

# ***Alaska State Commission for Human Rights***

***1963 – 1988***

***1988 Annual Report***



February 17, 1989

The Honorable Steve Cowper, Governor, State of Alaska;  
The Honorable Tim Kelly, President, Alaska Senate; and  
The Honorable Sam Cotton, Speaker, Alaska House of Representatives

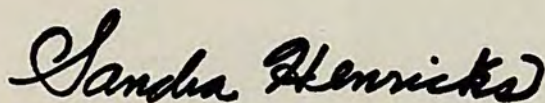
On behalf of the Alaska State Commission for Human Rights, I am submitting our 1988 Annual Report. The Commission celebrated its 25th anniversary in 1988, an event recognized by both the legislative and administrative bodies of government. At the June meeting in Fairbanks, the Commission was presented with a citation from the Alaska Legislature in honor of its silver anniversary. The Governor issued an executive proclamation in honor of the Human Rights Commission and met with the Commissioners at the October meeting in Anchorage.

This anniversary gave staff an opportunity to review what the Commission has accomplished during its first 25 years. The significant events are listed in this year's report. We have also included a brief biography of each Commissioner.

1988 was our first full year of enforcing the expanded civil rights laws protecting the physically disabled and the newly protected mentally disabled. The Commission proposed and held public hearings on disability regulations in the areas of employment and governmental services. After public input the Commission revised and adopted the regulations and forwarded them to the Department of Law for legal approval.

The Commission continues to be challenged by the need for timely and quality investigations of complaints of discrimination in a time of declining resources. We face this demand in a year when filings are on the increase. We trust that you will reaffirm your commitment to civil rights enforcement in the state of Alaska and support our efforts.

We are proud of our place in Alaska's history as its leading civil rights enforcement agency. We look forward to the future with the belief that one day equal opportunity will be the rule and discrimination the rare exception.



Sandra A. Henricks  
Chairperson  
Alaska State Commission for Human Rights

## COMMISSION OFFICES

### HEADQUARTERS AND INVESTIGATIONS

800 "A" STREET  
SUITES 202 and 204  
ANCHORAGE, ALASKA 99501-3628

### TOLL-FREE COMPLAINT HOT LINE

(800) 478-4692

TTY/TDD (800) 478-3177

Anchorage-area Residents: 274-4692



## MEET THE COMMISSION

**JIM CHASE** (Juneau -- appointed 1980) was born and educated in Baltimore, Maryland. After graduation from Morgan State College with a degree in biology and a commission in the U.S. Air Force, he began a four-year tour of duty that turned into a twenty-year career. He served as aircraft pilot, missile crew commander, radar station commander, management staff officer, social actions officer and in his spare time earned a master's degree in industrial management. The radar station position brought him to Alaska in 1969 where he served until retiring to the inactive reserve in 1974. Since military retirement, he served as Director of the Anchorage Human Relations Commission; acting Director of the Anchorage Equal Rights Commission; Senior Associate with the Alaska Native Foundation; Affirmative Action Officer for the University of Alaska, Anchorage and Anchorage Community College; and is currently Deputy Director, Division of Pioneers' Benefits, Department of Administration, State of Alaska.

**KATIE HURLEY** (Wasilla -- appointed 1987) was born and educated in Juneau, Alaska. She attended Behnke Walker Business College and the University of Alaska, Anchorage. She worked as a top aide to Alaska Governor Ernest Gruening for 13 years; during that period, the first anti-discrimination legislation was developed and passed by the Alaska Legislature. She served seven years as President of the State Board of Education, advocating for excellence in education, affirmative action and compliance with Title IX (equity in education); served three years as Executive Director of the Alaska Commission on the Status of Women; served as a member of the House of Representatives, Alaska State Legislature, 1985-1986. She was the 1978 Democratic nominee for Lieutenant Governor. She received the 1988 "Women Helping Women Award" from Anchorage Soroptimists.

**SANDRA A. HENRICKS** (Fairbanks -- appointed 1985) was born and raised in San Juan de las Yeras, Cuba. She emigrated to the United States in 1962 and graduated from high school in Rockford, Illinois. In 1966 she moved to Fairbanks, Alaska. She attended the University of Alaska, Fairbanks and for ten years she served as Bilingual Instructor for the Bilingual/Bicultural Program of the Fairbanks North Star Borough School District and currently serves as Equal Employment Opportunity Officer for the Fairbanks North Star Borough. She is a Charter Board Member and past President of Latinos Unidos del Norte; member, Bilingual/Bicultural Advisory Committee; member, Minority Task Force and Affirmative Action Program of the Fairbanks North Star Borough School District; and member, Alaska Association for Bilingual Education.

