Alaska State Commission for Human Rights

1990 Annual Report

February 8, 1991

The Honorable Walter Hickel, Governor of Alaska

The Honorable Richard Eliason, President, Alaska Senate

The Honorable Ben Grussendorf, Speaker, Alaska House of Representatives

On behalf of the Commission I am pleased to submit the 1990 Annual Report of the Alaska State Commission for Human Rights. In addition to information about Commission activities, this report contains a review of the progress toward equal employment opportunity by the State of Alaska. The Commission is required by statute to include this assessment of state progress in its annual report every three years.

The staff continued to produce high quality investigations, issuing more findings of discrimination than in years past. This is due, in part, to staff's skill in conducting thorough investigations. Complaint filings dropped slightly in 1990, which allowed the Commission to reduce its total inventory and concentrate on closing older cases.

The Commission focused its outreach efforts on prevention. Presentations were made to employers, landlords, real estate brokers, property managers, and other business people. As resources are limited, the majority of the educational presentations advised people of their responsibilities under the law, with the goal of reducing discrimination and the need for enforcement.

In keeping with our efforts to inform the public and to be informed, the Commission met in Barrow in September, 1990. The Commission invited six local leaders to respond to two questions: what aspects of Native culture are least understood by employers; and when and where incidents of discrimination are likely to arise. In addition to this excellent presentation, many individual citizens expressed concerns regarding human rights in the State of Alaska. In fact, the public participation in Barrow was outstanding.

In 1990, the U.S. Congress passed the Americans With Disabilities Act, a stunning victory for individuals experiencing disabilities. Alaskans should be proud that our state provided similar protection for our people with physical and mental disabilities in 1987. The Commission finalized regulations on disability in employment and government practices. The regulations are currently in the Attorney General's office for final review.

The Alaska State Commission for Human Rights faces a greater challenge to enforce the Alaska Human Rights Law with dramatically declining resources. Unfortunately, discrimination exists in Alaska today. The Commission is committed to continue to work diligently towards eliminating discrimination and supports efforts to provide equal protection for all citizens of Alaska.

Katie Hurley, Chairperson

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION

FOR

HUMAN RIGHTS

SANDRA A. HENRICKS, Fairbanks

KATIE HURLEY, Wasilla

AARON T. ISAACS, JR., Klawock

VIRGIE M. KING, Fairbanks

REX A. OKAKOK, Barrow

DEBORAH A. OTTO, Juneau

ESTHER C. WUNNICKE, Anchorage

Commission Staff During 1990

Paula M. Haley, Executive Director

Mark A. Ertischek, Human Rights Advocate

George Laurito, Administrative Officer

Pearl M. Robertson, Docket Officer

Patricia I. Robertson, Commission Secretary

Diane G. Barr, Legal Secretary

Carolyn E. Dallinger, Director of Special Investigations

Evelyn A. Ramos, Director of Investigations

Amy J. Martin, Investigator

Devron K. Murphy, Investigator

James K. Nall, Investigator

Fran Rabago, Investigator

Joel Rothberg, Investigator

Richard Stevens, Investigator

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COMMISSION MEETS IN BARROW



The Alaska State Commission for Human Rights started two days of meetings in Barrow on September 27, 1990. This meeting was one of three regular meetings that the Commission conducts each year. The Commission met in Barrow to learn more about the civil rights problems of rural Alaskans and to provide education and outreach to the Barrow community.

The meeting began with a panel presentation from local experts on the aspects of Native culture that might be least understood by employers and when and where incidents of discrimination are most likely to arise. Judge Michael Jeffery moderated the panel. The panel members were Raymond Neakok, Sr., Native Village of Barrow; George Edwardson, President, Inupiat Community of North Slope; Dorcas Thompson, Personnel Director, North Slope Borough; Leona Okakok, Deputy Director of Planning, North Slope Borough; Ronald H. Brower, President, Barrow Village Corporation; and Harry Kaleak, Vice President of Operations, Arctic Slope Regional Corporation. The panelists talked about the Inupiat Eskimos as a culture in transition, dependent on both subsistence and cash. Because of the subsistence tradition, the Inupiat males are frequently drawn out of the cash labor force and non-Native employers are unable or unwilling to recognize the cultural values of subsistence. In general, the panelists agreed that when Alaska Native traditions are not understood by employers unfair actions may be taken against employees. The panelists recommended that a new partnership be formed between Alaska Natives and non-Natives. The partnership would allow the Native employee to maintain traditional relationships essential to his or her physical, emotional and cultural well-being, and provide the employer with a productive employee.

Several panelists expressed concern regarding tribal governments' role in the use of North Slope resources. Of particular interest to the Commission was the discussion of Tribal Employment Rights Organizations (TEROs) and the desire of some panelists to create a TERO in the North Slope region.

The Commission agreed that much can be done to improve communication between Alaska Natives and non-Natives about cultural differences for better working relationships between the groups. The Commission provided panelists and the audience with information regarding its role as chief agency for the enforcement of the Alaska Human Rights Law.

Kiss and Make Up

A female cook and deck-hand on a fish tender reported to the boat's skipper that the engineer constantly touched and fondled her, and repeatedly made sexually suggestive remarks. When she complained, the captain told her to "kiss and make up" with the engineer. The woman alleged that the harassment escalated until the engineer attempted to sexually assault her. She could no longer endure the harassment, quit, and filed a sexual harassment complaint. The woman accepted the employer's \$500.00 settlement offer.

Too Small

A 60-year old Alaska Native woman filed a discrimination complaint based on race, sex, and age. She alleged that new management of the seafood processing plant relieved her of her duties. They told her that she was "too small a woman to be packing" though she had worked ten years at the plant. Shortly after this demotion, the employer fired her. She was only two years from retirement. The employer denied the allegations, but offered to settle the case. After extensive negotiations by Commission staff, the employer and the employee agreed to a predetermination settlement awarding the employee \$30,000 in back pay and retirement benefits. The employer also agreed to remove any reference to the demotion, firing, and discrimination complaint from her personnel file.

The entire meeting was broadcast over local radio station, KBRW. More members of the public participated in Barrow than in any of the Commission's meetings in the recent past. Many people heard the meeting on the radio and came to speak of their concerns regarding discrimination against Alaska Natives.

