

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ANNUAL REPORT

1987

Including a progress report on

Equal Employment Opportunity in State Government

January 22, 1988

The Honorable Steve Cowper, Governor, State of Alaska;
The Honorable Jan Faiks, President, Alaska Senate; and
The Honorable Ben F. Grussendorf, Speaker, Alaska House of Representatives
Juneau, Alaska

On behalf of the commissioners and staff of the Alaska State Commission for Human Rights, I transmit to you the 1987 Annual Report. This report highlights the commission's efforts to resolve complaints of discrimination and to inform Alaskans about Human Rights Law and demonstrates our unyielding commitment to eliminate and prevent discrimination in our state. As required by AS 18.80.060(a)(6), this annual report also contains a review of the progress toward equal employment opportunity for the past three years ending 1987 by every department of state government.

Because of the misunderstanding about the functions and responsibilities of the Human Rights Commission, the Office of Equal Employment Opportunity and the Alaska Women's Commission, we have included in this report a chart illustrating the distinct roles of these three civil rights agencies within state government. Therefore, the commission urges you to retain these agencies as separate bodies and to re-establish the Women's Commission by passage of House Bill 4 ("An Act Relating to Extending the Termination Date of the Alaska Women's Commission; and Providing for an Effective Date").

Contrary to our hopes, the commission must again report that a vital and effective state program promoting minority/female business enterprise and requiring equal opportunity and affirmative action by state contractors has not been implemented. Once again, we call for the establishment of an independent, oversight office of state contract compliance within the Office of the Governor to complete the civil rights agenda in Alaska.

In 1987, the commission's enabling legislation was significantly expanded to include protection from discrimination for physically and mentally disabled persons. As the commission approaches its 25th anniversary, we will now strive to serve the disabled in addition to the many constituencies still seeking equality and justice in Alaskan society.



Morgan P. Solomon
Chairperson
Alaska State Commission for Human Rights

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

James H. Chase, Juneau

Sandra A. Henricks, Fairbanks

Katie Hurley, Wasilla

Virgie M. King, Fairbanks

Jacqueline Lindauer, Anchorage

Morgan P. Solomon, Barrow

Doris M. Volzke, Ketchikan

Commission Staff during 1987

ADMINISTRATION:

Janet L. Bradley	Executive Director
Mark A. Ertischek	Hearing Advocate
Donn Lind	Special Investigator
Shirlee M. Clarke	Administrative Assistant
Frances Rabago	Docket Officer
Diane G. Barr	Legal Secretary
C. Briley Williams	Commission Secretary

INVESTIGATIONS:

Patsy M. Fletcher	Case Processing Director
Evelyn A. Ramos	Director of Investigations
James K. Nall	Investigator, Central
Kimberly L. Martus	Investigator, Central
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Eddie L. Edison	Investigator, Central
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Brenda C. Tolliver	Investigator, Fairbanks
Penny A. Forsmo	Investigator, Fairbanks
Eleanor A. Gutierrez	Investigator, Fairbanks
Shirley R. Dean	Investigator, Juneau
Lynette A. Turner	Investigator, Juneau
Lisa D. Waters	Secretary, Central
Joy R. Marshall	Clerk-typist, Central
Laura C. Hernandez	Clerk-typist, Central

Commission Offices

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1987 IN REVIEW

In spring 1987, the 15th Legislature passed the most comprehensive revision to the Alaska Human Rights Law since 1975: the Disabled Bill of Rights. The legislature added physical and mental disability to the list of prohibited bases of discrimination in Alaska and declared it state policy to encourage and enable physically and mentally disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

Rights for Disabled Alaskans

The Disabled Bill of Rights was signed into law by Governor Cowper in May and became effective on September 10, 1987. The new law enables persons to file complaints of disability discrimination in employment, housing, public accommodations, sale or rental of real property, credit and finance, and in practices by the state or its political subdivisions. Physical and mental disability is now specifically defined in Alaska law and generally parallels the definition of handicap in federal regulations.

In passing the new law, the legislature directed the commission to adopt regulations furnishing guidance concerning the circumstances under which a reasonable accommodation for disabled individuals is necessary. In the past, the commission's regulations have been procedural in nature. By adopting interpretative regulations on the new disability law, the commission will chart a new course of action to ensure compliance with Human Rights Law in Alaska.

AIDS: A Civil Rights Issue

Awareness of the rights of the disabled has been increasing, particularly as the public's attention has been captured by the threat of acquired immune deficiency syndrome (AIDS). The commission has responded to the AIDS crisis by joining with state and local health care organizations networking to

AS 18.80.200(b)

"Therefore, it is the policy of the state . . . to eliminate and prevent discrimination in employment, in credit and financing practices, in places of public accommodation, in the sale, lease, or rental of real property because of race, religion, color, national origin, sex, age, physical or mental disability, marital status, changes in marital status, pregnancy or parenthood. It is also the policy of the state to encourage and enable physically and mentally disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment."

share information and resources. The network disseminates up-to-date research on AIDS and coordinates efforts to educate the public about the prevention and spread of this disability.

In February 1987, the commission heard testimony from the Alaska AIDS Assistance Association and from Region X of the U.S. Department of Health and Human Services about the civil rights implications for persons infected with AIDS. The commission then unanimously adopted Resolution 87-01, declaring that persons suffering from AIDS are protected from discrimination under Alaska Human Rights Law. Within one month, the commission received its first complaint of discrimination because of AIDS.

Case Processing and Litigation

During 1987, the commission waged a tough battle against discrimination with fewer staff. The hearing advocate representing the commission continued to fight for pay equity by defending against the state's appeal of the Public Health Nurses' case in Superior Court. Investigative staff focused on improving the quality of investigations and on outreach to rural Alaska. Although the state's population declined in 1987, more Alaskans seeking assistance turned to the commission than in previous years. Over 3,200 persons, in addition to the 336 individuals who filed complaints, contacted the agency last year. Alaskans are taking advantage of the toll-free complaint hot line and the newly operational TTY/TDD offered by the commission.

As a result of lost positions and a ten percent cut in staff hours during the first six months of the year--all due to budget cuts--fewer cases were closed by agency staff in 1987. Nevertheless, 20 percent fewer cases are now pending investigation than one year ago. The agency's investigative unit, now comprised of seven investigators, is currently processing a total of 255 cases and forty-four percent of those cases are less than six months old.

RESOLUTION NO. 87-01

WHEREAS, the Alaska State Commission for Human Rights is empowered by statute to protect the physically handicapped from discrimination in employment;

WHEREAS, AS 18.80.300(13) defines physical handicap as meaning the existence or history of an anatomical, physiological or neurological disability, infirmity, malformation, or disfigurement which is caused by injury, birth defect or illness;

WHEREAS, Acquired Immune Deficiency Syndrome (AIDS) meets this definition under Alaska Human Rights Law; and

WHEREAS, persons in Alaska suffering from Acquired Immune Deficiency Syndrome (AIDS) may experience unlawful discrimination in employment;

NOW, THEREFORE, BE IT RESOLVED that the Alaska State Commission for Human Rights declares that such discrimination is within its jurisdiction and urges all Alaskans to be aware of their rights and responsibilities under Alaska Human Rights Law with respect to Acquired Immune Deficiency Syndrome (AIDS).

Passed unanimously at Anchorage, Alaska this 27th day of February 1987.

