Alaska State Commission for Human Rights

1993 Annual Report

The Honorable Walter Hickel, Governor of Alaska
The Honorable Rick Halford, President, Alaska Senate
The Honorable Ramona Barnes, Speaker, Alaska House of Representatives

On behalf of the Commission I respectfully submit the 1993 Annual Report of the Alaska State Commission for Human Rights. In 1993 the Commission celebrated thirty years of human rights enforcement in Alaska. Thirty years ago my uncle Roy Peratrovich, a true champion of civil rights, served on the first Human Rights Commission. Today I serve as the Commission's Chairman and am proud of the agency's accomplishments over the past three decades.

In its first year the Commission received 24 complaints. Thirty years later 598 Alaskans filed complaints of discrimination with the Commission. These increased numbers reflect a growth in population, expansion of human rights protection and an increased awareness by Alaskans of their rights. However, the serious nature of many of the allegations received in the past couple of years may also reflect a growing problem of intolerance in our society.

This year's report provides information about Commission activities as well as the statutorily required review of the progress toward equal employment opportunity by the State of Alaska. In 1993 staff responded to more than 4,500 inquiries from the public. The continued high rate of complaint filings by Alaskans makes this past year the busiest in 17 years.

The Commissioners continue their commitment to reach all Alaskans by holding their three meetings in various locations throughout the State so that the public may learn more about the role of the Commission. Last year the Commission met in Homer, Nome and Fairbanks.

Staff also responded to many requests for presentations about the Alaska human rights law from businesses. The completion of the Housing and Urban Development grant, especially the video "Standing Together", which educates youth about fair housing laws and ways to reduce prejudice in their lives represents a major achievement for the Commission and students involved.

The Alaska State Commission for Human Rights is committed to meeting the responsibilities conferred on it when the legislature created it thirty years ago. We ask for your continued support of our efforts to prevent and eliminate discrimination in Alaska.

ason J. Secos, &

Aaron T. Isaacs, Jr., Chairman
ALASKA STATE COMMISSION FOR HUMAN RIGHTS

COMMISSIONERS

EDNA DEVRIES, Palmer

JAMES S. HAMILTON, Skagway

SANDRA A. HENRICKS, Fairbanks

AARON T. ISAACS, JR., Klawock

SAYOKO MIMOTO-GREENHEART, Anchorage

REX A. OKAKOK, Barrow

ROBYN F. STATES, Fairbanks

COMMISSION STAFF

Paula M. Haley, Executive Director
Mark A. Ertischek, Human Rights Advocate
Sharon O. Avery, Administrative Officer
Laura J. Hauta, Docket Officer
Margaret A. Taylor, Commission Secretary
M. Anne Keene, Clerk IV
Evelyn A. Ramos, Director of Investigations
Helen P. Sharratt, Director of Special Investigations
Sharon E. Brown, Investigator
G. Estelle Landers, Investigator
Timothy Parker, Investigator
Fran Rabago, Investigator
Joel A. Rothberg, Investigator
Stacey Saunders, Investigator
Elizabeth J. Wilson, Investigator

ALASKA STATE COMMISSION FOR

HUMAN RIGHTS

COMMISSION OFFICE

800 A Street, Suite 204 Anchorage, AK 99501-3669

ANCHORAGE AREA (907) 274-4692 TTY/TDD (Hearing Impaired) (907) 276-3177

STATE-WIDE TOLL-FREE COMPLAINT LINE (800) 478-4692

STATE-WIDE TTY/TDD TOLL-FREE COMPLAINT LINE (800) 478-3177

STATE OF ALASKA



Executive Proclamation by Walter J. Hickel, Governor

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

This year the Alaska Human Rights Commission, which enforces the law, celebrates its 30th anniversary. During its long history, the commission and its staff have diligently and courageously sought justice and equality for the peoples of Alaska. The commission's 30th anniversary is a fitting occasion for all Alaska to reflect on the agency's mission and to recommit ourselves to join the commission's efforts to eliminate and prevent discrimination in Alaska.

