

ANNUAL REPORT OF THE
ALASKA STATE COMMISSION FOR HUMAN RIGHTS

1982

COMMISSIONERS

DOROTHY LARSON, CHAIRPERSON
CAROL L. SMITH, VICE-CHAIRPERSON
JAMES H. CHASE
ARLENE G. DILTS
JOHN C. GONZALES
MORGAN P. SOLOMON

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

431 WEST 7TH AVENUE
SUITE 105
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-7474

February, 1983

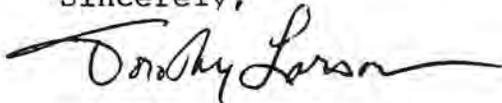
The Honorable Bill Sheffield
Governor of Alaska

Honorable Senators and Representatives
Alaska State Legislature, 13th Session

The Alaska State Commission for Human Rights is pleased to present its 1982 Annual Report as required by AS 18.80.150.

We welcome this opportunity to submit a summary of the agency's responses to civil rights problems encountered in the preceding year. We feel certain that you will be supportive of the Commission's continued efforts to carry out its clear statutory mandate to seek out and eradicate discrimination in the State of Alaska.

Sincerely,



Dorothy Larson
Chairperson

COMMISSION OFFICES

Headquarters Office

431 W. 7th Avenue, Suite 105
Anchorage, Alaska 99501
(907) 276-7474
Janet L. Bradley, Executive Director
Mark A. Ertischek, Human Rights Advocate
Daveed A. Schwartz, Systemic Program Director
Jerry L. Woods, Rural Program Director

Southcentral Region

431 W. 7th Avenue, Suite 101
Anchorage, Alaska 99501
(907) 274-4692
G.V. Winslow,
Regional Director

Southeastern Region

Pouch AH
314 Goldstein Building
Juneau, Alaska 99811
(907) 465-3560
Patsy M. Fletcher,
Regional Director

Northern Region

675 Seventh Avenue
Station H
Fairbanks, Alaska 99701
(907) 456-8306
Cathi Carr-Lundfelt,
Regional Director

Department of Law

1031 W. 4th Avenue,
Suite 200
Anchorage, Alaska 99501
(907) 276-3550, Ext. 222
Carolyn E. Jones,
Assistant Attorney
General

TABLE OF CONTENTS

	Page
Statewide Report.	1
Systemic Program Report	3
Rural Program Report.	5
Northern Region Report.	7
Southcentral Region Report.	10
Southeastern Region Report.	11
Hearing Unit Report	11
Litigation Report	13
State Government Workforce Statistics	16
Case Processing Statistics.	22

STATEWIDE REPORT

by

Janet L. Bradley
Executive Director

Vigorous enforcement of Alaska law prohibiting discrimination continued as the Human Rights Commission's priority in 1982. This commitment to enforce the law was clearly demonstrated by the Commission's litigation activity which encompassed a wide variety of efforts both outside the state and in the Alaska courts at all levels. The Commission found it necessary for the first time on two separate occasions to enforce Commission Decisions and Orders after Public Hearing. These actions and the increased litigation at the appellate level are the culmination of several years of staff activity in the law enforcement model adopted in 1974.

The past year was a year of transition for the Commission staff with my appointment as Acting Executive Director in February. Dealing with the impending deficit in state funds to meeting existing payroll was a major concern I shared with Commissioners through the end of the fiscal year. Efforts to balance the budget included increasing case production to generate additional federal receipts, restricting travel and long distance telephone use, postponing the filling of staff vacancies throughout the remainder of the fiscal year, exhausting the supply inventory, and cancelling planned equipment purchases. The additional federal revenues and savings generated by these austerity measures were insufficient, however, to recover \$97,200 in funds needed to avoid layoff of personnel. With the support of the Hammond administration and as a result of lobbying efforts of constituent groups throughout the state, the Legislature passed a supplemental appropriation in that amount at the very close of the session in June. The fiscal year ended with the program intact and layoff of personnel averted.

Nevertheless, underfunding for the 26 authorized positions continues to be a serious problem for the agency in the current fiscal year. Upon my appointment as permanent Executive Director in July, a budget plan with strict fiscal controls was instituted to provide greater accountability throughout the agency. Planning a balanced budget in FY 83 has required us to leave one investigative position vacant in Fairbanks the entire year, to subfill one management position and to delay hiring in two investigator positions. Some decrease in case production has resulted in the last six months causing new concerns about lost federal reimbursement for case resolutions.

As professionals in the field of civil rights law enforcement, we recognize the need for swift agency action to remedy complainants and to minimize the losses of respondents. 1982 saw some progress toward our statutory requirement to process complaints promptly. At the beginning of the year, cases older than 180 days comprised 80% of the entire open case inventory. This statistic had been reduced to 66% at the start of 1983. The Commission's present goal is to resolve all incoming cases, except those which fail conciliation and must be scheduled for public hearing, within 180 days of filing. In spite of the fiscal crisis and staff turnover, staff resolved 22% more cases in 1982 than in the previous year. Over the same period, however, there was a 25% increase in new filings as compared with the prior year filing rate. Consequently, the agency was only able to reduce the size of the open case inventory by 7%. Although this reduction is certainly laudable, even greater strides are needed in order to reduce the open case inventory to manageable proportions. The staff's ability to keep pace with the public's increasing demand for service is therefore a management concern of paramount importance in this era of diminishing resources.

In 1982 Commission headquarters staff evaluated the work product of the investigative units by conducting an Agency Case Processing Quality Review. This review was intended to identify staff training needs and necessary changes in agency procedures to expedite processing. In early 1983, senior staff will develop a plan of action incorporating recommendations from the review for implementation throughout the Commission. Staff training and development is an essential ingredient in the organization's responsiveness to increased public demand for service. Simplified procedures and extensive use of the computer-based data system are also planned to streamline case processing.

In 1982, federal civil rights agencies intensified their efforts to coordinate with the Alaska Commission. The U.S. Equal Employment Opportunity Commission, with which the Alaska Commission has engaged in worksharing since 1973, modified the Commission's contract upward from 70 to 155 charge resolutions to cover increased production. The Commission also was awarded a contract by the U.S. Department of Housing and Urban Development as part of its Fair Housing Assistance Program. Under both contracts, the Commission receives contributions from the federal agencies for enforcing the law on dual-filed complaints of discrimination processed by the Commission under state law.

