Alaska State Commission for Human Rights

1991 Annual Report

February 8, 1992

The Honorable Walter Hickel, Governor of Alaska The Honorable Richard Eliason, President, Alaska Senate The Honorable Ben Grussendorf, Speaker, Alaska House of Representatives

I am pleased to submit the 1991 Annual Report of the Alaska State Commission for Human Rights, the agency charged with enforcing the Alaska Human Rights Law, one of the most comprehensive human rights laws in the nation.

As economic indicators measure the economic health of our state, cases of alleged discrimination often measure the social health of our state. In 1991 the Commission received over 500 complaints. Complaints on age discrimination nearly tripled, and sexual harassment and disability complaints doubled.

In 1990 a reduction of case filings had allowed the dedicated staff of the Commission to reduce its total inventory and concentrate on closing older cases. We continued to close older cases throughout 1991 and had brought the case inventory nearly current by mid-year. The dramatic increase in complaints of discrimination filed in 1991 combined with continued staff decreases caused the case inventory to soar. With staff time devoted to processing new cases there has been less time to complete existing investigations and once again the Commission will be working against a backlog of aging cases. In addition, more cases were scheduled for public hearing in 1991 than in any one year before.

Commission meetings were designed to provide outreach to Alaska communities with meetings held in Juneau, Fairbanks, Nenana, Anchorage, and Soldotna. A panel of Anchorage high school students cited incidents of discriminatory harassment from fellow students, and under a \$75,000 HUD grant to educate high school students about fair housing and prejudice reduction, the Commission will continue its work to prevent discrimination.

The Commission will continue its task of providing a forum to hear and to redress any breach of Alaska Human Rights Law. Without additional staff support such redress may be delayed or even denied. We ask your commitment to our goal of placing Alaska among those societies which respect all their citizens.

Esther C. Wunnicke, Chairperson ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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ALASKA STATE COMMISSION

FOR

HUMAN RIGHTS

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SANDRAA. HENRICKS, Fairbanks

KATIE HURLEY, Wasilla

AARON T. ISAACS, JR., Klawock

VIRGIE M. KING, Fairbanks

REX A. OKAKOK, Barrow

ESTHER C. WUNNICKE, Anchorage

Commission Staff During 1991

Paula M. Haley, Executive Director

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George Laurito, Administrative Officer

Pearl M. Robertson, Docket Officer

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Lisa D. Reuter, Clerk IV

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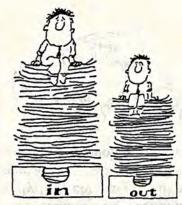
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HIGHLIGHTS OF 1991

This past year turned out to be an extraordinarily busy year for the Commission. Alaskans filed complaints of discrimination and requested training and assistance in greater numbers than seen in more than a decade. This surge of activity comes at a time when the Commission has less staff than it has had in the last 17 years:

The Commission received more complaints of discrimination from Alaskans than in the past 15 years. The last time the Commission witnessed this level of complaint filing activity was in 1977 during the wind down of work on the Alaska pipeline.



Investigators answered 27% more inquiries than last year, resulting in a sharp increase in complaint filings of 44% over 1990. Complaints based on race rose by 23% and complaints based on physical disability and sexual harassment doubled, while age discrimination complaints nearly tripled.

The Commission speculates that the rate of complaint filings is due, in part, to a downturn in the economy and national attention to issues of discrimination. The press coverage of the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, and Anita Hill's testimony during the Senate confirmation hearings for Judge Clarence Thomas, raised the awareness of Alaskans to the protections available under civil rights laws. The Commission is seeing complaints which allege more egregious harm and indications that acts of intolerance, hatred, and discrimination are on the rise in our State.

The hearing unit scheduled more public hearings in 1991 than in any single year in the recorded history of the Commission. Of the ten cases scheduled for public hearing, five involved issues of discrimination based on an individual's disability or perceived disability. Issues of discrimination based on disability often raise more complex and novel issues of law. The Commission requested a supplement and increment for funding, so that it may hold the scheduled hearings and not postpone them into subsequent years.

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Offense Taken

While cleaning a lounge, a Black hotel employee overheard a bartender in a conversation with coworkers refer to a former Black worker as "nigger". After hearing the epithet several times, the employee walked toward the group. The bartender said to the Black employee, "No offense, but he is still a nigger." The Black employee walked away. The next day he requested a meeting with the hotel manager. The manager said he would speak to the bartender. The manager later told the Black employee that the bartender had admitted to making the racial slur. The manager assured the Black employee it would not happen again. Within a month of the incident the hotel promoted the bartender to a supervisory position. The Black employee filed a race discrimination complaint contending that the use of the racial epithet in his presence made his work atmosphere hostile. After receiving the complaint, the manager counseled the bartender regarding use of racial slurs. The Black employee wanted an apology and agreed to settle his complaint for separate letters of apology from the manager and the bartender.