The Worksharing Strategy

Worksharing agreements with other civil rights agencies contributed to agency efforts to sustain production in spite of staff reductions. In 1987, the commission adopted 55 cases resolved by the U.S. Equal Employment Opportunity Commission (EEOC) and 135 cases resolved by the Anchorage Equal Rights Commission (AERC), bringing the total number of resolutions to 451 cases, only 19 fewer than in 1986. Worksharing permits the commission to defer its investigation until the worksharing agency has completed its processing. After review to ensure that the standards of state law have been met, the commission adopts the decision of the worksharing agency, saving resources and eliminating duplication of effort.

Since 1973, the commission has generated federal receipts by processing complaints dual-filed with EEOC under Title VII of the 1964 Civil Rights Act. In October 1987, the commission's EEOC contract was expanded to include funding for processing complaints alleging violations of the Age Discrimination Act of 1967. The commission has executed a similar contract with the U.S. Department of Housing and Urban Development (HUD) for investigation of housing complaints jurisdictional under Title VIII of the 1968 Civil Rights Act. As state funding dwindles, the agency grows more dependent on these federal receipts.

The commission also participates in a worksharing arrangement with the Anchorage Equal Rights Commission. Because the vast majority of complaints originate in Anchorage, the commission especially relies on their assistance. The recent budget cuts to the Anchorage commission not only affect their capability but also jeopardize the state commission's ability to provide its services statewide.

Recognizing the need to tap other local resources, the commission met with the Fairbanks Human Rights Commission in June 1987 to explore possibilities of joining forces to

Not Ready To Retire

After 40 years of service to the same employer including 26 years of managing the hardware department, a 62-year-old man was asked to retire. When he refused, he was terminated. The man filed an age discrimination complaint. The commission investigator visited the work site to review records and interview witnesses. Intensive negotiations resulted in a pre-determination settlement in which complainant accepted an award of \$24,000 to be paid in monthly installments over a three-year period and a lifetime discount of 10 percent on all purchases at respondent's store.

Too Young or Too Ethnic?

A 14-year-old Alaska Native/Filipino youth applied for a job as courtesy clerk in a grocery store but was told he was too young. The applicant knew, however, that his classmate of the same age was hired. The classmate, Alaska Native/Caucasian, looked Caucasian. After receiving the commission complaint, the employer interviewed the youth and offered him a job. The case was dismissed when a pre-determination settlement was signed.

better serve the people of Fairbanks. Plans for a work-sharing agreement between the two agencies are in progress.

The commission also works with Tribal Employment Rights Offices (TERO's) which promote the employment of Alaska Natives. The commission took part in a training session for TERO's in October 1987 and is seeking ways to strengthen its relationship with these groups.

Response: Rural Alaska

During 1987, the commission addressed the unmet needs of rural Alaskans by identifying issues of special importance to bush residents. A director's charge was filed against a rural police department alleging racial discrimination because of the humiliating and offensive treatment of Alaska Natives detained by police officers. This case was handled as a special investigation using administrative subpoenas and meriting expenditure of scarce travel funds to conduct an on-site investigation. Within 60 days, the case was resolved by a pre-determination agreement providing for apologies to the detainees, adoption of a non-discriminatory policy, and annual cross-cultural training for the police force. Despite the confidentiality of the commission's investigation, the presence of the commission investigator in the rural community generated the interest of the local newspaper and eventually the attention of other rural newspapers.

In another instance, allegations of sexual harassment in northwest Alaska required field investigation by commission staff to locate and interview witnesses before seasonal layoff. Travel to rural Alaska has been limited because of severe cuts in the agency's travel budget. Clearly, if the commission is to serve the people of rural Alaska, its travel budget must be increased or positions in outlying communities must be established.

Public Education: Statewide

Lacking funds to host public education events, last year the commission accepted speaking invitations and coordinated

1987 PUBLIC EDUCATION HIGHLIGHTS

Speech on overview of state civil rights agencies, Soroptimists of Cook Inlet, Anchorage

Presentation to Small Business Center of Alaska, Anchorage

Speech on new disability law to annual conference of the National Federation of the Blind, Anchorage

Panel presentation at NAACP Northwest Area Conference, Anchorage

Attendance at Alaska AIDS Assistance Association meetings and participation in AIDS Network meetings, Anchorage

Speech on "Role of ASCHR in Alaska" to Lathrop High School, Fairbanks

Speech on "Racism--the Unfinished Agenda" to the First United Methodist Church, Fairbanks

Interviews on commission law and complaint procedures, Petersburg Pilot and KFSK, Petersburg

Presentation on sexual harassment at the Legal Rights for Women Conference, Anchorage

Presentation to Anchorage Branch of NAACP, Anchorage

Presentation on the "Peace Through Racial Harmony" panel at Baha'i Cultural Unity Conference, Anchorage

Presentation on "Discriminatory Harassment in Alaska" at Institute for a Violence Free Society Conference, Juneau

Presentation on "Pay Equity in Alaska" to Alaska Nurses Association convention, Seward

Presentation on Alaska Human Rights Law at Tribal Employment Rights Organizations (TERO) workshop, Anchorage

Interviews on discriminatory harassment legislation, KJUD-TV and KTOO, Juneau

activities with other governmental agencies and local groups. In September, commission staff conducted a two-day training session in Barrow at the request of the North Slope Borough Department of Public Safety. Following this session, commission staff presented workshops on sexual harassment and pay equity during the Barrow Women's Conference. During the stay in Barrow, staff was interviewed on local radio, met with the Filipino community there, and addressed the Chamber of Commerce.

Outreach to the Southern Panhandle was conducted by the Juneau investigator who traveled to Sitka and Ketchikan to address local employers participating in Job Service training sessions sponsored by the Alaska Department of Labor. In Anchorage, commission staff took part in the Minority Girls Leadership Conference sponsored by the Anchorage School District, the Alaska Women's Commission and local community groups. The commission provided speakers at the annual Bilingual/Multicultural Conference sponsored by the Alaska Department of Education, the Legal Rights for Women Workshop sponsored by the Alaska Women's Commission and the Northwest Regional Meeting of the National Association for the Advancement of Colored People. The list of public education events in this report demonstrates the creative approaches used by the commission to teach Alaskans about their rights and responsibilities under Human Rights Law.

Tomorrow's Challenge

In 1988, the commission will celebrate the twenty-fifth anniversary of the passage of the legislation which created the commission and promised an avenue of redress to Alaskans suffering discrimination. What are the unresolved civil rights issues in Alaska and what challenges face the agency in the years ahead?

