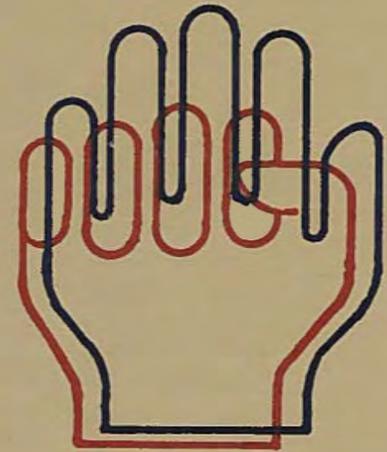


1985 ANNUAL
HUMAN
RIGHTS
REPORT



ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Virgie King, Chairperson

Morgan P. Solomon, Vice-Chairperson

James H. Chase

Sandra A. Henricks

Bienvenido E. Holganza

Jacqueline Lindauer

Doris M. Volzke

February 5, 1986

The Honorable Bill Sheffield, Governor, State of Alaska;
The Honorable Don Bennett, President, Alaska Senate; and
The Honorable Ben F. Grussendorf, Speaker, Alaska House of Representatives
Juneau, Alaska

On behalf of the Commissioners and staff, I now transmit to you the Alaska Human Rights Commission's Annual Report summarizing the Commission's efforts during 1985 to eliminate and prevent unlawful discrimination in Alaska.

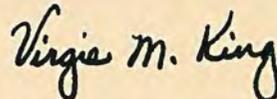
We are proud of our accomplishments during the past year as we continued to press forward in the face of a rising number of complaints despite declining state revenues. We have asked ourselves whether the steady increase of filings is the public's response to our greater visibility across the state or the result of our intensified public education effort. Since the greatest impact has been felt in our Anchorage office, is the increased demand for service because of population growth? Or is it, as some have speculated, the consequence of contagion in a climate favorable to discrimination?

The federal government's abdication of its responsibility for civil rights enforcement has shifted an onerous burden to the Alaska Commission to safeguard the rights of persons protected by anti-discrimination law. The absence of a strong federal contract compliance effort and the Reagan Administration's pending threat to gut Executive Order 11246 has given a clear signal to major employers: affirmative action with goals and timetables is passe; equal opportunity is an idea which has outlived its usefulness.

The Alaska Human Rights Commission rejects these views as antithetical to our mission. We remain firm in our support of affirmative action. We remain committed to the imposition of goals and timetables as a remedy to historic discrimination. We continue to encourage employers to voluntarily adopt an affirmative action program to ensure equal employment opportunity for all persons regardless of race, color, religion, sex, national origin and other protected class status.

As you read our 1985 Annual Report we ask you, our political leadership, to recall your aspirations for justice and equality for all persons in Alaska. We ask you to reflect on the widening gap between those aspirations and our achievements.

We ask you to reaffirm your commitment by making civil rights enforcement a top priority for the State of Alaska. Only through your commitment and the efforts of the Human Rights Commission can the peoples of Alaska hope to share the dream of our nation's great civil rights leader, Dr. Martin Luther King, Jr.



Virgie M. King
Chairperson
Alaska State Commission for Human Rights

PROGRAM ACCOMPLISHMENTS Janet Bradley

Alaska Human Rights Law was interpreted at three different levels during 1985--by the Alaska Supreme Court, by the Alaska Superior Court and by Decisions and Orders issued by the Human Rights Commission. Three major decisions broadened the protection of persons covered by state human rights law and gave clearer guidance to those who must comply with it.

In Adams v. ASCHR, Pipeliners 798, the Alaska Supreme Court ruled that the coverage of the Commission's enabling legislation is not limited to the inhabitants of the State of Alaska. Therefore, the court said, the Commission has the power to impose a quota based on the relevant labor market available inside and outside the state as a remedy to discrimination.

At the Superior Court level, the Commission's Decision and Order in Williams v. Union Chemical Division, Union Oil of California was upheld. The court rejected the employer's defense that the probability of William's re-injury was grounds for distinction under Alaska Human Rights Law. Reasoning that such distinction was based on stereotypical thinking about the handicapped, the court agreed with the Commission that the company discriminated against Williams by refusing him a job because of a prior back injury. This was the first court ruling on the meaning of Alaska Human Rights Law protecting the employment rights of the physically handicapped.

Finally, near the end of the year the Commission issued its long-awaited Decision and Order in the Public Health Nurses case, Bradley v. SOA, Department of Health and Social Services and Department of Administration. In their 96 page decision, the Commissioners dealt with the allegations of female public health nurses who claimed they were paid less than male physicians assistants because of sex discrimination. In their decision, the Commissioners interpreted for

AGENCY HEADQUARTERS

Janet L. Bradley	Executive Director
Mark A. Ertischek	Hearing Advocate
James K. Nall	Investigator
Katherine Goodell	Administrative Assistant
Shirlee Clarke	
Frances Rabago	Docket Officer
C. Briley Williams	Commission Secretary
Diane Barr	Legal Secretary

ANALYSIS OF 1985 FILINGS

By Sex:	Female	281
	Male	215
TOTAL FILINGS		496

By Race:	Caucasian	252
	Black	138
	Alaska Native	58
	Hispanic	15
	Asian	17
	American Indian	6
	Other	5
	Unknown (other agency filings)	5
TOTAL FILINGS		496

	Single Basis Complaint	Multiple Basis Complaint
Race/Color	151	56
Multiple Bases	110	
Sex	84	66
Physical Handicap	41	21
Age	39	23
Retaliation	21	17
National Origin	17	12
Religion	13	2
Pregnancy	9	17
Marital Status	9	14
Parenthood	2	7
Change/Marital Status	0	1
TOTAL FILINGS	496	236

the first time the section of Alaska Human Rights Law requiring employers to pay the same wage to females and males doing "work of comparable character". The Commissioners rejected the state's position that employers are entitled to use market rates to justify wages for jobs of comparable value. The Commission found that historically entrenched undervaluing of women's work makes reliance on market rates unacceptable under Alaska Human Rights Law. Because pay equity is considered the civil rights issue of the 80's, the Commission Decision in the Public Health Nurses cases has claimed the attention of the media, women's groups, civil rights agencies, the legal profession, and public and private employers all over the country.

These favorable landmark decisions have not only infused new meaning into the agency's statute but have also invigorated the agency in its struggle to serve the increasing numbers of persons who turn to the Commission for assistance. During the past year over 3,500 people contacted the agency, generating 11 percent more complaints and 22 percent more inquiries than in 1984. Despite the additional resources consumed by more inquiries and more intakes, staff resolved 347 complaints, only 4 percent less than in the previous year.

In 1985, monetary benefits awarded to complainants as a result of the agency's efforts rose by 4 percent to \$1,641,971, excluding the backpay award to the public health nurses, currently estimated at over a million and a half dollars.

How has the agency been able to sustain--and even improve in some areas--its record of performance despite declining state funding? The success of the new case processing strategy adopted in 1984 accounts for part of the increased productivity. Analysis of the agency's performance after one year of operation under the strategy demonstrated the staff's capability to resolve cases promptly in a conflict resolution mode. Older cases, not subject to these standards, were also substantially reduced at the same time by the same investigative staff processing newly filed cases.