In order to answer some of the questions from the public, the Commission waived its regularly scheduled training so that the Executive Director could present information on the Alaska Human Rights Law, investigation and enforcement. Commissioner Rex Okakok translated this presentation into Inupiaq. Additional outreach conducted while in Barrow included an interview of the Executive Director, Paula M. Haley, by Earl Finkler of radio station KBRW, and a speech to the local Rotarians by Chairperson Katie Hurley and Executive Director Haley.

Though the weather was extremely cold, the people were warm and the Commission was received with enthusiasm. Many of the Commissioners stated that it was the best meeting they had ever attended during their years on the Commission.

AS 18.80

"AN OUNCE OF PREVENTION . . . "

Commission staff believes that an ounce of prevention is worth a pound of cure. With reduced resources, staff cannot provide all of the outreach and educational services that are needed. In 1990, staff targeted educational presentations to those groups who are potential respondents to complaints of discrimination.

Staff provided educational programs to real estate managers, landlords, and real estate brokers to advise them of state fair housing laws and assist them in recognizing their responsibilities not to discriminate in the rental and sale of real property. Staff also spoke to employer groups about fair employment practices and how to prevent complaints of discrimination. Presentations ranged from discussions with small gatherings of managers on sexual harassment to programs for large groups of private and public employers on the laws protecting individuals with physical and mental disabilities from discrimination.

Staff will continue to emphasize prevention in its educational programs. When speaking to groups of individuals about their rights, the staff emphasizes the benefits of first working through the supervisory chain and informal means to resolve concerns about discrimination or unfair practices.

Shortchanged

A 54-year old geophysicist filed an age discrimination complaint after his employer canceled his pay raise. He alleged his employer knew of his early retirement plans and wanted to reduce his retirement annuity. Without admitting or denying the charge, the employer offered to settle the case immediately after receiving the complaint. The employee received a retroactive pay raise.

Messy Business

Vietnamese and Filipino seafood processing workers complained that their employer publicly humiliated Asian employees. At a safety meeting and in a memo, the employer attributed the problems of excrement smeared on toilet seats and restroom walls to their "cultural habits." The employer even instructed some Asian workers to teach their "countrymen" how to use the toilet. The Executive Director filed a charge against the employer and sent an investigator to the worksite to interview employees. The employer denied the allegations and asserted that the workers misconstrued the remarks of a supervisor. Evidence showed that sanitation in the plant's restrooms had been an ongoing problem. The cases settled. The employer issued a public apology, posted a notice regarding its obligation to maintain a work place free of racial, ethnic or national origin bias, and agreed to train its managers, supervisors, and employees regarding the Alaska Human Rights Law.

Staff believes that whatever it can do to prevent even one complaint from being filed is well worth the time and energy.

NEW INQUIRY/INTAKE SYSTEM WORKS WELL

The Commission's new inquiry/intake system has been on line for a full year. The new system has dual benefits: a more efficient use of Commission resources, and earlier participation by complainants.

Under the new system, a potential complainant must complete an intake questionnaire except when language skills, literacy, or disabilities are impediments to completing the form. The questionnaire requires the person to describe the action which he or she feels was discriminatory. Potential complainants must organize their thoughts and reflect on what has happened to them prior to filing a complaint. This initial step, which requires active participation by the potential complainant, results in fewer complaints which are later withdrawn.

The new system is more efficient. Under the old inquiry/intake system, a complainant would work with one investigator at intake, but another investigator would conduct the investigation. This resulted in complainants repeating their stories. Under the new system, once the complainant has completed an intake questionnaire, the case is assigned to an investigator. This investigator conducts the intake, investigates the complaint, negotiates predetermination settlements, and issues findings. This allows the investigator to set the tone of the investigation and provides the complainant with the consistency of working with one investigator.

The Commission is satisfied that the new system has a positive impact on the service it offers. The quality of complaints has improved and the system has been streamlined for a better investigation from start to finish.

FAIR HOUSING FOR ALASKANS







The Commission received a U.S. Department of Housing and Urban Development (HUD) grant to conduct fair housing educational workshops in the seven Alaskan communities of Barrow,

Prejudiced After Work Hours

A black collections agent alleged that her supervisor fired her because of prejudice against blacks. The employer denied the allegation. Present and former employees testified that the supervisor initiated and condoned ethnic and racial joking. The supervisor admitted she is prejudiced "after work hours." In settling the case, the employer agreed to train its managers and supervisors on their responsibilities under the Alaska Human Rights Law and counsel the supervisor about her conduct. The employer also paid back wages to the employee and developed a company policy to provide a work atmosphere free from discrimination.

At Death's Door

A 56 year-old woman complained of age discrimination when her employer discharged her from her position as an accounts payable and inventory clerk after seven years of employment. The employer denied age was the reason for the discharge, claiming her performance was not up to par. A coworker stated that the boss said, "She looked like she was going to die on the job," and "She should be retired and no longer working." Staff determined there was substantial evidence of age discrimination. The employer paid the woman \$10,000 in lost wages, and agreed to implement a policy against discrimination. The employer removed negative information from the woman's personnel file and agreed not to retaliate against her in the future.

Bethel, Fairbanks, Juneau, Ketchikan, Kodiak, and Nome. Commission staff will inform individuals of their rights under current federal, state, and local laws for fair housing.

Staff will also discuss the responsibilities of the real estate industry, including how to avoid violating the fair housing laws. They will stress the liability for those who engage in illegal housing discrimination.

The Commission will develop and disseminate posters and brochures printed in Spanish, Inupiaq, Yupik, Filipino, and English. The Commission will advertise its toll free and TTY/TDD (hearing impaired) numbers throughout rural Alaska. These telephone numbers will make it easier for all Alaskans to contact the Commission to file housing discrimination complaints.

The 1988 amendment to the federal Civil Rights Act of 1967 extended fair housing coverage to individuals with mental and physical disabilities and to families with children. Because of the new Fair Housing law, outreach efforts will focus on the rights of these groups.