The Commission also concluded a worksharing agreement with the Office of Federal Contract Compliance Programs. In addition, the Alaska Human Rights Commission coordinates regularly with the U.S. Civil Rights Commission, the U.S. Department of Justice Community Relations Service and the U.S. Department of Education. The cooperation of the Alaska Commission with

federal civil rights agencies is important since most federal agencies do not maintain an office within the state at this time to serve Alaska citizens.

On its part, the Alaska Human Rights Commission has entered into a mutually beneficial memorandum of agreement with the Anchorage Equal Rights Commission. Complainants may now approach either commission to pursue rights under both the local ordinance and state law by a dual-filed complaint. The worksharing agreement executed by the agencies eliminates duplication of effort and speeds resolution of dual-filed complaints. The Anchorage Equal Rights Commission and the Alaska Commission share in training opportunities and work closely together within their common jurisdictions on issues of unlawful discrimination.

SYSTEMIC PROGRAM REPORT

by

Daveed A. Schwartz
Systemic Program Director

The Systemic Program is responsible for identifying major issues of discrimination in Alaska and addressing those issues by conducting large-scale investigations and compliance reviews, and by offering substantive training and technical assistance to those who must comply with the human rights law. Consistent with the Commission's statutory mandate to report annually on civil rights problems it has encountered in the preceding year, the following is an annotated list of issues which were the focus of attention for the Systemic Program in 1982:

1. Systemic Investigations

The Commission's firm resolve to vigorously enforce the human rights law was publicly illustrated by its actions in one particular systemic investigation during 1982. The complaint in question was filed against a large private enterprise employer and involves allegations of race and sex discrimination in recruitment and hiring for all job classes. In accordance with its statutory obligation to conduct an impartial investigation, the Commission staff sought to obtain relevant company hiring records through the use of a discovery technique known as a Request for Production. The company, through its attorneys, refused to provide the Commission staff with the requested information. This prompted the Commission's counsel in the Department of Law to file a complaint in the Superior Court for the State of Alaska which petitions that court for an order holding the company in contempt for

its refusal to comply with the staff's Request for Production. This matter has been sidetracked at the present time due to a subsequent complaint filed by the company against the Commission in the U.S. Bankruptcy Court requesting a stay of the Commission's litigation and administrative investigation. Beyond the complaint itself, however, the significance of this matter is that it provides a strong signal to employers and others subject to the law of the seriousness with which the Commission views its role as the lead civil rights enforcement agency in Alaska.

2. Compliance Reviews of Conciliation Agreements

The Systemic Program section of last year's annual report stressed the importance the staff places on closely monitoring compliance with written agreements that have been negotiated with employers, unions, government agencies, and others subject to the human rights law. Significant compliance review activity occurred with respect to three major Commission agreements during 1982. Perhaps the most notable and publicly visible activity occurred in connection with the Commission's settlement agreement with the State Department of Transportation and Public Facilities. That agreement calls for the implementation of an affirmative action program for minority contractors wishing to do business with the state either as prime contractors or subcontractors, or both. After unsuccessful attempts at conciliation to remedy the Department's failure to comply with several substantive provisions of the agreement, the Commission filed a complaint in the Superior Court for the State of Alaska on October 15, 1982 seeking various forms of relief. That court case is pending at this time; but regardless of its outcome, the matter has served as a powerful message to the public concerning the Commission's demonstrated willingness to enforce its legally binding agreements.

3. Public Education

The Commission is committed to providing technical assistance to employers concerning their obligations under the human rights law. To this end, the Systemic Program Director played a major role in the formation of an Alaska statewide chapter of the American Association for Affirmative Action, a national organization of professionals whose goal is to promote the concepts of equal employment opportunity and affirmative action, and to educate its members regarding civil rights law. The new statewide chapter, known as Alaska 4-A, hosted a two-day seminar on employment discrimination law in May of 1982 which was certified by the Alaska Bar Association for continuing legal education credit and was conducted by two experienced civil rights attorneys from the San Francisco bay area. The program appraisal forms completed by the participants immediately following the seminar were testimony to the

enthusiasm with which that seminar was received by the 125 private industry and government EEO and personnel managers and technicians, labor and industrial relations directors, union representatives, plaintiff and defendant attorneys, civil rights agency commissioners and staff, and front line supervisors and managers who attended. The seminar is illustrative of the large and continuing interest among Alaska's employer and legal communities in comprehensive training concerning the growing and rapidly changing field of civil rights law. Topics addressed at the seminar included an overview of the statutory framework of civil rights law, the functions of various regulatory agencies, recent case law development, theories of discrimination, the history and development of affirmative action, sexual harassment, comparable worth, responding to administrative charges and litigation, and preventing agency charges and litigation. The Systemic Program Director will continue to actively support and participate in the Alaska 4-A organization and is currently working on plans for a similar two-day seminar scheduled for May of 1983.

RURAL PROGRAM REPORT

by

Jerry L. Woods
Rural Program Director

The Rural Program during 1982 continued to research more efficient methods which would further the Commission's commitment of providing a more effective and comprehensive statewide human rights delivery system to rural Alaska. This activity required maintaining an open line of communication not only with the Commission's other operating units, including the three field offices, the systemic units, and hearing unit, but also with representatives from communities throughout rural Alaska. This direct line served two major functions. The Rural Program was able to provide an in-depth educational training program to rural residents concerning the rights and remedies under Alaska's anti-discrimination law and to identify major issues and concerns which were found to have an adverse effect on Alaskans who reside in a rural setting as opposed to those residing in an urban setting. Many of these issues did not constitute legal grounds for filing a formal complaint of discrimination. The Rural Program, however, through its established network of rural contacts in bush Alaska, laid the foundation for eradicating some of the artificial barriers which denied equal access to opportunities

in areas such as employment, housing, credit and finance practices, and public accommodations, in addition to goods, services, privileges or funds available by either the state or any of its political subdivisions.

There were two major issues that surfaced from rural Alaska which the Rural Program Director was asked to research. The first involves employment practices by Alaska Native corporations organized for private profit under the Alaska Native Claims Settlement Act (ANCSA) of 1971. Several complaints were filed alleging race discrimination arising from corporate policy which gives preference in hiring to shareholders/stockholders of a particular Native corporation. In July the Human Rights Commissioners voted to obtain an opinion from the Attorney General's Office on the question of jurisdiction with regard to the two potential types of complaints that this situation presents.