NOW, THEREFORE, I, Walter J. Hickel, Governor of the State of Alaska, do hereby proclaim Monday, September 13, 1993, as:

HUMAN RIGHTS COMMISSION 30TH ANNIVERSARY DAY

in Alaska.

DATED: September 10, 1993



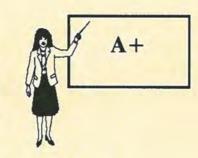
Done by ___

Walter Hickel

Walter J. Hickel, Governor who has also authorized the seal of the State of Alaska to be affixed to this proclamation.

"A" FOR ACHIEVEMENT

Last year in an article entitled "Teaching the Kids", the Commission reported on a one-year educational grant which it received from the U.S. Department of Housing and Urban Development (HUD) to teach high school students about fair housing laws and instruct them in techniques for reducing prejudice in the community. The project is complete and all of the young people involved deserve an "A" for achievement.



Under the grant, the Commission developed a video tape with a diverse group of students from Anchorage's West High School. The students were filmed while in a three day workshop conducted by the Commission. They learned about one another's experiences with prejudice and their rights and responsibilities under fair housing laws. They participated in exercises to challenge prejudice and housing discrimination. The resulting video, "Standing Together", represents a major accomplishment both for the students and the Commission.

The post-workshop use of the video in the schools, and beyond, has been a great success. The students involved in the video formed a support group and continue to meet. They took from the project a commitment to work within their school to shift prejudicial attitudes using the methods they learned from the workshop. Several students made presentations to other groups.

Staff developed a video user's guide, including lesson plans for use with the video in classrooms, and provided teacher training. In addition the staff produced a resource directory of fair housing and/or prejudice reduction courses and programs for youth from around the country for use by teachers and other youth leaders in developing their own program.

The staff has distributed the video, user's guide and directory to Anchorage schools, Alaska school districts, as well as state human rights commissions and a variety of organizations concerned with civil rights issues around the country.

As part of the grant, the Commission coordinated a youth fair housing art contest at West High School. The Commission used the first place winner's art for its Fair Housing Poster, in an advertising campaign for Fair Housing Month, and on the cover of the user's guide for the video. The second place winner's art was used for the Commission's 30th Anniversary poster.

No Escape

A female seasonal employee of a small, remote lodge, accessible only by boat. alleged that the owner of the lodge constantly suggested that she engage in sex with him, made comments about her physical attractiveness, and repeatedly made sexual jokes. The employee said that she tried to ignore these offensive encounters, but became increasingly concerned when the owner told her he would not take her back to the nearest town unless she went to bed with him. Fearing for her safety, the employee fled from the lodge after the owner allegedly cornered her in a dark store room, grabbed her, and forcibly kissed her. Subsequently, the employee filed a discrimination complaint, alleging that she was forced to quit her job because the sexual harassment made her working conditions intolerable. The owner denied the allegations, but investigation yielded substantial evidence of sexual harassment. The owner agreed to provide the employee with full relief, including \$2,000 in backpay; affirmation that sexual harassment is proscribed by law and would not be tolerated by the employer; and the preparation and posting of a written policy prohibiting sexual harassment.

The Commission is encouraged by the commitment of the students involved to reduce prejudice in their lives. The project provided the Commission, the students, and the community with an invaluable opportunity to confront and denounce unlawful discrimination through a creative, accessible and instructive medium.

SEAFOOD INDUSTRY INVESTIGATIONS

In 1993, twenty-three seafood processors filed complaints with the Commission against several major seafood companies operating in three remote Alaskan communities. Due to the serious nature of the allegations, the number of complaints filed and the isolated location of these employers, the Commission sent two investigators to all three locations to conduct on-site investigations. Most of the parties and principal witnesses in these cases spoke Spanish or Tagalog. The staff investigating the complaints are fluent in these languages.