AMERICANS WITH DISABILITIES ACT



On July 26, 1990, President Bush signed the Americans With Disabilities Act (ADA) which expands federal protection for persons with physical and mental disabilities. The ADA provides protection comparable to that provided in Alaska by the Disabled Bill of Rights which became law in 1987. Alaska law prohibits discrimination against persons with physical and mental disabilities in employment, real estate sales and rentals, public accommodations, credit, and government services. The state and federal laws require employers to make reasonable accommodations for individuals with disabilities.

The ADA does not take effect immediately. It will apply to employers with over 25 employees after July 26, 1992, and to employers with more than 15 employees after July 26, 1994. However, Alaska's legal prohibitions against disability discrimination are in effect now.

The publicity surrounding the enactment of the new federal law has generated a tremendous amount of interest in the problems of persons with disabilities. The Commission has seen an increase in

Discrimination By Association

A German woman married to a black man filed a race and national origin complaint. She reported that her supervisor made derogatory statements about German women and stated she "did not like blacks." The supervisor also told her that she talked "just like a black person because she was married to a black man: " and "whites could not get anything because blacks stay on welfare." The employer, though aware of these statements, concluded that the woman and her supervisor had personality conflicts. The employer transferred the complainant to a different work site. Staff concluded that the employer failed to provide the woman a work atmosphere free from racial bias. The case conciliated when the employer returned the woman to her former work site, cleared her personnel records of all documents and entries relating to the complaint, and counseled the supervisor regarding her obligation to maintain a work atmosphere free of racial bias. The employer agreed to train all its supervisory personnel on their responsibilities under the Alaska Human Rights Law and on their obligation to maintain a work atmosphere free of racial bias.

inquiries regarding disability discrimination. At several employer-focused seminars, Commission staff explained the requirements of both state and federal law. The Commission anticipates receiving an increasing number of disability discrimination complaints in the next calendar year.

Inquirers express concern about the continuing problem of architectural barriers which bar persons with disabilities from access to places of employment, housing, public accommodation and government services. They are also concerned about the legality of employment selection criteria which tend to exclude persons with disabilities from employment opportunities. For example, requiring all applicants to complete a complicated written job application might discriminate against persons with dyslexia if the essential duties of the job do not require a person to read. Another example of discriminatory criteria is a policy of refusing to consider applicants with certain medical histories. The Commission is currently processing complaints which raise some of these issues and anticipates holding public hearings on these cases during the next fiscal year.

PUBLIC HEARING CASES



In Margaret and James Kelley v. Shaan-Seet, Inc., Caucasian complainants alleged that a Native village corporation discriminated against them because of their race by exercising a "right of first refusal" to prevent them from acquiring property. Mr. Kelley offered to buy the property for its fair market value. The corporation admitted that if Mr. Kelley had been an Alaska Native they would have allowed him to make the purchase. The Commission held a public hearing in Craig, Alaska on February 6 and 7, 1990. The Commission concluded that Shaan-Seet, Inc. exercised its "right-offirst refusal" in a discriminatory manner. The Commission ordered the corporation to offer the Kelleys the opportunity to buy the land. Shaan-Seet, Inc. appealed the decision to the Superior Court.

In William Kristovich v. the AGF Construction Company, the Alaska Native complainant alleged that AGF, denied overtime work to its locally hired Alaskan Native work force, and assigned all overtime to non-local Caucasian employees. The parties settled for \$305, the full amount of overtime pay which Mr. Kristovich would have earned had there been no discrimination. AGF agreed not to discriminate in the future.

Guard Against Sexism

A supervisor told employees that women should not work as security guards. He rated a female security guard's performance as poor and denied her a pay raise. She filed a complaint of discrimination. Witnesses stated that the supervisor made sexist comments and racial slurs. Staff found that men who performed comparably received higher evaluation ratings and raises. The employer settled the case by counselling the supervisor regarding his responsibility to comply with anti-discrimination laws. The employer also upgraded the employee's performance rating, and gave her a retroactive pay increase.

It's A Crime

A female correctional officer alleged that a police chief continually made sexual comments on the job which she found both intimidating and offensive. One day, as she prepared to go home, the chief remarked in the presence of male officers that she couldn't wait to have sex with her husband. On another occasion, the chief displayed the department's McGruff crime dogs in sexual positions. Upon notice of the discrimination complaint, the employer offered to settle the case. The employer and the employee signed a predetermination settlement agreement which required training all police department staff on eliminating sexual harassment in the work place.

In Warren Lieb v. AGF Construction Company, the Alaska Native complainant alleged that AGF denied overtime work to its locally hired Alaskan Native work force and assigned all overtime to non-local Caucasian employees. The parties settled for \$439, the full amount of overtime pay which Mr. Lieb would have earned had there been no discrimination. AGF agreed not to discriminate in the future.

In Alex Oscar v. AGF Construction Company, the Alaska Native complainant alleged that AGF denied overtime work to its locally hired Alaskan Native work force and assigned all overtime to non-local Caucasian employees. The parties settled for \$300, the full amount of overtime pay which Mr. Oscar would have earned had there been no discrimination. AGF agreed not to discriminate in the future.

In Aaron Rivers v. AGF Construction Company, the Alaska Native complainant alleged that AGF denied overtime work to its locally hired Alaskan Native work force and assigned all overtime to non-local Caucasian employees. The parties settled for \$544, the full amount of overtime pay which Mr. Rivers would have earned had there been no discrimination. AGF agreed not to discriminate in the future.

In Michael Snow v. AGF Construction Company, the Alaska Native complainant alleged that AGF denied overtime work to its locally hired Alaskan Native work force and assigned all overtime to non-local Caucasian employees. The parties settled for \$479, the full amount of overtime pay which Mr. Snow would have earned had there been no discrimination. AGF agreed not to discriminate in the future.

In Bernard Murran v. Parker Drilling Company, the Alaska Native complainant alleged that the company discharged him from his position as a roustabout on its oil rig because he is an Alaska Native. Parker Drilling Company asserted that it had to give an employment preference to shareholders of Native corporations which owned the land Parker was drilling on and that Mr. Murran is not a shareholder. Commission staff determined that there was substantial evidence that Parker discriminated against Mr. Murran when it fired him and retained Caucasian roustabouts who were not shareholders. The Commission approved a \$10,000 settlement.

