held that there must be evidence that the investigator has attempted to eliminate discrimination by conciliation. The attempt to conciliate is a pre-requisite to holding a hearing. In Thomas v. Local 879, the Alaska Supreme Court held that only if the conciliation attempt fails may the matter go forward to an administrative adjudication.

These are the jurisdictional limits within the Commission as to what an investigator may do and when.

Burden of Proof

Let's turn to BURDEN OF PROOF, PRIMA FACIE CASE, and DEFENSES, because there are a lot of decisions on those subjects. Burden of proof is something that is often difficult to get a handle on. Burden of proof means who has the responsibility for proving what, and how great is that responsibility. When the complainant comes in to the Human Rights Commission office, the two parties stand on an equal footing. That's why, under AS 18.80.110, the staff must investigate impartially. The complainant is the first one who must go forward and meet the burden of proof by creating an inference of discrimination.

All the complainant has to do to meet this initial burden is to tilt the scale to at least 51% to 49%. You can't put the evidence on a scale and weigh it, but that's the sense of what has got to happen. The complainant has got to tilt that scale; as long as the scale stays even the complainant has lost. So, for example, in the Powell v. Jack's Food Mart case, it was one party's word against the other. Either story was believable and when both stories are believable the scales are still even. There is no prima facie case; the complainant has not fulfilled the initial burden.

As soon as the complainant tips that scale as to 51%, the respondent is in big trouble. Under the Human Rights Law in Alaska, once the prima facie case has been established, the respondent has got to show by clear and convincing evidence that there was no discrimination. There has to be more than an

inference that there was no discrimination. The evidence has to be clear and convincing. It's much more than the little 1% by which the complainant must shift the scale.

(The scale that never applies in these cases is the scale that you know about from criminal cases, the "beyond a reasonable doubt" standard which probably means that there has to be 99.9% certainty in order to convict. The Commission doesn't have to worry about that scale because that scale never applies to human rights cases.)

How does the complainant meet this burden of proof in a discrimination case? Under Mayer v. Yellow Cab, an employment discrimination case, the complainant met her burden by merely showing that she was a member of a protected class, applied for, and was qualified for an available position, was rejected, and, despite her qualifications, the position was kept open while the employer sought others with the same qualifications. The complainant had to prove these factors by tipping the scale at least 51%.

Physical Handicap

In a physical handicap case of employment discrimination, a complainant still only has to tip the scale to 51%, but there are two decisions by the State Human Rights Commission that add another criteria to what the complainant must show in a physical handicap case. The complainant in a physical handicap case will have a harder time proving a case; instead of four criteria there are now five. The fifth criteria is that complainant has to show that he or she is able to perform that task with the medical handicap. You don't merely show that you can work on a drilling rig because you worked on a drilling rig in the past, you must show that you can work on the drilling rig even though your hearing and speech is impaired and everyone will be wearing ski masks so that you won't be able to read their lips. You won't be able to hear them and they won't be able to hear you. So there is an extra criterion in proving a prima facie case if you've got a handicap. You can't merely show that you can actually do the job, you have got to show that you are medically able to do it.

Flexibility Allowed

The criteria for a prima facie case are not rigid and it is not essential that they be followed in every case, as long as there is an explanation for not following the criteria in Mayer v. Yellow Cab or for substituting a different criterion for one of the McDonnell-Douglas criteria. There are Commission decisions which allow for this flexibility as well as Alaska Supreme Court decisions.

For example, in Mayer v. Yellow Cab, Wendy Mayer never filed a written application with the employer. In fact she never even saw the owner. Yet the Alaska Supreme Court agreed with the State Human Rights Commission that she had carried her burden of creating an inference of discrimination. She was excused from filing an application on the grounds that she had been discouraged and deterred from filing an application because of discriminatory remarks made to her by the Yellow Cab's dispatcher. The court held that it would be futile for her to apply for employment when it was already obvious that the employer didn't hire women. So both the Human Rights Commission and the Supreme Court accepted Mayer's excuse for not complying with the four criteria.

In another case, Presley v. City of Fairbanks, Presley was having a difficult time showing that she was qualified to be a police officer in Fairbanks because there was no job description. The Human Rights Commission held and the Alaska Supreme Court agreed in a memorandum opinion, that in these circumstances the applicant need only show that she possesses the minimum qualifications that were held by all the other successful candidates. The City of Fairbanks Police Department claimed that firearms experience was a job qualification. In fact, only four of six officers who were hired right after Presley's application had previous firearms experience. The Department claimed that prior sports and a demonstrated athletic ability was essential in the job, in fact, only five of the six candidates who had been hired possessed this qualification. What it really boiled down to were minimum qualifications of a high school diploma, a clean driving record and no arrest record. In Presley, therefore, her ability to make a prima facie showing of discrimination did not hinge on her ability to prove her qualifications when the employer had failed to provide an actual job description.

Respondent's Burden

Let's turn now to the respondent's burden of proof in defending against a prima facie case. In McLean v. State, job classifications were sex-segregated. The respondent had to show by clear and convincing evidence that it had an urgent business necessity for restricting women to the matron job classification and for making the men stewards and waiters. Respondent was not off the hook by tipping the scales to 51% in its direction. Respondent had to show something substantially more than 51%, i.e., respondent had to show by clear and convincing evidence that it had a business reason for the sex-segregated job classifications.

It is harder for the respondent to meet its burden of proof in Alaska courts than in federal courts. The U.S. Supreme Court has held that, in federal cases under Title VII, all the respondent has to do is "articulate" a legitimate business reason for the discrimination.

The "clear and convincing evidence" standard in Alaska is articulated in two Alaska cases: McLean v. State of Alaska and Brown v. Wood.

> In McLean, job positions were segregated, and the respondent admitted it. One of its defenses was it that didn't have the physical accommodations to allow males and females to serve in all job classifications. The Alaska Supreme Court held that this defense must be supported by clear and convincing evidence; such overt discrimination must be based on urgent reasons.
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> The other case, Brown case against the University of Alaska Brown demonstrated that she was being paid less as a professor at the University than male professors. Once she made her prima facie case, the court held that the University must show by clear and convincing evidence that it had a business reason for making a distinction on the basis of sex. The Court reversed the trial court's willingness to grant the University broad discretion in setting salaries in the face of a prima facie case of discrimination.

There are several Commission cases that serve as examples of how respondent can respond to complainant's proof. In Mayer the employer tried to shift the balance back to 50-50% by saying that Wendy Mayer had not applied. In McClinton v. State, respondent made the same unsuccessful argument. In Presley the employer tried to show that Presley was not qualified. In Mayer, McClinton and Presley, the Respondent tried to prevent complainant from making a prima facie case by balancing the scale at 50-50.

"Clear and Convincing"

Once the complainant makes a prima facie case by tilting the scale to at least 51%, then respondent must defend with a showing of clear and convincing evidence. A showing of clear and convincing evidence requires that respondent tip the scale at something substantially more than 51%, e.g., 60%-65%.

> The respondent has attempted in the past to come up with defenses of economic necessity, as in the Borsch v. Island King case. There, the respondent did prove that the reason for terminating Borsch was economic necessity by showing that there had been an economic loss in running the restaurant and by showing that other people were being laid off besides the pregnant employee.

In Miller v. Golden North again the respondent succeeded in tipping that scale as much as 60% or 65% by showing that Miller did not competently perform all her job duties.

In the past employers have also offered the defense of inadequate facilities. That defense is usually unacceptable as a business reason for discriminatory conduct; it didn't pass muster in the two cases of McLean and Raymond. Despite its singular lack of acceptance by the Commission one still hears it advanced as a reason for why discrimination should be permitted.

In Bell v. Parker Drilling the employer did succeed in showing that the safe and efficient operation of a hazardous occupation required that it not hire someone with Bell's hearing and speech impediments. A similar situation occurred in the Hoolsema case.

Although Hoolsema case was dismissed on due process grounds, the Commissioners also held that the employer had demonstrated that it just wasn't safe to have on scaffolding a painter whose condition of diabetes was uncontrolled.

Unacceptable Defenses

Finally, you will hear some very creative defenses which are totally unacceptable, for example, a contractual agreement between respondents. In Wondzell a negotiated labor agreement where it was not a defense to a prima facie case of religious discrimination required Wondzell to be fired if he didn't pay his union dues, regardless of his religious beliefs. The same thing was true in the Painter v. Ketchikan Gateway Borough case where the medical provision that distinguished pregnancy benefits from other medical benefits came about as a result of a negotiated labor agreement. Another defense that is unacceptable is the respondent's cry that the discrimination was not intended. Good intent was not accepted as a defense in Scholle v. City of Fairbanks or in Duncan v. University of Alaska.