The first type could involve a complaint by a non-Native complainant against an ANCSA Corporation because of its shareholder/stockholder preference policy. The second type could involve a complaint by an Alaska Native non-shareholder/stockholder complainant against an ANCSA Corporation due to its shareholder/stockholder preference policy. Until the opinion addressing this issue is received by the Human Rights Commissioners, Commission staff will continue to accept complaints of discrimination which raise this issue.

The second issue that recently reached the attention of the Rural Program also involves rural Alaska Native organizations. The question that is presented in this situation involves whether the Commission has jurisdiction to investigate complaints of discrimination against a Native community which presently has federal status as a recognized Indian tribal government under the Indian Reorganization Act of 1934. The Commission recognizes that there are presently a number of similar court suits pending in both state and federal courts which may have a direct bearing on the question of jurisdiction. Therefore, as opinions and court decisions are received addressing these issues, clear policy can be established.

The Rural Program Director travelled extensively throughout rural Alaska during 1982. Because of budget restrictions, the Rural Program assisted the investigative units by concentrating its travel to areas where public education activities could be consolidated with complaint investigations. Technical assistance and public education were provided to a greater number of residents at less cost by reaching the more populated centers of rural Alaska. Travel

was therefore scheduled in conjunction with other pre-arranged federal, state or local activity and included trips to Seattle, Bethel, Fairbanks, Tyonek, Dillingham, Juneau, Kake, Kenai, Soldotna and Homer.

The Rural Program also concentrated on the further development of public service announcements and extensive distribution of a comprehensive set of educational materials and training tapes in each of the training and public education workshops that were conducted for the purpose of informing rural residents of their rights and remedies under the Human Rights Law.

Another function of the Rural Program involved providing technical assistance and training to the Alaska Native Employment Rights Planning Committee (ANERPC) and its membership consisting of individual rural Tribal Employment Rights Offices (TERO's). This activity was postponed indefinitely early in the year due to federal cutbacks suffered by these rural programs. However, in December the inactive ANERPC/TERO membership reorganized and formed a new statewide organization known as the Alaska Council for Tribal Employment Rights (ACTER). Shortly thereafter, the Commission received word that EEOC had decided for the second consecutive year to fund an Alaskan TERO program by way of modifying the Commission's federal FY 83 EEOC contract. The Rural Program, in the remaining weeks of 1982, began to develop its relationship with regard to ACTER/TERO and EEOC for the coming new year.

NORTHERN REGION REPORT

by

Cathi Carr-Lundfelt
Assistant Director

The Northern Regional staff is responsible for providing service to the largest geographical division in the state. The size of this responsibility is roughly translated by the region's boundaries: it is bounded in the North by Point Barrow, in the South by Isabel Pass, in the East by the Canadian border, and in the West by Norton Sound.

During 1982, activity in the Northern Region was characterized by change. Since sensitivity to change, whether climatic or socioeconomic, could be considered a regional phenomenon, this assessment may seem startling. However, this time the nature of change seemed greater than in previous years. At

least, it seemed to demand greater adjustment on the part of the region's inhabitants than in any period since construction of the Trans-Alaska Pipeline.

This office was not immune to the effects of change. We began the year planning to cope with the impact of the proposed gasline. Then, suddenly construction was postponed. While no one was entirely surprised by this action, it did result in closures of business and governmental offices. The anticipated increase in employment opportunity based on gasline construction turned, instead, into decreased economic activity in almost every sector. Unemployment figures began to climb, swelled daily by individuals who had started their journey north to prosperity before the postponement took effect.

Unlike the pipeline period, however, this decline did not reduce the number of complaints filed with the Regional office in 1982. Our intake level actually increased by more than one-third over the average for three prior years. We believe that our staff's improved productivity may account for the increased use of Commission resources. We eliminated all but a few of our oldest cases and found ourselves able to address incoming cases in a more timely fashion. Our caseload continues to be well under previous levels, in spite of accepting processing responsibilities for cases from other regions.

The nature of our new complaints changed, too. There were substantial increases in cases filed by male residents this year, as well as in those filed by Alaska Natives. We believe that the increased filings by Native inhabitants is evidence that we are serving our rural population better than we have in prior years. Since budget constraints prevented us from traveling to rural areas during most of 1982, we credit the efforts of Commissioner Morgan Solomon of Barrow and Rural Program Director Jerry Woods with improving Commission credibility with our Native constituency. We are not sure what caused a larger number of men to file complaints. However, the legislature did fund several capital projects in the region and this may account for some of the increase.

Race discrimination is still viewed as the primary concern, but there has been a significant drop in the number of complaints based on sex discrimination. This is surprising because we were specifically asked by several organizations to give seminars on the problem of sexual harassment. There were also small increases in complaints based on age and on retaliation for having filed a complaint or having protested what was viewed as unlawful discrimination.

In 1981, the vast majority of cases alleged employment discrimination. This was still true in 1982, but to a lesser

extent. There were some increases in complaints of discrimination in public accommodations and housing. However, the greatest increase in a non-employment category was found in allegations of discrimination by the state or its political subdivisions. These ranged from complaints about jail conditions to cases alleging racial bias by a public official. We have speculated that greater media attention to the functions of government during an election year may be the cause of the increase in these types of cases. On the other hand, our populace may simply have become more aware of statutory protection against other types of discrimination.

Because our primary focus during 1982 was on improving case production, we did not undertake the level of public education activity we had planned earlier. We did, however, take advantage of opportunities to address local organizations on a variety of topics. We also responded to an unusual number of requests from employers to give them assistance in dealing with employment matters. This assistance included such activity as reviewing proposed personnel policies or changes in policies, consulting with staff members concerning development of an affirmative action plan, and conducting training sessions for managers and supervisors. We are pleased to view this voluntary contact with the Commission as a trend toward prevention of unlawful practices and will encourage other employers to take advantage of agency expertise in these areas.

We expect that changing conditions will continue to dominate 1983. This will make planning a tad chaotic, but we are getting used to the idea. A number of unknowns will govern what issues will require attention during the year and what level of resources this office will have available. At the end of 1981 the Fairbanks City Council deleted funding for the City Human Rights Commission from the 1982 budget. However, recent elections have changed the composition of the Council and it is our understanding that a funding proposal is being developed again for 1983. The subsistence question has been voted upon, but proponents and opponents alike say that it will come up again. Budget constraints are likely to continue, particularly in light of decreasing oil prices. There is little likelihood that gasoline construction will begin this year, but local officials are promoting use of North Slope gas in the Interior as an alternative. Both optimists and pessimists have made predictions, but no one really knows how state, national, even world economic conditions will affect the outcome. Coping with crises, doing well with limited resources, adjusting to change in traditional expectations have all become part of life on our small planet. This view of our world is nowhere more true than here in the North.