ANALYSIS OF 1985 FILINGS BY TYPE

TYPE	REGION	NUMBER
EMPLOYMENT	Southcentral	228
	Northern	75
	Southeastern	35
	Anchorage ERC	89
	U.S. EEOC	<u>27</u>
TOTAL EMPLOYMENT		454
GOVERNMENT PRACTICES	Southcentral	9
	Southeastern	<u>3</u>
TOTAL GOV'T PRACTICES		12
HOUSING	Southcentral	2
	Northern	4
	Southeastern	1
	Anchorage ERC	9
	U.S. DHUD	<u>1</u>
TOTAL HOUSING		17
FINANCE	Southcentral	1
	Northern	1
	Anchorage ERC	<u>1</u>
TOTAL FINANCE		3
PUBLIC ACCOM.	Southcentral	2
	Northern	<u>1</u>
TOTAL PUBLIC ACCOMMODATIONS		3
COERCION	Southcentral	<u>7</u>
TOTAL COERCION		7
TOTAL 1985 FILINGS		496

During 1985, staff devised creative ways to streamline investigations, to expedite determinations, and to promote voluntary settlements. In particular, investigators spent more time counseling inquirers in an effort to screen out cases of dubious jurisdiction and cases where the complainant's allegations were weak and likely to be successfully defended against by the respondent.

With the Public Health Nurses class action case under deliberation by the Commissioners, during the past year the Hearing Unit directed its attention to the docket of newer, less complex cases forwarded in increased numbers by the regional investigative units. In 1985, the number of cases produced in the hearing unit nearly doubled with nine cases resolved in favor of complainant and one case administratively dismissed when complainant filed in court. Nevertheless, with the dramatic increase in the number of newly filed cases in 1985, the agency must report that its inventory of cases in process at the close of the year reached 642, nearly twice the size of 1983 year end inventory and fast approaching the all time record levels established during pipeline construction days.

During 1985 the Commission also reached out to other governmental agencies to join forces in the battle against discrimination. The number of cases under investigation by the U.S. Equal Employment Opportunity Commission and the Anchorage Equal Rights Commission rose to nearly one third of the total inventory. This worksharing system provides greater protection for complainants' rights and prevents duplication of effort, enabling the agencies to conserve staff resources.

The Human Rights Commission also worked closely with the Women's Commission throughout the year. ASCHR staff reviewed Women's Commission recommended revisions to Alaska Statutes, served on their Education Equity Committee, and took part in the Women's Legislative Alliance. Joining ranks with statewide women's groups, the Commissioners endorsed the 1986 Legislative Package of the Women's Commission and commended their efforts to eliminate the remnants

PUBLIC EDUCATION HIGHLIGHTS

Workshop on Pay Equity, 1985 Alaska Women's Conference, Anchorage

Workshop on Sexual Harassment, Valdez

Panel on Age Discrimination, 37th Annual IAOHRA Conference, Chicago

Overview on Discriminatory Harassment to the U.S. Civil Rights Commission, Alaska Advisory Committee

Participation in Conference for Small Business Owners sponsored by the City of Fairbanks Human Rights Commission

Presentation to Alaska Political Women's Caucus

Interviews on Alaska Radio Network and KT00 Radio, Juneau

Speech to Graduate Class, Elmendorf Air Force Base

"Supervising Women and Minorities" Speech, Anchorage Community College

Recordkeeping Requirements for Employers, ERC Workshop and video taped for replay throughout Alaska

Speech on Sexual Harassment to Alaska Legal Secretaries' Association, Anchorage

Participation in Housing Discrimination Law Workshop sponsored by the Anchorage Equal Rights Commission

Representation at Alaska Bush Justice Conference, Bethel

Lectures on Comparable Worth to students at Alaska Pacific University and LaVerne University

Workshop at Bilingual/Multi-cultural Conference, Anchorage

Presentation to the Justice class, Monroe High School, Fairbanks

of sex discrimination in state law.

The Human Rights Commission also worked with the City of Fairbanks Human Rights Commission by participating in their Conference for Small Business Owners in the fall. The Commission was dismayed at the defunding of this local commission and supports its reactivation to meet the needs of Fairbanks residents.

In the summer the Commission welcomed the reconstitution of the Ketchikan Human Rights Commission. Local commissions such as the Fairbanks and Ketchikan Commission complement the state commission's program by focusing on public education and referral of complaints. AS 18.80.290 grants authority to general law or home rule municipalities to establish local human rights commissions with powers and duties similar to the state commission. Only the Anchorage Equal Rights Commission currently employs staff to investigate and resolve complaints of discrimination in violation of municipal ordinance.

In 1985 the Commission expanded its public education efforts by printing pamphlets in English and Spanish and posters in English, Spanish, Yupik, and Inupiat. By the end of the year, informational materials had been sent to every city, village, and rural educational attendance area in rural Alaska as well as to community organizations and Native corporations throughout the state.

In July, the Commissioners voted to regionalize the rural program by identifying positions in the Southcentral and Northern Regional offices as rural investigators. This pilot project was designed to increase service to rural Alaskans combining outreach and investigations on travel to locations outside the urban office areas. The agency has continued its policy of accepting collect calls from persons in rural Alaska despite the rising cost of communications. The staff will be monitoring the effectiveness of this project as service to rural Alaskans remains a priority.

Presentation to Older Alaskans Commission, Fairbanks

"Getting to Know You", Moose Creek Fair, Tanana Valley Community College

Interviews on KBRW and Learn Alaska, Fairbanks

Presentation at Clerical Skills Training Center, Fairbanks

Presentations to Fairbanks Memorial Hospital and to State Fire Trainers, Fairbanks

Workshop at Cook Inlet Pre-Trial Facility, Anchorage

Sexual Harassment Workshop for Job Service, Ketchikan

Booth at the Older Alaskans Job Fair, Juneau

Presentation at Employment Discrimination Workshop sponsored by Alaska Chapter of the American Association for Affirmative Action

Presentation on Age Discrimination, Aging Together in Alaska Conference, Denali Park

Speech to the Personnel Management Association, Juneau

Technical Assistance to Natives for Affirmative Action, Juneau

Booth at the Women's Resource Fair, Juneau

Technical Assistance to the National Association of Counseling, Juneau

Technical Assistance to Fairbanks Human Rights Commission, First Annual Multi-Cultural Day and Tanana Fair

Workshop at the Alaska Native Women's Statewide Organization Annual Conference

As a result of decreased funding, only three, two-day Commission meetings were held in 1985--Juneau, Valdez, and Anchorage--in contrast to four, three-day meetings in other years. At meetings, Commissioners receive staff reports, give direction to management, set policy, hear testimony from the public, take positions on matters relating to civil rights and render decisions on hearing cases.

The hospitality of the Juneau Filipino Community afforded Commissioners an opportunity to meet constituents and state legislators at a Friday evening reception after the spring meeting in the capitol city.

In an effort to use Commission meetings as a public education event, the Valdez meeting held in late July featured a workshop on Sexual Harassment conducted by Commissioner James Chase.

Enlisting the services of the Governor's Committee on Employment of the Handicapped, Commissioners and staff learned more about the possibilities for employing the disabled at the December meeting held in Anchorage. Joining the Commission at the "Windmills" workshop offered by Jean Henderson of GCEH were Frank Raye, Director of the Division of Personnel, and Merwin Peters, Director of the Office of Equal Opportunity, and members of their staffs.