Pretexts

If the respondent puts on evidence of non-discriminatory reasons for its actions, or argues a business necessity reason for discriminating against the complainant, the complainant has one last opportunity: to show that the respondent's reasons are pretextual.

The complainant in Borsch v. Island King tried to show that respondent's legitimate business reasons were offered after-the-fact and that, in fact, respondent had said initially that the complainant was

being let go because of her pregnancy. The Human Rights Commissioners sharply rebuked to respondent for her change in position on the termination reason. The business reasons in that case, however, were so persuasive that complainant was not able to show that they were a pretext for discrimination.

In the Miller v. Golden North case, Miller was told that respondent was letting her go because the owners needed a couple to run the motel. At hearing time the respondent offered some different business reasons why she was let go. The Commissioners cited Borsch and repeated their dislike of this change in stated reasons for the action.

When the Commission hears, therefore, that respondent has stated discriminatory reasons for an adverse personnel action and then later changes its position, the Commission examines the new reasons very closely.

In Fredrikson v. Alaska USA Federal Credit Union, the complainant rebutted respondent's business reasons and demonstrated that they were, in fact, pretextual. She was able to show that the requirement of a two-year commitment on the job had not always been adhered to in the past for male employees, that the training costs for her were not substantially different from the cost of training males in the past, and that her qualifications had not been fairly compared with those of male applicants. With this evidence complainant proved that the business reasons were a pretext for sex discrimination.

Relief

If you program the computer to print out human rights cases on RELIEF, you will get the longest printouts of any human rights topic. The relief awarded to eradicate discrimination and to compensate for past wrongs has been creative and addressed to remedying the unique wrongs presented in the individual cases. In several cases the Commission has awarded "injunctive relief", i.e., it has ordered a respondent to stop an unlawful system or practice. The Commission has said stop charging a different entrance fee for blacks and whites, stop saying we don't hire women as cab drivers; stop using subjectively scored, unvalidated selection devices; stop discouraging women from applying; stop using different criteria to make employment decisions about males and females; stop treating pregnancy differently from other conditions covered by group health insurance plans; and stop advertising for married couples only.

There are also several decisions that deal with "corrective relief". The Commission has ordered an employer, for example, to create a new system or new set of practices that will be fair and will correct the old discriminatory practice.

For example, in Cory v. McDaniel, the Commission affirmed a settlement agreement that provided for posting a pricing policy that applied equally to males and females and blacks and whites.

As a means of correcting a Union's past racially discriminatory hiring practices, the Commission in Allen v. Laborers & Hod Carriers Union required the union to inform the membership of its vacancies, to prepare a job description and application forms, and to develop hiring procedures and an affirmative action plan.

In Fredricksson, the Commission ordered the employer to develop a job description and objectives in order to correct the employer's past discriminatory practice vis-a-vis hiring women as branch bank managers.

In Presley, the Commission ordered the police department to develop goals to reflect the female representation in the Fairbanks labor market and to prepare job descriptions and an affirmative action plan as a means of assuring that women police officer candidates would be treated fairly.

In Mayer, the Commission ordered Yellow Cab to recruit for females as a remedy for its historically all-male cab driver work force.

The Commission has also awarded "compensatory relief", i.e., relief which would adjust for past wrongs. In Mayer, the Commission awarded backpay for lost wages; in Duncan, the Commission ordered promotions; in Fredricksson, the Commission awarded the value of housing and auto allowances. In Raymond v. Wien Air Alaska, not only did the Commission order Wien to offer employment to Raymond but also fringe benefits, including flight benefits and cost of living adjustments.

In McClinton, where there was no dollar value to McClinton's loss, the Commission awarded nominal damages.

Punitive Damages

The Commission, as well as the Alaska Supreme Court , has even addressed the issue of extraordinary relief. Under the Loomis case, if you go directly into Superior Court, it is clear that you can ask for punitive damages, i.e., an amount that would punish respondent for the discriminatory conduct. However it's still unclear whether or not any award can be made of punitive damages by this agency. The Commission did make such an award in the Cory v. McDaniel case but that case is on appeal to the Alaska Supreme Court.

Attorney Fees

The Commission has also awarded attorney fees. The Alaska Supreme Court agrees that they are recoverable for proceedings before the agency. However, in Hotel & Restaurant Workers Local 878 v. Alaska State Commission for Human Rights, the Alaska Supreme Court stated that these costs are only awardable after a hearing: the Commission may not award attorney's fees after an investigation if a case does not go to hearing.

In a recent decision the Commission ruled that it had the authority to award attorney's fees to government parties other then the State Human Rights Commission. The language, in Moore v. City and Borough of Juneau School District appears to overrule Scholle where the Commission ruled that under AS 18.80.130(e), it can only award attorney's fees to private parties. Furthermore, for the first time, the Commission, in Moore, wrote that it may even award attorney's fees against the Human Rights Commission if the staff has pursued a case unreasonably or without foundation.

Housing

Now let us look at what the Commission has done in terms of addressing issues statute-by-statute. Under the housing section, AS 18.80.240, there is only one decision, the Nelson v. McCarley case. That decision really is of limited use in future housing cases and articulates the minimal criteria in complainant's prima facie case: complainant must meet the threshhold requirements of any prospective tenant. Nelson was asked to pay a deposit and because she didn't do she was not in the position then to say that the landlord had discriminated against her by not renting to her. There are no other housing decisions that I know of either before the Human Rights Commission or in the courts.

Public Accommodations

Under the public accommodations section, AS 18.80.230, there is only one case, Cory v. McDaniel. That case requires that access to the public accommodations be equal as far as pricing policies and also that the atmosphere of a public accommodation be free of racial slurs.

Financial Practices; State Services

Under the unlawful financial practice section, AS 18.80.250, there are no cases. Under the unlawful practices by the state of political subdivision section, AS 18.80.255, there are no cases. In fact all but two of the agency decisions are employment cases.

Let us stop back now and look at decisions under AS 18.80 as they address the different theories of discrimination. For example,

Overt Discrimination

Overt discrimination in employment is action which is explicitly based upon race, color, religion, national origin, pregnancy or sex. There are three state decisions based on overt discrimination.

The Painter v. Ketchikan Gateway Borough School District case in which medical benefits for pregnancy were explicitly different than the medical benefits for other covered illnesses.

The Raymond case where females were specifically not hired as cargo handlers.

The McLean v. State case, where females were relegated exclusively to matron duties on the Alaska Marine Highway System while males were waiters and utility workers.

Disparate Treatment

There are also state decisions on disparate treatment, i.e., discriminatory standards which are fair in form but discriminatorily applied, or where there is a higher or more strenuous standard applied to the protected class.

Brown v. Wood, where a male with a comparable background was paid more than a female holding the same job.

Duncan, where a male with an inferior education background was promoted over females.

Raymond, where small females weren't hired but small males were hired.

Muldrow, where whites were asked if they wanted the job but blacks weren't asked.

Presley, where females were required to have firearms experience but males weren't.

Strand and Muldrow, where the complainant's application was not fully developed with regard to her references, but the male's application was fully developed.

Retaliation

The Commission has ruled several times on the retaliation section of the Human Rights Law, AS 18.80.220(a)(4). In Fredricksson, the Commission held that complainant has to show a direction, plan or intent to terminate the complainant or otherwise retaliate because complainant had filed a discrimination complaint against the employer. The complainant has to show a causal connection, i.e., a link between the respondent's conduct and the fact that a complaint was filed.

It is not enough to say, "complainant filed a complaint and then was fired". Complainant must first show that, at the time of the adverse personnel action, the employer knew that complainant had filed a complaint opposing the employer's discriminatory practice.

In a recent case that was appealed to the Commission chairperson there was no evidence that the employer even knew that complainant had filed a complaint. Complainant failed to establish a causal connection.

In the Orr case which was recently decided, Blanche Orr was able to show that she was a victim of retaliation; she linked her opposition to her employer's discriminatory practices to her termination by showing that there was a discriminatory working environment. She offered evidence of sexually discriminatory statements that her supervisor made at the time that she was opposing discrimination and at the time of her termination.

Merely because complainant files a charge of discrimination, it does not mean that complainant is insulated from future adverse personnel decisions by her employer.