The Commission published quality brochures and a poster about Alaskans' protection from housing discrimination with the assistance of a grant from the Department of Housing and Urban Development. One of the best aspects of the grant was the opportunity for staff to travel to seven locations around the State and provide training on fair housing and equal employment laws.

The interest in civil rights generated by national events provided an opportunity to educate Alaskans about the Human Rights Laws and the Commission's role as an enforcement agency. The Commission received approximately 34 inquiries from the press in 1991, and 16 of these turned into television or newspaper articles or quotes. At the same time that interest in the work of the Commission soared and the workload increased dramatically, the agency eliminated three positions and closed its Juneau office. For several years the Commission's two field offices in Fairbanks and Juneau had been staffed with only one investigator and no support staff. With required cut backs, the Commission made the difficult decision to close the Juneau field office. For years access to the Commission for all Alaskans around the State has been through the toll free complaint line. Residents of Southeast will continue to be served by calling our 800 number.

The staff will continue to see that complaints are processed as rapidly and efficiently as possible. However, the sharp increase in workload will result in an eventual slow down of case processing. It is clear that the staff will be unable to complete as many investigations if complaint filings continue to mount and inquiries continue to climb. The agency expects that in early 1992 complaints will be docketed, placed in a suspense file, and assigned to an investigator as soon as case load allows. The Commission will continue to make every effort to streamline its process and bring technology to assist where it can.

SEXUAL HARASSMENT-WHAT IT IS AND WHATYOU CAN DO ABOUT IT

E ver since October the topic of discussion in the workplace, in management meetings and at social gatherings has been sexual harassment. When Anita Hill testified before the U.S. Senate

Discrimination Grounded

A mother filed a public accommodations complaint on behalf of her son, alleging that an airline discriminated against him because he has cerebral palsy. She planned to have her son accompany her on an overseas vacation. The mother informed the travel agent about her son's need for seat straps. Two days prior to the scheduled departure, the airline required completion of a medical questionnaire by a physician. After receiving the completed questionnaire, the airline informed the mother she must pay an additional \$14,000 for her son's airfare. The airline asserted it would need to remove five seats and install a bed for her son, having determined that he could not sit in an airplane seat. The airline also concluded that it was unacceptable for other passengers to see her son being fed by tube and that her son's appearance and speech would disturb passengers. The mother contended that her physician stated her son could use a normal aircraft seat. Because of the additional cost, the mother traveled without her son and hired someone to care for him while she was away. Upon receiving the complaint, the airline offered to settle. It reimbursed the mother's \$2,600 caregiver fees and distributed copies of the airline's policy governing the accommodation of passengers with disabilities to all supervisory reservations and sales personnel.



during the Clarence Thomas Confirmation hearings the nation reacted. One news commentator analogized this reaction to a scab being pulled off a wound.

Surveys have been completed, news polls taken and the results suggest that sexual harassment, even if largely unreported to employers and enforcement agencies, pervades the work place. If this is true it is essential that we understand sexual harassment - the problem and what we can do about it.

Sexual harassment is a form of employment discrimination based on sex. Every employee and applicant for employment is protected from sexual harassment.

There are two types of sexual harassment. For years people only thought of sexual harassment as sex in exchange for a job benefit or what the law calls quid pro quo sexual harassment. This type of sexual harassment occurs when a manager, supervisor, or someone in a position of authority in an organization conditions the giving of an employment benefit or the withholding of an employment detriment on the individual's willingness to provide sexual favors. Most of us understand that this type of activity is wrong and against the law.

The other kind of sexual harassment, which appears to create more confusion for employers and employees, is referred to as hostile-environment sexual harassment. Here sexual harassment occurs when sexual comments and/or conduct so pervade the work place that a hostile, intimidating or offensive work environment results. The comments or conduct may come from a manager, supervisor, coworker, or any other individual whom the employer has allowed in the work place.

A hostile-environment sexual harassment occurs when comments and or conduct is severe or pervasive enough to alter the working conditions of a reasonable person. It is only unwelcome sexual activity in the work place that is prohibited by law.

There are some issues underlying hostile-environment sexual harassment that employers may not know. An employer may be found liable for the behavior of non-employees who frequently visit the work place. Sexual harassment may involve male to female or same sex harassment and should not always be thought of in terms of men sexually harassing women. Sexual harassment may run the gamut from a worker who constantly leers at workers of the opposite sex through constant unwelcome sexual jokes and comments to attempted or actual sexual assaults.