First, the meaning of pay equity for women must be decided by the Alaska courts. The appeal of the Public Health Nurses' case remains a priority for the commission. Alaskan women continue to file wage discrimination complaints

Participation at Anchorage Black Leadership Coalition meeting, Anchorage

TV clip on 1986 Annual Report, Eyewitness News, KTVA, KBYR, KNIK, Anchorage

Interview on Human Rights Law, Bristol Bay Times, Dillingham

Presentation on commission's response to the Hispanic community to LULAC Alaska, Anchorage

Workshops at Minority Girls Leadership Conference, Anchorage

Presentation on AIDS and disability discrimination to Shanti, Juneau

Presentation at Sitka Vocational Resource Center, Sitka

Workshop on sexual harassment and pay equity for women's conference sponsored by the North Slope Borough Health Department, Barrow

Interview on sexual harassment and ASCHR's complaint process, KBRW, Barrow

Presentation on Alaska Human Rights Law and complaint process to Filipino Community and speech to Chamber of Commerce, Barrow

Workshop for managers and supervisors, and workshop for employees, North Slope Borough Department of Public Safety, Barrow

Presentation on new disability law to APEA, Anchorage

Workshop for employers and employees through Alaska Department of Labor Job Service, Ketchikan

Speech to Alaska chapter of American Association for Public Accountants, Anchorage

Address at regional meeting of American Association for Affirmative Action, Fairbanks

Workshop on the commission, Human Rights Law and complaint process, Kotzebue

patterned after the nurses' case. The failure of the state to implement its own classification and pay system for state workers has already been challenged in court as a result of this landmark case. Ultimately, the Alaska court's ruling on the Commission's Decision and Order in the Public Health Nurses' case interpreting for the first time the comparable character section of Human Rights Law will have broad application and far-reaching impact on state government and on most employers in Alaska.

Second, the implementation of the Disabled Bill of Rights will bring to the mentally and physically disabled the rights to full participation in Alaskan life. The commission's role in this endeavor will demand forging a partnership with the disabled community so that progress toward a barrier-free society can be achieved constructively.

Third, the policy of "Shareholder Preference" must be examined by the commission. Complaints alleging race and national origin discrimination are being filed by non-Natives and Native non-shareholders. Shareholder preference policies have been adopted by many Native employers as a means of increasing employment of Alaska Natives, historically disadvantaged and victimized by employment discrimination. The commission has requested an Attorney General's opinion on the legality of this widespread employment policy under Alaska Human Rights Law.

Finally, the commission must seek ways to attack the root causes of discrimination by the development of an effective special investigations and technical assistance unit. Only by identifying major sources of discrimination and working toward the elimination of unlawful policies and practices can the commission fulfill its legislative mandate. At the same time, however, the commission must not be deterred from continuing to improve its service to individuals who seek justice by filing complaints. Striving to meet these twin goals--often in conflict because of inadequate funding--will remain a management challenge for the commission for many years to come.

At Long Last, Equity

After three years of negotiating on her own, a woman professor heard a commission staff member speak on pay equity and decided to file a complaint. The female professor alleged that her academic preparation and professional background were comparable to that of her male counterparts who were paid a higher salary. The case was successfully settled when the academic institution upgraded her salary comparable to the men's and paid her \$18,300 in retroactive wage differential.

Clean Up The Kitchen

A Black food service worker finally quit when racial remarks made her job intolerable. Within 50 days of filing with the commission, the complainant was reinstated with back pay and a commitment from the employer to provide a bias-free working environment. The employer sent its supervisors to the commission offices for training on the requirements of Human Rights Law.

ALASKA HUMAN RIGHTS LAW: CURRENT PROTECTIONS

	EMPLOYMENT	PUBLIC ACCOMMODATIONS	HOUSING	FINANCING PRACTICES	GOVERNMENT PRACTICES
RACE/COLOR	✓	✓	✓	✓	✓
RELIGION	✓	✓	✓	✓	✓
NATIONAL ORIGIN	✓	✓	✓	✓	✓
SEX	✓	✓	✓	✓	✓
PHYSICAL/MENTAL DISABILITY	✓	✓	✓	✓	✓
MARITAL STATUS	✓	✓	✓	✓	
CHANGE IN MARITAL STATUS	✓	✓	✓	✓	
PREGNANCY	✓	✓	*	✓	
PARENTHOOD	✓	✓			
AGE	✓			*	
CREED		*			*

* LIMITED COVERAGE

1987 LITIGATION AND HEARINGS

The appeal of the commission's decision in Janet Bradley ex rel. Constance Trollan et al. v. Alaska Departments of Administration and Health and Social Services is assigned to Judge Craske in the first judicial district at Sitka. Final briefs will be submitted in February and oral argument will be heard in the spring. A Superior Court decision is expected in 1988 but appeal to the Alaska Supreme Court is anticipated. Novel legal issues in this case include the interpretation of equal pay for work of "comparable character" required by AS 18.80.220(a)(5) and the right to challenge the discriminatory effects of subjective practices in a pay system under AS 18.80.220(a)(1) using a disparate impact analysis.

In Corazon Fox v. Alaska State Commission for Human Rights and Alascom, Inc., complainant alleged that Alascom had discriminated on the basis of race or national origin by terminating her from employment. The commission closed Fox's case for not substantial evidence. On reconsideration, the chairperson affirmed the closing order. Fox appealed to the Superior Court. The Superior Court held: 1) the appropriate standard of review for questions of law is the "substitution of judgment" test; 2) the facts support an inference of a "hostile work environment" sufficient to warrant further investigation; 3) Fox's case should be examined under Jeppsen v. Wunnicke, 611 F. Supp. 78 (D. Alaska 1985) and Henson v. City of Dundee, 682 F.2d 897 (11th Cir. 1982); 4) a trial de novo is not an appropriate remedy in this case; 5) the case is remanded to the agency for further investigation.

Commission Decisions and Orders

In Janet Bradley ex rel. Kathleen Edwards v. Eileen Seals International Modeling Agency, complainant alleged that she had been sexually harassed and then terminated after refusing to comply with the sexual demands of her employer. The commission found for the complainant and awarded her \$1,843 in back pay, plus interest.

Environmental Hazards

Two Filipino workers complained of national origin discrimination because of their supervisor's ethnic slurs. During investigation, the employer admitted the supervisor acted inappropriately but blamed the workplace tensions on disgruntled Filipino workers. Discussions with the parties yielded a pre-determination settlement. The employer agreed to obtain training for managers and supervisors on the requirement to maintain a work environment free from ethnic harassment or intimidation.

In Janet Bradley ex rel. Carol Dunlap v. Public Safety Employees Association, complainant alleged that she was the victim of sexual harassment when respondent's official referred to her in a sexually derogatory manner during a union meeting. The commission found for the respondent and determined that an isolated instance of improper remarks which had no demonstrable effect on the workplace on or the employee's ability to perform her job did not constitute sex discrimination.

In Janet Bradley ex rel. Frances Hubbard v. Mitkof Lumber Company, complainant, the only female salaried employee of the company, was asked to extend her working hours when she was given a wage increase. Male employees given a similar wage increase were not asked to extend their hours. The commission ruled for the respondent because complainant worked fewer hours than the male employees prior to the wage increase and complainant was not similarly situated to the male employees.

Pre-hearing Settlements

In Janet Bradley ex rel. John Larson v. City and Borough of Juneau, an Alaska Native fireman alleged race discrimination when he was terminated as a disciplinary measure. Complainant claimed he was disciplined more severely than other employees who committed infractions of a similar magnitude. The case was settled for \$80,000.

In another case, complainant alleged sex-wage discrimination because the female-dominated job classification in which she had been employed was paid less than a male-dominated classification in which males performed work of comparable character. Complainant received a \$10,000 settlement.

In another sex discrimination case, complainant alleged that when her position was eliminated, she was terminated rather than considered for a newly created position incorporating her old duties. The case was settled for \$10,000.