In Bernard Murran v. Chevron USA, Inc., the Alaska Native complainant alleged that he was the victim of race discrimination because Chevron coerced his employer, Parker Drilling Company, Inc., into discharging him from his position as a roustabout on one of Parker's drilling rigs. Commission

Set Your Mind at Ease

The new captain of a fishing vessel fired a woman from her job as a cook. The woman filed a complaint asserting that the new captain's girlfriend did not want a woman on board. The captain explained that the company has a policy against hiring women to work on its boats unless the women are either the wife or girlfriend of the captain to "set the minds of the male crew's wives or girlfriends at ease." Though the employer denied the change, it immediately offered to settle the case. The employer distributed a policy against discrimination to all management staff involved in the recruitment, screening, hiring and supervision of employees. The employer reinstated the woman with back pay and later fired the captain.

Fairly Old

An employer rejected a 62-year old man for an information officer position. The man claimed age discrimination not only because a younger person got the job, but because the employer expressed concerns about the man's age to his references. The employer contended that the hiring official merely inquired about the "man's recency of experience." The man's references stated the employer not only inquired about the man's qualifications, but also remarked that he was "fairly old" and wondered why he wanted to return to work "at this stage of his life." Under a predetermination settlement agreement, the employer trained its employees on preventing age discrimination and paid the man \$17,940 in back wages.

staff found substantial evidence of the claim that Chevron ordered Parker to fire Mr. Murran in violation of Alaska Human Rights Law. The Commission approved a \$5,000 settlement.

In Maude Rochon v. North Slope Borough, the Filipino complainant alleged that the Borough discriminated against her because of her national origin when it evaluated the condition of her municipally owned apartment in a discriminatory manner and refused to return most of her security deposit. The Commission staff found substantial evidence that the Borough evaluated Ms. Rochon's apartment more strictly than the apartments rented by Alaska Natives. The parties settled for \$1,147. The Borough agreed to implement objective criteria for evaluating the condition of newly vacated apartments.

In Kevin Saunders v. TAKU 105, the black complainant alleged the radio station discriminated against him because of his race when it dismissed him from his position as radio announcer and retained a similarly qualified white announcer. Commission staff found substantial evidence that TAKU 105 discriminated against Mr. Saunders. The parties settled for \$1,683.

LITIGATION



Joyce Staton v. Alaska State Commission for Human Rights. Joyce Staton filed a Superior Court appeal from a Commission staff decision to close her case for lack of substantial evidence. Staton's underlying complaint alleged that the state discriminated against her based on her race, black, and age, 62, when it returned her job application for a social worker position. Commission staff closed the case for lack of substantial evidence. On appeal, Ms. Staton alleges: 1) the Commission staff considered the wrong dates and wrong issues; 2) the Commission refused to accept her complaint because of a "conflict of interest"; 3) the Commission did not open a case file; and 4) there is substantial evidence of discrimination to support further administrative proceedings. The parties completed briefing the issues.

Mary Alyce Sager v. Alaska State Commission for Human Rights and Mukluk Freight Lines. Mary Alyce Sager filed a Superior Court appeal from a Commission decision and order. Ms. Sager's underlying complaint alleged that Mukluk Freight Lines discriminated against her on the basis of sex by terminating her as a truck driver. After presentation of Ms. Sager's case at a public hearing, the Commission concluded that she failed to establish a prima facie case of discrimination under AS 18.80.220(a)(1) and that Mukluk Freight Lines did not discriminate against her. On

Accommodation For Two

A female student with a hearing impairment alleged that an educational institution failed to accommodate her disability. She complained that the noise from another student's lap top computer interfered with her ability to hear the instructor. The student using the computer is severely disabled by osteoarthritis and needed the computer to take notes. Attempting to accommodate both individuals' disabilities, the educational institution agreed to purchase a wireless microphone for the instructor to use in the class. This would have enabled the hearingimpaired student to use an FM receiver and headphone to hear the instructor's voice without interference from the background noise of the computer. The student refused to use the headphone and would not agree to settle the case. Staff determined that the educational institution met its obligation to reasonably accommodate the needs of the hearing-impaired student and dismissed the case.

A Little Respect

A female engineer purchased a condominium and applied for financing in her name. She complained that lending institution officials treated her rudely, ignored her telephone calls, refused to meet with her, and questioned her husband's exclusion from the loan application. She filed a discrimination complaint, alleging loan officials did not treat her with respect because she is a woman and is Chinese. The case settled when the lending institution agreed to publish a statement in its quarterly newsletter emphasizing its policy against discrimination.

appeal, Ms. Sager alleges: 1) the Commission denied her a fair hearing because it failed to subpoena three key witnesses; 2) the Anchorage Equal Rights Commission improperly handled her case; 3) the hearing examiner acted improperly and suffered from emotional distress; and 4) the findings of the hearing officer are not supported by substantial evidence in light of the whole record. The parties completed briefing the issues.

Public Health Nurses v. State of Alaska. Female public health nurses employed by the State of Alaska alleged that they were the victims of discrimination when the state paid male physicians' assistants, who performed work of comparable character, at a higher rate than it paid the nurses. The Commission decided in favor of the nurses in 1986 and the state appealed. The appeal reached the Supreme Court in 1988. On January 23, 1990, the state filed its final reply brief. The Supreme Court heard the parties' oral arguments on March 2, 1990. On July 27, 1990, the Supreme Court issued an opinion finding in favor of the State of Alaska and against the public health nurses. The Court's decision interpreted AS 18.80.220 (a)(5) which requires that male and female employees receive equal pay when they do work of "comparable character." The Court held this to mean the employer only has to pay male and female employees equally when they do "substantially equal work." The Supreme Court remanded the case to the Commission to reevaluate the evidence in light of its holding.

Gilkey v. Municipality of Anchorage v. State of Alaska, Department of Law. A Black complainant alleged that the District Attorney's office discriminated against her because of her race when it refused to prosecute the person who killed her son in a domestic disturbance. After an investigation the Commission staff concluded there was not substantial evidence to support her allegations in the complaint. Ms. Gilkey appealed the Commission's decision to close the case. On March 21, 1990, the Superior Court upheld the Commission's decision.