Sexual Harassment Comes With Job

An interviewer warned an applicant for a secretarial position (which she supervised) that she would be working around men who frequently make comments and jokes about women. The interviewer stated that because the applicant is "beautiful and attractive", she should expect such behavior from the men in the office. The interviewer asked, "Do you have aproblem with that?" The applicant responded no, and accepted the offer of the position. After a few days on the job, a manager began to constantly tell her she was "hot", "sexy", "gorgeous", "on fire", and put his hands on her. Whenever she filed or picked up papers in a bent position, he would get close to her and rub himself on her. She politely discouraged the manager and told him to stop, but the harassment continued. She wrote to her supervisor and the manager, demanding that the harassment cease. The supervisor met with her and accused her of inviting the harassment by dressing provocatively and bending over too much. The woman quit and filed a sexual harassment complaint. Staff found substantial evidence to support the woman's allegations. Before staff issued its determination, the employer offered to settle. The employer agreed to compensate the woman for a month's wages from the date she quit until she started her new job; counsel the harasser; and train all supervisory personnel about the obligation to provide a work environment free of sexual harassment. The woman accepted the offer of settlement and the Commission dismissed the case.

It is essential that workers understand sexual harassment. Many employers make the mistake of training only managers and supervisors about sexual harassment. If employers also train employees, it would help some modify their work place behavior and help others recognize the problem and take early action before it escalates. Some employees may wrongly assume that one clumsy joke or request for a date is sexual harassment. Workers must be able to tell the difference between bad manners, office romance, and sexual harassment.

Last year Commission investigators answered one hundred eighty-six (186) inquiries regarding sexual harassment. Only twenty-nine (29) of these became complaints of sexual harassment. Often callers would just ask for information saying that they were calling for a friend or did not want to file.

Most of the complaints of sexual harassment filed with the Commission last year involved hostile-environment sexual harassment, where workers made inappropriate sexual comments in the workplace. In a number of cases, a worker left pornography or sexual implements in a fellow employee's work area. Other cases involved employees who made graphic sexual remarks about a co-worker or subordinate's anatomy. It may be that the Commission largely receives complaints about the most egregious situations.

Employers should develop a policy which expresses strong disapproval of sexual harassment in the workplace and provides appropriate sanctions for sexual harassment. This policy should then be communicated to all employees. Most importantly, employers should implement a procedure to encourage employees who experience sexual harassment to come forward. Designating a person who is sensitive to the issue to receive complaints and protecting victims of harassment and witnesses from retaliation are important parts of any procedure. Once a claim is received, the employer should promptly investigate and take immediate corrective action if sexual harassment is found.

Employees should understand their rights and obligations under the law, their employer's policy on sexual harassment, the consequences of violating the policy, and to whom to report violations. If employees do not understand the policy, they should ask. Employees have the right to say "no" to unwelcome sexual advances, as well as offensive sexual comments, jokes, conduct, and material. Employees should be direct when they say no and refuse to tolerate sexual harassment.

As a rule, respect each other and the whole organization will benefit.

Harasser Fired — Icing on the Cake

A pregnant female cake decorator alleged that the store manager sexually harassed her and other female workers and terminated her because of her pregnancy. She asserted that the store manager embarrassed her in front of customers everyday by making sexual comments and jokes. The manager commented that her breasts were growing larger everyday; held up an ice-cream cone and told her had she used one, she would not be pregnant; and waved a bra in the air and asked, "Whose bra is this?" The woman said she reported the harassment to the district manager but nothing was done. To get away, she transferred to another store. A few weeks later the district manager fired her, saying, "Idon't want to be liable for your pregnancy." The woman filed a sexual harassment and pregnancy discrimination complaint. Shortly after receiving the complaint, the district manager fired the store manager who had harassed her and offered to settle the case. The employer agreed to pay the woman's wages for the period from her termination date through her delivery date. The woman did not seek reinstatement. The parties signed a predetermination settlement and the case was dismissed.

FAIR HOUSING FOR ALASKANS

The Commission staff conducted seven trainings on state and federal fair housing laws in Alaska with help from the U.S. Department of Housing and Urban Development. Both Executive Director Paula Haley and Director of Special Investigations Carolyn Dallinger launched the project with the first training at the annual Commission meeting in Juneau.



At the end of fishing, hunting, and whaling seasons, staff traveled to Bethel in October; Nome, Barrow, Kodiak, and Fairbanks in November; and Ketchikan in December with its one day fair housing workshop. The trainers took advantage of the opportunity to conduct other workshops on employment discrimination while in these communities.

The trainers focused on the protection provided by the Federal Fair Housing Amendment Act of 1988 and the Alaska Human Rights Law, emphasizing the federal act's expanded coverage for persons with disabilities and families with children. Participants learned that housing discrimination occurs in rural as well as urban Alaska. Realtors earned continuing education credit from the Alaska Real Estate Commission for attending the workshop.

At the workshops, staff distributed the new fair housing poster and brochures developed under the grant. The poster and the brochures, written in English, Filipino, Inupiat, Spanish, and Yupik, were received enthusiastically in all communities that the Commission traveled to.