Most of the complaints were against one company and alleged that management, particularly the owner, subjected Mexican processors to less favorable terms and conditions of employment than non-Mexican employees, who were predominantly Filipino or Caucasian. The processors alleged that: the company's owner physically and verbally abused them; that the foremen denied them breaks, forced them to work long hours, denied them the assistance of an interpreter when signing their employment contracts, and assigned them the most difficult and unpleasant work. Some of the processors also alleged that they were terminated because they demanded unpaid wages or because respondent refused to provide treatment for, and accommodate, the severe allergies that they developed while processing crab.

The owner and management of the company denied the allegations. Investigators did not find substantial evidence of discrimination based on disability or national origin. A finding of discrimination required evidence that the Mexican workers were treated differently than non-Mexicans and/or that their requests for accommodation of their disabilities were reasonable and were disregarded by the company. Instead, investigation revealed that non-Mexican processors also felt mistreated by the owner. After extensive interviews, the investigators concluded that the owner had a tendency to bully and verbally abuse employees, without regard to position or national origin. Witnesses stated that the owner had pushed, pulled, or kicked both Mexican and non-Mexican processors in the exercise of his supervision of the processing line.

No Men Need Apply

A man alleged a medical clinic refused to hire him for a temporary nursing position despite his qualifications because of his gender. He claimed the employer told him it was inconvenient for the clinic to employ a male nurse. The clinic contended it needed a female for this nursing position to chaperone male physicians in the examination rooms with female patients. Since the employer failed to establish evidence that having a female nurse was a bona fide occupational qualification, staff determined that substantial evidence supported the claim of sex discrimination. At conciliation, the clinic agreed to: develop and post a policy against discrimination; provide training to staff on discrimination law; and pay the man full back wages with interest.

High Seas Harassment

A Colombian crew member aboard a fish processing ship alleged that his fellow crew members subjected him to discriminatory harassment by pushing him and calling him "spic" and "Mex", preceded by obscenities. The crew member asserted that, after he complained about the harassment, management fired him and confined him to his cabin for the rest of the voyage. Before a determination had been reached, the employer agreed to: develop and post on all vessels and in all offices a policy prohibiting discrimination; and provide the crew member with a monetary of award \$4,000.

As a result of the investigation, the company's local representative and legal counsel expressed a willingness to address the needs of minority employees. Commission staff provided education regarding state and federal civil rights laws on-site and follow-up materials supplemented these efforts.

The remaining complaints were split between two employers in other parts of Alaska and investigation is still underway regarding various employment practices of both companies. The allegations against one of these companies focus primarily on sexual harassment and retaliation, as well as differential treatment because of national origin. The other company is the focus of an ongoing investigation into allegations that a foreman subjects Mexican processors to less favorable terms and conditions of employment than Filipino processors. As this report goes to press, the Commission staff has found substantial evidence of discrimination in five of these cases.

In November 1993, Commission staff received the Mexican Consul, who traveled from Seattle, Washington to Alaska to investigate complaints that had reached the Mexican government from Mexican citizens working in Alaska. The government expressed concern about allegations that its citizens were being subjected to abusive and discriminatory treatment while working at seafood companies in Alaska. Without revealing the identity of the parties, the Commission staff provided the Mexican Consul with a general overview of pending and completed investigations involving similar allegations. Staff reported on conditions as directly observed and recounted by witnesses, and assured the Consul that such claims are taken seriously.