During 1985, the Commission continued to press for legislation prohibiting acts of discriminatory harassment. Working with a Task Force comprised of the Anchorage Equal Rights Commission and representatives from numerous community-based organizations, the Commission supported HB 194 introduced at the request of the Commission by Governor Sheffield. The Commission also voted in favor of passage of the "Disabled Bill of Rights" which extends the currently protected class of the physically handicapped to include the physically and mentally disabled and expands the coverage for this class to all sections of the present statute.

During the past year, the Commission again promoted the creation of an Office of State Contract Compliance. The

PROMISES, PROMISES

Although promised a job as a fish processor along with a group of Caucasians, an Hispanic male complained of national origin discrimination when the employer hired everyone but him upon arrival at the work site. During the investigation, the employer agreed to a pre-determination settlement entitling Complainant to a job and \$19,084 in monetary benefits.

NO PLACE FOR BLACKS

A Black male alleged that a Caucasian landlord refused to rent to him because of his race. Investigation revealed that the landlord had agreed by telephone to let the Black male and his family view the vacant unit. When the Black male arrived, the landlord told him privately that he would not rent to Blacks. This statement, however, was overheard by a tenant who offered to testify. After conciliation attempts failed, the case was forwarded to the Hearing Unit.

BACK TO THE KITCHEN

A kitchen worker injured on the job alleged physical handicap discrimination when she was discharged on the date her doctor released her to return to work. After receiving the complaint from the the Commission, the employer agreed to reinstate the employee with a promise not to retaliate against her for filing the complaint.

Commission's interest in this matter arises from its concern for Minority Business Enterprises which historically have not proportionately shared in the wealth of state construction contracts.

Twice during 1985, the Commissioners considered the implications of the apartheid policies of the government of South Africa with particular reference to the investment of Alaska's Permanent Fund monies in companies doing business in South Africa. This agenda item at Commission meetings elicited lengthy testimony from the public, all opposed to the racism in South Africa and recommending divestiture of state funds. In November 1985, the Commissioners unanimously adopted Resolution No. 85-01 repudiating the policy of apartheid and calling for the immediate and total divestment of the Permanent Fund from companies doing business in South Africa.

Clearly, the Commission has met the challenge to do more with less. This was accomplished by the perseverance of staff, the determination of management, and the support of Commissioners as all worked together, committed to the goals of justice and equal opportunity in Alaska. What is also clear is that at the present level of funding, the Commission cannot deliver the level of service desired by complainants and respondents alike. Despite increased productivity, increased worksharing, and the development of a well organized agency with trained professional staff, the demand for services exceeds our present capacity.

Commissioners and staff have begun to examine a number of alternatives to cope with the increasing workload in this era of declining state revenues. Under consideration are a number of regulatory changes, proposals to cut back on services, or learning to live with a backlog of pending investigations. Whichever policy direction is determined, the Commission remains steadfast in its commitment to eliminate discrimination in Alaska.

RESOLUTION NO. 85-01

WHEREAS, the government of South Africa is perpetuating systematic oppression of non-whites through the policy of apartheid which results in the loss of life, liberty and the pursuit of happiness;

WHEREAS, the policy of apartheid results in the denial of justice, educational and employment opportunities, causes the separation of families, and restricts the mobility of non-whites within that country;

WHEREAS, resistance and opposition to the government of South Africa's policy of apartheid has been met with brutality, bloodshed and death;

WHEREAS, the spectacle of such human suffering cries out to all persons of conscience throughout the world regardless of race, color, ethnic or national origin; and

WHEREAS, such persons of conscience cannot tolerate inaction which constitutes unwitting support of the government of South Africa's policy of apartheid;

NOW, THEREFORE, the Alaska State Commission for Human Rights calls for the complete and immediate divestment of the Alaska Permanent Fund monies from companies doing business in South Africa.

November 15, 1985

1985 was both a challenging and a productive year for the Southcentral Regional staff. We were called upon to create more efficient ways of handling an increasing number of contacts from the public, a larger case inventory, and a greater demand for public education. In mid-year, we changed our intake procedure by dropping the old practice of taking complaints by appointment. We now take complaints at the initial point of contact with the Commission by an inquirer whether by telephone, personal visit, or by mail. The new method has resulted in prompt service to the public and a shorter intake process. Additionally, Kimberly Martus, a senior investigator in the Southcentral Regional Office, was designated to handle rural responsibilities, thereby enhancing our services to rural areas of Southcentral Alaska.

While faced with a high volume of inquiries and new complaints, we succeeded in achieving a higher level of case production in 1985 than in 1984. We also managed to make progress in our efforts to meet our region's public education needs. Through careful planning, we conducted more outreach and public education activities during 1985 than in the previous years. We attribute these accomplishments to the staff's higher level of investigative expertise and to improved case processing methods.

Discrimination in employment continues to be the predominant type of complaint filed by Southcentral residents during 1985. The impact on the economy of declining oil revenues and overall slump in the oil industry made competition in the job market even keener, resulting in more employment complaints being filed. We predict that this trend will continue into the next year.

In summary, we responded to the challenges of 1985 with a vigor and enthusiasm we intend to carry forward into the new year.

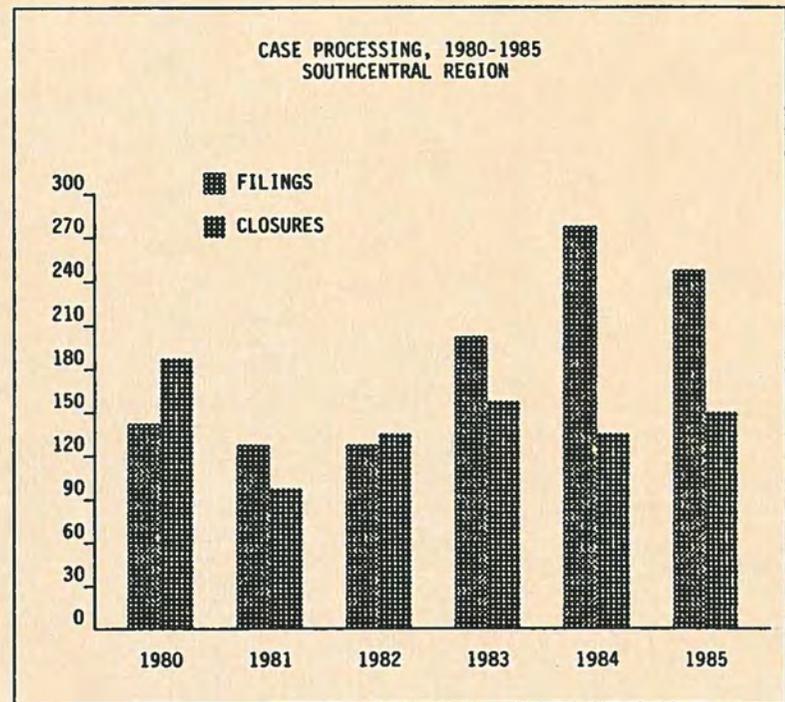
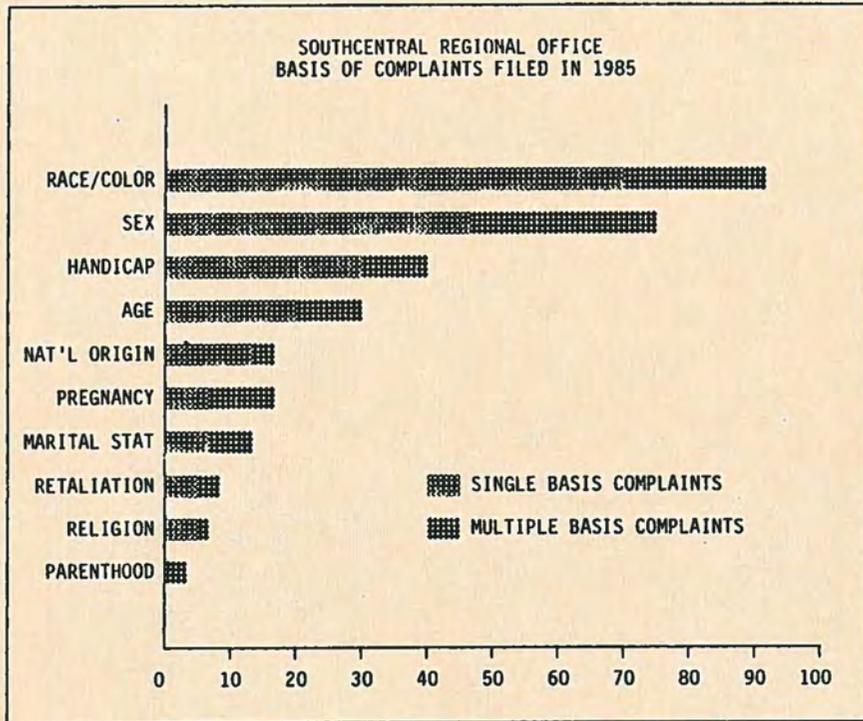
Evelyn A. Ramos	Regional Director
Robert Bacolas	Investigator
Kimberly Martus	Rural Investigator
Jeanne M. Fortier	Investigator
Donna J. Brooks	Investigator
Eddie L. Edison	Investigator
Lisa Waters	Secretary
Laura J. Hauta	Clerk