Nighttime's the Right Time

A woman seeking a job driving a taxi was turned down by an employer who wanted only men on the night shift. The woman filed a complaint of sex discrimination, and a resolution conference was scheduled. The case settled before the conference when the employer agreed to offer complainant a job driving the night shift and promised to discontinue the males-only practice.

Husband Wins Office, Wife Loses Job

As soon as her husband was elected to the city council, a secretary with five years of employment by the local government was given notice of her termination. The local ordinance prohibited municipal employment of spouses of elected officials. Alleging marital status discrimination, the wife challenged the ordinance by filing an internal grievance and a complaint with the commission. The employer quickly rescinded the termination and the ordinance is under-going review for amendment.

1987 Case Processing Statistics

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX:

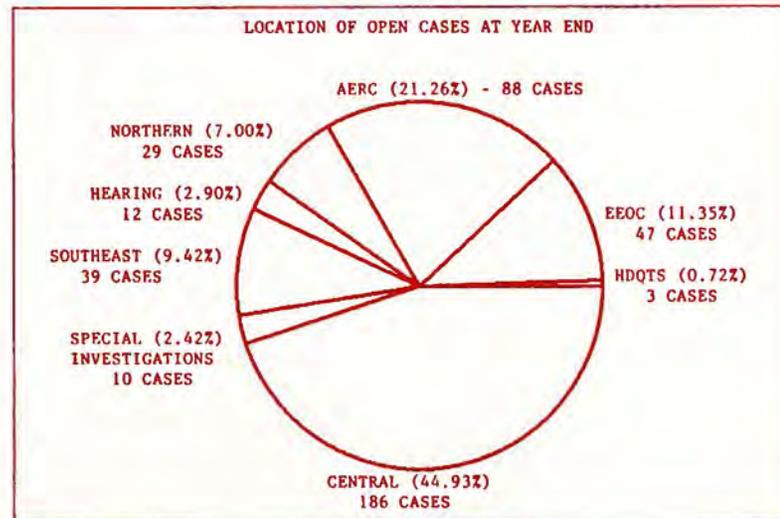
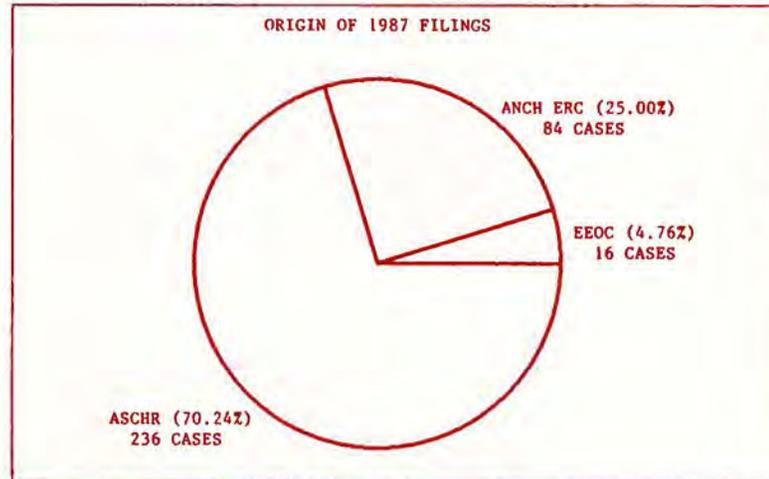
Female	189
Male	145
Director's Charge	1
Unknown	1
TOTAL FILINGS	336

ANALYSIS OF FILINGS BY COMPLAINANT'S RACE:

Caucasian	172
Black	85
Alaska Native	39
Asian	11
Hispanic	9
American Indian	7
Other	3
Director's Charge	1
Unknown (other agency filings)	9
TOTAL FILINGS	336

ANALYSIS OF FILINGS BY TYPE:

Employment	295
Housing	20
Gov't Practices	11
Public Accom.	8
Coercion	2
Finance	0
TOTAL FILINGS	336



ANALYSIS OF FILINGS BY BASIS:

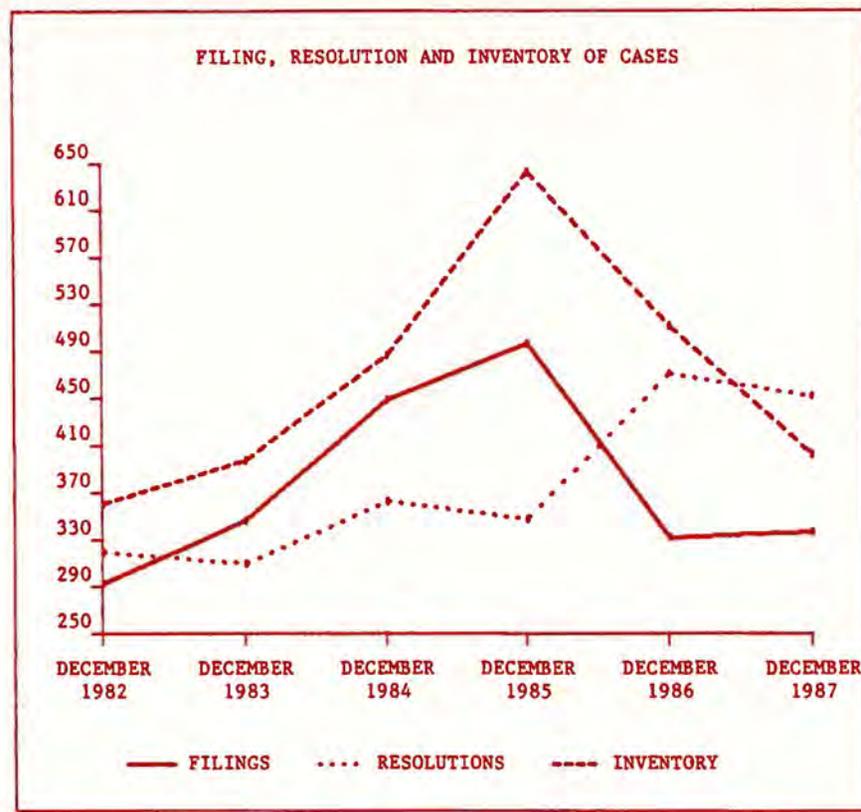
	Single Bases Complaint	Multiple Bases Complaint
Race/Color	97	30
Sex	71	31
Multiple	56	0
Age	26	17
Physical Disability	18	10
National Origin	15	6
Pregnancy	15	4
Retal. for filing	10	2
Retaliation	9	7
Marital Status	8	4
Religion	7	1
Mental Disability	2	1
Parenthood	2	2
Change/Marital Status	0	0
TOTAL FILINGS	336	115

ANALYSIS OF FILINGS BY ISSUE:

	Single Issue Complaint	Multiple Issues Complaint
Discharge	123	37
Failure to Hire	64	6
Multiple	53	0
Terms/Employment	45	36
Other	12	11
Eviction	8	0
Pay Equity	7	5
Failure/Promote	7	7
Services Denied	7	2
Failure to Rent	4	0
Demotion	3	9
Failure/Dispatch	1	0
Failure to Sell	1	0
Credit Denied	1	0
TOTAL FILINGS	336	113