> Woods v. AVEC, after Woods filed his discrimination charge he reported late to work, or left early, or didn't come in at all. He thought his employer could take no action against him because he had earlier filed a complaint at Human Rights Commission. He was terminated and the Commission held that filing the complaint did not give the complainant the freedom not to do his job.
>
> Fredericksson: complainant filed her complaint and was later fired for insubordination. The Commission held that filing a complaint of discrimination was not a license to be insubordinate. She was still expected to do her work and to try and get along with her supervisor and co-workers.

Disparate Impact

What about disparate impact, where the practice is fair in form and applied fairly but has a discriminatory impact?

Scholle was a marital status discrimination case where the City of Fairbanks' anti-nepotism ordinance ruled out employing spouses. In Scholle, the complainant failed to show that the anti-nepotism rule excluded more females than males.

In Presley, however, respondent's subjective selection device did result in a significantly higher percentage of males being hired than females.

In Duncan, the application of promotion standards resulted in females progressing slower in terms of position and salary than their male counterparts.

Pattern and Practice

There are even Commission decisions that articulate the principle of pattern and practice discrimination, i.e., a systematic policy which adversely affects a protected group.

In Allen, complainant alleged a pattern and practice of discrimination in the complaint. The issue was tried at the hearing. Complainant established a pattern and practice of discrimination by offering statistical evidence of disparity between the high percentage of black union members and the fact that blacks had never been hired for a paid position as a union field representative.

In Presley, an individual complaint of discrimination, Presley was able to show that unvalidated subjective oral interviews had an adverse impact on women and the continued use of this interview was, therefore, a discriminatory practice and procedure. Although the Commission now has regulations that provide for class actions, to date no final decision has come through the hearing process that rests on the class action regulations. The two cases on pattern and practice discrimination mentioned earlier did not construe the class action regulations.

Protected Classes

What happens if you ask the computer for a reading of human rights decisions based on protected classes? What would first come out of the computer would be a negative report that there are no Alaska decisions on color, national origin, change in marital status, or parenthood. That leaves seven other categories of protected classes.

Under age, there is the limited decision in the Simpson case stating that the Commission does have the right to process age

cases despite a more restrictive federal statute on the same subject. The Simpson case is of little substantive help in interpreting age discrimination cases in the future.

Under marital status, there are two cases: Powell v. Jack's Food Mart and Miller v. Golden North Motel. Powell and Miller both held that the complainant had to show that her status as a single female was a factor in the employer's decision to terminate. Neither complainant was able to make the required showing.

Under physical handicap, there are the Bell v. Parker Drilling and Hoolsema cases, discussed earlier when we talked about complainant's prima facie case and the difficulty that a physical handicap complainant has in making out a prima facie case.

Under pregnancy, there are three decisions: Powell, Borsch and Painter. Powell and Borsch both held that complainant must show that pregnancy was a factor in the termination decision. It's not enough to be pregnant and fired. There has got to be a relationship between complainant's pregnancy and her involuntary termination. In Painter, the Commission held that pregnancy must be treated the same as other disabilities in an employer's insurance plan. This means that a pregnant employee is entitled to the same terms, conditions and benefits of employment as her non-pregnant co-workers.

Race

There are four race cases in which no prima facie case was made out.

> Woods: complainant failed to establish that there was a different salary scale for whites.
>
> Moore: complainant failed to establish an inference of discrimination that the white hire was discriminatory.
>
> Nelson: complainant failed to show that she met the monetary requirements to rent.
>
> Allen: the employer convinced the Commission that it was not required to hire management personnel with a contrary philosophy to its own.

There are also race cases which were successful in making out a prima facie case.

> Muldrow: the State failed to justify going outside the "Rule of five" to hire a white male the state also failed to give complainant's application equal consideration in terms of developing positive and negative references.

Allen: Allen showed a pattern and practice of excluding blacks from full-time paying jobs in the organization.

Cory: Cory and others demonstrated that a local night club had a different pricing policy for blacks and whites.

McClinton: the complainant showed that her employer failed to consider her for employment even though she was not on the register, while whites, not on the register, were considered.

Religion

For discrimination based on religion, there are only the Wondzell and Bald cases. These cases hold that unions are covered by the Alaska Human Rights Law and that an employee may donate his or her salary to a charity if he or she has religious beliefs against union membership. (The most significant part of the Wondzell decision, however, is its holding that AS 18.80 is to be more liberally construed than Title VII.)

Sex

There are several decisions about sex as a protected class. The complainant in the Mayer case proved an overt refusal to hire females as taxi cab drivers. In Muldrow, the personnel system was manipulated to hire a male in preference to the female. The Raymond, Presley and Fredrickson cases involved more stringent standards being applied to female applicants. In the Duncan and Brown cases there was a different salary scale and promotion structure for female University professors than for males. In Strand and Muldrow the employer failed to consider and fully develop the female applications while doing otherwise for the male ones.

There have also been some Commission decisions that discuss special employment relationships. For example, in the Mercer v. ARCO case the Commission discusses whether a contractor employs the subcontractor's employees. In that case the Commission ruled that it will look at four factors to determine whether ARCO was involved in any discriminatory conduct by its subcontractor: (1) whether or not there is an interrelation of operations, (2) whether or not there is common management, (3) whether or not there is a centralized control of labor relations, and (4) if there is common ownership or financial control.

The Commission has also spoken about political subdivisions as employers. In the Scholle case, Fairbanks had an ordinance which provided that there would be no spouses of employees hired. The Commission declared that ordinance invalid because it was contrary to State law.

In Mercer v. ARCO, the Commission also held that in order to show that a respondent aided and abetted discrimination, the complainant must show that the respondent actually participated in the illegal acts by assisting, advising, counselling, procuring, encouraging, inciting or instigating.

The Future

In closing, there is no information in the computer on what we should expect in the future under the Human Rights Law. I see some gaps in the jigsaw puzzle, some pieces that are missing. There have never been any cases under AS 18.80. 255: the State's refusal or withholding or denying of funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color or national origin. There are all kinds of issues that could be examined under AS 18.80.255 that never have been--perhaps they will be.

I have already mentioned certain protected classes that have not been under ligitaged AS 18.80.220, the employment section. I also anticipate there will be more complaints against State government, the state is the largest employer, and against other industry groups that have not yet been addressed. I expect cases to develop under the class action regulations.

* * * * *

The courts and the Commission have gone a long way in the last five years to articulate the breadth of the Alaska Human Rights Law and their commitment to carry out the intent of the Alaska legislature that one of society's most intractable ills be eradicated.

Rural Program Report

by
Jerry L. Woods
Assistant Director

Background

In its 1976 Annual Report the Commission said its rural activities were:

- a Department of Housing and Urban Development contract to study housing discrimination and substandard housing in rural Alaska;
- an Alaska Humanities Forum grant to assist rural communities establish local commissions;
- establishing a Commission field office in Barrow; and
- research into whether Indian Reservations in Alaska are considered entities of a federal reserve which are not subject to the jurisdiction of the State Human Rights Law.

The 1977 report included a chapter titled "Discrimination in Rural Alaska". The report concluded that the problems of discrimination facing rural Alaskans were much greater than those who live in urban Alaska. The report showed how these issues are not always perceived as "discrimination".

In 1978 the Commission reported on its program to fund three "Rural Demonstration Projects".

The Commission's 1979 report, stated for the first time that the State Commission's effort to meet its long-standing commitment to serve rural Alaska more effectively may become a reality due to possible legislation during the 1980 session.

The prediction was accurate. In 1980, the Legislature approved funding for the creation of a rural program within the Commission as a result of the support and key recommendation of the Senate Minority Affairs Committee. The information following describes the activities and direction of the Commission's Rural Program since its creation late in 1980.

The Commission's Rural Program, with a staff of one full-time program director, began initial program planning in October 1980. In January 1981, the Human Rights Commissioners concurred that the program has three major functions. The first is the development and implementation of a comprehensive statewide human rights delivery system for rural Alaska. Preparation for providing this service included assessment of educational and training resources currently available. The program

is researching and developing other material also. We are traveling to rural communities to conduct training sessions and public education workshops. We explain the rights and remedies of the Human Rights Law to those who the law protects and to those who must abide by the law.

During these trips we have received several inquiries from rural communities. Six new discrimination complaints have been filed. We anticipate this number to increase. We have received several letters from rural communities requesting human rights assistance from the Commission. Because employers made a majority of these requests, we are preparing training material to address the questions that employers confront in rural Alaska.