**VIRGIE M. KING** (Fairbanks -- appointed 1983) was born and educated in Fayette, Mississippi. After graduation from Jackson State College with a degree in language arts, she returned to her hometown to begin a teaching career. In 1963 she marched with Dr. Martin Luther King, Jr. from Tauglo to Jackson, Mississippi; organized a boycott of the city of Fayette, resulting in integration of the city's public schools; and formed a local chapter of the NAACP. In 1972 she moved to Alaska. Along the way, she earned a master's degree in education and continues her career as a teacher with the Fairbanks North Star Borough School District. She currently serves as Chairperson of the Minority Affairs Committee and member of the Legislative Contact Team with NEA-Alaska; Voter Registrar for State of Alaska in Fairbanks; Delegate to State Democratic Convention; Vice Chairperson, Alaska Democratic Party; member, National Credentials Committee for Democratic National Committee; and member, National and State Martin Luther King, Jr. Holiday Committees.



**MORGAN P. SOLOMON** (Barrow -- appointed 1981) was born in Wainwright, Alaska and educated in Fairbanks and at Mt. Edgecumbe High School in Sitka. He served as Medical Technician with the Alaska National Guard; Office Manager of the State Employment Office; Field Investigator with the Alaska State Commission for Human Rights; Plant Operator at Prudhoe Bay; and, more recently, served as Personnel Officer for the North Slope Borough. He served as member of the Statewide Health Board, and President of Local Health Board; member, Barrow Council; Vice President of Special Projects and Arctic Education Coordinator with Arctic Slope Regional Corporation working to provide funding for college students; Human Relations Consultant with Pingo Corporation in Anchorage promoting employment opportunities with oil companies in Prudhoe Bay; and Tribal Employment Rights Officer for Inupiat Community of the Arctic Slope working on Alaska Native hire and land claims issues.

**ESTHER C. WUNNICKE** (Anchorage -- appointed 1988) was born in Kline, Colorado and educated in New Mexico. Following graduation from George Washington University Law School in Washington, D.C., she returned to New Mexico where she practiced law and earned a master's degree in education. Moving to Alaska in 1963, she served on the Anchorage Human Relations Commission; through the League of Women Voters, conducted a housing survey directed at racial discrimination in Anchorage housing; served as a founding member of A-HOME (Anchorage Housing Opportunities Made Equal); and received the 1985 "Women Helping Women Award" from Anchorage Soroptimists. Her two-decade career in Alaska on natural resource issues included service as Attorney for the Federal Field Committee for Development Planning in Alaska which worked on Alaska Native hire and land claims issues; Assistant Attorney General; Co-counsel and later Federal Co-chairperson of the Federal-State Land Use Planning Commission; Manager of the Alaska Outer Continental Shelf leasing program, and, from 1983-1987, Commissioner of the Department of Natural Resources for the State of Alaska.

**DORIS M. VOLZKE** (Ketchikan -- appointed 1985) was born and educated in Ketchikan, Alaska. With the exception of the high school years spent at the Wrangell Institute Boarding School, she has lived all her life in the home in which she was born. In 1976, following 17 years of service, she retired from the Alaska Court System in Ketchikan. She served on the Governor's Committee on Aging; and the Governor's Advisory Board for the Alaska Centennial; and received the Ketchikan 1980 "Native Citizen of the Year Award". She served as Delegate to three National Democratic Conventions and as Democratic National Committee Woman for the state of Alaska. She currently serves as Vice Chairperson of the Ketchikan General Hospital Advisory Board; member, Ketchikan Indian Corporation, Alaska Native Sisterhood, Tlingit and Haida Community Council, Veterans of Foreign Wars and American Legion Auxiliary.

## COMMISSION STAFF

**Paula M. Haley**, Executive Director  
**Mark A. Ertischek**, Hearing Advocate  
**Evelyn A. Ramos**, Director of Investigations  
**Laurel A. Murphy**, Director of Special Investigations  
**George Laurito**, Administrative Officer

**Shirley R. Dean**, Investigator  
**Dawn Hill**, Investigator  
**James K. Nall**, Investigator  
**Frances Rabago**, Investigator  
**Stacey Saunders**, Investigator  
**Richard Stevens**, Investigator  
**Sharon Stowers**, Investigator  
**Brenda C. Tolliver**, Investigator  
**Lynette A. Turner-Riggs**, Investigator

**Laura J. Hauta**, Docket Officer  
**Diane G. Barr**, Legal Secretary  
**C. Briley Williams**, Commission Secretary  
**Joy R. Marshall**, Clerk  
**Christine M. Breton**, Clerk-typist



## 25 YEARS OF ASCHR FACTS

1988 marks the Alaska State Commission for Human Rights' silver anniversary -- 25 years of commitment to eliminating discrimination in Alaska. Some of the significant moments in the history of the agency are recorded below.