The Commission staff distributed the poster and brochures in a statewide outreach campaign. Staff mailed posters and brochures to over 800 organizations and individuals, placed advertisements in newspapers across the state, and set up a telephone system to receive poster orders. Organizations and individuals agreed to distribute the brochures and display posters to inform persons about the protection of fair housing laws. A reproduction of the poster and translations can be found on the last page of the Annual Report.

Employer Cleans Up Dirty Laundry

A cleaning woman filed a sex discrimination complaint claiming that a male supervisor sexually harassed her. The woman's employer provided housekeeping services to the supervisor's contractor. Her assignments included cleaning the supervisor's office and house. The woman alleged that the supervisor constantly told her she was beautiful; made comments about her anatomy; asked if she was married; told her he could make her happier sexually; told her not to change his bedsheets unless she planned on being in them; and made many offensive noises and gestures with his face and hands. She told him she was married, to keep his mouth shut, and that she didn't want to hear his offensive comments. This failed to stop the harassment and she reported the problem to her employer. The employer immediately relieved the woman of her cleaning duties with pay, advised the manager's contractor of the allegations, and conducted an investigation while keeping the woman on the payroll. The contracting company formally counseled the supervisor about his conduct and documented the counseling in the supervisor's contract files. Staff found that the woman's employer and the supervisor's employer took timely, reasonable steps to correct the problem and dismissed the case.

The Commission applied again and received an education grant from the U.S. Department of Housing and Urban Development. The grant provides for fair housing education and prejudice reduction in the schools. Staff will coordinate with the Anchorage School District to develop a video tape using high school students to discuss issues of prejudice reduction. A video user's guide will be produced to assist teachers' introduction of the video into the curricula. Staff will generate a resource directory of various prejudice reduction projects being used in Alaska and the greater country. A children's artwork competition will be conducted to develop a poster for public awareness. The 1992 grant is designed to educate the youth of Alaska about fair housing and reduce the prejudice that underlies housing discrimination.

THANK YOU FOR CALLING ...

We are concerned with our ability to serve Alaskans' needs. Due to required staff cuts the Commission purchased a new telephone system to assist us with answering your calls. The Commission's automated telephone answering service allows access to the Commission twenty-four hours a day, seven days a week.

It's easy! When you call, AutoAttend will give you a list of options from which to choose. If you have a touch tone phone press the numbers which correspond to your selection, then follow the instructions given to reach the party you've called. Once you've become familiar with AutoAttend you don't need to listen to the entire menu before making your selection. Speed up the process by pressing the number of your choice as soon as you hear the menu begin. AutoAttend works as fast as you!

Don't worry about making mistakes or getting "lost" when using AutoAttend. You can dial "O" for operator if you feel you need assistance with your call. If you don't have a touch-tone phone, please stay on the line and an operator will assist you.

Foolish Pranks Cause Flap

A maintenance dispatch supervisor filed a complaint alleging that his employer subjected him to a hostile work environment and constructively discharged him. The worker suffers from an incurable neurological disorder which causes constant pain. Due to numbness on his right side he had several accidents at work, such as falling down the stairs. His coworkers often made fun of his accidents. They attached a seatbelt to his chair, placed a seatbelt sticker on the toilet. put a cane in his truck, and placed a helmet with his name on it in the office's trophy case. He said his supervisor often referred to him as "cripple". He charged that his supervisor and coworkers made his working conditions so intolerable that after fifteen years on the job he resigned by taking a medical retirement. Staff found the employer subjected him to a hostile work environment, but did not find substantial evidence of constructive discharge. Staff successfully conciliated the hostile work environment claim. The employer agreed to: expunge his personnel file of all documents relating to the complaint; have all staff sign a statement that they read and understood the anti-harassment policy; direct a statement to all supervisors emphasizing strict accountability for the equal employment and anti-harassment policy; and conduct a training session for all employees on their rights and responsibilities under Alaska's Human Rights laws.

PUBLIC HEARING CASES



In Margaret Chambers v. Engine and Gear Works, Inc., complainant, a bookkeeper, alleged that the owner of the respondent company sexually harassed her. She claimed that the owner attempted to kiss her and touch her body on numerous occasions and asked her to engage in sexual activities. She alleged that she had been forced to quit her job because of intolerable working conditions. The Commission held a public hearing in Anchorage in January 1991. After the hearing the Commission concluded that the owner of Engine and Gear Works, Inc. sexually harassed Margaret Chambers and constructively discharged her. The Commission awarded Margaret Chambers \$2623 in back pay.

In Alison Marshall v. AKCON, Inc., complainant alleged the respondent company would not hire her because of her sex. Prior to the public hearing the parties settled for \$3,000 and AKCON agreed not to discriminate in the future.

In **Sharon Webb v. VECO**, **Inc.**, complainant alleged VECO denied employment on an offshore construction project because of her sex. A public hearing was held in Kenai in November 1991. The hearing examiner has not yet issued a proposed decision.