Several major issues have surfaced to which the Commission is being asked to respond:

- Is it legal under Alaska law for Native organizations such as the non-profit, social service Native Regional Corporations to give preference to American Indians or Alaskan Natives over non-American Indians or non-Alaskan Natives;

- May a non-Native or a non-Indian file a charge against a non-profit Native Organization alleging race discrimination for such a practice.

These two questions are before the Executive Director and other Commission program directors. We are researching the jurisdictional question with the possibility of asking for an Attorney General's opinion. The results of the Commission's research and the Attorney General's opinion, if one is requested, will be available to the public.

Other concerns which rural Alaskans voice are subsistence hunting and fishing, commercial fishing, education, and lack of essential governmental services. The private sector is concerned with employment practices in the lumber and fishing industry and the lack of employment opportunities in construction. The rural program works with rural communities to eliminate discriminatory employment barriers.

Another function of the rural program is to give technical assistance and training to Native Employment Rights Offices (NERO's). They are springing up under federal EEOC contracts in rural Alaska. There are eight NERO programs now, and by 1982 there may be as many as 12. The Commission's rural program is helping NERO programs seek federal funding. The Commission is also obtaining information on major issues and problems that the NERO programs and surrounding communities face. A state-wide NERO workshop in Anchorage is being planned. The Alaska Federation of Natives is sponsoring it, with participation by the Commission. A list of current NERO programs in Alaska appears with this report.

The rural program also coordinates its program with other Commission operating units, the three field offices, the systemic and hearing units and other State and Federal agencies which investigate and resolve discrimination complaints of rural Alaskans. We are meeting with the Commission on the Status of Women, the U.S. Office of Federal Contract Compliance Program, the Office of the Federal Inspector for the Alaska Natural Gas Transportation System (ANGTS) and the State Pipeline Coordinator's Office to anticipate discrimination issues on the gasline project. The Commission is identifying the employment-related problems that occurred during the construction of the Trans-Alaska Pipeline Project in order to avoid a repetition.

Native Employment Rights Offices
March, 1981

Alaska Federation of Natives, Inc./NERO Program
Sylvia Carlsson, AFN State-Wide, NERO Program Coordinator
1577 C Street
Anchorage, AK 99503
(907) 274-3611

Barrow IRA Tribal Organization/NERO Program
Al Stevens, Acting Director
Chris Gallagher, Native Employment Rights Specialist
c/o Inupiat Community of the Arctic Slope
P.O. Box 437
Barrow, AK 99723
(907) 852-2411

Bristol Bay Native Association
Deborah Tennyson, Manpower/NERO Coordinator
P.O. Box 189
Dillinghan, AK 99576
(907) 842-5257

Cook Inlet Native Employment Rights Office
Chris Calvert, Employment Rights Analyst/Acting Director
Ben Ungudruk, Employment Rights Analyst
c/o Cook Inlet Native Association
670 West Fireweed Lane
Anchorage, AK 99503
(907) 265-1284/278-4641

Mauneluk Manpower/NERO Program Center
Harry Cross, NERO Program Director
P.O. Box 725
Kotzebue, AK 99752
(907) 442-3860

Sitka Community Association
Harold Jackson, Acting NERO Director
P.O. Box 4360
Mt. Edgecumbe, AK 99835

Tanana Chiefs Conference, Inc./NERO Program
Gail Vick, Employment Assistance/NERO Program Director
Doyon Building, 201 First Avenue
Fairbanks, AK 99701
(907) 452-8251 (1-6)

Yupiktak Bista Manpower Center/NERO Program
Bruce Day, NERO Director
c/o Association of Village Council Presidents
P.O. Box 219 or 848
Bethel, AK 99559
(907) 543-3241/543-2452/543-3243

Systemic Program Report

by Daveed A. Schwartz
Assistant Director

The Systemic Program coordinates cases which identify and modify employment and government systems which operate unlawfully to exclude or restrict the opportunities of minorities and women. Compliance with the Human Rights Law is achieved either through providing informal technical assistance to receptive employers or government agencies, or by initiating enforcement actions, conducting full-scale investigations, and proposing conciliation agreements to correct unlawful systemic practices. During 1980, the Systemic Program encountered a variety of employment issues which are of potential significance to the entire Alaskan employer community.

1. Wage Discrimination

This has been billed by civil rights workers across the nation as the major women's issue of the 1980's. A few facts surrounding this issue are:

- Women's wages average about 60% of men's wages nationally;

- Historically, women have been shut out of higher-paying occupations. Approximately 80% of female workers nationally are concentrated into a relatively few traditionally "female" jobs, such as nurse, waitress, secretary, teacher, retail clerk, maid, key punch operator, etc. By contrast, males have always been and are currently employed in a much wider variety of occupations which are almost invariably higher-paid;

- Ever since passage of the federal Equal Pay Act of 1963, women holding the same job as men have been able to assert their right to obtain the same wages under the "equal pay for equal work" principle. However, pay inequities are still widespread where lower-paying "female" jobs are comparable (in terms of skill, effort, responsibility and working conditions) to higher-paying "male" jobs.

Increasingly, women in female-dominated occupations are attempting comparisons of their jobs with male-dominated jobs in order to correct gross pay inequities; (for example, secretaries compared with plant workers, hospital nurses with hospital janitors, flight attendants with ramp workers, etc.). The Systemic Program is currently pursuing a major case which addresses this issue and expects more cases of this type in the future.

2. Backpay

A backpay award is a payment made by an employer to a discrimination victim for unlawful conduct which resulted in the victim's loss of wages. For example, if an employer's refusal to hire an applicant is found to be discriminatory, the employer will generally be ordered to pay appropriate wages to compensate for the period during which the applicant was either out of work or earninig less than the wages for the job in question. The primary purpose of backpay awards is to deter future discriminatory conduct by the employer and by other potential discriminators. The Systemic Program addressed this issue in 1980 in the form of a case against an employer considered to be one of the models for its industry. Other employers in that industry took appropriate notice of the Commission's systemic enforcement action, and one even requested a training session from Commission staff on ways to avoid discriminatory practices. Class backpay awards figure to continue as an important tool for achieving compliance with the Human Rights Law.

3. Recordkeeping

Commission regulations require employers to "make and keep records relevant to the determination of discrimination complaints" (6 AAC 30.810) and to maintain them "for inspection and copying by the Commission for at least two years after the record is made"; (6 AAC 30.840). Employers who fail to comply with this regulation may find it extremely difficult to defend against a discrimination complaint. The problem could be seriously compounded if the enforcement action is a class action complaint (as opposed to a complaint affecting only one person). For example, if an employer fails to maintain applicant flow data by race and sex, the Commission staff will be justified in automatically turning to census data and/or other external labor force sources as an indication of the availability of minorities and/or women for jobs challenged by the complaint. Such data may, in certain circumstances, tend to exaggerate the level of interest for the employer's challenged jobs, but it will nevertheless be relied upon in the absence of proper applicant flow data. The Systemic Program encountered an instance in 1980 in which an employer placed itself at a distinct disadvantage by failing to follow adequate recordkeeping practices.

4. Unlawful Recruitment Systems

Employer recruitment systems which fail to attract minority and female applicants in sufficient numbers may be unlawful. Recruitment systems which rely primarily on the "word-of-mouth" method of advertising job vacancies are suspect where an employer's workforce is predominantly white and/or male. Employers who hire a large number of "walk-in" applicants and are located in a part of town

where minorities are less likely to apply in that fashion may be operating an unlawful recruitment system. The Systemic Program has assisted a number of employers in broadening their recruitment base by encouraging them to affirmatively solicit applicants from a wide range of minority and female organizations who are in a position to spread the word about job vacancies.

5. Racially-Motivated Discrimination

Despite the fact that modern discrimination usually involves unintentional (but nevertheless unlawful) actions, the Commission still encounters more than a few employers who are found to have engaged in racially-motivated discriminatory acts. Employment systems are sometimes controlled by managers who consciously make employment decisions based on race, sex, and national origin. Such systems are clearly in violation of the law. Managers who act in this fashion often think that no one will find out about their actions, but time and again the Commission seems to catch many such individuals. Although it is often difficult (and usually unnecessary) to prove this kind of conduct in order to find a violation of the law, one such case in 1980 still has us scratching our heads trying to figure out how such widespread, deplorable, racially-motivated discrimination could have been practiced in this day and age where most employers are attempting in good faith to maintain sophisticated non-discriminatory employment practices.