SOUTHCENTRAL REGION REPORT

by

G. V. Winslow
Assistant Director

The major issues of discrimination reported to the Southcentral Regional office by inquirers during 1982 involved allegations of unlawful treatment in the workplace based on sex and race. Race discrimination allegations were significantly more prevalent than any other single named basis stated in newly accepted complaints. The numbers of complaints filed during 1982 also increased slightly over recent filing years even though there is a historical tendency for filing rates to decline during periods of economic uncertainty and increases in rates of unemployment.

Southcentral staff managed to complete the investigation of a large number of complaints and obtained a very satisfactory number of negotiated resolutions. The staff was not able to complete the investigation of complaints filed in earlier years and a concerted effort to accomplish that result will continue through the first and second quarters of 1983.

Efforts in this past year have brought the Commission's Southcentral office into a renewed relationship with the Municipality of Anchorage Equal Rights Commission which has improved the coordination of investigative coverage and eliminated to a substantial degree the duplication of investigative efforts previously in evidence.

The last two quarters of 1982 showed an increase in the public education efforts accomplished by Southcentral personnel with staff involvement in radio and television programs, professional development seminars sponsored by the Alaska Chapter of the American Association for Affirmative Action, participation in the programs of the Anchorage Equal Rights Commission, and travel to Homer and Soldotna for public education and investigative purposes.

One area of great concern within the Southcentral Region has been the existence of housing discrimination. Although the number of complaints remains small, the trend toward increased activity continues. The Commission's recently concluded agreement with the Department of Housing and Urban Development will aid the ability of all Commission investigators to effectively enforce the provisions of state and federal housing law.

SOUTHEASTERN REGION

by

Patsy M. Fletcher
Assistant Director

Kinetic balance, a somewhat paradoxical term, well describes 1982 in the Southeast Region. Our case resolutions increased only slightly from the previous year: 56 in 1982 as compared with 52 in 1981. However, the dollar amount in benefits to complainants has more than doubled, from approximately \$32,000 to almost \$81,000. The number of new complaints is up by a third. On the other hand, although there have been changes in staff, ending the year with completely new faces, understaffing continued to present problems throughout 1982.

While being discharged and not being hired on the basis of sex and race remain the predominant issues and bases of discrimination, the number of complaints alleging discrimination on the basis of physical handicap, filed by non-minorities, has almost doubled in 1982. Our staff is fast becoming expert on carpal tunnel syndrome, laminectomies, narcolepsy, and their effects on job performance. One such complaint was resolved rather innovatively by complainant and respondent agreeing to cooperate with a consultant hired by the respondent to evaluate the job formerly held by the discharged disabled complainant. The study will determine the normal physical demands of the job and the reasonable performance expectations of complainant in view of his handicap. If it is concluded that complainant should be able to perform the duties of the position, he will be reinstated.

1983 promises increased productivity and visibility. The Southeast office will have all of its staff positions filled on a permanent basis for the first time in several years. All four of the staff members are new and enthusiastic with fresh perspectives and look forward to a vital program in the Southeastern Region in the coming year.

HEARING UNIT REPORT

by

Mark A. Ertischek
Human Rights Advocate

The activities of the Hearing Unit were interrupted for a substantial portion of the last calendar year due to the

five-month vacancy of the Human Rights Advocate position. Mark Ertischek, the new Human Rights Advocate, started working full-time at the beginning of October, 1982. Following is a description of each of the cases presently at the hearing stage in the Hearing Unit:

Willets v. Fluor Alaska, Inc. - Involves charges of retaliatory discharge after the filing of a complaint of sexual harassment. The case has been set for hearing at the end of February, 1983.

Bradley et al. v. State of Alaska Department of Health and Social Services and Department of Administration. - The hearing is scheduled to start on the first monday in August, 1983. Discovery is in process.

Bluekens and Jordan v. Associated Green. - These are two consolidated cases involving alleged racial discrimination. A decision adverse to complainants was given by the Commission 9/10/82.

Johnson v. State of Alaska Department of Fish and Game. - Alleged race discrimination in a closure of surf fishing on the mouth of the Alsek River near Yakutat. The hearing was held in Yakutat in April, 1982. The Hearing Unit has moved to reopen the hearing for the purpose of submitting certain additional evidence.

Jordan v. Alascom and Teamsters. - Complaint alleges religious discrimination due to the respondent's failure to accommodate complainant's religious practices.

Pedersen v. H & S Earthmovers. - Complaint alleges sexual harassment and discriminatory termination. Settlement has been reached. The case will be closed upon the conclusion of the necessary paperwork.

Bradley v. Ketchikan Gateway Borough School District. - Examiner ordered discovery on the extent of the class. Respondents failed to respond to discovery requests. Motion to Compel was filed. Awaiting ruling on Motion for Sanctions.

Nicholson v. O'Neill Investigations. - Complaint alleges individual failure to hire.

In addition a number of cases are being held in the Hearing Unit pending conciliation failure. Two of the cases have already been dismissed. We anticipate certification of conciliation failure in two more within the next month. We will attempt to re-start negotiations with regard to an additional four cases. The evaluation of three cases has not been completed.

LITIGATION REPORT

by

Carolyn E. Jones
Assistant Attorney General

Summary and Update

SUPREME COURT, Decided.

Alaska U.S.A. Federal Credit Union v. Fridriksson & ASCHR: ASCHR has jurisdiction over credit union employers. Complainant meets the qualifications component of a prima facie case by proving she has those objective qualifications which have been actually established for the position in question. Complainant may rebut the employer's stated reasons for her rejection by showing that sex was a factor in the decision not to promote her. Back pay award and attorney fees paid.

ASCHR v. Fluor Alaska: Petition and cross-petition for review sought court's articulation of burdens of proof and persuasion. Denied.

SUPREME COURT, Pending

ASCHR v. Petersburg Public School District: Whether the unequal application of the employer's subjective hiring standards raised an inference of sex discrimination. Submitted for decision on 10/81.

Borkowski v. Snowden, ASCHR Chairperson: Whether a dissatisfied complainant may appeal ASCHR's dismissal of her complaint where there was insufficient evidence to show she was a victim of discrimination. Submitted for decision on 11/82.