<p><b>1963</b> Governor Bill Egan establishes Human Rights Commission.</p> <p>Willard Bowman appointed executive director.</p> <p>Pribilof Island study of living conditions results in passage of federal legislation to improve social and economic conditions for Alaskans living on the Pribilofs.</p> <p>Study of discrimination against Negroes and Natives in Anchorage area with assistance from Professor Parsons and students at Alaska Methodist University.</p>	<p><b>1966</b> Anchorage Human Relations Commission established with support of State Commission.</p>	<p><b>1968</b> Picketing by Minority Women of Caribou Wards and Woolworths and other Anchorage employers. Commission mediates resulting in over 52 minorities placed in full-time positions.</p> <p>Fairbanks office established.</p> <p>EEOC grant of \$22,300 to ASCHR to choose 100 largest firms which underemployed nonwhites based on employment statistics. Complaints against 43 firms filed in Railbelt area.</p> <p>City of Fairbanks Human Relations Commission established.</p>	<p><b>1969</b> Beltz School report prepared by Commissioner Lisa Rudd and Project Director Robert Willard.</p> <p><b>1970</b> Robert Willard appointed executive director.</p>	<p><b>1977</b> Commission's agreement with Alaska Division of Corrections results in a women's facility at Ridgeview.</p> <p>Commission votes 3 - 4 at two separate meetings against supporting legislation adding sexual preference to Alaska Human Rights Law.</p>	<p><b>1978</b> Commission adopts position urging the legislature to extend the statutory jurisdiction of the agency to include "sexual preference" as a protected right.</p> <p>Systemic program established.</p> <p>Rural project undertaken by contracts with Upper Tanana Development Corporation, Bristol Bay Native Corporation and the Aleutian Pribilof Islands Association.</p> <p>Barrow office eliminated.</p>	<p><b>1979</b> <u>Thomas v Pipeliners Union Local 798</u> hearing lasts four and a half weeks.</p> <p>First progress report on equal employment opportunity in state government issued; results: under-representation of minorities in state jobs, minority and female state employees clustered in lower paying jobs.</p> <p>Commission signs agreement with Department of Transportation and Public Facilities (DOTPF) establishing minority business enterprise (MBE) goals for state construction contracts.</p> <p><b>1981</b> Second progress report on equal employment opportunity in state</p>	<p>Commission co-sponsors with Anchorage Equal Rights Commission (AERC) a fair housing seminar in Anchorage.</p> <p>Fourth progress report on equal employment opportunity in state government issued; qualitative aspects of state EEO program assessed.</p> <p><b>1985</b> Rural program regionalized and systemic program suspended.</p> <p><b>1986</b> Commission and Anchorage Equal Rights Commission co-host the 38th Annual Conference of the International Association of Official Human Rights Agencies (IAOHRA) in Anchorage.</p> <p><b>1987</b> Agency restructured; regional offices eliminated and replaced with field offices due to budget cuts. Commission institutes statewide complaint hot line permitting Alaskans to call toll free for assistance.</p> <p>Fifth progress report on equal employment opportunity in state government issued; results: slight marginal gains for minorities and women; failure of state to implement state classification and pay study impedes pay equity for state workers.</p> <p>Commission provides accommodation for the hearing impaired by TTY/TDD.</p> <p>Commission passed resolution on AIDS discrimination as a civil rights issue.</p> <p><b>1988</b> Special investigations unit established.</p>
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1972	Commission holds first public hearing in <u>Bessie A. Stevens v McLaughlin Youth Center</u> .  Commission seeks addition of "sex" throughout statute and opposes enforcement powers to Commission on the Status of Women as duplicative.  Women's Rights Division and Young People's Rights Division established.		government issued; result: no significant change in profile of minority and female employment; significant policy, recording and procedural improvements made.	Commission testifies in support of extension of Alaska Women's Commission.
1973	Bill Vaudrin appointed executive director.  Sixteen Volunteers in Service to America (VISTA) join staff. ASCHR presence maintained in Anchorage, Juneau, Fairbanks, Barrow, Bethel, Nome, Kotzebue, Dillingham, Kodiak, Tok and Ketchikan.  Commission certified by EEOC as a 706 agency. Alaska Human Rights Law is determined to be substantially equivalent to Title VII of the 1964 Civil Rights Act, as amended.	1982	Janet L. Bradley appointed executive director.  Commission signs memorandum of understanding with the Anchorage Equal Rights Commission (AERC) providing for shared training and coordination of effort.  Commission certified as a substantially equivalent agency by the U.S. Department of Housing and Urban Development (HUD).  Memorandum of understanding signed with the U.S. Department of Housing and Urban Development (HUD) providing for worksharing and generating federal funds for the agency.  Commission sues Department of Transportation and Public Facilities (DOTPF) for nonperformance of minority business enterprise agreement signed in 1979.  Third progress report on equal employment opportunity in state government issued; statistics published to establish bench marks.	Commission holds public hearings on proposed disability regulations, the first substantive regulations, in Juneau, Anchorage, and Fairbanks and by statewide legislative teleconference.  25th anniversary of the creation and passage of the Alaska Human Rights Law.  Paula M. Haley appointed executive director.
1974	Juneau office established.  Niel Thomas appointed executive director.			
1975	Commission adopts law enforcement model. Use of hearing examiners authorized by regulation.  Commission signs worksharing agreement with U.S. Office of Equal Employment Opportunity Commission (EEOC) which generates federal funds for the agency.	1983	Discriminatory Harassment Task Force created to lobby passage of state legislation prohibiting acts of harassment based on racial, religious and ethnic bias.  Commission reaches out-of-court settlement with DOTPF extending the original MBE agreement by two years and setting goals for MBE participation as 15 percent of all state funded construction contracts.	
1976	Barrow office established.  Commission directed by Alaska Legislature to conduct preliminary studies into the status of women in employment, education, health and the justice system.  Study of housing discrimination and substandard housing in rural Alaska.	1984	Commission conducts two-day workshop on equal employment opportunity and affirmative action for Alaska seafood processors.	