6. Affirmative Action in the Private Sector

A recent U.S. Supreme Court decision which was referenced in last year's annual report, United Steel Workers of America v. Weber, allows an employer to voluntarily take affirmative action to correct racial and sexual imbalances in its workforce. The phrase "affirmative action" refers to a series of specific results-oriented procedures which, if implemented in good faith, will lead to the correction of minority and female underrepresentation in the employer's workforce. Such procedures include the adoption of agressive, attainable goals and timetables to achieve balance in the workforce. The Systemic Program provided technical assistance to several private sector employers in the area of affirmative action.

7. Equal Employment Opportunity in State Government

Following publication of the Systemic Unit's assessment of the State's EEO performance in last year's annual report, the Anchorage branch of the National Association for the Advancement of Colored People (NAACP) petitioned the Human Rights Commissioners to address alleged discriminatory practices by State government. The Commissioners responded quickly by unanimously passing a resolution at their September 1980 meeting directing the staff to initiate enforcement actions against the State "if the State fails to take appropriate and feasible corrective action".

Since that time, there have been a series of meetings with top Administration officials, including the Attorney General. The Commission staff made specific recommendations regarding recordkeeping procedures, recruitment systems, affirmative action hiring (departing from the practice of selecting from the top five available persons appearing on the register, in accordance with personnel rules, for jobs where minorities and/or women are underrepresented), program monitoring techniques, and supervisory evaluation procedures. This last recommendation would involve re-designing the State's personnel evaluation form to require more meaningful assessment of supervisors' performance in equal employment opportunity and affirmative action matters, and granting or withholding annual merit increases for supervisors who achieve reasonable and objective affirmative action standards (or fail). The staff is continuing informally its pursuit of needed changes in the State personnel system.

Southcentral Region Report
by
Zella Boseman
Assistant Director

Southcentral documented 1,230 inquiries for 1980, up from the 988 in 1979. Of the 1,230 inquires, 309 were scheduled for intake. Of the 309 scheduled for intakes, 144 charges were accepted in this region. Only 80 of the charges filed in 1980 remain open. We currently have 156 open cases and all are assigned.

A few more cases were filed in 1980 than in 1979, but there were still more cases closed than open, resulting in a declining backlog. The vast majority of cases are still filed in the employment area, with approximately the same numbers of cases filed in the other jurisdictional areas such as, financial practices, housing, public accomodations, and unlawful practices by the state and its political subdivisions.

Between 1979 and 1980, twice as many cases were filed on the basis of age, 5½ times as many cases were filed on the basis of physicial handicap this year, and race based cases declined by 28%. In 1980 54% more cases were filed on the basis of sex than 1979 and fewer cases were filed on the basis of marital status. Approximately the same number of cases were filed under parenthood, religion, pregnancy, and national origin in the two years. There were, however, more cases filed on the basis of race than any other basis this year.

Although educating the public is one of the most effective means for preventing discrimination by employers and for advising employees of their rights under the law, budgetary restraints have limited our contacts. As a result only one half the number of Alaska Natives that filed charges in 1979 filed with our agency in 1980. We also show that fewer Blacks filed in this region. With our rural program intact the agency hopes to reach potential complainants through public education and outreach in 1981.

Major issues in the Southcentral Region in 1980 have included a total $188,676.00 in settlements of sex discrimination charges against two companies who refused to hire women to work on their oil platforms and cases against various Respondents for failing to maintain a working atmospheres free of sexual and racial bias.

The office referred 24 complaints to the Municipality of Anchorage Equal Rights Commission for processing under a worksharing agreement during 1980. That constituted 25% of their total case load for the year. ERC estimates that about 62% of their budget is devoted to investigations and enforcement, as opposed to public education and overhead. We have found our working relationship with ERC to be most

satisfactory and have focused most of our energies on training and technical assistance to insure that the quality of work at ERC is comparable to that which we would have done ourselves. We have had no problems with overlap or duplication of functions, since the office staffs work closely together to anticipate and identify such problems as people filing separately in both offices without letting either of the agencies know.

In the future the Southcentral office expects to focus on working with the Rural Program Assistant Director to further our goals for public education and outreach.

Southeastern Report

by
Frank A. Peratrovich
Assistant Director

The number and types of complaints that this office has experienced this past year is similar to the previous year. Approximately 40% of the complaints originate outside the City of Juneau. Approximately 40% of the complaints are based on sex; 30% based on race; and the remainder based on physical handicap, age, etc.

Until this past month, the office's ability to keep up with the workload has been hampered by staff turnover. Assistant Director Janet Bradley was detailed to work at EEOC for one year beginning September of 1980. I was hired to replace her during her absence. I began work in November of 1980 along with Investigator Cara Peters. In January of 1981 we were able to employ another investigator, Archie Nielson, which brought us up to full strength. In March of 1981, Tlingit & Haida provided our office with a CETA investigator trainee, Louis Stevens, a college student who will graduate next year. Debbie Kimmons has been the office secretary since May, 1980.

In spite of staff turnover, the office closed 64 cases. This was possible because of the emphasis on informal investigative resolution conferences. This procedure allows the complainant and the respondent to meet with each other under the supervision of the staff. Both sides present their case in an informal setting. The staff representative instructs both parties as to what constitutes unlawful discrimination and what would be needed to prove or disprove an allegation of discrimination.

More often than not, there is enough evidence presented at these meetings that both parties know how the case will probably be decided. Both parties can arrive at a settlement without having to admit error. This procedure encourages voluntary settlements and eliminates the need for lengthy and costly formal investigation.

Services of the State of Alaska are an issue in this region. Loan programs and fish and game policies generate complaints against these programs by minorities and females. More may be coming.

Northern Region

by
Cathi Carr-Lundfelt
Assistant Director

The Northern Region covers the largest geographical area served by a Commission field office. It is bounded on the south by Isabel Pass, in the north by Point Barrow, in the east by the Canada border, and in the west by Norton Sound.

The residents of the Northern Region come from a variety of cultural and ethnic backgrounds. However, they are uniformly concerned about participation in econmic opportunities and about allocation of regional resources. Economic conditions did not improve greatly during 1980 and they are not expected to do so during the coming year. In such conditions two issues are developing into major significance: 1) the planning process for the proposed gasline, and 2) the definition and allocation of subsistence resources.

Each of these issues has an historical setting which colors the perspective different groups of residents take.

The first issue, the gasline, is of concern because northern residents remember the good and bad aspects of the Trans Alaska Pipeline construction project. Most northerners feel that they deserve access to the job and contracting opportunities which will come with the gasline project. They feel that having suffered the aftermath of the pipeline boom and having stuck it out in a tough climate, they should have first crack at opportunities they see opening up.

Members of minority and feminist groups are particularly concerned that they are not left out, either deliberately or inadvertently, and they are lobbying the government and industrial planners to see that their interests are recognized. There is some evidence that the planners are taking their efforts seriously: private industry is contracting with joint ventures which involve regional Native corporations. State and federal officials are developing regulations and stipulations which address those interests. Planning is particularly intense on behalf of opening opportunities for Alaska Natives because the gasline crosses land held by Native corporations. It is not so certain, however, what kinds of employment, training, and contracting opportunities will be made available to other minority groups or to women.

The second issue, subsistence, involves a classic confrontation between rural residents who have a tradition of resource usage which they wish to continue and urban residents who have another tradition which they also wish to continue. Unfortunately, it is clear that unrestricted use of such resources, whether timber, caribou, whale, or ducks, will lead to elimination of the resources altogether. Race has become part of the issue because both parties feel that their group is being discriminated against.

The rural residents, who are mostly Native, feel that elimination of subsistence use of resources denies them their cultural heritage. Urban sportsmen and family hunters feel that designation of subsistence usage as first priority in dwindling resources is giving preference to Natives. This issue, which has come to international attention over quotas established for bowhead whales, is likely to be raised under the provisions of the Alaska Human Rights Law because of its section which makes it unlawful for the State or its subdivisions to withhold funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color, or national origin.

These two issues can impact on each other. For instance, rural residents who have established subsistence usage are concerned that construction of the gasline will disrupt those activities. They are concerned that they may miss job opportunities, and also lose their traditional economic bases.