United States Jaycees v. Richardet: Whether the Alaska public accommodations statute prohibits a public nonprofit organization offering the opportunity for individual growth to discriminate in the sale of its membership services. Submitted for decision on 9/82.

Pipeliners Union 798, United Association v. ASCHR: Whether the Commission may bring an action to enforce its orders while an appeal of those orders is pending and no stay of the Commission's orders has been granted. Whether the Administrative Procedure Act is the exclusive means of reviewing the Commission's determinations. Commission's appeal brief filed January 12, 1983.

SUPERIOR COURT, Appeals

Fluor v. ASCHR & Wallace: Remanded to allow complainant and respondent to submit additional evidence on an issue not stated in the administrative complaint or fully tried at the Commission hearing.

Orr v. ASCHR & Municipality of Anchorage: Whether there was substantial evidence to support the ASCHR's order dismissing Orr's discrimination complaint and whether the ASCHR abused its discretion in awarding attorney's fees and costs. Submitted 4/82.

Kachemak Seafoods v. ASCHR: Whether the inclusion of sexual harassment in the definition of sex discrimination violates due process. Whether there was substantial evidence to support the finding of sex discrimination. Whether processing the administrative complaint was unreasonably delayed to respondent's prejudice. Submitted for decision on 10/82.

Hubbard v. ASCHR: Whether the Commission's dismissal of an administrative complaint violated due process. What are the standards for review of the exercise of an agency's discretion. Was there substantial evidence to sustain the agency's dismissal. Submitted on 9/82.

Pipeliners Union 798, United Association v. ASCHR: Whether the Commission's back pay awards were supported by the law and substantial evidence.

Adams v. ASCHR: Whether a class action order for affirmative relief should have reflected the Union's racially discriminatory membership and dispatching practices outside the State of Alaska. Whether an individual complainant in Alaska has standing to challenge the order. Submitted 7/82.

Borkowski v. Snowden: Complainant's constitutional interest in the Commission's investigative process does not entitle her to detailed findings of fact or access to the agency's investigative file.

SUPERIOR COURT, Civil

Thomas v. Anchorage Telephone Utility: An indemnification contract excusing an employer from intentional discriminatory conduct violated the public policy of AS 18.80 et seq.

ASCHR v. Pipeliners Union 798, United Association: Judgment enforcing Commission's Order awarding back pay where no stay of the Order had been sought or granted in a separate appellate action.

ASCHR v. Hotel, Motel, Restaurant, Bartenders & Construction
Camp Employees: Suit to enforce arbitrator's back pay awards.
Discovery in progress.

ASCHR v. VECO: Suit to compel compliance with agency's
request for information needed during investigation of class
action complaint.

FEDERAL COURT

VECO v. ASCHR: Suit for injunctive and declaratory relief.
Whether a bankruptcy proceeding stays the continuation of
agency proceedings by an agency exercising its police powers
to protect the health, safety and welfare of the community.

OTHER

The Commission has monitored the progress of 11 civil actions
being litigated by private counsel pursuant to AS 18.80. et
seq. In Thomas v. A.T.U., the court adopted the arguments in
the Commission's amicus brief.

STATE GOVERNMENT WORK FORCE STATISTICS

by

Daveed A. Schwartz
Systemic Program Director

The Human Rights Commission is required by AS 18.80.060(a)(6) to:

make an overall assessment, at least once every three years, of the progress made toward equal employment opportunity by every department of state government. Results of the assessment shall be included in the annual report made under Section 150 of this chapter.

The Commission has published two assessments, one in 1979 and a second in 1981, concerning the progress of equal employment opportunity in the executive branch of state government. This year, rather than conducting a progress assessment at the start of a new administration, the Commission has chosen to simply publish benchmark statistics which describe the racial and sexual composition of the executive branch work force over the last five years through the end of 1982. The statistics which follow in Tables I - V will serve as important reference points for the Commission as it publishes future progress assessments and for the current administration as it strives, through departmental affirmative action plans, to ensure equal employment opportunity in state government.

Executive branch work force statistics should be considered in relation to the availability of minorities and women who meet valid job qualifications and who have an interest in employment with the state. Although no availability statistics are presented here, the state's Division of Equal Employment Opportunity has notified the Commission that it is now in possession of such statistics. The Commission looks forward to examining that information closely when it conducts its next equal employment opportunity progress assessment.

Sources of Raw Data for Tables I - V

State EEO Division Printout R01-AEO-3605, 12/31/78
State EEO Division Printout R01-AEO-3605, 12/31/79
State EEO Division Printout AEO-3600-R02, 12/31/80
State EEO Division Printout AEO-3600-R02, 12/31/81
State EEO Division Printout AEO-3605-R01, 12/31/82

TABLE I

Overall Minority and Female Percentage Comparison:
December 31, 1978 - December 31, 1982

<u>Date</u>	<u>Minority Employees</u>	<u>Female Employees</u>	<u>Total Employees*</u>
December 31, 1978	909 (9.28%)	4220 (43.08%)	9,795
December 31, 1979	877 (8.91%)	4220 (42.90%)	9,836
December 31, 1980	962 (9.12%)	4568 (43.35%)	10,537
December 31, 1981	1,079 (9.37%)	5017 (43.58%)	11,511
December 31, 1982	1,176 (9.56%)	5437 (44.23%)	12,290

TABLE II

Comparison of Overall Percentages by Individual Minority Group
December 31, 1978 - December 31, 1982

<u>Date</u>	<u>Alaska Native Employees</u>	<u>Black Employees</u>	<u>Hispanic Employees</u>	<u>Asian Employees</u>	<u>Total Employees*</u>
12/31/78	490 (5.00%)	218 (2.22%)	90 (.91%)	111 (1.13%)	9,795
12/31/79	462 (4.69%)	207 (2.10%)	84 (.85%)	124 (1.26%)	9,836
12/31/80	505 (4.79%)	210 (1.99%)	92 (.87%)	155 (1.47%)	10,537
12/31/81	539 (4.68%)	252 (2.18%)	103 (.89%)	185 (1.60%)	11,511
12/31/82	572 (4.65%)	275 (2.23%)	106 (.86%)	223 (1.81%)	12,290

*Note: The "Total Employees" column includes statistics from the "unknown race" category contained in the raw data sources.