ANALYSIS OF 1985 FILINGS
SOUTHCENTRAL REGION

<u>By Sex:</u>	Female	128
	Male	<u>121</u>
	TOTAL FILINGS	249

<u>By Race:</u>	Caucasian	147
	Black	55
	Alaska Native	25
	Asian	10
	Hispanic	8
	American Indian	2
	Other	<u>2</u>
	TOTAL FILINGS	249

	<u>Single Basis Complaint</u>	<u>Multiple Basis Complaint</u>
Race/Color	69	22
Sex	47	28
Multiple	46	
Physical Handicap	30	10
Age	20	10
National Origin	13	3
Pregnancy	7	10
Marital Status	7	6
Retaliation	5	3
Religion	5	1
Parenthood		3
TOTAL FILINGS	<u>249</u>	<u>96</u>



Penny A. Forsmo	Regional Director
Eleanor Gutierrez	Investigator
Brenda Tolliver	Rural Investigator
Sharon Jaeke	Secretary

A major change in the Northern Region during 1985 was the promotion of Penny Forsmo from senior investigator to regional director in mid-April. During the year, the Fairbanks office functioned with the director and two staff investigators, one fewer than in the previous year. Each investigator carried a greater caseload as a result; however, improved case processing was demonstrated by the increase in the number and quality of case resolutions in the fourth quarter.

The 1985 regional statistics show an increase in the number of inquiries handled but a decrease in the number of complaints filed. The year began with 60 cases open in the region. By mid-summer, the inventory grew to 90 cases but with the increased production dropped to 75 cases at year end. The high influx of filings during spring and summer may have been generated by the stiff competition for the fewer jobs available during the construction season.

Northern Region staff received in-house training throughout the year enabling them to expand their technical knowledge and to try out creative and innovative ideas for moving cases. As part of training, staff attended the Sullivan v Polaris public hearing in June, the first Commission hearing held in Fairbanks for several years. In addition to case processing, staff took part in public education activities and attended meetings of the City of Fairbanks Human Rights Commission.

In the fall, a new investigator was hired to answer questions and take complaints from the rural areas by telephone, mail or by interviews at the Fairbanks office. In late winter staff will travel to rural communities to make local contacts, investigate cases and assist rural Alaskans to file complaints as part of our goal to expand outreach to rural Alaskans in 1986.

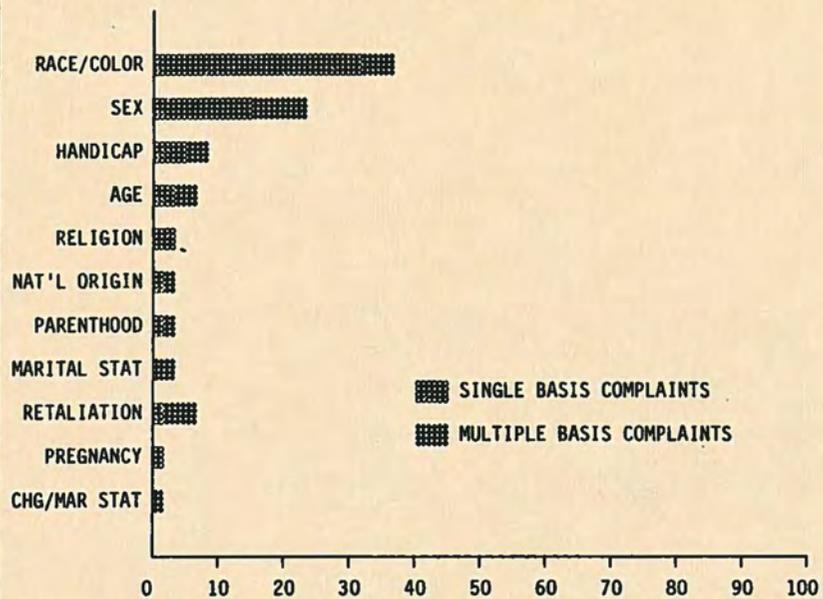
ANALYSIS OF 1985 FILINGS
NORTHERN REGION

<u>By Sex:</u>	Female	44
	Male	37
		<hr/>
	TOTAL FILINGS	81

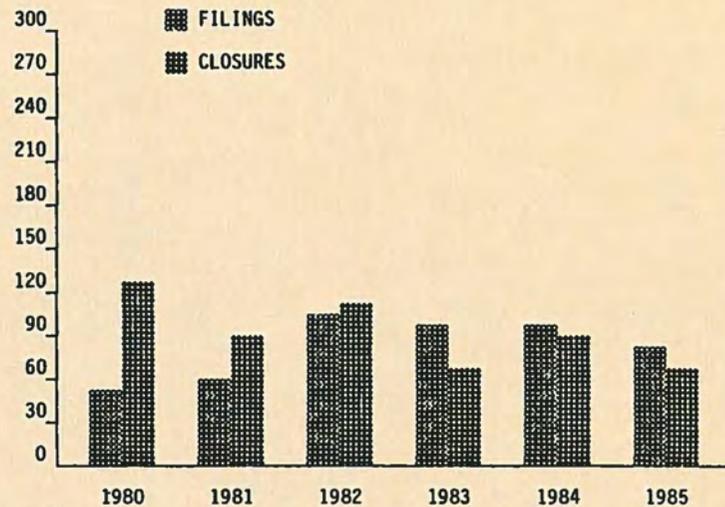
<u>By Race:</u>	Caucasian	47
	Black	19
	Alaska Native	10
	Hispanic	3
	American Indian	1
	Other	1
		<hr/>
	TOTAL FILINGS	81