Just Teasing

A Filipino mechanic filed a complaint alleging that his coworkers repeatedly harassed him because of his national origin by calling him derogatory names such as "pygmy," "skin-head" and "pollack." His supervisor, though aware of the harassment, failed to take action telling him that his coworkers were "just teasing." The harassment escalated to a physical assault which the mechanic reported to the police. supervisor finally warned employees that their conduct was "unacceptable and must cease immediately." The harassment continued when coworkers sabotaged the mechanic's work and tampered with equipment he repaired. As a result his supervisor rated him "unacceptable" on his performance review. He quit his job because of the continuing hostility and The employer denied the intimidation. allegations, contending that as soon as it became aware of the mechanic's allegations, it took reasonable steps to correct the problem. The employer settled the case by providing training to its employees on discriminatory harassment and upgrading the mechanic's evaluations.

No Satisfaction

A Filipino woman alleged that a housing agency rejected her application to purchase a home because of her national origin. She contended that the agency rejected her application despite her eligibility while approving the applications of non-Filipinos who were ineligible. Staff

determined there was substantial evidence to support the woman's allegations. The housing agency signed the Commission's conciliation agreement paying \$3,845.45 for the expense of finding alternate housing. The agency wrote and disseminated to all its employees, applicants, tenants, and owners a letter expressing its commitment to comply with the Alaska Human Rights Law. The woman refused to sign the conciliation agreement. Staff closed the case for failure to accept the full relief available under the Commission's authority.

Profile of an Investigator

When Investigator Sharon Stowers was growing up in Capitol Heights Maryland, just outside of Washington, D.C., she never imagined that one day she would live in Fairbanks, Alaska. In 1979, Sharon, the second oldest of four children, set her sights on far away destinations when she entered the Georgetown University's School of Foreign Service.

While at Georgetown, Sharon worked for the U.S. Department of Education's Office of Equal Employment Opportunity Staff. There, as she assisted the Chief of the Affirmative Action Section, she first became interested in the field of civil rights. While at the U.S. Department of Education she learned the basic legal principles which are the foundation of civil rights law in the United States.

In 1983, after graduating from Georgetown, she went on to the University of Texas Law School in Austin. There she gained legal experience working in a law office on family law issues, and working with a visually impaired attorney by transcribing code books to braille. During law school, Sharon continued her work in the area of employment law when she took a job with the Texas Railroad Commission and researched the Fair Labor Standards Act's application to positions at the Commission.

Upon graduation from the University of Texas Law School in 1986, Sharon moved to Houston to work

for Exxon Company, U.S.A.'s Litigation Department. In early 1988, Sharon and her husband, Renaldo, a fellow attorney, moved to Charlottesville, Virginia where Renaldo completed his basic course at the U.S. Army's Judge Advocate General (J.A.G.) School.



Sharon at Work

Renaldo and Sharon moved to Fairbanks when Renaldo received his orders to Ft. Wainwright. They arrived in April 1988 at the height of "breakup." Despite this introduction to Fairbanks, Sharon



has grown to enjoy the city. She likes its size, its light traffic, the friendly people, and the gorgeous summers. This past summer, her extended family visited Alaska and together they explored more of the state.

Sharon landed a job with the Commission shortly after her arrival in Fairbanks. She enjoys working for the Commission and says, "It's a great way to learn about people with real problems." She likes the people she meets and her natural curiosity compels her to complete investigations quickly and accurately. Sharon is one of the agency's highest producers of completed investigations. She feels a sense of accomplishment when she completes a difficult case knowing that she has investigated it thoroughly. Sharon says that one of her most gratifying moments is "when a complainant thanks me for the work that I have done." Sharon says that she also feels particularly satisfied whenever she has an opportunity to educate complainants and employers on their rights and duties under the law. She hopes that knowledge can help to remedy some of the problems in the workplace that are caused not only by prejudice but by ignorance.

Sharon has experienced earthquakes, the heavy snowfall of 1990, and survived the frigid winter of 1989 in Fairbanks. Though perhaps not as exotic as some of the faraway destinations she imagined, we are glad Sharon came to Alaska and that her path crossed ours.

1990 CASE PROCESSING STATISTICS

Analysis of Filings By Complainants' Sex

Male	177
Female	221
Unknown	0
Director's Charge	2
Multiple Charge	0
Total Filings	400

ANALYSIS OF FILINGS BY COMPLAINANTS' RACE

Total Filings	400	
Multiple Charge	0	
Director's Charge		
Other		
American Indian	7	
Hispanic	17	
Asian	16	
Alaska Native	53	
Unknown	21	
Black	91	
Caucasian	184	

ANALYSIS OF FILINGS BY TYPE

Total Filings	400
Multiple	0
Coercion	0
Finance	1
Public Accommodation	13
Government Practices	19
Housing	28
Employment	339

ORIGIN OF 1990 CASES FILED WITH ASCHR FOR INITIAL PROCESSING BY REGION Southeast (15.7%) Northern (18.8%)

AERC (26.2%) ASCHR (57.4%)

LOCATION OF CASES OPEN AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS

ANALYSIS OF FILINGS BY BASIS

	SINGLE BASIS COMPLAINT	MULTIPLE BASIS COMPLAINT
Race	106	54
Multiple	109	0
Ago	19	20
Sex	67	71
Physical Disability	32	14
Retaliation for Filing	17	10
National Origin	20	15
Mental Disability	1	1
Pregnancy	8	7
Parenthood	0	5
Religion	11	8
Retaliation	2	26
Marital Status	8	19
Change in Marital Status	0	1
Total Filings	400	251

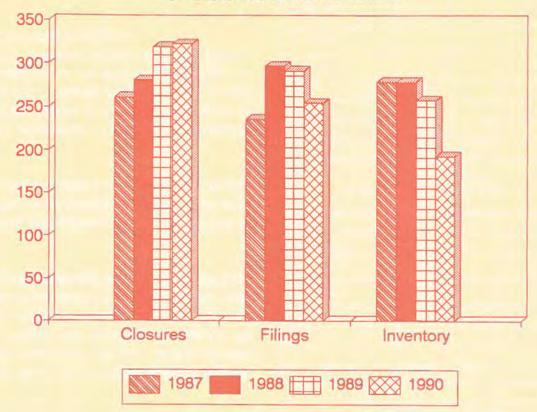
ANALYSIS OF FILINGS BY ISSUE

	SINGLE BASIS COMPLAINT	MULTIPLE BASIS COMPLAINT
Discharge	96	71
Terms/Employment	62	74
Failure to Hire	70	11
Multiple	97	0
Pay Equity	5	9
Other	27	18
Eviction	7	4
Denied Service	11	2
Failure to Promote	5	11
Failure to Rent	13	0
Failure to Dispatch	3	0
Failure to Sell	0	0
Demotion	4	6
Denied Credit	0	0
Total Filings	400	206