TABLE III

Minority Percentage by EEO-4 Category: 12/31/78 - 12/31/82

	<u>12/31/78</u>	<u>12/31/79</u>	<u>12/31/80</u>	<u>12/31/81</u>	<u>12/31/82</u>
A. Officials/Administrators	4.08% (8 of 196)	3.52% (8 of 227)	3.46% (9 of 260)	4.05% (12 of 296)	2.99% (9 of 301)
B. Professionals	4.79% (160 of 3338)	4.64% (152 of 3272)	5.07% (180 of 3548)	5.13% (202 of 3934)	5.06% (217 of 4282)
C. Technicians	10.08% (58 of 575)	10.65% (77 of 723)	9.52% (74 of 777)	10.44% (89 of 852)	9.55% (73 of 764)
D. Protective Services	10.01% (97 of 969)	8.73% (86 of 984)	8.95% (87 of 971)	9.50% (102 of 1073)	9.24% (94 of 1017)
E. Para-Professionals	15.74% (60 of 381)	15.76% (58 of 368)	16.49% (79 of 479)	16.72% (91 of 544)	16.30% (83 of 509)
F. Office/Clerical	12.47% (299 of 2396)	11.49% (265 of 2306)	11.75% (291 of 2475)	11.63% (306 of 2630)	12.72% (371 of 2915)
G. Skilled Craft	10.82% (122 of 1127)	10.84% (121 of 1116)	11.47% (132 of 1150)	10.92% (132 of 1208)	10.88% (143 of 1314)
H. Service/Maintenance	16.33% (98 of 600)	17.75% (103 of 580)	17.65% (101 of 572)	18.44% (107 of 580)	19.30% (122 of 632)
I. Exempt Employees	5.55% (7 of 126)	4.54% (7 of 154)	4.45% (9 of 202)	12.96% (38 of 293)	13.36% (64 of 479)

TABLE IV

Female Percentage by EEO-4 Category: 12/31/78 - 12/31/82

	<u>12/31/78</u>	<u>12/31/79</u>	<u>12/31/80</u>	<u>12/31/81</u>	<u>12/31/82</u>
A. Officials/Administrators	13.77% (27 of 196)	18.06% (41 of 227)	18.84% (49 of 260)	20.27% (60 of 296)	16.94% (51 of 301)
B. Professionals	30.55% (1020 of 3338)	30.01% (982 of 3272)	30.29% (1075 of 3548)	30.98% (1219 of 3934)	32.71% (1401 of 4282)
C. Technicians	47.82% (275 of 575)	48.82% (353 of 723)	47.74% (371 of 777)	47.30% (403 of 852)	48.29% (369 of 764)
D. Protective Services	18.26% (177 of 969)	18.59% (183 of 984)	17.71% (172 of 971)	18.17% (195 of 1073)	12.58% (128 of 1017)
E. Para-Professionals	69.29% (264 of 381)	65.21% (240 of 368)	70.35% (337 of 479)	68.01% (370 of 544)	65.03% (331 of 509)
F. Office/Clerical	86.22% (2066 of 2396)	86.94% (2005 of 2306)	86.54% (2142 of 2475)	86.38% (2272 of 2630)	85.90% (2504 of 2915)
G. Skilled Craft	2.12% (24 of 1127)	2.59% (29 of 1116)	2.34% (27 of 1150)	2.56% (31 of 1208)	2.97% (39 of 1314)
H. Service/Maintenance	45.50% (273 of 600)	45.86% (266 of 580)	44.40% (254 of 572)	48.27% (280 of 580)	49.68% (314 of 632)
I. Exempt Employees	41.26% (52 of 126)	44.15% (68 of 154)	45.04% (91 of 202)	47.78% (140 of 293)	55.32% (265 of 479)

TABLE V

Overall Minority Percentage Comparison by Department: 12/31/78 - 12/31/82

<u>Department</u>	<u>12/31/78</u>	<u>12/31/79</u>	<u>12/31/80</u>	<u>12/31/81</u>	<u>12/31/82</u>
1. Community and Regional Affairs	14.19% (22 of 155)	12.24% (18 of 147)	16.55% (25 of 151)	24.13% (49 of 203)	30.59% (67 of 219)
2. Office of the Governor	11.17% (37 of 331)	12.89% (45 of 349)	15.02% (35 of 233)	14.22% (36 of 253)	14.29% (33 of 231)
3. Health & Social Services	14.74% (255 of 1729)	14.70% (255 of 1734)	15.33% (272 of 1774)	14.84% (290 of 1953)	13.91% (297 of 2135)
4. Revenue	7.01% (19 of 271)	8.24% (24 of 291)	6.76% (22 of 325)	7.86% (25 of 318)	12.20% (45 of 369)
5. Administration	10.69% (74 of 692)	10.03% (65 of 648)	10.34% (77 of 744)	9.24% (85 of 919)	11.37% (125 of 1099)
6. Labor	13.34% (89 of 667)	11.96% (76 of 635)	11.97% (74 of 618)	11.41% (67 of 587)	10.72% (64 of 597)
7. Military Affairs	11.95% (11 of 92)	12.08% (11 of 91)	11.57% (11 of 95)	15.73% (14 of 89)	10.42% (10 of 96)
8. Education	9.48% (35 of 369)	7.14% (27 of 378)	7.94% (32 of 403)	9.55% (41 of 429)	10.40% (49 of 471)

TABLE V Continued...

	<u>12/31/78</u>	<u>12/31/79</u>	<u>12/31/80</u>	<u>12/31/81</u>	<u>12/31/82</u>
9. Transportation	7.94% (224 of 2820)	7.84% (225 of 2867)	8.25% (248 of 3005)	8.46% (261 of 3083)	8.39% (266 of 3171)
10. Public Safety	8.39% (66 of 786)	6.94% (54 of 777)	8.15% (64 of 785)	8.61% (76 of 882)	8.00% (67 of 837)
11. Commerce & Economic Development	6.71% (19 of 283)	5.82% (17 of 292)	6.11% (20 of 327)	7.69% (30 of 390)	7.28% (35 of 481)
12. Law	3.28% (7 of 213)	3.44% (7 of 203)	3.98% (10 of 251)	5.41% (15 of 277)	6.35% (19 of 299)
13. Environmental Conservation	5.21% (6 of 115)	6.25% (7 of 112)	4.09% (7 of 171)	4.34% (9 of 207)	4.50% (10 of 222)
14. Natural Resources	3.75% (21 of 559)	3.26% (21 of 644)	4.18% (31 of 740)	5.00% (45 of 899)	4.39% (41 of 934)
15. Fish and Game	3.36% (24 of 713)	3.74% (25 of 668)	3.72% (34 of 913)	3.52% (36 of 1022)	4.25% (48 of 1129)

Note: Total employees by department include statistics from the "unknown race" category contained in the raw data sources. Departments are ranked according to December 1982 overall minority percentage from highest to lowest.