## 1988 IN REVIEW

During 1988, the Commission observed its silver anniversary of civil rights enforcement in Alaska. The Commission had another busy year marked by changes in staff, including the appointment of a new executive director.

### COMPLAINT FILINGS ON THE RISE AGAIN

Though 1985 through 1987 saw a decline and leveling off of complaints filed with the Commission, that trend changed in 1988. The number of complaints taken by the Commission in 1988 increased by 26 percent. Despite this substantial increase in filings, the rate of closure dropped only slightly.

Included in this rise in case filings are eight cases filed under the newly protected area of mental disability. Since the 1987 passage of the expanded protection for the disabled, the filings under physical disability nearly doubled. It is also noteworthy that cases filed on the basis of discrimination in the terms and conditions of employment doubled. In the past, complainants often waited until fired before filing. It appears that Alaskans are coming to the Commission earlier with their complaints. This may be due to the recognition by employees that they cannot avoid the effects of discrimination by moving from job to job in a restricted economy.

The Commission continued to be challenged by the need for quality investigations and maintained productivity in the face of an increased workload. To help meet this demand, the Commission created a special investigations unit and obtained personal computers.

### SPECIAL UNIT FOR SPECIAL CASES

The Commission reorganized and established a special investigations unit in February of 1988 and assigned it three major responsibilities: systemic investigations; coordination of the agency's worksharing agreements with the U.S. Equal Employment Opportunity Commission (EEOC), the

## THE ALASKA LEGISLATURE

### • HONORING •

#### • ALASKA STATE COMMISSION FOR HUMAN RIGHTS •

The Alaska State Commission for Human Rights has a long and honorable history. Through this citation, we in the Fifteenth Alaska Legislature commemorate the 25th anniversary of the Human Rights Commission.

From its origin in 1963, when Governor Bill Egan introduced the measure that created the Human Rights Commission, the Commission has been on the front line, working to eradicate discrimination from Alaskan society.

Who among us can forget those first Commission appointments, which included such prominent and forward-thinking Alaskans as Lisa Rudd and Willard Bowman? Who among us can imagine where we might be today without those laws that prohibit discrimination on the basis of race, religion, color, national origin, sex, age, marital status, changes in marital status, pregnancy, parenthood and physical handicap? Who among us could be prouder that Alaska boasts some of the most comprehensive and progressive civil rights laws in the United States today?

The members and staff of the Human Rights Commission can take great pride and credit that the people of Alaska, in part because of our confidence in the Commission, have consistently strengthened this State's human rights laws. Over the years of its history, the commission has obtained subpoena power, the authority to obtain temporary restraining orders, and the ability to intervene in superior court lawsuits. The Commission and its staff are responsible for handling some 6,500 cases over the past 25 years. The decisions and orders that have emanated from the process have built an even stronger base from which to fight discrimination. The seven lay Commissioners who serve on the Human Rights Commission touch the heart and soul of Alaskans in every walk of life. For them -- and all who served



U.S. Department of Housing and Urban Development (HUD), and the Anchorage Equal Rights Commission (AERC); and technical assistance. The unit started with one supervisor, one investigator and 24 cases. In May, Special Investigations accepted the additional responsibility for processing all housing complaints and inquiries. In December, after a thorough analysis of workload, the executive director temporarily assigned another investigator to the unit along with the Commission's oldest cases. The unit is currently responsible for 60 cases.

## HI TECH HELPS

During 1988, the Commission accomplished the first stage of a long-term plan to computerize operations. The Commission purchased seven personal computers to be shared by investigators and the human rights advocate. As soon as the Commission's budget allows, the Commission will acquire compatible computers for the rest of the staff. The Commission will then procure software for an on-line case management system to permit closer monitoring of investigations. The Commission ultimately hopes to tie these computers into a network that will allow us to speed the investigative process.

Though we are still in the initial phase of this development plan, the use of the new computers has already reduced the pressure on overburdened support staff. Staff is confident that the long-term benefits of computerization will be substantial.

## EDUCATION AND ASSISTANCE

In addition to enforcement activities, the Commission continued to assist individuals who contacted our agency for general information regarding civil rights laws or who needed referrals. The Commission staff handled 3,000 inquiries in 1988. Many of the inquiries were requests by the public for educational presentations. The Commission accepted as many speaking invitations and requests for presentations as possible.

before them -- they are honored for their diligence and their commitment.