In Diane Caleb-Phipps v. EYAK Village Corporation, complainant alleged EYAK, a Native village corporation refused to hire her to work as a laborer on a wetlands enhancement project because of her sex. EYAK moved to dismiss the case asserting the Commission's jurisdiction to consider employment discrimination complaints against corporations formed under the Alaska Native Claim Settlement Act (ANCSA) was preempted by Section 26G of the Native Claim Settlement Act Amendments of 1987. That law states ANCSA corporations are to be treated like Indian tribes which are not subject to the federal civil rights laws prohibiting employment discrimination. The parties submitted extensive briefs on the disputed legal issues. The hearing examiner issued a proposed decision concluding that the ANCSA amendments preempted Alaska's civil rights laws. The hearing examiner's proposed decision also concluded the law should not be applied retroactively to bar this case because the alleged discrimination happened before Congress changed the law. The Commissioners have not yet issued a decision on either of the proposed legal rulings. The Commission has tentatively set the case for public hearing in Cordova on July 27, 1992.

Everybody Dance Now

A female gardener alleged that while she and her friends were at a bar one Friday night after work, her boss joined them and asked her to dance. She declined. When the boss saw a man give her a flower, he left the bar visibly angry. When she left she found a \$100 check on her windshield from her boss. The next morning, she found a note on her windshield which said, "I won't be needing your help in the future." The woman filed a complaint alleging that her boss fired her when she rejected his sexual advances. Before the incident at the bar her boss frequently tried to socialize with her after hours. The employer confirmed that he fired the gardener after she refused to dance with him. Staff found substantial evidence of sex discrimination and successfully conciliated the case. The woman received backpay and the company developed and posted an antidiscrimination policy. In addition, the employer distributed a policy against sexual harassment to all employees.

In the case of Arleene Olson v. EYAK Village Corporation, complainant alleged EYAK, a Native village corporation refused to hire her to work as a laborer on a wetlands enhancement project because of her sex. EYAK moved to dismiss the case asserting the Commission's jurisdiction to consider employment discrimination complaints against corporations formed under the Alaska Native Claim Settlement Act (ANCSA) was preempted by Section 26G of the Native Claim Settlement Act Amendments of 1987. That law states ANCSA corporations are to be treated like Indian tribes which are not subject to the federal civil rights laws prohibiting employment discrimination. The parties submitted extensive briefs on the disputed legal issues. The hearing examiner issued a proposed decision concluding that the ANCSA amendments preempted Alaska's civil rights laws. The hearing examiner's proposed decision also concluded the law should not be applied retroactively to bar this case because the alleged discrimination happened before Congress changed the law. The Commissioners have not yet issued a decision on either of the proposed legal rulings. The Commission has tentatively set the case for public hearing in Cordova on July 27, 1992.

In the case of Andrea Taggart v. EYAK Village Corporation, complainant alleged EYAK, a Native village corporation refused to hire her to work as a laborer on a wetlands enhancement project because of her sex. EYAK moved to dismiss the case asserting the Commission's jurisdiction to consider employment discrimination complaints against corporations formed under the Alaska Native Claim Settlement Act (ANCSA) was preempted by Section 26G of the Native Claim Settlement Act Amendments of 1987. That law states ANCSA corporations are to be treated like Indian tribes which are not subject to the federal civil rights laws prohibiting employment discrimination. The parties submitted extensive briefs on the disputed legal issues. The hearing examiner issued a proposed decision concluding that the ANCSA amendments preempted Alaska's civil rights laws. The hearing examiner's proposed decision also concluded the law should not be applied retroactively to bar this case because the alleged discrimination happened before Congress changed the law. The Commissioners have not yet issued a decision on either of the proposed legal rulings. The Commission has tentatively set the case for public hearing in Cordova on July 27, 1992.

In Peters v. City of Bethel, complainant alleged that the City did not promote him to the position of foreman of the vehicle and equipment shop because of his age. The Commission held a public hearing in Bethel, Alaska in December 1991. The hearing examiner has not yet issued a proposed decision.

Pregnancy Complaint Rocks the Boat

The captain of a tour boat offered a woman a crew position. When she reported for work the next day, the captain asked if she was pregnant. The woman, three months pregnant, said yes. The captain said, "You can't work for the tour company." The woman filed a claiming pregnancy complaint discrimination. The captain denied the allegation, stating she could not work for him because she was dishonest. He had asked her if she had "any pending health conditions" and she answered no. He considers pregnancy a pending health condition and asserted the woman lied. When staff informed the captain of its finding of discrimination, he offered to settle the case. The predetermination settlement required the tour company to: pay full backpay of \$2,200; offer the woman the next available crew position; develop, distribute and post a non-discrimination policy; and train its managers and supervisors on pregnancy discrimination and complying with Alaska's Human Rights laws.