Commission staff members here have been working during 1980 to increase their ability to respond to the issues which are likely to be raised under principles of discrimination law. The staffing situation is expected to improve in numbers, if not in experience. The backlog of older cases is steadily, if slowly, decreasing. Fewer and fewer cases are being dismissed for procedural reasons. Almost eighty per cent of the 1980 closures were made on the merits since we are more current and able to stay in touch with complainants and witnesses. The decreasing backlog will allow the staff to select a systemic type case for processing in the region, consistent with the Commission's interest in developing staff capabilities in dealing with pattern and practice cases. It is also anticipated that the activities of the Commission's Rural Program Director will improve the staff's ability to respond to rural residents.

The staff has also continued to develop its expertise in training, particularly for employers. The Assistant Director and the Affirmative Action Officer from the University of Alaska taught a one-credit course entitled "How to Make Affirmative Action Work for Your Organization" in the spring and fall semesters through the Tanana Valley Community College. Northern Regional staff members expect to develop public education materials in the coming budget year as part of the Commission's planned emphasis in that area.

In September of 1980 the State Commission signed a memorandum of agreement with the City of Fairbanks Commission on Human Rights. Since then City Commission staff and Commissioners have participated in State Commission training programs. Staff members of the two agencies have been working out procedures to carry out the terms of the agreement. During 1981 the Northern Region expects to refer incoming cases to the City Commission for initial processing. This relationship will provide one more tier of response to citizens who feel that they have been discriminated against in violation of State and local laws.

HEARING REPORT

by
Teresa Williams
Hearing Presenter

The status of each case in the hearing unit during this period is described at the end of this report. This last year has been an active one for the hearing unit. The Commissioners have rendered six hearing decisions. Twenty-five cases were closed and three more were remanded to field offices. Sixteen of the twenty-five closed cases were settled, for a total of $73,935 in benefits to complainants. Not included in these numbers are the claims arising out of settlement of Thomas v. Hotel, Motel, Restaurant Workers Union, Local 879. Under the settlement agreement, awards were made to twenty-one claimants for a total of $90,880, not including interest.

Several important precedents were set in the 1980 commission decisions. In the decision of Mercer v. ARCO, the commission stated a test of who is an "employer", in order to determine in that case whether an employee of a subcontractor was also an employee of the prime contractor. The decision also set standards in order to determine when an entity has unlawfully aided or abetted discrimination by another. In the decisions of Powell v. Jack's Food Mart and Miller v. Golden North Motel, the Commissioners held that a complainant need only show that a discriminatory basis was a factor in an employer's decision to terminate an employee. The complainant is not required to establish that the discriminatory basis was the only or even the predominating factor in the termination decision .

There were been two Commission decisions on the subject of attorney's fees in 1980. In the Orr v. Municipality of Anchorage case, the Commission held that it is not required to award attorney fees pursuant to Alaska Civil Rule 82, but that a complainant is entitled under the Human Rights Law to reasonable attorney fees incurred in presentation of a claim upon which she prevailed. In Moore v. Juneau School District, the Commission held that the Commission has the power to award attorney fees against itself in an appropriate case, but that there must be a showing that the Commission staff had acted unreasonably or without foundation in bringing a case to hearing.

In 1981, the staff hopes to give priority to those cases which will raise still unresolved issues in the Human Rights Law or which will have an impact on a large number of persons. Although this will ensure that important cases are litigated, there will become a back-log of cases with lesser impact. The decision to set priorities was necessary, however, because there are more cases than can be litigated simultaneously in the unit. Before the priority system was implemented, there already was a back-log of a dozen cases.

HEARING CASES

	DT OPENED HEARING UNIT	DT CLOSED
Akpik v. N. Slope Borough School Dist. Alleged race discrimination in housing benefits for employees. Agreed order of class action de-certification and dismissal of complaint signed.	04/14/78 HEARING UNIT	11/14/80
Allen v. Laborers Union Remanded for class certification by Superior Court. Motion for clarification of Superior Court order pending.	01/24/80	
Bleukens and Jordan v. Associated Green Consolidated cases alleging race discrimination in terms and conditions of employment. Public hearing on June 9-13. Briefing completed 10/29/80. Awaiting decision by hearing examiner.	10/26/79	
Brooks v. FNSBSD Alleged pregnancy discrimination in failure to promote. Monetary settlement prior to hearing. ($1,588)	05/19/80	11/04/80
Carlson v. Associated Green Alleged sex discrimination in termination from employment. Monetary settlement prior to hearing, ($12,500), without admission of liability.	05/08/79	04/25/80
Fortier v. Kachemak Bay Seafoods Alleged sex discrimination in failure to hire/termination. Public hearing on December 18, 1980.	05/20/80	
Gage v. City of Fairbanks Alleged race discrimination in hiring procedures and atmosphere. Hearing scheduled June 11, 1981.	09/08/80	
Gist v. Associated Green Alleged race discrimination in employment termination. Monetary settlement prior to hearing, ($2,000), without admission of liability.	03/12/79	02/05/80
Holt v. Wien Air Alleged racial discrimination in failure to hire. Non-monetary settlement prior to public hearing, (Job offer with back-dated seniority and travel benefits, training), without admission of liability.	11/01/78	04/14/80

	DT OPENED HEARING UNIT	DT CLOSE
J. Jenkens v. Pipeliners Union 798 Alleged race and sex discrimination in failure to dispatch. Hearing held December 1, 1980.	05/21/80	
Kouzes v. S.O.A. - Division of Public Assistance Alleged age and handicap discrimination in atmosphere and handicap discrimination termination. Hearing held December 15-16, 1980.	06/03/80	
Mahlen v. City of Fairbanks Alleged age discrimination in failure to hire. Stipulation to liability and damages. ($12,000 and offer of employment)	10/26/79	09/21/80
Mercer v. ARCO Commission Decision issued March 11, 1980 that ARCO did not aid and abet sub-contractor in alleged discrimination and was not employer of Complainant.	01/03/79	03/11/80
Mercer v. O'Neill Investigations Alleged race discrimination in termination and failure to re-hire. Hearing on March 3-7, 1980, briefing completed April 28, 1980, awaiting decision by examiner.	01/03/79	
Miller v. Golden North Motel Commission decision issued July 2, 1980 holding that Complainant did not prove employment termination based on marital status.	08/15/78	07/02/80
Mollett v. Greyhound Support Service Alleged sex discrimination in constructive discharge from employment. Settlement prior to hearing, ($3,500), without admission of liability.	09/12/79	05/28/80
Moore v. City & Borough of Juneau School Dist. Commission held that Complainant did not establish prima facie case of racial discrimination in failure to hire. Motion for attorney fees denied by Commission.	01/16/79	08/04/80
Morris, Friedman & Kamholz v. Matlock Consolidated case alleging sex discrimination in termination from employment. Settlement prior to hearing, without admission of liability.	05/15/79	08/19/80
Morris, Friedman & Kamholz v. Sea Airmotive See Morris et. al. v. Matlock	05/15/79	08/19/80
Nasello v. Matlock & SeAirmotive Alleged sex discrimination in termination from employment. Dismissed due to death of Complainant.	05/15/79	10/06/80
Orr v. Municipality of Anchorage Commission decision issued on October 23, 1980 holding that Complainant did not prove initial failure to promote based on sex but did prove retaliation in later constructive discharge.	02/07/78	10/23/80

	DT OPENED HEARING UNIT	DT CLOSED
Pinger v. J. C. Penneys Alleged sex discrimination in failure to promote, job ladders. Case remanded to field office.	10/26/79	06/17/80
Powell v. Jack's Food Mart Commission decision issued on October 14, holding that Complainant did not prove that employment termination based on martial status and pregnancy. Motion for attorney fees pending.	09/20/79	10/14/80
Skewis v. Ibsen Alleged marital status discrimination in failure to rent. Order of dismissal signed.	08/04/78	08/05/80
Thomas v. Hotel, Motel, etc., Union Local 879 Hearings held in 4 of 5 disputed claims, Union and Commission staff have reached settlement in all but 1 remaining claim.	02/00/75	
Thomas v. Ketchikan Gateway Borough School District Motion to de-certify class pending.	09/23/80	
Thomas, et al. v. Pipeliners Union (race) Alleged racial discrimination in failure to dispatch or allow blacks into union membership. Class action plus six individual Complainants. Public hearing held June 18-29, October 15-24, December 3-4, 1979. Briefing completed mid-October, 1980.	09/12/78	
Thomas, et al. v. Pipeliners Union (sex) Alleged sex discrimination in failure to dispatch or admit women into union membership. Class action plus three individual Complainants. Public hearing held June 18-29, October 15-24, December 3-4, 1980. Briefing completed mid-October, 1980.	09/12/78	
Vaughn v. University of Alaska - Anchorage Alleged age discrimination in termination. Settlement signed.	05/20/80	
Wages v. Associated Green Alleged sex discrimination in employment termination. Monetary settlement prior to hearing, ($3,000), without admission of liability.	03/12/79	06/12/80
Wallace v. Fluor Alaska Alleged national origin discrimination in employment termination. Public hearing on May 27-30, 1980, examiner has issued recommended decision.	09/20/79	

LEGAL DEVELOPMENTS

At the end of this section is a status report on each court case in which the ASCHR was involved during this period. A number of important interpretation of the Alaska State Human Rights Law were handed down by State courts in 1980, three of which were decided in the Alaska Supreme Court.