We express our gratitude to the Human Rights Commission and to all who endeavor to improve the human condition. For all that has been done, for all that is yet to be done, we recall Eleanor Roosevelt's words which appeared in the Commission's Second Annual Report:

"Where after all, do universal human rights begin? In small places, close to home -- so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, or child seeks equal justice, equal opportunity, and equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concentrated citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Ben Grussendorf,  
Speaker of the House

Janice O. Faiks,  
President of the Senate

Date: May 9, 1988

Requested by: Senator Josephson;  
Representatives Ellis, Goll,  
Koponen, Menard and Pearce



Some of 1988's public education highlights follow. In October of 1988 the Commission presented a speech to the National Federation of the Blind on "Civil Rights and You". The Commission provided information on AIDS to the Bartlet Democratic Club in Anchorage and to participants at the University of Alaska, Juneau workshop entitled "AIDS, Personal and Societal Impact in the 80's and 90's". The Commission also gave a presentation on Alaska Human Rights Law at the University of Alaska, Anchorage and conducted a workshop for the Fairbanks Human Rights Commission on "Civil Rights Law and Legal Theories of Discrimination" in Fairbanks. The Commission was able to educate the public through TV and radio on such subjects as: the changes to the mental and physical disability regulations; discriminatory harassment legislation; and sexual harassment in the workplace.

### LITIGATION AND HEARINGS

In State of Alaska, Department of Administration, and Department of Health and Social Services v. Alaska State Commission for Human Rights ex rel. Janet Bradley, Executive Director et al., the Commission briefed and argued its case. Superior Court Judge Duane Craske reversed the Commission decision in favor of the appellants holding that the comparable character language of AS 18.80.220(a)(5) only allowed comparisons between substantially equal jobs. The Commission appealed to the Alaska Supreme Court. The parties are waiting for notice that the appellate record has been prepared. The Commission staff anticipates that the appeal will be briefed and argued during 1989.

The Commission intervened in two Superior Court cases pursuant to AS 18.80.145. In Alaska State Commission for Human Rights, Janet L. Bradley, Executive Director, ex rel. Sadiqa Humbert v. Chris Berg, Inc. and Alaska State Commission for Human Rights, Janet L. Bradley, Executive Director, ex rel. James Garrigues v. Chris Berg, Inc., the Commission requested the court to issue stays in the civil actions to

## STATE OF ALASKA



### Executive Proclamation by Steve Cowper, Governor

The Alaska State Commission for Human Rights was created by the passage of Human Rights legislation passed in 1963. The since-amended Alaska human rights law is one of the strongest in the nation. It protects persons from discrimination on the basis of race, sex, color, national origin, religion, age, pregnancy, parenthood, marital status, changes in marital status and physical disability.

This year the Alaska Human Rights Commission, which enforces the law, celebrates its 25th anniversary. During its long history, the commission and its staff have diligently and courageously sought justice and equality for the peoples of Alaska. The commission's silver anniversary is a fitting occasion for all Alaskans to reflect on the agency's mission and to recommit ourselves to join the commission's efforts to eliminate and prevent discrimination in Alaska.

NOW, THEREFORE, I, Steve Cowper, Governor of the State of Alaska, do hereby proclaim July 31, 1988, as:

ALASKA HUMAN RIGHTS COMMISSION SILVER ANNIVERSARY DAY in Alaska.

Dated: July 26, 1988



allow the Commission to complete the administrative proceedings. The Superior Court granted stays until May 1, 1989 and deferred the cases to the Commission for the purposes of proceeding to public hearing.

In Alaska State Commission for Human Rights ex rel. Niel Thomas, Executive Director, et al. v. Pipeliner's Union 798, United Association, the complainant alleged race and sex discrimination in connection with dispatches to jobs on the pipeline. The Commission found that the respondent had discriminated on the basis of race and sex and ordered that the respondent give blacks and women a certain percentage of the welders' helper dispatches. The percentage used in the Commission's order was based on the population of blacks and women in the Alaska labor force. The respondent and one of the complainants appealed. Ultimately, the Alaska Supreme Court upheld the Commission's ruling that the respondent had discriminated but remanded the case to the Commission with instruction to tailor its hiring goals to the population of blacks in the respondent's Lower 48 recruitment areas rather than their population in Alaska. Before the matter could be resolved on remand, a federal court order forced respondent to adopt a comprehensive nationwide dispatching system. The parties then resolved the outstanding issues in the Alaska administrative proceeding consistent with the decree of the federal court. The hiring goals incorporated in the federal decree were based upon the population of blacks and women in the respondent's regular recruiting areas in the Lower 48 as envisioned by the Alaska Supreme Court.

In Alaska State Commission for Human Rights, Janet L. Bradley, Executive Director, ex rel. Elizabeth Pintchuck v. State of Alaska, Department of Public Safety, Alaska State Troopers, the complainant challenged the impact of the department's physical agility test upon female applicants for state trooper positions. The Commission held that portions of the test did have an adverse impact on women, and that the respondent was not able to show that those portions of the test were job related. The Commission ordered the department to stop using the challenged portion

## FEAR OF AIDS LEADS TO FIRING

An employee of a small business confided to a co-worker that he had AIDS. The co-worker told her boss and the owner fired the employee. The owner feared his other employees would panic and quit. The discharged worker filed a physical disability discrimination complaint. Upon receiving notice of the charge, the employer offered to settle. The disabled worker agreed to settle for back pay, and the employer agreed not to discriminate against people with AIDS.