In ASCHR et al. v. State of Alaska, eleven public health nurses employed by the State of Alaska filed a class action complaint alleging they had been the victims of discrimination. They asserted the State paid men employed as physicians' assistants at a higher rate than it paid the nurses even though the incumbents of both job classes performed work of comparable character. The Commission found in favor of the nurses. On July 27, 1990, the Supreme Court overruled the Commission and decided in favor of the State of Alaska. The court held that the Commission had misinterpreted AS 18.80.220(a)(5) when it decided that the public health nurses did work of comparable character to the work of physicians' assistants, without determining whether the work was substantially equal. The Supreme Court remanded the case and instructed the Commission to decide whether the incumbents of the job classes did substantially equal work. On September 26, 1991, the Commission issued a decision in which it concluded the public health nurse complainants were not entitled to the same pay as the physicians' assistants, because the incumbents of the job classes did not perform substantially equal work. The Commission dismissed the nurses' case. Subsequently Kathryn Kindt, Elinore Jacobsen, and Constance Trollan, named complainants in the original proceeding, appealed. They have asserted that they were nurse practitioners and the Commission should have concluded that the public health nurses who were nurse practitioners performed work which was substantially equal to the work of the physicians' assistants, even if the other public health nurses in the original complainant class did not. The appeal is pending before the Superior Court.

In Gary Best v. CAMCO, Inc., complainant alleged that CAMCO perceived him to be physically disabled and refused to hire him because of the disability. The complainant alleged CAMCO took pre-employment x-rays and discovered he had certain spinal abnormalities. Even though Mr. Best asserted he could perform the essential duties of the job, CAMCO refused to hire him. The doctor who read the x-rays labeled complainant's back as "Class V", under a classification scheme used by CAMCO. The company only hired individuals with "Class I" backs. The Commission held a public hearing in Anchorage in October 1991. The parties presented evidence on the extent of the complainant's spinal abnormalities and the basis for using x-rays to predict the likelihood of future back injuries. The hearing examiner has not yet issued a proposed decision.

In the case of Carl Hammon v. Bell Plumbing & Heating, the complainant alleged Bell Plumbing refused to hire him because a prior back operation made him a poor employment risk. Although Mr. Hammon underwent back surgery, he could perform the essential duties of a plumber. He asserted that the company refused to hire him because the managers believed his medical history put him at

Service Dog Has Its Day

A blind woman alleged that as she entered a restaurant with her service dog, an employee rudely told her, "No dogs of any kind are allowed in the restaurant. Get out!" She tried to explain that her dog was a certified service dog for the blind. The employee said, "I've never heard of such a thing." Another employee shouted from the kitchen, "We have the right to refuse service to anyone, get out of here with your dog, now!" The customer asked to speak to the owner or manager and suggested the employees call the police. She assured the workers it was not illegal to have her dog with her inside the restaurant. The owner's daughter called the police and told the customer she could stay if she tied up her dog outside. The blind woman responded, "You're asking me to leave my eyes outside!" and walked out. The customer filed a complaint asserting the restaurant, a place of public accommodation, refused her service because of her disability. Shortly after receiving notice of the complaint, the owner offered to settle. The woman and owner signed a predetermination settlement which required the restaurant to write an apology and train all staff on disability discrimination and the requirement for accommodation.

increased risk of future injuries. Bell Plumbing had no information about Mr. Hammon's medical condition except that he had undergone surgery when it refused to hire him. Prior to the public hearing the parties settled for \$11,289.38, the full amount Mr. Hammon would have earned if there had been no discrimination. The employer also agreed not to discriminate in the future.

LITIGATION



Mary Alyce Sager v. Alaska State Commission for Human Rights and Mukluk Freight Lines. Mary Alyce Sager filed an appeal in the Alaska Supreme Court from a Commission Decision and Order that was affirmed by the Superior Court. 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 appeal Ms. Sager alleged: 1) the Commission denied her a fair hearing because it failed to subpoena 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 were not supported by substantial evidence in light of the whole record. On March 28, 1991, the Superior Court affirmed the Commission's decision in its entirety and subsequently granted the Commission an award of attorney fees as the prevailing party. Ms. Sager has filed an appeal on these same issues in the Alaska Supreme Court. The record is presently being prepared for certification and the briefing should be completed by late spring, 1992.

Shaan-Seet, Incorporated v. Alaska State Commission for Human Rights ex rel. James and Margaret Kelley. Shaan-Seet, Incorporated has filed a Superior Court appeal from a Commission Decision and Order. The complainants, James and Margaret Kelley, filed a complaint alleging that Shaan-Seet had discriminated against them on the basis of race in exercising its right of first refusal

On the Outs with the In-law

After six years on the job, a cleaning company fired the head of a housekeeping crew when she married her supervisor's brother. The employee filed a complaint of marital status discrimination. The employer stated it does not employ relatives, whether the relationship is by blood, marriage or law, in positions where one would supervise the other. Since the employee's supervisor was now her sisterin-law, the employer offered to transfer the employee to another work site, but she rejected the offer. The cleaning company had made exceptions to its policy for temporary hires in emergency situations. The employer offered to reinstate the employee to the same position at another location with backpay. The employee agreed to settle her complaint for backpay.