	Single Basis <u>Complaint</u>	Multiple Basis <u>Complaint</u>
Race/Color	32	5
Multiple Bases	16	
Sex	15	9
Physical Handicap	5	3
Age	3	3
Religion	3	
National Origin	2	1
Parenthood	2	1
Marital Status	1	3
Retaliation	1	6
Pregnancy	1	
Chg/Marital Status	<hr/>	<hr/> 1
TOTAL FILINGS	81	32

NORTHERN REGIONAL OFFICE
BASIS OF COMPLAINTS FILED IN 1985



CASE PROCESSING, 1980-1985
NORTHERN REGION



Patsy M. Fletcher Regional Director
 Christine M. Swanson Investigator
 Lynette A. Turner Investigator
 Ella St. Clair Secretary

Staff turnover in Southeast in 1985 had two obvious consequences: the number of case resolutions dropped slightly over last year and the age of open cases increased. During the same period however, the number of inquiries rose by 5 percent. Many inquiries were received from employers seeking advice on compliance with Human Rights Law. Such inquiries are encouraging because they represent a positive view of the Commission. Because of our limited resources, greater screening of incoming potential complaints took place in 1985. Although no jurisdictional complaints were refused, the Southeast office accepted fewer complaints than in the previous year. With a fully trained staff, we expect the case inventory to become manageable permitting more quality time to be devoted to the cases requiring full investigations.

While most complaints are filed by Juneau citizens, outlying Southeast communities, especially Ketchikan, Sitka and Petersburg, utilize the Southeast office extensively. An issue of concern to village communities is local hire. Competition for temporary construction jobs in an economically depressed community generates volatile situations, especially when outsiders without competition fill half the positions, and village job seekers are rotated among the few remaining openings. Although many callers from the villages perceive this as discrimination, the practice is not always a violation of Human Rights Law.

For the first time in years, more Alaska Natives filed complaints in Southeast than any other ethnic or racial group. The proportion of race and sex based complaints also increased as did age and religion complaints.

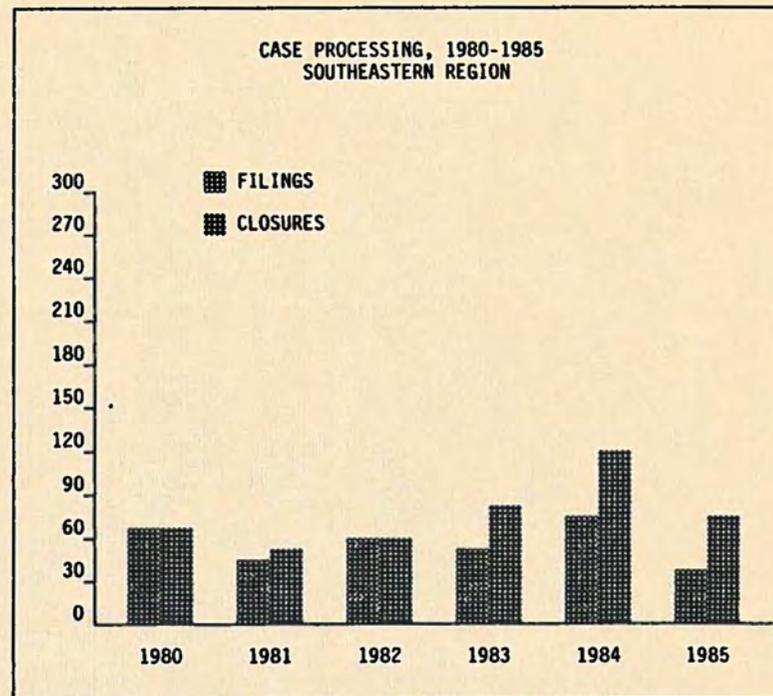
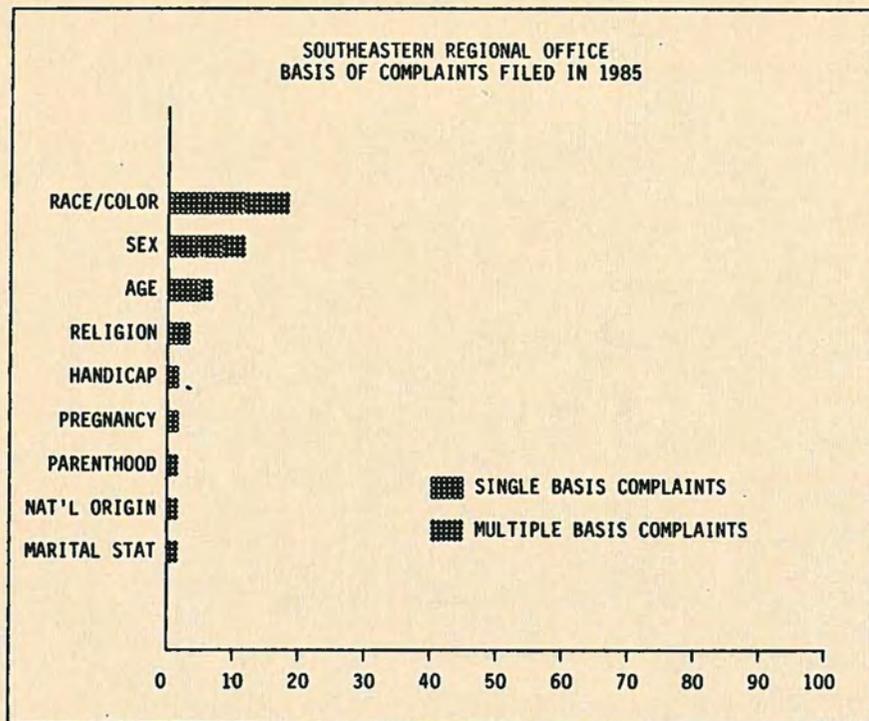
In summary, 1985 was a productive year both in terms of continued productivity as well as maximization of shrinking resources.

ANALYSIS OF 1985 FILINGS
 SOUTHEASTERN REGION

<u>By Sex:</u>	Female	23
	Male	16
	TOTAL FILINGS	<u>39</u>

<u>By Race:</u>	Caucasian	17
	Alaska Native	14
	Asian	3
	Black	2
	American Indian	2
	Hispanic	1
	TOTAL FILINGS	<u>39</u>

Race	12	6
Sex	9	3
Multiple	8	
Age	4	2
Religion	3	1
Physical Handicap	2	
Pregnancy	1	
Parenthood		2
National Origin		2
Marital Status		1
TOTAL FILINGS	<u>39</u>	<u>17</u>



NOTE: 1984 CLOSURES INCLUDE 38 INVENTORY REDUCTION PROJECT CASES

The Hearing Unit has continued to process its cases with dispatch. At the beginning of fiscal year 1985, there were nine open cases in the Hearing Unit's inventory. These were cases in which we had certified that conciliation efforts had failed, but we had not received a proposed decision from the Hearing Examiner. By the end of 1985, we had completed action on all but three of the cases, but had received additional cases referred from the investigative units and the Hearing Unit inventory stood at eleven cases actively in the hearing process. Finally, we are processing three re-manded cases, and two recently received cases await review.