ANALYSIS OF 1990 CLOSURES

REASON FOR CLOSURE	Number of Closures	PERCENTAGE OF TOTAL
ADMINISTRATIVE CLOSURES		
Complaint Withdrawn	21	4.07%
Complaint Not Timely	3	.58%
Lack of Jurisdiction	7	1.36%
Complainant Not Available	6	1.16%
Failure of Complainant		
to Proceed	15	2.91%
Complainant in Court	2	.39%
Administrative Dismissal	3	.58%
Subtotal	57	11.04%
CONCILIATION/SETTLEMENT CLOSURES		
Complaint Withdrawn With		
Settlement	8	1.55%
Predetermination Settlement	84	16.28%
Substantial Evidence/ Conciliation Agreement	3	.58%
Substantial Evidence/Full Relief Rejected by Complainant	2	.39%
Subtotal	97	18.80%
NOT SUBSTANTIAL EVIDENCE	352	68.22%
HEARING CLOSURES		
Hearing Decision for		
Complainant	1	.19%
Hearing Decision for	0	0%
Respondent Pre-Hearing Settlement	8	1.55%
Hearing Administrative		1.33 %
Dismissal	1	.19%
Subtotal	10	1.94%
TOTAL 1990 CLOSURES	516	100%

YEAR END FILINGS, CLOSURES & INVENTORY OF CASES PROCESSED BY ASCHR



SUMMARY OF CLOSING ACTIONS

	1	988	1	989			DETAIL OF	1990 CLOS	URES	
						SCHR		EEOC		ERC
REASON FOR CLOSURE	No.	%	No.	%	No.	%	No.	%	No.	%
Conciliation/Settlement Closures	116	27.8	105	23.9	71	13.8	0	0	35	6.8
Not Substantial Evidence	195	46.8	268	61.1	216	41.9	82	15.8	54	10.5
Administrative Closures	106	25.4	66	15.0	36	6.9	6	1.2	16	3.1
						323		88		105
TOTAL CLOSURES	1	417		439				516		

EEO PROGRESS IN STATE GOVERNMENT

Alaska Statute 18.80.060(6) requires the Commission to "make an overall assessment, at least once every three years, of the progress made toward equal employment opportunity by every department of state government; results of the assessment shall be included in the annual report." At year's end, the Commission staff requested statistics maintained by the Office of Equal Employment Opportunity. Staff reviewed and analyzed these statistics. The Director of Investigations subsequently interviewed commissioners and department personnel officers about gains or set-backs demonstrated by these statistics.

Overall, very little progress has been made. Some departments fared better than others. Some still have strides to make toward equal employment opportunity.

In this report, the Commission provides statistics which parallel those from its 1987 Annual Report. The charts, shown throughout this report, reveal that the total number of full-time state employees increased by 1,498 or 14.3 percent between 1987 and 1990. Despite this significant increase in the number of state employees, minority participation in the work force increased by a mere 1.4 percent and female participation by only .8 percent. The state lost an opportunity to improve its equal employment opportunity profile by recruiting and hiring more minorities and women these past three years.

Most department officials interviewed called for more training and assistance from the Office of Equal Employment Opportunity. Some officials stated that they were unclear as to the affirmative action goals for their departments; others expressed concern that the state's affirmative action plan is out-of-date and needs revision.

Though the increase of minority participation is low, the total percentage of minority participation in the state's work force is 15.5 percent. This figure is slightly higher (1.1%) than the figure of 14.4% minority participation targeted in the state's 1985 Affirmative Action Plan. Without current labor force statistics, it is difficult to know whether these figures are in line with the percentages of minorities and women available in our state's work force today. Information from the 1990 census, when released, will better allow the Commission to evaluate the state's progress.

1990 STATE OF ALASKA WORKFORCE (PERMANENT FULL-TIME EMPLOYEES)

RACE	NUMBER MALES	NUMBER FEMALES	UNKNOWN SEX	TOTAL.
White	5,582	4,490		10,072
Black	217	179		396
Hispanic	87	104		191
Asian/Pacific	178	238		416
Alaska Native/ American Indian	374	477		851
Unknown	- 14	13	4	31
Total	6,452	5,501	4	11,957

1990 STATE OF ALASKA WORKFORCE (PERMANENT PART-TIME EMPLOYEES)

RACE	Males	FEMALES	TOTAL
White	47	176	223
Black	3	6	9
Hispanic	2	5	7
Asian/Pacific	3	15	18
Alaska Native/ American Indian	5	15	20
Unknown	0		
Total	60	218	278

1990 STATE OF ALASKA WORKFORCE (SEASONAL EMPLOYEES)

RACE	MALES	FEMALES	TOTAL
White	858	421	1,279
Black	4	6	10
Hispanic	7	6	13
Asian/Pacific Islander	ġ	8	17
Alaska Native/ American Indian	56	32	88
Unknown	23	12	35
Total	957	485	1,442

EXPANDED CERTIFICATION STILL UNEVALUATED

Since 1984, the state has used the expanded certification program as a tool to increase minority and female employment in the executive branch. The program requires managers and supervisors to consider underutilized classes in their departments when filling vacancies. Hiring officials consider eligible applicants both from registers supplied by the Division of Personnel and from underutilization reports certified and furnished by the Office of Equal Employment Opportunity. Some departments have attributed their gains in minority and female participation to the use of expanded certification registers. To this date no meaningful evaluation has been made of the program's impact on the state's overall equal employment opportunity efforts. A recent performance review of the Office of Equal Employment Opportunity by the Division of Legislative Audit examined the expanded certification program and other methods used to ensure the state's compliance with fair employment practice laws. Until the Division of Legislative Audit releases its report, no information on the program's effectiveness is available. As the program nears its tenth year anniversary, a comprehensive evaluation of its success or failure as an affirmative action tool is in order.