No Spoils for the Pillager

A female fish processor alleged that a foreman asked her, "Have you been raped and pillaged?" Shocked, the woman said no. The foreman then asked, "Do you want to be?" and began thrusting his hips on her. She told him to back off and stormed out of the room. Coworkers later told the woman that the foreman had sexually harassed other women and that another worker had quit because of his harassment. The woman reported the incident to her supervisor, then quit, saying she felt too uncomfortable to continue working. The employer offered to settle the case. The parties agreed to a monetary settlement.

in the sale of real property. After a public hearing, the Commission held that Shaan-Seet had engaged in discriminatory conduct in violation of AS 18.80.240(2) and ordered that Shaan-Seet offer to sell or convey the same or comparable lot to Kelley in exchange for the sum of \$14,510 or in the alternative pay him money damages. The Commission further ordered that Shaan-Seet desist from exercising its first right of refusal on shareholder homesite lots in a racially discriminatory manner. On appeal, Shaan-Seet alleges: 1) the Commission's findings are not supported by substantial evidence; 2) AS 18.80.240 does not prohibit Shaan-Seet's conduct; 3) the Alaska Native Claims Settlement Act authorizes a village corporation to implement a first right of refusal in a manner which favors continued Native ownership of the land; and 4) the Commission does not have authority to order Shaan-Seet to convey vacant property. The parties have completed briefing the issues and a decision is under advisement in the Superior Court in Juneau.

There were several superior court matters relating to subpoenas, mainly concerning third party subpoenas served on the Commission and in one instance a subpoena enforcement.

Const.

A grocery cashier alleged that he notified his employer through a coworker that he was ill and could not come to work. He claimed his employer fired him because he is Black, asserting the employer did not fire non-Black workers who similarly failed to report for work. The grocer denied the allegations, stating the cashier was fired because he arrived late several times for his scheduled shifts and this infraction violated the

Dispute Set To Rights

company's policy on "schedule dependability". The employer said that it warned the cashier orally and in writing that continued lateness could result in termination and provided names of non-Black workers similarly fired for violating its schedule dependability policy. Before staff completed its investigation the cashier and grocer agreed to settle the complaint when the employer offered to: rehire the employee as a pharmacy

Experience Doesn't Compare

A Black woman filed a complaint alleging that her employer, for whom she has worked sixteen years, refused to promote her to a higher-level clerk position because of her race and sex. She asserted that despite her qualifications and unblemished employment record, the employer promoted a non-Black male with comparable qualifications who had only been with the company for three years. The employer contended that the position required personal computer experience and that the man had a better background in personal computers. Staff found substantial evidence of sex and race discrimination and conciliated the complaint. The woman received backpay and an offer of the next available position.

technician, a position viewed by both parties as better than the former in providing advancement opportunities; expunge the employee's personnel file of all documents and entries relating to the discrimination complaint; and, distribute copies of its policy against discrimination and educational materials on disparate treatment and race discrimination to its managers and supervisors.

ANALYSIS OF FILINGS By Complainants' Sex

Male	241
Female	259
Unknown	15
Director's Charge	0
Multiple Charge	0
Total Filings	515

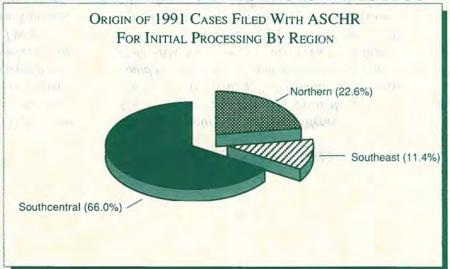
Analysis of Filings By Complainants' Race

Caucasian	223
Black	124
Unknown	65
Alaska Native	38
Asian	18
Hispanic	27
American Indian	10
Other	10
Director's Charge	0
Multiple Charge	0
Total Filings	515

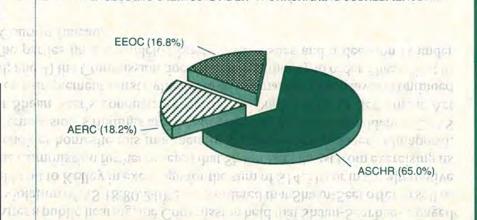
ANALYSIS OF FILINGS By Type

Employment	434
Housing	31
Government Practices	19
Public Accommodation	26
Finance	5
Coercion	0
Multiple	0
Total Filings	515