## NO OVERTIME FOR LOCALS

Alaska Native construction workers alleged race discrimination when their employer denied them overtime. The employer only provided overtime to workers hired from outside the local area. The outsiders were all Caucasian; the locals were mostly Alaska Native. Commission staff determined that substantial evidence exists to support the race discrimination claims. The employer refused to conciliate and the cases now await a public hearing date.



of the test and to let the complainant complete the application process. The Commission refused to award the complainant immediate financial relief. Both the respondent and the complainant have appealed the Commission's decision. The Commission staff anticipates that the appeal will be briefed and argued during 1989.

In Alaska State Commission for Human Rights, Janet L. Bradley, Executive Director, ex rel. Gary C. Tyndall and C. Dale Miller v. Alaska Public Employees Association, the complainants contested the respondent's refusal to exempt them from paying union dues on religious grounds and the respondent's refusal to allow the complainants to make payments in lieu of dues to charities of the complainants' choice. The Commission held that the complainants were entitled to the religious exemption from paying union dues because their objections were based upon sincerely held religious beliefs even though those beliefs were not based upon the tenets of a particular church to which the complainants belonged. The Commission ordered that the complainants be allowed to make payments in lieu of dues to a charity acceptable to both parties.

In Alaska State Commission for Human Rights, Janet L. Bradley, Executive Director, ex rel. Joleen Skeek v. Kake Tribal Corporation, Kake Longshoreman's Association, the complainant alleged that she was not hired as a longshoreperson because of her sex. The case was settled for \$1,750.

In another case, a female school bus driver alleged sex discrimination was the reason the respondent terminated her for a rule infraction when male drivers who committed infractions of comparable severity were disciplined more leniently. The case was settled for \$6,000.

The Alaska State Commission for Human Rights requested permission from the Alaska Supreme Court to file an amicus brief in a cross appeal in Oliver G. and Helen G. Foreman v. Anchorage Equal Rights Commission and Sally Hohman. On June 30, 1988, the Alaska Supreme Court granted the Commission's

## OLDER, WISER AND RICHER

New owners of an Alaskan company reorganized its operations and reduced its work force to stay afloat in the declining economy. Over eighty percent of managers laid off were age 40 or older. Two of the managers, aged 55 and 56, alleged age discrimination claiming that after layoff their responsibilities were assigned to younger workers. After investigation began, the parties indicated a willingness to settle. Commission staff successfully mediated the cases, and the employees received a monetary settlement totaling \$152,500.

## FAIR IS FAIR

A black office clerk complained of race discrimination after her employer denied her merit raises and scheduled upgrades for two years. She claimed that her white co-workers whose performance was equal to hers received both the raises and promotions. Near the close of investigation, the employer offered to promote the office clerk, compensate her for lost wages, and grant her retroactive merit raises. The office clerk received \$3,873 in monetary settlement.



request. The Commission sought to intervene to address the interpretation of AS 18.80.240(2), as it relates to marital status discrimination in housing. The language of AS 18.80.240(2) contains an exception to the general prohibition against marital status discrimination in the sale or rental of real property. This exception permits "classes of real property commonly known as housing for "singles" or "married couples only" to remain segregated and offered for sale, lease or rent to either "singles" or "married couples" only. The Commission's amicus brief urged the court to interpret the exception narrowly to promote the statute's purpose to eradicate discrimination in the sale or rental of real property.

## **THE FUTURE**

The 25th year of the Human Rights Commission gave rise to reflection upon the history of civil rights enforcement in the state of Alaska. This reflection led to contemplation on what remains to be done. The standard for an agency which seeks to improve any human condition should be to put itself out of business. Realistically we do not expect that discrimination will be eradicated from our society. However, we must work to that end. The Commission will continue to balance the pressure to increase its productivity with the need to maintain the quality of its investigations.

This is no small task. The Commission expects the trend of complaint filings to continue. Some of the cases in new areas such as mental disability are more complex and require the development of new expertise. The Commission is committed to fair and impartial investigations which provide full relief for victims of discrimination. The future will require intensified training, enhanced case tracking and management systems, and a continuation of the specialization introduced in 1988. The Commission recognizes that additional resources will be necessary in order to keep from falling behind in the enforcement of the state's civil rights laws.

## **MAKING A SPLASH FOR CIVIL RIGHTS**

A mother filed a complaint of discrimination on behalf of her developmentally disabled six-year old son. She claimed that a facility refused to provide reasonable accommodation so that her son could use its swimming pool. Her son needs assistance in changing and showering, but regulations prohibit children over three from using locker rooms for the opposite sex. When served with the complaint, the facility offered to resolve the case by allowing the boy and his mother to use a separate locker room at prearranged times.

## **WOMEN NEED NOT APPLY**

A manager of a timber company refused to hire a woman as a tree planter despite her previous experience. She claimed sex discrimination because the manager told her the company did not have facilities for women at its remote sites. Commission staff found substantial evidence to support her allegations. The staff successfully conciliated the case and the company paid her \$3,500 for lost wages.