The working conditions in this industry are extremely challenging. It is hard to appreciate the stamina and spirit required in order to function under the conditions experienced by seafood processors. The Commission staff observed that processors are required to work with sustained speed for long hours, in a cold and damp environment. Workers must handle frozen seafood, lift heavy boxes, or stand for long periods of time. There is considerable pressure to process the product as soon as it is unloaded because it is highly perishable. Seafood often arrives in the middle of the night after the processor has just completed a long shift, but needs the overtime. The Commission's investigations are necessarily limited by statute to claims of discrimination. It can be frustrating to uncover unfair treatment of employees in the work place and be unable to provide a remedy. However, the investigation

Costly Intolerance

A warehouse worker filed separate complaints of race discrimination against two service companies, who were his former and prospective employers, and a primary contractor who contracted with the service companies. The worker alleged that the primary contractor's representative was prejudiced against him because he is black. The worker asserted that the contractor's representative acted on her prejudice by influencing his former employer to deny him promotions to three different positions and instructing the prospective employer not to hire him. The service companies and the primary contractor denied the allegations, asserting the representative never exercised any influence on their respective employment The primary contractor decisions. contended that the worker, in accusing its representative of racial prejudice, relied on statements provided him by a disgruntled employee who had been fired for sexual harassment. During a resolution conference, the worker and the three employers agreed to a Pre-Determination Settlement. The worker accepted a cash award totaling \$6,250 in contributions from the three companies and the Commission closed the cases.

of these complaints demonstrates that Commission staff's presence on-site brought the requirements of the human rights laws to the attention of employer representatives who were not fully aware of their responsibilities.

PUBLIC HEARING CASES

In Harry Warner v. Chugach Electric Association, a complainant with mild diabetes and hypertension alleged that he was denied a job because the employer perceived him to be disabled. The staff found substantial evidence of discrimination. After a public hearing in April 1992, the Commission found in favor of Warner and ordered an award of back pay plus interest which totaled \$16,001.

In Sharon Webb v. VECO Inc., complainant alleged VECO denied her employment on an offshore construction project because of her sex. The Commission held a public hearing in Kenai in November 1991. In its final order issued on September 24, 1993, the Commission found that VECO had discriminated against Sharon Webb and awarded her \$43,668 plus post decision interest. VECO has appealed the Commission's decision to the superior court.

In Diane Caleb-Phipps v. EYAK Village Corporation, Arleene Olson v. EYAK Village Corporation, and Andrea Taggart v. EYAK Village Corporation, the complainants alleged EYAK, a Native village corporation, refused to hire them to work as laborers on a wetlands enhancement project because of their sex, female. On October 12, 1993 the Commission approved a settlement, agreed to by the parties, which included a total backpay award of \$13,919.

In Darla Wynne v. State of Alaska, the complainant alleged that the Department of Corrections refused to allow her to participate in the Department's religious activities volunteer program as a cleric because of her religion. The Commission approved the settlement reached by the parties.

In JoAnn Shayne v. Interface Network Inc., complainant alleged that her employer paid her less than a man who did work of comparable character and fired her in retaliation for complaining about sex discrimination. The staff found substantial evidence to support Shayne's claim of retaliation, but did not find substantial evidence of an equal pay violation. The Commission held a public hearing in Anchorage in December 1993. The parties are preparing post hearing briefs to be filed in February of 1994.

In Whose Best Interest?

Two female employees alleged discrimination by their respective employers on the basis of their pregnancies. In one case, a pregnant seafood processor alleged that her employer told her that she was fired because she was pregnant. The employer admitted the discriminatory practice when it told the Commission that it has a "longstanding practice" of not hiring or retaining pregnant women as processors because the work is in a remote location, without medical facilities, and that the potential liability arising from any pregnancy complications could not rest with the employer. Management officials stated that the policy was designed to protect the well-being of mother and infant. The employer agreed to provide full settlement, including a monetary award of \$1,626.40; and to develop and circulate to all employees a policy prohibiting unlawful discrimination. In the second case, a pregnant woman alleged that a fishing lodge denied her employment as a fishpacker. Once again, the employer's own testimony provided the basis for a finding of substantial evidence of discrimination. The owner told the Commission that he determined that the woman would not be able to lift fish boxes because she was pregnant and that he was concerned about liability. The parties signed a Predetermination Settlement for full relief, containing similar provisions to those in the first case, and \$333 in backpay.