CASE PROCESSING STATISTICS

by

Frances Rabago
Docket Clerk

I. ANALYSIS OF CASES FILED IN 1982

A. Race Of Persons Filing Complaints

Race	Number	Percentage
1. Caucasian	137	46.9
2. Black	74	25.3
3. Alaska Native	54	18.5
4. Hispanic	12	4.1
5. Asian	8	2.7
6. American Indian	4	1.4
7. Other/Unknown	3	1.0
<hr/>		
TOTAL	292	100%

B. Sex Of Persons Filing Complaints

Definition	Number	Percentage
1. Male	157	53.8
2. Female	135	46.2
<hr/>		
TOTAL	292	100%

NOTE: For each statistical chart in this section, the sum of detail percentages may not add to totals because of rounding.

C. Basis of Alleged Discrimination

Bases	Number	Percentage
1. Race/Color	120	41.1
2. Sex	55	18.8
3. Multiple Bases	48	16.4
4. Physical Handicap	20	6.9
5. Age	13	4.5
6. Retaliation	12	4.1
7. Religion	7	2.4
8. Pregnancy	7	2.4
9. National Origin	5	1.7
10. Marital Status	4	1.4
11. Parenthood	1	.3
12. Changes in Marital Status	0	0

TOTAL	292	100%
-------	-----	------

NOTE: For each statistical chart in this section, the sum of detail percentages may not add to totals because of rounding.

D. Type Of Alleged Discrimination

Type	Number	Percentage
1. Employment A.S. 18.80.220	252	90.4
2. Government Practices A.S. 18.80.255	12	4.1
3. Public Accommodations A.S. 18.80.230	7	2.4
4. Housing A.S. 18.80.240	7	2.4
5. Coercion A.S. 18.80.260	2	.7
6. Finance A.S. 18.80.250	0	0

TOTAL	292	100%
-------	-----	------

II. ANALYSIS OF 1982 CLOSING ACTIONS

Reason for Closure	Number	Percentage
1. Conciliation/Settlement	92	28.8
2. Lack of Substantial Evidence	136	42.6
3. Administrative Dismissal*	83	26.1
4. Commission Orders**	8	2.5
<hr/>		
TOTAL	319	100%

*Includes withdrawal by complainant, lack of jurisdiction, failure of complainant to proceed, complainant not available, and complainant in court.

**See Hearing Unit Report for particulars.

III. ANALYSIS OF OPEN CASES AS OF DECEMBER 31, 1982

A. Status Of Open Cases

Stage	Number	Percentage
1. Not Yet Assigned for Investigation	128	35.6
2. Assigned for Investigation	179	49.7
3. Conciliation/Settlement Under Negotiation	19	5.3
4. Under Reconsideration	2	.6
5. Conciliation Failed/Awaiting Hearing	31	8.6
6. Hearing Held/Awaiting Order	0	0
7. Court Action	1	.3
<hr/>		
TOTAL	360	100%

B. Age of Open Cases

Filing Period	Number	Percentage
1976-1977	15	4.1
1978	18	5.0
1979	38	10.5
1980	39	10.8
1981	60	16.7
January - June 1982	69	19.2
July - December 1982	121	33.6
<hr/>		
TOTAL	360	100%*

*53% of all open cases are less than a year old, as compared with 37% for 1981.

IV. CASE PROCESSING STATISTICS BY ORGANIZATIONAL UNIT

January - December 1982

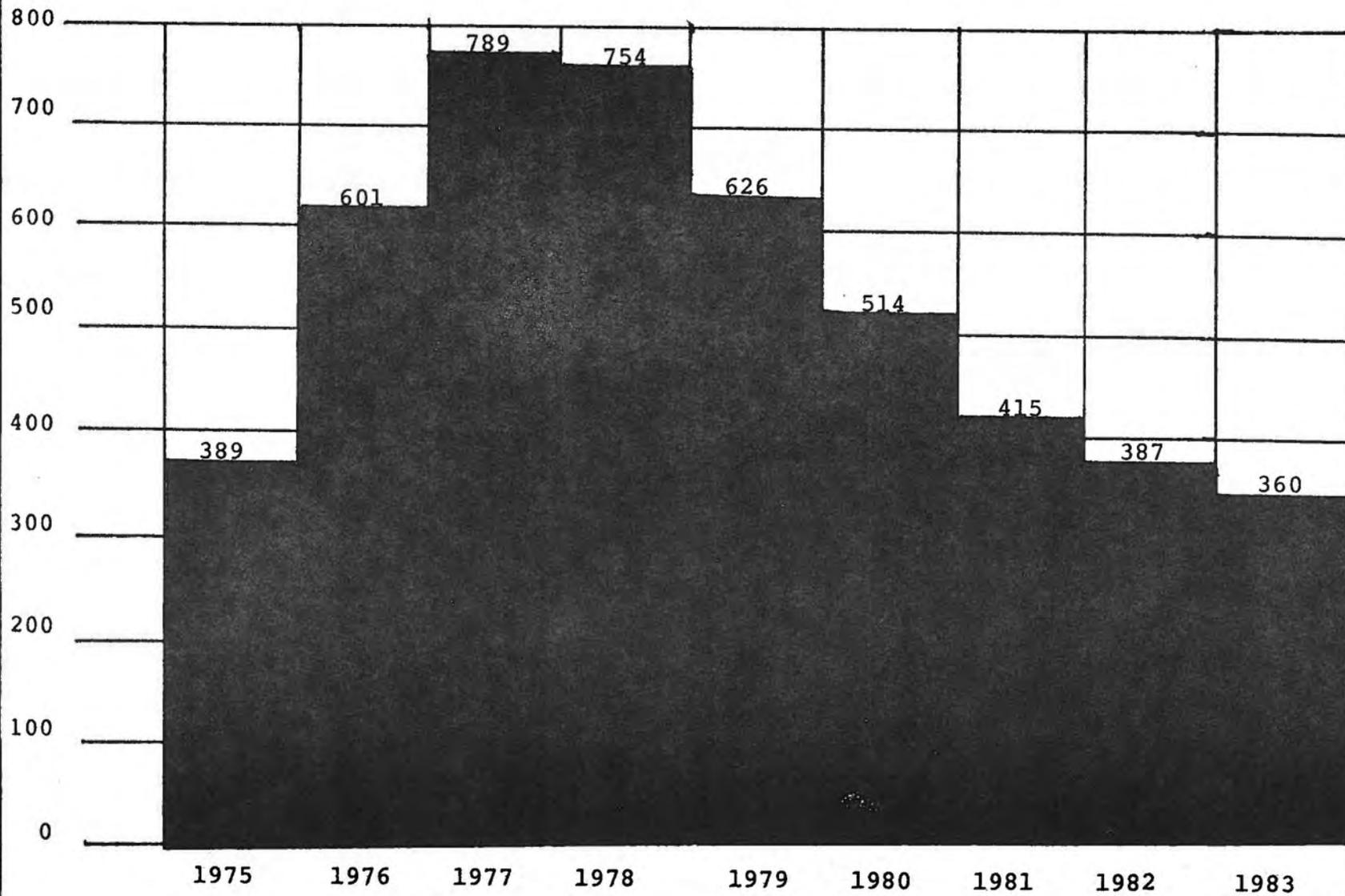
Organizational Unit	Open Cases as of 01/01/82	New Filings 1982 (1981)	Cases Closed 1982 (1981)	Open Cases as of 12/31/82
Southcentral Region	179	131	132	178
Northern Region	90	102	115	77
Southeastern Region	66	59	60	65
Systemic Unit	3	0	1	2
Hearing Unit	49	0	11	38
<hr/>				
TOTAL	387	292	319	360