# 1988 Case Processing Statistics

## ANALYSIS OF FILINGS BY COMPLAINANT'S SEX:

Female	243
Male	182
Director's Charge	2
Multiple Charge	1
<b>TOTAL FILINGS</b>	<b>428</b>

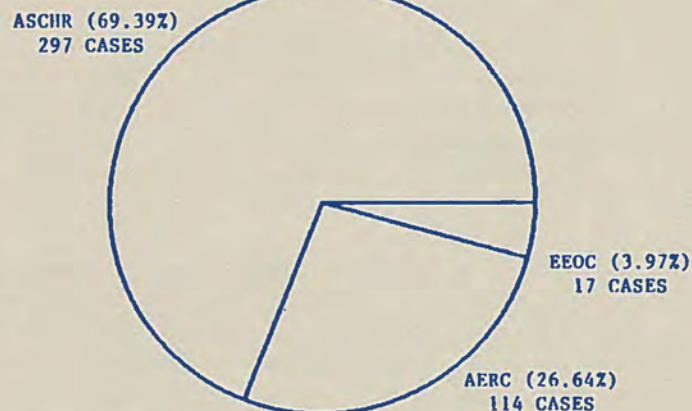
## ANALYSIS OF FILINGS BY COMPLAINANT'S RACE:

Caucasian	226
Black	118
Alaska Native	35
Asian	11
Hispanic	12
American Indian	15
Other	2
Director's Charge	2
Multiple Charge	1
Unknown (other agency filings)	6
<b>TOTAL FILINGS</b>	<b>428</b>

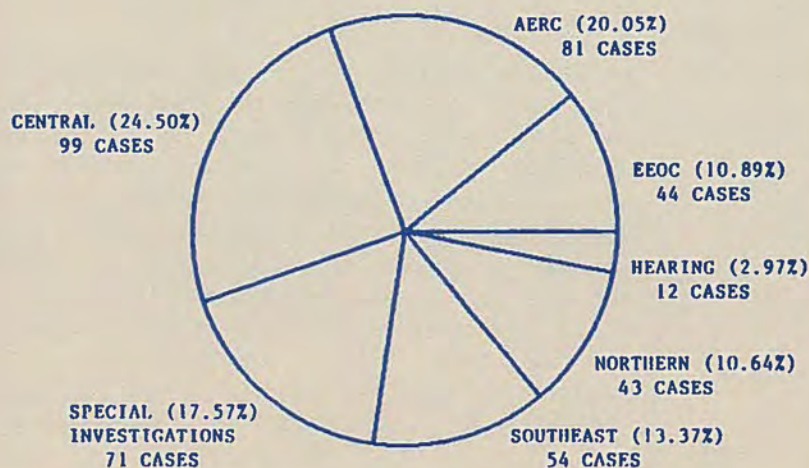
## ANALYSIS OF FILINGS BY TYPE:

Employment	366
Housing	32
Gov't Practices	12
Public Accom.	15
Coercion	0
Finance	3
<b>TOTAL FILINGS</b>	<b>428</b>

ORIGIN OF 1988 FILINGS



LOCATION OF OPEN CASES AT YEAR END



## ANALYSIS OF FILINGS BY BASIS:

	Single Basis Complaint	Multiple Basis Complaint
Race/Color	119	52
Sex	89	46
Multiple	84	0
Physical Disability	38	16
Age	30	20
National Origin	19	9
Pregnancy	11	9
Retaliation	9	6
Mental Disability	8	1
Marital Status	7	10
Religion	6	3
Retaliation for Filing	6	6
Parenthood	2	2
Change In Marital Status	0	0
<b>TOTAL FILINGS</b>	<b>428</b>	<b>180</b>