STILL NO DATA ON DISABLED

Statistics on disabled applicants and employees are still not compiled. There are no goals for hiring individuals experiencing disabilities. The Director of the Office of Equal Employment Opportunity, Michael McKennett, stated that one of his office's goals is to upgrade the state's informational system to track statistics on hiring individuals with disabilities. Director McKennett plans to use the statistics to develop an affirmative action plan which will include individuals experiencing disabilities.

SUCCESSFUL EFFORTS

The Director of Investigations spoke to department officials to find out what worked for those departments that improved minority and female participation in the work force. The Department of Administration felt that expanded certification allowing managers and supervisors to consider under-utilized classes was a significant aid to improving minority participation. The department commented that more training in the area of equal employment opportunity would further enhance its progress.

The Department of Environmental Conservation (DEC), though still low in overall ranking amongst departments for minority and female participation, demonstrated the largest increase in the hiring of minorities and women during the past three years. The department made a conscious effort to meet

NUMBER OF MINORITIES AND FEMALES EMPLOYED BY THE STATE OF ALASKA 1981 - 1990

(PERMANENT FULL-TIME, PERMANENT PART-TIME, & SEASONAL)

YEAR	FEMALES	%	MINORITIES	%
1981	5,014	43.8	1,079	9.7
1982	5,437	44.8	1,176	9.6
1983	5,410	44.8	1,136	9.4
1984	5,359	45.4	1.326	11.2
1987	5,382	44.4	1,738	14.4
1990	6,204	45.4	2,036	14.9

NUMBER OF ALASKA NATIVES/AMERICAN INDIANS EMPLOYED BY THE STATE OF ALASKA 1981 - 1990 (PERMANENT FULL-TIME, PERMANENT PART-TIME, & 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	6.70
1990	959	7.01

Number of Blacks Employed By
The State of Alaska
1981 - 1990
(Permanent Full-Time, Permanent Part-Time, & 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
1990	415	3.03

its equal employment opportunity goals in order to increase participation of minorities. It also made strides toward increasing the number of women who were employed in higher paying positions. Improvement resulted from making division directors accountable for minority and female hire in their divisions. Further, directors were required to justify non-selection of under-utilized classes. This heightened the directors' awareness of equal employment responsibilities.

The department has created a career ladder for engineers and field officer job categories. They also utilize an intern program with various universities. DEC stated that there is still a problem in that few minorities and women graduate from universities with degrees in environmental sciences. Hopefully, once minorities and women believe that they are welcome, more will pursue the sciences as a career.

BACKSLIDING/BARRIERS

The Department of Fish and Game remains at the bottom of the list ranking minority and female participation in the work force. During the past three years, instead of advancing, minority participation declined. Officials speculated that since the department was compelled to hire from the lay-off list made up mostly of white males, minority participation declined. They continue to cite required professional degrees and technological expertise of their job classes as impediments to increasing opportunities for women and minorities. Fish and Game continues to reach out to students from grade school through college to educate them about Fish and Game as a career.

The Department of Natural Resources made minor advances in minority and female participation, yet remains second from the bottom of the list in minority hire. The department said that it needs more training. It also cited massive lay-offs as redirecting the efforts of personnel officers to issues other than equal employment opportunity. The department said it will continue its use of student interns to help improve minority participation.

THE ROLE OF THE EEO OFFICE

Director Michael McKennett of the Office of Equal Employment Opportunity stated that the level of female and minority participation in state government is at its highest all-time level. Director McKennett cited the mandatory training for state division directors, which will be incorporated in the department's regulations, as a major accomplishment of his office. Director McKennett hired two full-time trainers to implement the office's training programs. In 1990 the office conducted 10

Number of Hispanics Employed by The State of Alaska 1981 - 1990 (Permanent Full-Time, Permanent Part-Time, & 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
1990	211	1.54

NUMBER OF ASIANS/PACIFIC ISLANDERS EMPLOYED BY
THE STATE OF ALASKA
1981 - 1990
(PERMANENT FULL-TIME, PERMANENT PART-TIME, & 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
1990	451	3.30

training sessions which reached 200 employees. Statistics on the number of trainings conducted in the prior two years are unavailable. However, these trainings reached 2,500 state employees.

Director McKennett cited the adoption of affirmative action and equal employment opportunity regulations as a benchmark for the agency. These regulations have been forwarded to the Department of Law for review. Director McKennett stated that, without specific guidelines for the operation of the agency, it has been difficult to implement plans.

Though the 1987 progress report noted that Director McKennett intended to assign five full-time staff to analyze departmental statistics, assess prior performance and evaluate programs implemented under old affirmative action plans in order to prepare a new plan for spring of 1988, this remains undone. His office now plans to reassess its affirmative action goals in light of the 1990 census labor information. He will continue to advance an affirmative action plan with measurable goals. He particularly hopes to remedy the under-utilization of Alaska Native employees in state government.

As to future plans, the office also hopes to focus on the advancement of women and minorities within the state system. Currently, the vast majority of women and minorities hold positions in the lowest salary groups. Finally, but not least important, the office plans to conduct trainings on how to manage a diverse work force.

MINORITIES IN ALASKA STATE GOVERNMENT 1990 MONTHLY SALARY LEVELS (PERMANENT FULL-TIME)

SALARY GROUP	TOTAL EMPLOYEES IN GROUP	GROUP PERCENTAGE OF TOTAL EMPLOYEES	NUMBER OF MINORITY FAIPLOYEES	MINORITY PERCENTAGE OF SALARY GROUP
\$8.999 - 8.000	5	.04	0	0
\$7,999 - 7,000	29	24	i	3.4
\$6,999 - 6,000	177	1.48	- 11	6.2
\$5,999 - 5,000	570	4.77	32	5.6
\$4.999 - 4.000	1,461	12.22	107	7.3
\$3,999 - 3.000	2.652	22.18	345	13.0
\$2.999 - 2.000	3_148	26.33	575	18.3
\$1,999 - 1,000	3,915	32.74	783	20.0
Total	11.957	100.00	1.854	