In ASCHR v. Yellow Cab, the court expressly adopted the federal standard for a prima facie case found in McDonnell/Douglas Corp. v. Green. Additionally, the court held that informal efforts to apply for a position are sufficient to meet the McDonnell requirement when a person is deterred from making more formal application. The court also held that a court reviewing Commission findings should sustain them if they are supported by substantial evidence. The court stated that evidence should be viewed in favor of the findings even though the reviewing court might take a contrary view of the facts.

On September 17, 1980, the Supreme Court affirmed, without opinion, the Commission decision of Presley v. City of Fairbanks. In that case, the Commission held that Presley was refused employment as a patrol officer by the City of Fairbanks because she is a woman. The Commission held that the City of Fairbanks acted unlawfully in conducting and interpreting the oral interview differently for Presley than for male applicants and in using an unvalidated oral interview procedure that adversely impacted women.

The Commission appeared as amicus curiae in the criminal case of Johnson v. State. Johnson alleged that he had received an excessively severe sentence because of racial bias. The court agreed that a sentence could be examined for racial discrimination under the state case of Brown v. Wood. The court held that the defendant must show that the sentence was probably higher than one which would have been imposed in similar circumstances on a person of a different race.

L I T I G A T I O N

I. INTERVENTION AND AMICUS CURIAE CASES

	DT OPENED	DT CLOSED
State v. Johnson Supreme Court held that a criminal sentence may be examined to determine whether its is excessive as a result of race discrimination; Brown v. Wood analysis applies. Court held that defendant had not met burden of proof that sentence was discriminatory.	02/00/79	03/07/80

II. APPEALS OF COMMISSION DECISIONS TO SUPERIOR COURT

	DT OPENED	DT CLOSED
Allen v. Laborers & Hod Carriers & HRC Superior Court for 3rd Judicial District upheld Commission's decision dismissing the Complainant's complaint, but finding pattern and practice of discrimination against blacks. Case remanded to Commission for class-action certification.	01/18/78	01/24/80
Laborers & Hod Carriers Union v. HRC See Allen above	12/23/77	01/24/80
McClinton v. State, Dept. of Community and Regional Affairs Superior Court upheld Commission Decision that it is unlawful to fail to consider a person because of race, even if complainant can't show would have taken the position, and upheld award of nominal damages. Reversed the Commission's decision that the department unlawfully retaliated in later failure to hire.	01/31/78	04/11/80
Muldrow v. State, Division of Corrections Superior Court, First Judicial District, upheld commission decision that failure to hire was because of race. $14,295 paid to Complainant.	08/00/76	06/02/80
Petersburg School District v. Strand & ASCHR Superior Court reversed Commission's decision that School District discriminated by use of subjective hiring procedures. Appeal to Supreme Court pending.	08/00/79	08/13/80

III. APPEALS OF COMMISSION DECISIONS TO ALASKA SUPREME COURT

	DT OPENED	DT CLOSED
Alaska USA Federal Credit Union v. HRC Appeal of HRC decision and Superior Court affirmance that Complainant was denied promotion because of her sex. Appeal of Superior Court's award of attorney's fees. Commission brief submitted 07/23/80.	04/02/80	
ASCHR v. Petersburg School District Appeal of Superior Court decision reversing Commission decision.	09/00/80	
City of Fairbanks Police Department v. Presley & HRC Alaska Supreme Court upheld Commission's decision that city's subjective hiring practices resulted in sex discrimination. $74,000 paid to Complainant.	10/23/79	09/00/80
HRC v. Yellow Cab The Supreme Court held that McDonnell-Douglas v. Green applies to cases brought under A.S. 18.80.220, that Mayer had taken sufficient steps to apply for a position, and that substantial evidence supported the Commission's decision that Yellow Cab violated A.S. 18.80.220(a)(1).	09/07/78	05/02/80
McDaniel v. Cory & ASCHR Appeal to Supreme Court of decision by Superior Court for 3rd Judicial District upholding the Commission decision that a complaint was subjected to a discriminatory treatment at the Northern Lights Disco, but rejecting the Commission's award of punitive and compensatory damages. Argument on briefs has been made, awaiting decision.	09/26/78	

CASE PROCESSING STATISTICS
1980

A. Analysis of new cases filed in 1980

RACE OF PERSONS FILING CHARGES

	Race	Number	Percentage
1.	Caucasian	138	51%
2.	Black	69	25%
3.	Alaska Native	32	12%
4.	Hispanic	11	4%
5.	Asian	8	3%
6.	Other/Unknown	13	5%
	TOTALS	271	100

SEX OF PERSONS FILING CHARGES

	Definitions	Amount of Cases	Percentages
1.	Female	143	53%
2.	Male	116	43%
3.	Director's Charges and Multiple Charging Parties	12	4%
	TOTAL	271	100%

REASONS ALLEGED BY COMPLAINANT

	Definition	Amount of Cases	Percentages
1.	Race	84	31%
2.	Sex	71	25%
3.	Multiple Reasons	51	19%
4.	Other (Religion, Pregnancy, Parenthood)	17	7%
5.	National Origin	5	2%
6.	Age	22	8%
7.	Physical Handicap	16	6%
8.	Marital Status/ Changes in Marital Status	5	2%
	TOTAL	271	100%

TYPE OF UNLAWFUL PRACTICE ALLEGED

		Total Number of Cases	Percent of Total Cases
1.	Employment A.S. 18.80.220	241	89%
2.	Government Practices A.S. 18.80.255	9	3%
3.	Retaliation/Coercion A.S. 18.80.200/A.S. 18.80.260	2	1%
4.	Public Accommodations A.S. 18.80.230	13	3%
5.	Housing A.S. 18.80.240	5	2%
6.	Finance A.S. 18.80.250	1	2%
	TOTALS	271	100%

B. Closing Actions

REASONS CASES WERE CLOSED
JANUARY - DECEMBER 1979

	Definitions	Number of Cases	Percentages
1.	No Probable Cause	183	48%
2.	Conciliation/Settlement	80	21%
3.	Administrative Dismissal*	92	24%
4.	Hearing Results	25	7%
	TOTALS	380	100%

* Includes; withdrawals, failure to complete filing process, and lack of jurisdiction.

C. Analysis of unresolved cases as of December 31, 1980

STATUS OF UNRESOLVED CASES

	Status	Number	Percentage 12/31/80	Percentage 12/31/79
1.	Not Yet Assigned for Investigation	123	31%	18%
2.	Under Investigation	191	47%	70%
3.	Settlement/Conciliation Being Negotiated	68	17%	5%
4.	Conciliation Failed/ Awaiting Hearing	3	.5%	4%
5.	Appeal Pending	2	.5%	2%
6.	Hearing Held/Awaiting Order	17	4%	1%
	TOTAL	404	100%	100%

* Great decrease in proportion of cases unassigned since December 31, 1977 when this figure was 57%!

D. Age of Resolved Cases

Filing Time Period	Total	Percent
1975-1976*	10	2%
January - June 1977	25	6%
July - December 1977	24	6%
January - June 1978	23	6%
July - December 1978	39	10%
January - June 1979	66	16%
July - December 1979	46	11%
January - June 1980	75	19%
July - December 1980	96	24%
TOTAL	404	100%

* Cases filed in 1976 and earlier are mostly in court or at hearing.