## ANALYSIS OF FILINGS BY ISSUE:

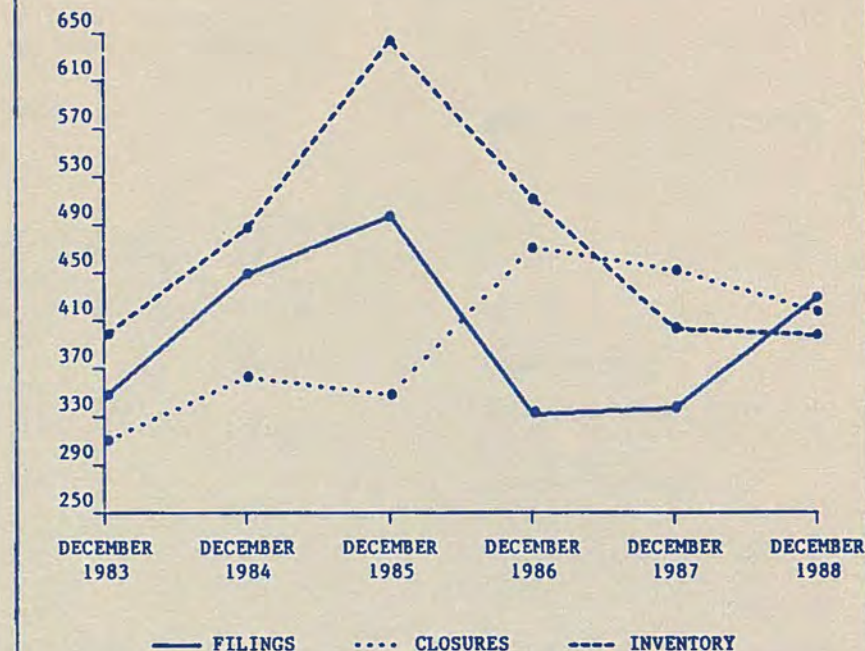
	Single Basis Complaint	Multiple Basis Complaint
Discharge	139	41
Terms/Employment	71	50
Failure to Hire	70	0
Multiple	56	0
Pay Equity	25	5
Other	18	2
Eviction	12	4
Denied Service	11	0
Failure to Promote	11	9
Failure to Rent	6	0
Failure to Dispatch	3	0
Failure to Sell	3	0
Demotion	2	1
Denied Credit	1	1
<b>TOTAL FILINGS</b>	<b>428</b>	<b>113</b>



# ANALYSIS OF 1988 CLOSURES

Reason for Closure	Number of Closures	Percentage of Total
<b>ADMINISTRATIVE CLOSURES:</b>		
Complaint Withdrawn	28	6.71%
Lack of Jurisdiction	15	3.60%
Complainant Not Available	11	2.64%
Failure of Complainant to Proceed	42	10.07%
Complainant in Court	7	1.68%
Administrative Dismissal	3	.72%
Subtotal . . . . .	106	25.42%
<b>CONCILIATION/SETTLEMENT CLOSURES</b>		
Successful Settlement	14	3.36%
Predetermination Settlement	93	22.30%
Substantial Evidence/ Conciliation Agreement	5	1.20%
Substantial Evidence/Full Relief Rejected by Complainant	0	.00%
Subtotal . . . . .	112	26.86%
<b>NOT SUBSTANTIAL EVIDENCE</b>	195	46.76%
<b>HEARING CLOSURES</b>		
Hearing Decision for Complainant	3	.72%
Hearing Decision for Respondent	0	.00%
Pre-Hearing Settlement	1	.24%
Hearing Administrative Dismissal	0	.00%
Hearing Closure--Other	0	.00%
Subtotal . . . . .	4	.96%
<b>TOTAL 1988 CLOSURES</b>	<b>417</b>	<b>100.00%</b>

YEAR END  
FILINGS, CLOSURES AND INVENTORY OF CASES



SUMMARY OF CLOSING ACTIONS

Reason for Closure	1986		1987		Detail of 1988 Closures					
					ASCHR		EEOC		AERC	
	No.	%	No.	%	No.	%	No.	%	No.	%
Conciliation/Settlement Closures	149	31.7	127	28.2	75	18.0	3	.7	38	9.1
Not Substantial Evidence	209	44.5	196	43.5	126	30.2	11	2.6	58	13.9
Administrative Closures	112	23.8	128	28.3	80	19.2	7	1.7	19	4.6
TOTAL CLOSURES	470		451		281	21		115		
					417					



## 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 an executive director approved by the governor.

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 disabled, 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 paid staff: 1 executive director, 1 researcher/information officer, 1 support staff; 1 part-time staff (Senior Employment Program).

An additional 600 to 1,000 hours of volunteer time is donated each year; and 20 statewide women's organizations work on Commission issues and projects each year.

FY 89 Budget	\$228,300
FY 90 Budget Request	\$221,900 Gen Funds
	\$ 11,200 I/A Recpts
	\$ 36,000 Program

## Major Activities

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

Identify and eliminate discriminatory policies and practices.

Conduct impartial investigations.

Attempt early resolution of complaints.

Determine if violations of human rights law exist and conciliate cases of discrimination.

Present cases in support of complainants at public hearing.

Obtain relief for complainants (back pay, jobs, pay differentials, housing and other remedies).

Counsel inquirers about human rights law and refer them to other sources when appropriate.

Provide training and technical assistance to employers, landlords, businesses, state and local governments, and other interested groups.

## Major Issues

Discriminatory discharge, unfair employment policies and practices, and denial of jobs to minorities, women older workers and the disabled; sexual harassment and racial bias in the workplace; accessibility and accommodation for the disabled.

## Type of Staffing

19 paid staff: 1 executive director, 1 staff attorney, 3 supervisors, 9 investigators, 1 docket officer, 4 support staff with headquarters in Anchorage and field offices in Juneau and Fairbanks.

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

FY 89 Budget	\$962,400 Gen Funds
	\$ 88,900 Fed Recpts
FY 90 Budget Request	\$992,400 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

13 paid staff: 1 executive director, 1 program coordinator, 7 equal opportunity employment specialists, 1 data specialist, 3 support staff.

FY 89 Budget	\$601,800 Gen Funds
FY 90 Budget Request	\$619,200 Gen Funds



## 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



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