ANALYSIS OF 1987 CLOSURES

Reason for Closure	Number of Closures	Percentage of Total
ADMINISTRATIVE CLOSURES:		
Complaint Withdrawn	33	7.32%
Lack of Jurisdiction	14	3.10%
Complainant Not Available	24	5.33%
Failure of Complainant to Proceed	41	9.09%
Complainant in Court	2	.44%
Administrative Dismissal	12	2.66%
Subtotal	126	27.94%
CONCILIATION/SETTLEMENT CLOSURES		
Successful Settlement	17	3.77%
Pre-Determination Settlement	97	21.51%
Substantial Evidence/ Conciliation Agreement	6	1.33%
Substantial Evidence/Full Relief Rejected by Complainant	2	.44%
Subtotal	122	27.05%
NOT SUBSTANTIAL EVIDENCE	194	43.01%
HEARING CLOSURES		
Hearing Decision for Complainant	1	.22%
Hearing Decision for Respondent	2	.45%
Pre-Hearing Settlement	4	.89%
Hearing Administrative Dismissal	1	.22%
Hearing Closure--Other	1	.22%
Subtotal	9	2.00%
TOTAL 1987 CLOSURES	451	100.00%



SUMMARY OF CLOSING ACTIONS

Reason for Closure	1985		1986		Detail of 1987 Closures					
	No.	%	No.	%	ASCHR		EEOC		AERC	
Conciliation/Settlement Closures	117	33.7	149	31.7	75	28.7	2	3.6	50	37.0
Not Substantial Evidence	110	31.7	209	44.5	92	35.2	46	83.6	58	42.9
Administrative Closures	120	34.6	112	23.8	94*	36.0	7	12.7	27	20.0
TOTAL CLOSURES	347		470		261		55		135	
					451					

*Includes dismissal of non-jurisdictional cases dual-filed by worksharing agencies.

EEO PROGRESS IN STATE GOVERNMENT

As required by Human Rights Law, the commission has conducted an overall assessment of the progress of equal employment opportunity by every department of state government. Although resources do not permit an exhaustive audit of the state's equal employment opportunity and affirmative action program, commission staff obtained work force statistics from the Office of Equal Employment Opportunity and interviewed selected state officials responsible for equal opportunity and affirmative action within state departments. The statistical charts and commentary in this report illustrate some of the residual barriers to the fair employment of minorities and women in the executive branch. Also included are some of the successful strategies initiated by state agencies where equal opportunity and affirmative action is more than a slogan on the recruitment bulletin.

Small Incremental Gains

The commission's last progress report appeared in the agency's 1984 Annual Report. For the sake of consistency and to establish historical benchmarks, this report includes profiles of women and minorities in permanent full-time jobs in each department of state government in 1981, 1984 and 1987. These charts reveal that while the total number of state employees fell by 15 percent since 1981, the number of minorities employed in state jobs increased and the percentage of minorities employed rose by 4.2 percent over the past six years. In comparison, the percentage of women employed in state jobs increased by 3.4 percent since 1981 although the number of women state workers declined.

Thus, despite the sizable layoffs of state workers, the fear that minorities would be disproportionately affected was unrealized. Although gains for minorities were small, they nevertheless merit favorable comment when viewed in the context of the shrinking state work force.

1987 STATE OF ALASKA WORKFORCE
(PERMANENT FULL-TIME EMPLOYEES)

RACE	NUMBER MALES	NUMBER FEMALES	TOTAL
WHITE	4,999	3,877	8,876
BLACK	167	142	309
HISPANIC	69	94	163
ASIAN/ PACIFIC ISLANDER	130	178	308
ALASKA NATIVE/ AMERICAN INDIAN	317	373	690
UNKNOWN	16	13	29
TOTAL	5,698	4,677	10,375

Asians and Hispanics increased their participation. Blacks increased slightly. Alaska Natives/American Indians as a group increased the most. A trend analysis, however, shows that participation of Alaska Natives increased from 3.4 percent in December 1984 to 4.3 percent in December 1987. In actual number employed, Alaska Natives increased from 347 in 1984 to 531 in December 1987.

Expanded Certification Unevaluated

In early 1984, a new affirmative action tool called expanded certification was introduced to enhance selection of applicants from underutilized classes for state employment. The intervention of the Alaska Women's Commission resulted in an expanded certification program to place women in higher range state jobs. Currently when a member of an underutilized class is hired or promoted, a special report is completed; but no record is made to indicate whether expanded certification was instrumental in the affirmative action hire. Therefore, the success of the expanded certification program cannot be evaluated.

Minority women have increased in number employed and percentage of the female state work force. Women and minorities continue to be overrepresented in lower-paying state jobs and underrepresented in the higher echelons of state service. Generally, women and minorities have been slowly creeping up the salary scale; however, the major impediment to pay equity for state workers remains the failure to implement the state classification and pay study completed in 1986.

No Data on the Disabled

Affirmative action data on state employees is collected on a separate form as part of the application package, but statistics on disabled employees in the executive branch are not currently compiled. Nor does the state's affirmative action plan contain goals for hiring the handicapped.

1987 STATE OF ALASKA WORKFORCE
(PERMANENT PART-TIME EMPLOYEES)

RACE	NUMBER MALES	NUMBER FEMALES	TOTAL
WHITE	26	158	184
BLACK	7	4	11
HISPANIC		3	3
ASIAN/ PACIFIC ISLANDER	2	11	13
ALASKA NATIVE/ AMERICAN INDIAN	4	19	23
UNKNOWN	2	3	5
TOTAL	41	198	239

1987 STATE OF ALASKA WORKFORCE
(SEASONAL EMPLOYEES)

RACE	NUMBER MALES	NUMBER FEMALES	TOTAL
WHITE	872	440	1,312
BLACK	10	6	16
HISPANIC	9	3	12
ASIAN/ PACIFIC ISLANDER	9	4	13
ALASKA NATIVE/ AMERICAN INDIAN	59	34	93
UNKNOWN	30	20	50
TOTAL	989	507	1,496

When commission staff approached the Division of Vocational Rehabilitation about the state's record in hiring the handicapped, officials stated that the state's overall performance was poor. Division officials offered several practical recommendations for improvement. First, creating a preferential hire mechanism for all state positions would help the handicapped. Second, a survey of state job classes to target positions for the handicapped is needed. Third, departments underutilizing handicapped workers should notify the division. Fourth, commissioners and hiring officials should meet with Vocational Rehabilitation to clarify goals and objectives for monitoring progress of handicapped hire. Fifth, the state should make special efforts to "market the hire" of handicapped persons in 1988, the "National Employ the Handicapped Year".

Finally, Vocational Rehabilitation officials were quite concerned about the accessibility of state buildings and its impact on employment of the disabled. In particular, the exterior access to the Goldbelt Building, where the Juneau office of Vocational Rehabilitation is housed, was identified as a problem. The State Office Building, the site of the Human Rights Commission's Juneau office, was rated as accessible to the handicapped--but only at personal body risk.

Successful Strategies

Commission staff went to departmental officials to find out why some departments excelled and others were chronically low in minority employment. The Department of Health and Social Services credited aggressive outreach efforts to rural Alaska for their success. Officials in the Department of Community and Regional Affairs attributed their high level of minority participation to the department's progressive attitude. Hiring authorities in the department are required to submit a justification of non-minority hire if the position has been identified for affirmative action.