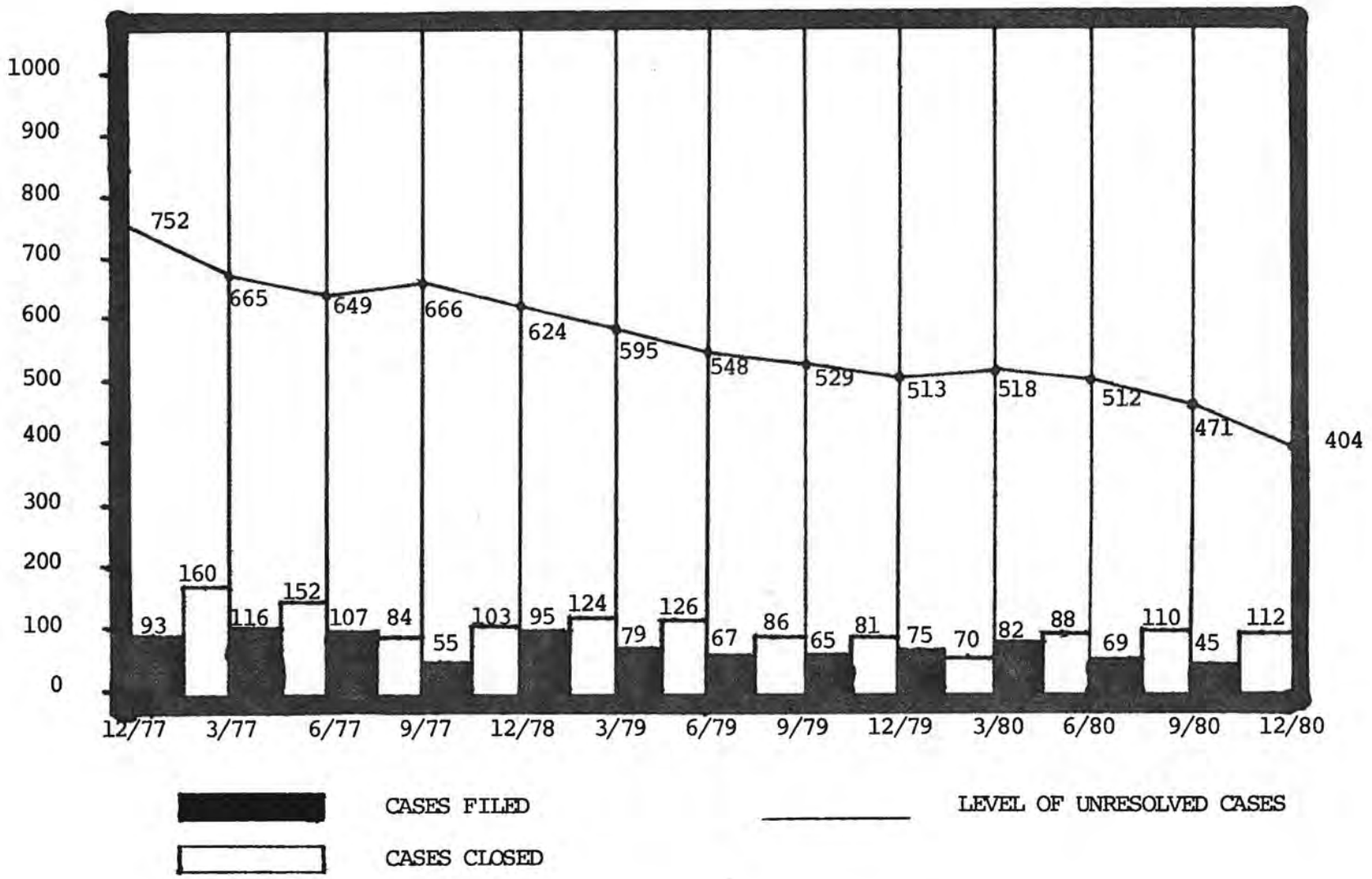
E. SUMMARY OF CASES PROCESSED BY REGION

January - December 1979

Region	Cases Unresolved on 01/01/80	New Filings 1980 (1979)	Cases Resolved 1980 (1979)	Cases Unresolved on 12/31/80
Southcentral	204	146 (138)	184 (246)	176
Systemic Office	32	2 (20)	3 (3)	28
Northern Office	187	53 (65)	125 (126)	111
Southeastern	90	70 (81)	68 (42)	89
TOTALS	513	271 (304)	380 417	404

F. QUARTERLY CASE PRODUCTION ANALYSIS

1977 - 1980



INDEX TO COURT & COMMISSION DECISIONS INTERPRETING A.S. 18.80

A

KEY TO INDEX

a	(affirmed)	Same case affirmed on appeal to Alaska courts
a/r		Same case affirmed in part, reversed in part by Alaska courts
m	(modified)	Same case modified on appeal to Alaska courts
r	(reversed)	Same case reversed on appeal to Alaska courts
Ak pen		Appeal pending before Alaska courts
[ ]		Civil case not originally tried before ASCHR

B

BACK PAY (See RELIEF, COMPENSATORY)

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Bell v. Parker Drilling
Borsch v. Island King
[Brown v. Wood]
AK pen Fridriksson v. Ak Federal Credit Union
[McLean v. State]
Miller v. Golden North
Painter v. Ketchikan Gateway Borough School District
Powell v. Jack's Food Mart
a Presley v. City of Fairbanks
Raymond v. Wien

C

CLASS ACTIONS
a/r Allen v. Laborers & Hod Carriers Union
[Thomas v. Hotel, Motel, Local 879]

CONCILIATION
AK pen Cory v. McDaniel

COSTS
Orr v. Municipality of Anchorage

D

DAMAGES (See RELIEF)

DEFENSES
a/r Allen v. Laborers & Hod Carriers Union
Borch v. Island King Restaurant
Bell v. Parker Drilling
[Brown v. Wood]
Fridriksson v. Alaska USA Federal Credit Union
a Mayer v. Yellow Cab
Miller v. Golden North Motel
a Muldrow v. State
Painter v. Ketckikan Gateway Borough School District
Raymond v. Wien
Woods v. Alaska Village Electric Corporation

DIFFERENTIAL TREATMENT
(See DISPARATE TREATMENT)

DISCHARGE, CONSTRUCTIVE (See also TERMINATION)
a/r McClinton v. State
Orr v. Municipality of Anchorage

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FAILURE TO HIRE
a/r Allen v. Laborers Union
Bell v. Parker Drilling Company
Hoolsema v. Alaska Lumber & Pulp
Kirkpatrick v. Ketchikan Pulp
a Mayer v. Yellow Cab
a/r McClinton v. State
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Moore v. Juneau School District
a Muldrow v. State
a Presley v. City of Fairbanks
Raymond v. Wien Air
Scholle v. City of Fairbanks
Ak pen Strand v. Petersburg School District

FEDERAL PRECEDENTS
a/r Allen v. Laborers Union
[Loomis Electronic Protection v. Schaefer]
a Mayer v. Yellow Cab
[McLean v. State]
Painter v. Ketchikan Gateway Borough
[Wondzell v. Alaska Wood Products]

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I

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Ak pen Fridriksson v. Alaska Federal Credit Union
Woods v. Alaska Village Electric Cooperative

INTENT
Barrett v. Ak Plan Policy Board
Duncan v. University of Alaska
a Mayer v. Yellow Cab
Nelson v. McCarley
a Presley v. City of Fairbanks
Scholle v. City of Fairbanks

INTEREST
Duncan v. University of Alaska

J

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Ak pen Cory v. McDaniel (I)

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QUOTAS
a Yellow Cab v. Mayer

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Ak pen Cory v. McDaniel (I)
a/r McClinton v. State
Moore v. City & Borough of Juneau School District
a Muldrow v. State
Nelson v. McCarley
Woods v. Alaska Village Electric Corporation

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REASONABLE DEMANDS OF JOB
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Hoolsema v. Alaska Lumber & Pulp
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a Mayer v. Yellow Cab

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(See ATTORNEY'S FEES; COSTS; DAMAGES; INTEREST; MITIGATION; RELIEF, AFFIRMATIVE; RELIEF, CLASS-WIDE; RELIEF, COMPENSATORY; RELIEF, INJUNCTIVE; RELIEF, NOMINAL; RELIEF, PUNITIVE)

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Barrett v. Alaska Plan Policy Board
Duncan v. University of Alaska
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a Mayer v. Yellow Cab

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[Hotel, Motel Local 879 v. Thomas]

UNIVERSITY/COLLEGES
[Brown v. Wood]
Duncan v. University of Alaska

W

WAGE DIFFERENTIALS
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Duncan v. University of Alaska
Woods v. Alaska Village Electric Corporation