TREND ANALYSIS
ALASKA NATIVES EMPLOYED BY THE STATE OF ALASKA
1984 - 1990
(PERMANENT FULL-TIME AND PART-TIME, SEASONAL)

Year	Number Employed	Percent of Total Workforce
December 1984	347	3.4
December 1985	489	3.8
December 1986	521	4.1
December 1987	528	4.4
December 1990	694	5.1

FEMALES IN ALASKA STATE GOVERNMENT 1990 MONTHLY SALARY LEVELS (PERMANENT FULL-TIME)

SALARY GROUP	TOTAL EMPLOYEES IN GROUP	GROUP PERCENTAGE OF TOTAL EMPLOYEES	NUMBER OF FEMALE EMPLOYEES	MINORITY PERCENTAGE OF SALARY GROLP
\$8.999 - 8.000	5	04	0	0
\$7.999 - 7.000	29	.24	2	6.9
\$6.999 - 6.000	177	1.48	30	16.9
\$5.999 - 5.000	570	4 77	117	20.5
\$4.999 - 4.000	1.461	12.22	379	25.9
\$3.999 - 3.000	2,652	22.18	1.108	41.8
\$2.999 - 2.000	3.148	26.33	2.065	65.6
\$1,999 - 1,000	3.915	32.74	1.800	46.0
Total	11.957	100.00	5,501	

STATE OF ALASKA EMPLOYMENT PROFILE

RANKING DEPARTMENTS

BY

PERCENTAGE OF

MINORITIES

MINORITIES

FOR THE YEARS 1987 AND 1990 (PERMANENT FULL-TIME)

	1987			1990			
DEPARTMENT	TOTAL EMPLOYEES	NUMBER MINORITIES	PERCENTAGE MINORITY	TOTAL EMPLOYEES	Number Minorities	PERCENTAGE MINORITY	MINORITY PERCENTAGE INCREASE/ DECREASE
Office of the Governor	188	32	17.0	191	34	17.8	+0.8
Administration	944	174	18.4	1,021	230	22.5	+4.1
Commerce & Economic Development	340	37	10.9	426	53	12.4	+1.5
Community Regional Affairs	165	40	24.2	178	44	24.7	+0.5
Corrections	988	195	19.7	1,248	287	23.0	+3.3
Education	444	51	11.5	523	57	10.9	-0.6
Environmental Conservation	211	9	4.3	362	31	8.6	+4.3
Fish & Game	641	39	6.1	746	38	5.1	-1.0
Health & Social Services	1,473	279	18.9	1,794	355	19.8	+0.9
Labor	529	78	14.7	537	85	15.8	+1.1
Law	307	29	9.4	358	39	10.9	+1.5
Military & Veterans' Affairs	93	10	10.8	101	10	9.9	-0.9
Natural Resources	535	42	7.9	593	51	8.6	+0.7
Public Safety	716	95	13.3	796	115	14.4	+1.1
Revenue	306	40	13.1	342	53	15.5	+2.4
Transportation & Public Facilities	2,579	329	12.8	2,741	372	13.6	+0.8
TOTAL	10,459	1,479	14.1	11,957	1,854	15.5	+1.4

DEPARTMENT	1990 TOTAL
Community Regional Affairs	24.7%
Corrections	23.0%
Administration	22.5%
Health & Social Services	19.8%
Office of the Governor	17.8%
Labor	15.8%
Revenue	15.5%
Public Safety	14.4%
Transportation & Public Facilities	13.6%
Commerce & Economic Development	12.4%
Education	10.9%
Law	10.9%
Military & Veterans' Affairs	9.9%
Environmental Conservation	8.6%
Natural Resources	8.6%
Fish & Game	5.1%

STATE OF ALASKA EMPLOYMENT PROFILE

FEMALES

FOR THE YEARS 1987 AND 1990

(PERMANENT FULL-TIME)

RANKING DEPARTMENTS

BY

PERCENTAGE OF

FEMALES

		1987		1990			
DEPARTMENT	TOTAL EMPLOYEES	Number Females	PERCENTAGE FEMALES	TOTAL EMPLOYEES	Number Females	PERCENTAGE FEMALE	FEMALE PERCENTAGE INCREASE/ DECREASE
Office of the Governor	188	130	69.1	191	129	67.5	-1.6
Administration	944	609	64.5	1,021	654	64.1	-0.4
Commerce & Economic Development	340	181	53.2	426	213	50.0	-3.2
Community Regional Affairs	165	97	58.8	178	108	60.7	+1.9
Corrections	988	302	30.6	1,248	385	30.8	+0.2
Education	444	290	65.3	523	337	64.4	-0.9
Environmental Conservation	211	79	37.4	362	165	45.6	+8.2
Fish & Game	641	220	34.3	746	276	37.0	+2.7
Health & Social Services	1,473	962	65.3	1,794	1,162	64.8	-0.5
Labor	529	307	58.0	537	297	55.3	-2.7
Law	307	196	63.8	358	232	64.8	+1.0
Military & Veterans' Affairs	93	31	33.3	101	29	28.7	-4.6
Natural Resources	535	256	47.9	593	292	49.2	+1.3
Public Safety	716	270	37.7	796	323	40.6	+2.9
Revenue	306	187	61.1	342	202	59.1	-2.0
Transportation & Public Facilities	2,579	615	23.8	2,741	697	25.4	+1.6
TOTAL	10,459	4,732	45.2	11,957	5,501	46.0	+0.8

DEPARTMENT	1990 TOTAL
Office of the Governor	67.5%
Health & Social Services	64.8%
Law	64.8%
Education	64.4%
Administration	64.1%
Community Regional Affairs	60.7%
Revenue	59.1%
Labor	55.3%
Commerce & Economic Development	50.0%
Natural Resources	49.2%
Environmental Conservation	45.6%
Public Safety	40.6%
Fish & Game	37.0%
Corrections	30.8%
Military & Veterans' Affairs	28.7%
Transportation & Public Facilities	25.4%



Jana Harcharek testifies at Barrow meeting



Investigator Murphy takes a call



Mary Sebek trains staff



Commissioners meet in Barrow





Investigator Nall receives award from Chairperson Hurley



Pearl Robertson videotapes training



Staff breaks from training

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