NUMBER OF MINORITIES AND
FEMALES EMPLOYED BY THE
STATE OF ALASKA
1981 - 1987
(PERMANENT FULL-TIME, PERMANENT PART-TIME
AND SEASONAL)

YEAR	FEMALES	%	MINORITIES	%
1981	5014	43.8	1079	9.7
1982	5437	44.8	1176	9.6
1983	5410	44.8	1136	9.4
1984	5359	45.4	1326	11.2
1987	5382	44.44	1738	14.35

NUMBER OF ALASKA NATIVES/AMERICAN INDIANS
EMPLOYED BY THE STATE OF ALASKA
1981 - 1987
(PERMANENT FULL-TIME, PERMANENT PART-TIME
AND SEASONAL)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1981	539	4.68
1982	572	4.65
1983	528	4.36
1984	594	5.03
1987	806	6.7

NUMBER OF BLACKS EMPLOYED BY
THE STATE OF ALASKA
1981 - 1987
(PERMANENT FULL-TIME, PERMANENT PART-TIME
AND SEASONAL)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1981	252	2.18
1982	275	2.23
1983	275	2.27
1984	324	2.75
1987	336	2.77

Officials in the Department of Corrections stated that the mandatory hiring guidelines developed by former Commissioner Roger Endell and continued by Commissioner Susan Humphrey-Barnett were the biggest factor in exceeding their affirmative action goals. Hiring authorities are required to interview, not just consider, members of any underutilized class on the register and must justify the non-selection of underutilized applicants for positions targeted for affirmative action. Extensive outreach and travel to rural communities for on-site testing and training have also proven successful in their recruitment strategy.

Residual Barriers

Other departments such as Environmental Conservation, Natural Resources, and Fish and Game cite the professional degrees and the required technical experience of their departmental job classes as their biggest obstacles in meeting affirmative action goals. Outreach, continuous recruitment of minority applicants, job fairs to attract graduate students, and an intern program through the University of Alaska have not produced significant numbers of minority applicants for jobs at the Department of Environmental Conservation. Commissioner Dennis Kelso has recently instituted an employment appointment procedure requiring hiring authorities to justify the non-selection of an applicant from an underutilized class. Both professional and para-professional job classes unique to the department are open for continuous recruitment for qualified minority and female candidates.

At Natural Resources, officials speculated that the increase in minority participation from 4.9 percent in 1984 to the current 7.6 percent was largely due to the efforts of Commissioner Judith Brady. Such efforts included the evaluation of departmental directors and hiring authorities on their EEO achievements. When a reduction in staff was required, an "across-the-board" layoff was planned to minimize impact on minority employees.

NUMBER OF HISPANICS EMPLOYED BY
THE STATE OF ALASKA
1981 - 1987
(PERMANENT FULL-TIME, PERMANENT PART-TIME
AND SEASONAL)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1981	103	.89
1982	106	.86
1983	111	.92
1984	141	1.19
1987	178	1.47

NUMBER OF ASIANS EMPLOYED BY
THE STATE OF ALASKA
1981 - 1987
(PERMANENT FULL-TIME, PERMANENT PART-TIME
AND SEASONAL)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1981	185	1.60
1982	223	1.81
1983	216	1.79
1984	268	2.27
1987	334	2.76

TREND ANALYSIS: ALASKA NATIVES EMPLOYED BY
THE STATE OF ALASKA 1984 - 1987
(PERMANENT FULL-TIME AND PART-TIME, SEASONAL)

DATE	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
December 1984	347	3.4
December 1985	489	3.8
December 1986	521	4.1
October 1987	528	4.4

Cross-cultural Barriers

Officials in the Department of Fish and Game acknowledged that their affirmative action goals were not met. The department was hard hit by recent budget cuts resulting in loss of 162 employees, including the full-time EEO officer. Most of the positions eliminated were filled by White males who took advantage of the early retirement incentive program. Thus, the department was able to increase minority participation, if only slightly. Fish and Game has developed special outreach programs including "Project Wildlife" in which students in the University of Alaska system learn about job opportunities and professional requirements at Fish and Game. In 1984-85, the department created a "Cross-cultural Task Force" to provide training for managers and employees to break down cultural barriers. This program was geared toward improving relations with Alaska Natives and to resolve conflicts between departmental guidelines and Native lifestyles in rural areas.

Most departmental officials interviewed called for more training and technical assistance from the Office of EEO. Many hoped that the reorganization of that office would be completed quickly. All expressed concern with the state's affirmative action plan which is out-of-date and in need of revision. Officials felt that with the Office of Equal Employment Opportunity in flux, it was difficult to define roles and responsibilities for equal opportunity and affirmative action in state government.

Role of the EEO Office

In 1985, legislation was passed creating an Office of Equal Employment Opportunity in the Office of the Governor. For the first time in the state's history, the responsibility for equal employment opportunity/affirmative action for state workers was enshrined in law. With the change in administration the following year, the EEO/AA regulations proposed by the Office were withdrawn. The Cowper administration determined to study the three civil rights agen-

MINORITIES IN ALASKA STATE GOVERNMENT MONTHLY SALARY LEVELS				
SALARY GROUP	TOTAL EMPLOYEES IN GROUP	GROUP PERCENTAGE OF TOTAL EMPLOYEES	NUMBER OF MINORITY EMPLOYEES	MINORITY PERCENTAGE OF SALARY GROUP
\$8,999 - 8,000	2	.02%	0	0%
\$7,999 - 7,000	12	.12%	0	0%
\$6,999 - 6,000	118	1.2 %	4	3.4%
\$5,999 - 5,000	498	5.1 %	32	6.4%
\$4,999 - 4,000	1,190	12.3 %	78	6.6%
\$3,999 - 3,000	2,966	30.6 %	292	9.8%
\$2,999 - 2,000	3,365	34.7 %	574	17.1%
\$1,999 - 1,000	1,548	16.0 %	353	32.0%
	9,699		1,333	

cies within the Office of the Governor--the Office of Equal Employment Opportunity, the Human Rights Commission and the Women's Commission. Special Assistant to the Governor Ray Price met with state officials and constituent groups across the state seeking advice and ideas for improving the state's civil rights programs. The reorganization plan developed by Price kept the three agencies as separate bodies but strengthened the EEO Office. A disadvantaged business enterprise/female business enterprise (DBE/FBE) component was added, employee training and affirmative action activities were emphasized, and a new mechanism for handling internal EEO complaints was devised. After months of delay, an interim plan was approved in December 1987 leaving the DBE/FBE responsibility in the Department of Transportation and Public Facilities. Under the revised plan, the resources of the EEO office are focused on the affirmative action plan, training and technical assistance to state agencies, and meeting federal EEO requirements for state funding. All internal EEO programs are now consolidated in the Office of Equal Employment Opportunity.

Acting EEO Director Michael McKennett confirmed that revision of the state's affirmative action plan had been delayed by the pending reorganization. McKennett stated under the new reorganization plan that he intended to assign five full-time staff to analyze departmental statistics, assess prior performance and evaluate the programs implemented under old affirmative action plans. The plan is now scheduled to be prepared in spring 1988 with an effective date of July 1, 1988. McKennett, when interviewed, reflected on the effect of the Reagan administration's attack on affirmative action. McKennett felt that affirmative action officers nationwide became reticent in the face of "reverse discrimination" charges and assumed less risky postures. With the favorable rulings on affirmative action by the U.S. Supreme Court last spring, McKennett forecast a much bolder approach to affirmative action. With the strong support of Governor Cowper, McKennett expressed confidence that the state Office of Equal Employment Opportunity would become more aggressive in identifying and remedying inequities in the state workplace.