Williams v. Union Oil - Complainant alleged that he had been the victim of physical handicap discrimination. He had not been hired by the Respondent because he had been surgically treated for a back injury even though he had performed similar work for the Respondent after his recovery. The Hearing Examiner's Proposed Decision awarding the Complainant \$38,956.84, plus interest, was adopted by the Commissioners, and subsequently appealed by the Respondent. A recent Superior Court upheld the decision of the Commission.

Bradley v. Ketchikan Gateway School District - Complainant alleged pregnancy discrimination in the terms and conditions of employment. The Executive Director is seeking damages for employees and their dependents whose claims for pregnancy benefits under the school district health insurance plan were treated less favorably than other temporary disabilities. The Hearing Examiner issued a Proposed Decision on May 6, 1985. The matter is still being considered by the Commissioners.

Nicholson v. O'Neill Investigations - Complainant alleged failure to hire because of sex and age. She was 21 when she was denied a job as a security guard at Prudhoe Bay. Males slightly older but with no more relevant experience were

A MAN OF CONSCIENCE

A Caucasian mechanic complained of retaliation when he was terminated for protesting his employer's refusal to hire Blacks. During the resolution conference, the Complainant stated that he had found a new job. The parties agreed to a pre-determination settlement which provided \$1,506 in back pay to the Complainant.

hired. The hearing was held, and a Proposed Decision finding in favor of the Complainant and awarding her \$9,436, plus interest, was entered on June 15, 1984. Subsequently, the parties reached agreement on the total amount due the Complainant, and the Respondent elected not to appeal.

Bradley, et al v. SOA, Dept. of Health and Social Services and Dept. of Administration - Complainants alleged sex discrimination in employment because of the failure to pay Public Health Nurses, incumbents of a female-dominated job classification, the same as Physicians' Assistants, a male-dominated job classification, although the incumbents of both job classes performed comparable work. The Proposed Decision in favor of the Respondents was issued by the Hearing Examiner. After consideration by the Commissioners, a revised final decision was issued finding in favor of the Complainants on November 15, 1985. The period set for the consideration of objections will not conclude until after the start of the next calendar year.

Wallace v. Fluor Alaska - This case was remanded by the Superior Court to the Hearing Unit. Complainant alleged that he had been the victim of discriminatory employment practices and retaliatory discharge. His claim that he received poor job assignments because he was not of the same ethnic background as his supervisor was rejected, but the Commission found that he had been fired in retaliation for his complaint of discrimination. The case was settled for \$12,000.

Ella Johnson v. International Brotherhood of Painters - Complainant was a female who had obtained a job on a painting crew. She was not a member of the union and alleged that the union pressured the contractor into discharging her from her position and refused to allow her to join the union because of her sex. The parties agreed to settle the case for \$2,000.

Walker v. Jean Peters, d.b.a. My Apartments - The Complainant was an Alaska Native who alleged that the Respondent refused to rent him an apartment because he was a

EXPERIENCE COUNTS

A female alleged that she had been denied a job as a cable lineman because of her sex. Investigation established that the decision not to hire Complainant was based upon her lack of direct experience, knowledge and skills necessary for the position. The successful male applicant had four years of lineman experience with Respondent and an additional four years related experience. The staff determined that there was not substantial evidence of discrimination and dismissed the case.

Native. The Complainant was told by telephone that an apartment was vacant. Respondent said it was rented when the Complainant arrived to see it. The Commission's investigators found that the apartment was still available after the Complainant had been told there was no vacancy. Complainant obtained another apartment and agreed to settle his claim for \$200 actual damages.

Laakso v. Southgate Hub - Complainant alleged that she was discriminated against because of her physical handicap. The Complainant was an employee of the Respondent's parent corporation who had left her employment after being injured on the job and filing a workmen's compensation claim. Years later she reapplied for employment. She was hired and started work, but she was then terminated after top management told the store manager of her prior medical history and of her prior medical workmen's compensation claim. The case was settled for \$15,000.

Corpus v. Totem Packing Company - Complainant, a male, alleged that he had been the victim of sex discrimination in the application of the Respondent's grooming standards. The Complainant was employed in a fish processing plant. He alleged that female workers with long hair were permitted to wear hairnets while men were required to obtain a haircut. He had been fired for refusing to do so. Complainant was rehired and the outstanding back pay dispute settled for \$2,000.

Barletta v. SOA, Dept. of Education, Comm. on Post-Secondary Education - Complainant alleged that she had been the victim of pregnancy discrimination. She had sought a promotion and was denied after the hiring official stated his concern that her pregnancy would interfere with her ability to travel on the job. The case was settled for \$2,000.

Sullivan v. Black Angus Restaurant - Complainant, a Black man employed as a cook at a restaurant in Respondent's hotel, alleged that he was the victim of race discrimination. He contended he was fired because the Respondent's President did not like Blacks. A hearing was

EQUAL CREDIT OPPORTUNITY

A woman complained to the Commission that a credit union refused to allow her to co-sign her daughter's application for a loan. As a result of the investigation, the Respondent sent a letter of apology to the Complainant, appointed her co-applicant for the loan and agreed to train staff to ensure credit equal opportunity for women.

held in June 1985. We are presently waiting for the Hearing Examiner to issue a proposed decision.

Pease v. Apollo Restaurant - Complainant alleged that she was the victim of pregnancy discrimination. She was employed by the Respondent as a waitress. When she became pregnant, she inquired about whether the employer had insurance coverage in case she was injured on the job. She alleged that the employer then demanded that she release him from potential claims, and when she refused to do so, he terminated her. The case is presently scheduled for a hearing in May 1986.

Smith v. Baranof Hotel - Complainant, a Pacific Islander, alleged that he was discriminated against because of his race in terms and conditions of employment. He was employed on Respondent's maintenance crew at a rate less than that paid to Caucasian workers with similar levels of experience. A settlement of the case is in process.

Topacio v. Baranof Hotel - Complainant, a Filipino, alleged that he had been discriminated against because of his national origin. He had been employed for many years in the maintenance crew of the Respondent. He applied for a promotion to a vacant supervisory position. Even though he had many years of experience and seniority, a Caucasian recently arrived in Alaska was hired for the position. Shortly before the date set for the hearing of this case, the Complainant withdrew his complaint so that he could proceed in court.

Myers v. Skagway City Schools - Complainant, an employee married to another employee of the Respondent, alleged that he was the victim of marital status discrimination. The Respondent obtained health insurance policies which barred couples who were both employed by the Respondent from claiming each other as dependents and thus obtaining 100% medical coverage. Complainant alleged that he and other individuals similarly situated received less compensation than persons who were not married to other Respondent employees. The case was submitted to the Hearing Examiner

APPROVAL IN ADVANCE

A man complained of religious discrimination when his employer terminated him for taking time off to observe Good Friday. Investigation found that the employee was terminated for taking time off without making prior arrangements with his supervisor as required by the employer's policy. A determination of not substantial evidence was issued and the case was dismissed.

on Cross-motions for Summary Judgment during the summer of 1985. We are presently awaiting a proposed decision from the Hearing Examiner.