1991 CASE PROCESSING STATISTICS



LOCATION OF CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS



ANALYSIS OF FILINGS BY BASIS

my many	SINGLE BASIS COMPLAINT	MULTIPLE BASIS COMPLAINT		
Race	120	60		
Multiple	120	0		
Age	55	30		
Sex	73	71		
Physical Disabi	lity 60	21		
Retaliation for	Filing 14	6		
National Origin	1 32	18		
Mental Disabili	ity 6	3		
Pregnancy	19	11		
Parenthood	3	6		
Religion	8	6		
Retaliation	1	20		
Marital Status	4	11		
Change in Mari	tal Status 0	0		
Total Filings	515	263		

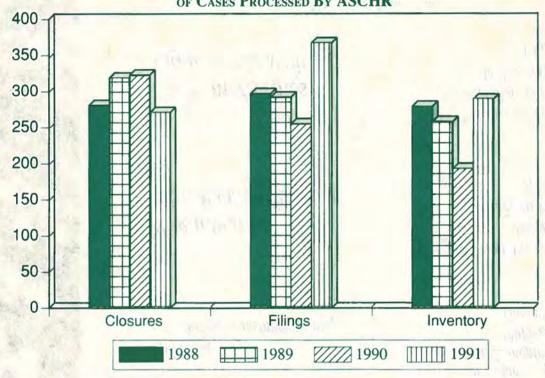
ANALYSIS OF FILINGS BY ISSUE

	SINGLE BASIS COMPLAINT	MULTIPLE BASIS COMPLAIN	
Discharge	127	95	
Terms/Employm	ent 61	101	
Failure to Hire	113	15	
Multiple	125	0	
Pay Equity	6	7	
Other	44	17	
Eviction	6	6	
Denied Service	19	1	
Failure to Promo	ote 3	14	
Failure to Rent	4	1	
Failure to Dispar	tch 2	1	
Failure to Sell	2	1	
Demotion	1	4	
Denied Credit	2	1	
Total Filings	515	264	

Analysis of 1991 Closures

REASON FOR CLOSURE	Number of Closures	PERCENTAC OF TOTAL	
ADMINISTRATIVE CLOSURES	13	- 18.2	
Complaint Withdrawn	31	7.65%	
Complaint Not Timely	0	0%	
Lack of Jurisdiction	7	1.73%	
Complainant Not Available	1	.25%	
Failure of Complainant to Pr	oceed 10	2.47%	
Complainant in Court	0	0%	
Administrative Dismissal	5	1.23%	
Subtotal	54	13.33%	
CONCILIATION/SETTLEMENT	195.	-44	
CLOSURES	1000		
Complaint Withdrawn With Settlement	3	.74%	
Predetermination Settlemen Substantial Evidence/	t 113	27.90%	
Conciliation Agreement Substantial Evidence/Full Re	6 lief	1.48%	
Rejected by Complainant	1	.25%	
Subtotal	123	30.37%	
NOT SUBSTANTIAL EVIDENCE	226	55.80%	
HEARING CLOSURES	\$1	W 300	
Hearing Decision for		- 2031	
Complainant	0	0%	
Hearing Decision for	0	0%	
Respondent Pre-Hearing Settlement	0	.50%	
Hearing Administrative	4	.50%	
Dismissal	0	0%	
Dishilissai		0%	
Subtotal	2	.50%	
TOTAL 1991 CLOSURES	405	100%	

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



SUMMARY OF CLOSING ACTIONS

Reason for Closure	1989 1990		DETAIL OF 1991 CLOSURES							
					ASCHR		EEOC		AERC	
	No.	%	No.	%	No.	%	No.	%	No.	%
Conciliation/Settlement Closures	105	23.9	106	20.5	57	14.1	2	.5	65	16.1
Not Substantial Evidence	268	61.1	352	68.2	181	44.7	18	4.4	27	6.7
Administrative Closures	66	15.0	58	11.3	33	8.1	1	.2	21	5.2
TOTAL CLOSURES 439	120	516		271		21		113		
	139	51	O	405				1		



Everyone deserves a place to live.

If you've been denied a place to live because of discrimination, Call the

Bawat isa ay karapatdapat na magkaruon ng tirahan.

Kung sakali at ikaw ay tinanggihan ng tirahan dahil sa pagtatangi o hindi timbang na pagtingin, Tumawag sa

Iñupayaaq aimaagviqallaruksraugaluaqtuq.

MARKET SO ZIVERE

Iñuum piilaagutinakpatin
iñuuviksragnilukkavich
Iñupiaglukluni,
Ququulasagitin

Yuk tamarmi uitavingqerrarkauguq. Cik 'iumallrunrilkuvet uitavigkavnek allakakumaluten, Qayagauqiu

Todos merecemos lugar donde vivir. Si Ud. ha sido denegado donde vivir por motivo de discriminación, Llame a la

Alaska State Commission for Human Rights Toll Free 800/478-4692 TTY/TTD Hearing Impaired 800/478-3177 In Anchorage 274-4692 Alaska State Commission for Human Rights 800 A Street, Suite 204 Anchorage, AK 99501-3669