OPEN CASE INVENTORY, NEW FILINGS, & CLOSURES: 1975-1983

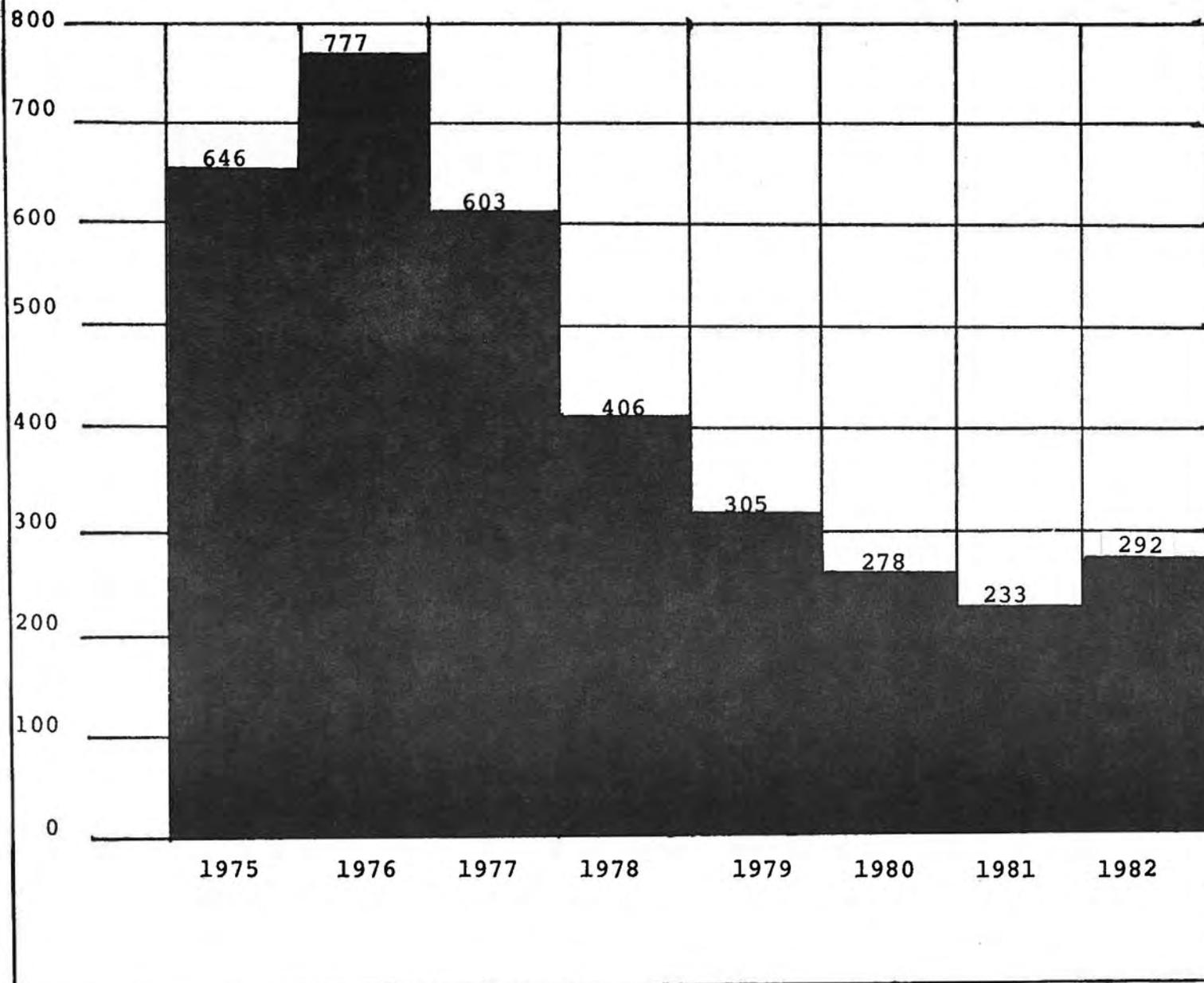
YEAR	CASES OPEN AT BEGINNING OF YEAR*	NEW FILINGS THIS YEAR	CASES CLOSED THIS YEAR	CASES OPEN AT END OF YEAR*
1975	389	646	434	601
1976	601	777	589	789
1977	789	603	638	754
1978	754	406	534	626
1979	626	305	417	514
1980	514	278	377	415
1981	415	233	261	387
1982	387	292	319	360
1983	360			

*The figures in these columns may vary slightly from prior year statistics due to reconsidered cases which either have been subsequently closed or were reopened and are pending further investigation.

OPEN CASE INVENTORY AT START OF YEAR: 1975 - 1983



NUMBER OF NEW FILINGS PER YEAR: 1975 - 1982



NUMBER OF CASES CLOSED PER YEAR: 1975 - 1982