Dunlap v. Public Safety Employees Association - Complainant alleged that she had been the victim of sex discrimination resulting from the maintenance of a hostile, intimidating, and offensive atmosphere. She alleged that during the course of a meeting, union officials had referred to her in sexually derogatory terms. Shortly before the date set for hearing, the case was removed to the Superior Court to resolve certain legal issues related to jurisdiction and venue. We anticipate that these matters will be resolved and the case returned for further processing during the following calendar year.

Edwards v. Eileen Seals International Modeling Agency - Complainant alleged that she had been sexually harassed when the owner of the modeling agency demanded sexual favors. She refused the demands and was later terminated. The case has been scheduled for hearing in April 1986 and is presently in discovery.

Miller v. Alaska Public Employees Association - Complainant alleged that he was discriminated against because of his religion. The Respondent refused to grant him an accommodation which would have allowed him to pay union dues to a charity in lieu of the union. The case is presently in discovery.

Tyndall v. Alaska Public Employees Association - Complainant alleged that he was discriminated against because of his religion. The Respondent refused to grant him an accommodation which would have allowed him to pay union dues to a charity in lieu of the union. The case is presently in discovery.

Larson v. City of Juneau - Complainant, an Alaska Native, alleged that he had been the victim of race discrimination. He was terminated from his position with the City fire department for coming to work late while Caucasian employees

RELIGIOUS COMPLAINT RESOLVED

A Seventh-Day Adventist complained that she was harassed and discharged after her employer discovered she had newly converted and would require time off on Fridays at sunset for religious observations. During the Resolution Conference, the staff negotiated a pre-determination settlement in which Respondent agreed to give Complainant one month's salary and a positive reference.

who came into work late were not fired. The case is in discovery.

Taylor v. Alaska Airlines - Complainant alleged that she had been the victim of sex and religious discrimination. Complainant alleged that Respondent's local managers refused to hire her because they did not want to hire female employees as baggage handlers and because the manager wanted to give the positions to members of his own church. The case is in discovery and settlement discussions are in process.

Pinchuck v. Department of Public Safety - The Complainant, a female, alleged that she was the victim of sex discrimination. She applied for a position as a state trooper and was not considered after she failed a physical agility test which the Commission staff contends adversely impacts women and is not job related. The case is presently in discovery.

Two cases referred to the Hearing Unit were settled before the Certification of Conciliation Failure. In one case Complainant alleged that she was the victim of sexual harassment. An officer of Respondent attempted to make sexual advances towards her on numerous occasions. When the atmosphere became intolerable, Complainant quit. The case was settled for \$5,000. In the second case, Complainant alleged that she was the victim of handicap discrimination when her job was eliminated during a surgical convalescence. The case was settled for \$40,000.

During the last year, two special investigations were completed. One resulted in a cause finding and a referral to the Hearing Unit.

UNEXCUSED ABSENCES

A 52 year-old woman with cancer in remission alleged that she was terminated from her job because of age and physical handicap discrimination. Investigation found that the Complainant, after a job history of merit increases, promotions and accommodation to her physical handicap from her employer, was terminated for excessive absenteeism unrelated to her disability. The case was dismissed with a determination of not substantial evidence to support Complainant's allegations.

Supreme Court, DecidedAdams v. Alaska State Commission for Human Rights (ASCHR),
Pipeliners Union 798:

ASCHR found that Pipeliners Union 798 had systematically discriminated on a classwise basis against Blacks and women in its dispatching and membership procedures during the pipeline construction. ASCHR ordered Pipeliners Union 798 to cease discriminating against Blacks in dispatching welder helpers to jobs in Alaska and in admitting individuals working in Alaska to membership in the Union. In addition, ASCHR imposed a quota requiring the Union "in filling any job order in Alaska" to allocate 2.2% of its dispatches to Blacks. The 2.2% quota was based on Black representation in the Alaska work force as reflected in the 1970 census.

Adams argued that ASCHR should order that Blacks be dispatched as welder helpers in proportion to their presence in the Union's relevant labor pool--the south and Alaska--and not based on Black representation in the Alaska work force alone. On appeal the Alaska Supreme Court held: 1) In a class action, when the Executive Director decides not to appeal a decision of the Commission, the Executive Director will be presumed to be an inadequate representative of the class. Thereafter, any class member that can demonstrate that his or her claim is typical of the other class members and that he or she can adequately represent the class on appeal may appeal a class action decision of the Commission; 2) The 2.2% quota remedy was based on an erroneous conception of the Commission's jurisdiction. The quota imposed by the Commission should reflect the percentage of Blacks in the labor market from which the relevant labor pool was drawn, rather than merely the percentage of Blacks in the relevant labor pool in Alaska. The court held that the 2.2% quota was not reasonably designed to eliminate the discrimi-

TOO MUCH BOLOGNA

A female cook aboard a fishing boat alleged that she was discharged by the Captain because a long term male crew member did not want to work with women. Investigation established that Complainant failed to live up to pre-employment promises to prepare fresh bread and pasta everyday. Instead she served cold cuts and cereal once too often.

nation found to exist in the Pipeliners dispatch of Black welder helpers to jobs in Alaska; 3) The court stated that coverage of AS 18.80 et seq. is not limited to "inhabitants" of the State of Alaska. Accordingly, the Commission has the power to impose a quota based on the relevant labor market available inside and outside the state although this does not mean that the Commission has a duty to impose such a quota. The court further stated that quotas imposed by the Commission must bear a reasonable relationship to the elimination of discrimination where it has occurred. The decisions of the Superior Court and the Commission were vacated and the case was remanded to the Commission for imposition of an appropriate remedy.

Sheehan v. University of Alaska, Alaska State Commission for Human Rights and Cathi Carr-Lundfelt:

The issue before the Court was whether or not the trial court had abused its discretion in denying Sheehan the right to file her appellant brief. The Supreme Court held: 1) The Superior Court had abused its discretion in not allowing Sheehan to file her brief. There was no showing of prejudice to appellee or the court which warranted dismissal of the case; and 2) It is appropriate for the trial court to impose a monetary sanction rather than dismiss the appeal. The case was remanded to the Superior Court for further proceedings.

Pipeliners Union 798, United Association v. Alaska State Commission for Human Rights:

The Pipeliners Union appealed the back pay awards of six individual claimants. In a memorandum opinion and judgment the Supreme Court held that there was substantial evidence to support all of the back pay awards ordered by the Commission. The Supreme Court affirmed the Commission's back pay awards in the amount of \$119,470.67.

ACCESS TO FACILITIES

An employee with bursitis complained that her employer had denied her a reasonable accommodation to her physical handicap. The employee alleged that her employer refused to make modifications to eliminate structural barriers which prevented her access to the lunch room and rest facilities. In a pre-determination settlement, the employer agreed to install lunch room and rest facilities accessible to Complainant.

Superior Court, Appeals

Union Chemical Division, Union Oil Co. of California v. Alaska State Commission for Human Rights ex rel. Larry Williams:

Union Chemical Division, Union Oil Co. of California ("Union Oil") sought reversal of a Commission Decision which held that Union Oil had discriminated against Larry Williams, on the basis of physical handicap, by refusing to hire him for a job as a millwright. The Superior Court: 1) declined to address the issues raised by Union Oil relating to allocations of burdens of proof in a physical handicap case because Union Oil did not raise or object to these issues during the administrative proceedings; 2) upheld the Commission's Decision that a reasonable belief held in good faith as to the physical impairment of Williams was not a defense to the charge of discrimination; 3) held that Union Oil's assertion that Williams' future physical condition established grounds for distinction under AS 18.80.220(a) was groundless. The court reasoned that such distinction was based on general and stereotypical ways of thinking about physically handicapped persons; 4) affirmed the Commission Decision awarding back pay in the amount of \$38,956.34 plus interest.