FEMALES IN ALASKA STATE GOVERNMENT MONTHLY SALARY LEVELS				
SALARY GROUP	TOTAL EMPLOYEES IN GROUP	GROUP PERCENTAGE OF TOTAL EMPLOYEES	NUMBER OF FEMALE EMPLOYEES	FEMALE PERCENTAGE OF SALARY GROUP
\$8,999 - 8,000	2	.02%	0	0%
\$7,999 - 7,000	12	.12%	0	0%
\$6,999 - 6,000	118	1.2 %	16	13.6%
\$5,999 - 5,000	498	5.1 %	88	17.7%
\$4,999 - 4,000	1,190	12.3 %	225	18.9%
\$3,999 - 3,000	2,966	30.6 %	942	31.7%
\$2,999 - 2,000	3,365	34.7 %	1,947	57.9%
\$1,999 - 1,000	1,548	16.0 %	1,280	82.7%
	9,699		4,498	

STATE OF ALASKA EMPLOYMENT PROFILE
For the Years 1981, 1984 and 1987

MINORITIES

DEPARTMENT	1981			1984			1987		
	TOTAL EMPLOYEES	NUMBER MINORITIES	PERCENTAGE MINORITY	TOTAL EMPLOYEES	NUMBER MINORITIES	PERCENTAGE MINORITY	TOTAL EMPLOYEES	NUMBER MINORITIES	PERCENTAGE MINORITY
Office of the Governor	253	36	14.2%	219	39	17.8%	185	32	17.3%
Administration	910	85	9.3%	1,062	184	17.3%	928	173	18.6%
Commerce & Economic Development	386	30	7.8%	410	40	9.8%	335	37	11.0%
Community Regional Affairs	201	49	24.4%	177	37	20.9%	164	40	24.4%
Corrections	Created by Executive Order March 9, 1984			879	138	15.7%	979	195	19.9%
Education	426	41	9.6%	420	51	12.1%	441	49	11.1%
Environmental Conservation	206	9	4.4%	215	6	2.8%	208	10	4.8%
Fish and Game	1,010	36	3.6%	787	41	5.2%	625	36	5.8%
Health & Social Services	1,924	290	15.1%	1,524	236	15.5%	1,450	279	19.2%
Labor	583	67	11.5%	534	60	11.2%	523	77	14.7%
Law	276	15	5.4%	315	31	9.8%	302	28	9.3%
Military & Veterans' Affairs	89	14	15.7%	96	7	7.3%	93	11	11.8%
Natural Resources	897	45	5.0%	801	39	4.9%	515	39	7.6%
Public Safety	874	76	8.7%	831	82	9.9%	701	94	13.4%
Revenue	314	25	8.0%	333	38	11.4%	303	40	13.2%
Transportation & Public Facilities	3,061	261	8.5%	2,059	191	9.3%	1,947	193	9.9%
TOTAL	11,410	1,079	9.5%	10,662	1,220	11.44%	9,699	1,333	13.7%

(Permanent Full-Time Employees)

STATE OF ALASKA EMPLOYMENT PROFILE
For the Years 1981, 1984 and 1987

FEMALES

DEPARTMENT	1981			1984			1987		
	TOTAL EMPLOYEES	NUMBER FEMALES	PERCENTAGE FEMALES	TOTAL EMPLOYEES	NUMBER FEMALES	PERCENTAGE FEMALES	TOTAL EMPLOYEES	NUMBER FEMALES	PERCENTAGE FEMALES
Office of the Governor	253	168	66.4%	219	151	68.9%	185	127	68.3%
Administration	910	549	60.3%	1,062	647	60.9%	928	599	64.6%
Commerce & Economic Development	386	211	54.7%	410	197	48.0%	335	176	52.5%
Community & Regional Affairs	201	116	57.7%	177	107	60.5%	164	96	58.5%
Corrections	Created by Executive Order March 9, 1984			879	270	30.7%	979	298	30.4%
Education	426	282	66.2%	420	267	63.6%	441	289	65.5%
Environmental Conservation	206	82	39.8%	215	86	40.0%	208	78	37.5%
Fish and Game	1,010	334	33.1%	787	267	33.9%	625	210	33.6%
Health & Social Services	1,924	1,160	60.3%	1,524	979	64.2%	1,450	943	65.0%
Labor	583	342	58.7%	534	303	56.7%	523	303	57.9%
Law	276	177	64.1%	315	201	63.8%	302	195	64.6%
Military & Veterans' Affairs	89	29	32.6%	96	28	29.2%	93	32	34.4%
Natural Resources	897	362	40.5%	801	362	45.2%	515	243	47.2%
Public Safety	874	320	36.6%	831	287	34.5%	701	260	37.1%
Revenue	314	194	61.8%	333	207	62.2%	303	185	61.1%
Transportation & Public Facilities	3,061	644	21.0	2,059	504	24.5%	1,947	464	23.8%
TOTAL	11,410	4,970	43.2%	10,662	4,863	45.6%	9,699	4,498	46.4%

(Permanent Full-Time Employees)

**ALASKA
WOMEN'S COMMISSION**

Enabling Legislation

AS 44.19.165-180

Type of Agency

Research, Advocacy and Education

Purpose

To implement the recommendations in the preliminary study of the status of women in Alaska mandated by the 9th legislature

To improve the status of women in Alaska by further research and by implementing additional recommendations on the opportunities, needs, problems and contributions of women in Alaska

Target Population

The entire female population in Alaska

Commission

Nine public members and an ex officio member representing the attorney general's office who serve at the pleasure of the governor; commissioners not compensated for services

Role of Commissioners

Bring diverse perspectives, including those of homemakers, and interest, knowledge, or experience in the issues

Hire an executive director and other staff necessary to the commission's function.

Establish standing committees and taskforces to research and make recommendations on the status of women

Establish policy and program direction

**ALASKA STATE COMMISSION FOR
HUMAN RIGHTS**

Enabling Legislation

AS 18.80.010-300

Type of Agency

Enforcement

Purpose

To prevent and eliminate discrimination on the basis of race, color, national origin, religion, sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood and age in public and private sector employment, public accommodations, housing, finance and credit, and practices by the state and its political sub-divisions

Target Population

All persons and classes of persons suffering discrimination in Alaska

Commission

Seven public members appointed by the Governor for staggered five-year terms and confirmed by the legislature; commissioners not compensated for services

Role of Commissioners

Adjudicate cases of discrimination at public hearing and issue commission decisions and orders enforceable in court

Adopt regulations implementing and interpreting Alaska Human Rights Law

Appoint executive director approved by the governor and hire other staff

Establish policy and program direction

**OFFICE OF EQUAL
EMPLOYMENT OPPORTUNITY**

Enabling Legislation

AS 44.19.441-449

Type of Agency

Administrative and Compliance

Purpose

To ensure fair employment practices in state government and to ensure compliance with AS 44.19.441-449 and Administrative Orders 75 and 81

To monitor the state affirmative action plan for the employment, retention and advancement of women, minorities, the handicapped, other disadvantaged workers

To develop and administer the state's federally required internal equal employment opportunity programs

Target Population

State employees, applicants for state employment, and former state employees

Commission

N/A

Role of Commissioners

N/A

Major Activities

Conduct research, accumulate and compile data about discrimination against women

Study and analyze Alaska laws, regulations and guidelines with respect to equal protection for women