Superior Court, Pending

Sheehan v. University of Alaska and Alaska State Commission for Human Rights:

Sheehan alleged that the University of Alaska had discriminated against her, on the basis of sex, by terminating her as an assistant professor in the English Department at the University of Alaska, Fairbanks. ASCHR closed Sheehan's case for lack of substantial evidence. Sheehan appealed ASCHR's closure order. The issues on appeal include 1) whether there is substantial evidence to sustain a prima facie claim of sex discrimination and 2) did ASCHR comply

NIGHT WORK REQUIRED

When an airline refused to hire a woman with two small children as a ticket agent, the rejected applicant alleged discrimination based on parenthood. Investigation disclosed that the position required working a late night shift twice a week. Complainant admitted that she was unable to guarantee her availability for this shift. The staff determined that there was not substantial evidence of discrimination and dismissed the case.

with AS 18.80.110 in pursuing Sheehan's charge. Argued before the Superior Court on January 21, 1986.

Public Safety Employee's Association (PSEA) v. Alaska State Commission for Human Rights ex rel. Dunlap:

PSEA filed a complaint for injunctive relief in Superior Court to enjoin the Commission from holding a public hearing in this case. The Superior Court ruled that PSEA's complaint, although styled as an original complaint, was in fact an appeal from an interlocutory decision of the Commission. The Superior Court granted PSEA's petition for review and ordered expedited briefing. The issues on appeal are 1) whether the Commission has subject matter jurisdiction to adjudicate conduct which occurred, in part, outside the State of Alaska and 2) where is proper venue in this case. Petition for Review pending in Superior Court.

Corazon Fox v. Alaska State Commission for Human Rights and Alascom, Inc.:

Fox appealed the Commission's decision to close her case due to lack of substantial evidence. On appeal, Fox alleges that substantial evidence did exist to support her claim of race and national origin discrimination against Alascom. Appeal pending in Superior Court.

Other

The Commission has monitored the progress of numerous civil actions being litigated by private counsel pursuant to AS 18.80 et seq.

A BETTER JOB

A clerk for a publishing firm alleged his employer refused to accommodate his epilepsy and terminated him because of seizures on the job. The case was resolved by a pre-determination agreement providing for re-hire of the Complainant in a less strenuous position at a higher wage and with work hours preferred by Complainant.

ANALYSIS OF 1985 CLOSURES

Reason for Closure	Number of Closures	Percentage of Total
ADMINISTRATIVE CLOSURES:		
Complaint Withdrawn	53	15.27%
Complaint Not Timely	2	.58%
Lack of Jurisdiction	11	3.17%
Complainant Not Available	14	4.03%
Failure of Complainant to Proceed	34	9.80%
Complainant in Court	3	.86%
Administrative Dismissal	<u>2</u>	<u>.58%</u>
Subtotal	119	34.29%
CONCILIATION/SETTLEMENT CLOSURES		
Pre-Determination Settlement	76	21.90%
Successful Settlement	27	7.78%
Substantial Evidence/ Conciliation Agreement	4	1.15%
Substantial Evidence/Full Relief Rejected by Complainant	<u>1</u>	<u>.29%</u>
Subtotal	108	31.12%
NOT SUBSTANTIAL EVIDENCE	110	31.70%
HEARING CLOSURES		
Hearing Decision for Complainant	2	.58%
Hearing Decision for Respondent	0	.00%
Pre-hearing Settlement	7	1.73%
Hearing Closure--Other	<u>1</u>	<u>.58%</u>
Subtotal	10	2.89%
TOTAL 1985 CLOSURES	347	100.00%

SUMMARY OF CASES FILED AND CLOSED

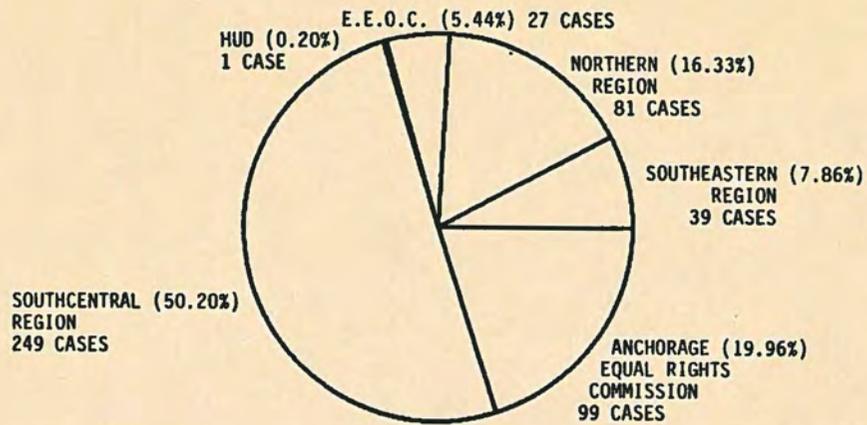
YEAR	BEGINNING INVENTORY	NUMBER OF CASES FILED	NUMBER OF CASES CLOSED	ENDING INVENTORY
1985	486	496	347	642**
1984	397	448	362	486*
1983	360	346	309	397
1982	387	292	319	360

*Includes three cases reopened in December, 1984.

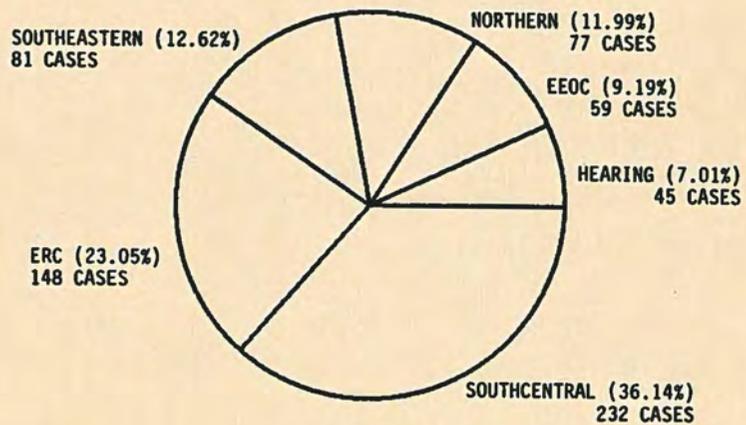
**Includes seven remands/reopenings.



ORIGIN OF 1985 FILINGS



LOCATION OF OPEN CASES
12/31/85



AGE OF CASES OPEN 12/31/85
BEING INVESTIGATED BY ASCHR

Year Filed	No. Open Cases	Percent of Current Inventory
1980	4	.6%
1981	4	.6%
1982	14	2.1%
1983	37	5.7%
1984	102	15.8%
1985	<u>229</u>	35.6%
Subtotal	390	
Hearing Unit	45	7.0%
Cases at ERC	148	23.0%
Cases at EEOC	<u>59</u>	9.2%
TOTAL OPEN CASES	642	

PATH TO RESOLUTION OF COMPLAINTS
FILED WITH
THE ALASKA STATE COMMISSION FOR
HUMAN RIGHTS