Disseminate the results of research and compilation of data by publications, public hearings, conferences and seminars

Recommend legislative and administrative action on equal treatment and opportunities for women

Act as clearinghouse and coordinating body for governmental and nongovernmental information relating to the status of women in Alaska

Encourage the development of regional and municipal women's councils or commissions

Encourage women to assume leadership roles, and conduct joint efforts to study and resolve women's problems with public and private sector agencies

Major Issues

Improving the status of women in Alaska; addressing the opportunities, needs, problems and contributions of Alaskan women. Issues include but are not limited to education, homemaking, civil and legal rights, labor and employment, health, economic equity, families and work, child care, family equity (divorce reform), welfare reform

Type of Staffing

3 full-time paid staff: one administrator/program developer, one researcher, one support staff, 1 part-time paid staff (Senior Employment Program)

An additional 600 to 1,000 hours of volunteer time is donated each year

20 statewide women's organizations work on Commission issues and projects each year

FY89 Budget Request \$204,600 Gen Funds
\$ 11,200 I/A Recpts

Major Activities

Accept complaints of discrimination from public; executive director may file on behalf of persons

Identify and eliminate discriminatory policies and practices of major impact

Conduct impartial investigations and attempt early resolution of cases

Determine violations of Human Rights Law and conciliate cases of discrimination

Obtain relief for complainants (back pay, jobs, pay differentials, a bias free workplace and other remedies)

Counsel inquirers about Human Rights Law and redirect them to other sources of redress

Inform the public about rights and provide technical assistance to employers, landlords, businesses, lending institutions, and state/local governments

Major Issues

Discriminatory discharge and unfair employment policies and practices, denial of jobs to minorities, women and the disabled, sexual harassment and racial bias in the workplace, pay equity for women, mandatory retirement, accessibility for the disabled

Type of Staffing

19 full-time paid staff: 1 administrator, 1 staff attorney, 3 supervisors, 8 investigators, 1 docket officer, 5 support staff with headquarters in Anchorage and Juneau and Fairbanks field offices

Worksharing agreements with EEOC and HUD and the Anchorage Equal Rights Commission increase staff case processing capability

FY89 Budget Request \$945,700 Gen Funds
\$ 88,900 Fed Recpts

Major Activities

Assist state officials to carry out EEO responsibilities and train state managers and supervisors in affirmative action

Offer orientation programs to employees to inform them of their rights

Monitor state personnel practices, analyze workforce composition and implement performance evaluation standards for affirmative action requirements

Prepare federally mandated EEO reports and plans

Prepare the affirmative action plan for the executive branch and ensure agency compliance with affirmative action plans and programs

Assist the Division of Labor Relations in collective bargaining negotiations

Accept, investigate and resolve informal complaints

Serve as primary state liaison with civil rights agencies and with community groups

Recommend action to the Governor relating to affirmative action and report to the Governor and legislature on progress

Major Issues

Equal employment opportunity and affirmative action in state employment practices

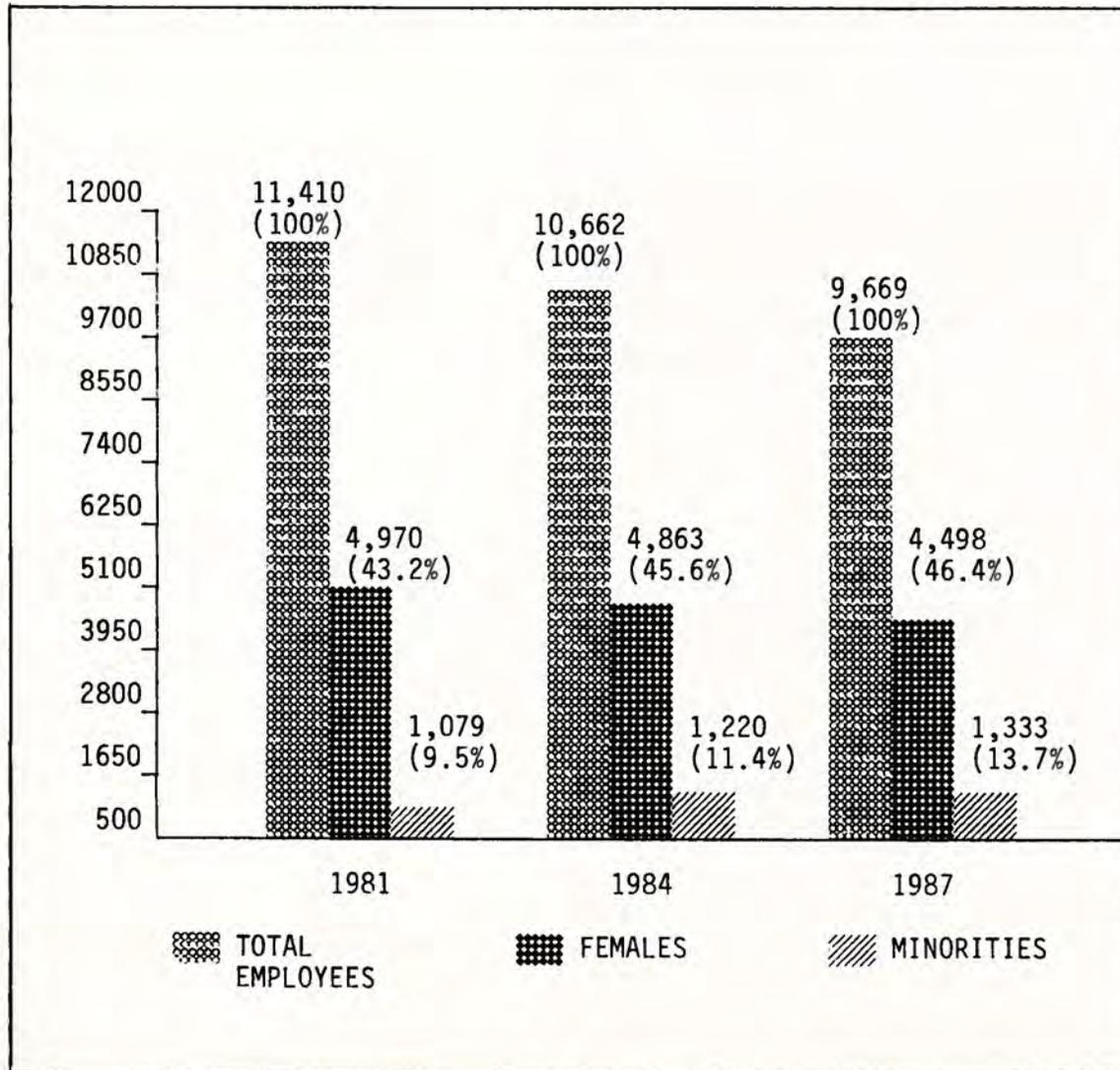
Meeting the federal EEO regulatory requirements as a condition for the state's receipt of federal funds

Type of Staffing

10 full-time paid staff: one administrator, six equal opportunity employment specialists, one data specialist, two support staff

FY89 Budget Request \$551,800 Gen Funds

Females and Minorities in Alaska State Government



(Permanent Full-time Employees)

Alaska State Commission for Human Rights

800 'A' Street

Suite 202

Anchorage, Alaska 99501