In David Berrey v. State of Alaska, complainant alleged the Department of Natural Resources refused to hire him in retaliation for filing a complaint of race discrimination with the Commission. The staff found that substantial evidence supported Berrey's claim of retaliation and certified the failure of conciliation efforts. The public hearing has not yet been scheduled.

In Joy Bays v. Anchorage School District, complainant alleged that the District treated her differently than others because of her race when it denied her a transfer and constructively discharged her when it refused to accommodate her disability. Commission staff found substantial evidence of discrimination based on race and physical disability by the District and certified the failure of conciliation efforts. The public hearing has yet to be scheduled.

In Cindy Bullock v. Anchor Appliance Repair, complainant alleged that her employer fired her because of her pregnancy. Commission staff found direct evidence of discrimination and certified the failure of conciliation efforts. The public hearing has not yet been scheduled.

LITIGATION



Kathryn Kindt et al. v. State of Alaska and ASCHR. Three nurse practitioners who were members of a class of public health nurses employed by the Department of Health and Social Services appealed from the Commission's decision that the class did not perform work substantially equal to the work of physician's assistants employed by the Department of Corrections. The three appellants, who are nurse practitioners, are arguing that the Commission should have found that they and the physician's assistants did substantially equal work even if the other nurses in the class did not. The appeal is pending in the superior court. Oral argument has been scheduled for March 4, 1994.

Andrea Meyer v. State of Alaska and ASCHR. Andrea Meyer has appealed from a Commission determination that substantial evidence did not support her allegations that onthree occasions the Department of Fish and Game failed to extend her permanent seasonal employment as a Fish Biologist I, because of her sex. On October 26, 1993 the superior court ruled in favor of Meyer and remanded the case to the Commission for further proceedings. The Commission was prepared to proceed to public hearing in accordance with the court's decision. However, the State filed a petition with the Alaska supreme court requesting review of the superior court's remand. On December 2, 1993 the Alaska supreme court granted the State's petition and ordered the issues fully briefed.

"Wrong Sex"

A female pilot alleged an airline terminated her five days offering her a pilot's position. She claimed the airline's president ordered her fired because she was the "wrong sex" and he did not welcome female pilots. Upon receiving the complaint, the airline initiated settlement discussions. Under a Predetermination Settlement Agreement the company reinstated the woman; gave her the work schedule she preferred; paid her \$3,000 in back wages; and agreed not to discriminate or retaliate in the future.

Credit Where Credit's Due

A Mexican man alleged that a financial institution made concerted efforts to reject his application for a mortgage and cast doubts on his ability to qualify, solely because of his national origin. He asserted that the institution's loan officer spoke rudely to him, made disparaging remarks about his ability to qualify for a loan, and imposed the onerous requirement of obtaining a second deed of trust to qualify. In a Predetermination Settlement the financial institution agreed to pay his prospective lender \$2,093 in costs associated with refinancing the first loan as well as pay an additional \$12,000 upon repayment of his loan.

Temujin Lagao v. State of Alaska and ASCHR. Temujin Lagao appealed from the Commission decision to close his case for failure to accept full relief on October 1, 1993. Lagao charged that the Department of Health and Social Services constructively discharged him from one job, and refused to consider him for other jobs as a Youth Counselor I, after he informed them that his religious beliefs precluded work on Saturday and requested assignment to a schedule that did not include Saturday shifts. Commission staff determined that the Department discriminated against Lagao when it did not make a serious effort to find a reasonable accommodation for his religious beliefs. However, staff also found that Lagao was not entitled to reinstatement with back pay because of evidence which came to light during the investigation indicating that employing him as a Youth Counselor was inappropriate. The evidence indicated that Lagao had previously been fired from a Department of Health and Social Service job as an Eligibility Technician for making an unauthorized home visit and acting inappropriately during the home visit. The Commission prepared a Conciliation Agreement that addressed the Department's procedures, but did not require reinstatement of Lagao with back pay. The Commission closed Lagao's case when he refused to sign the Commission's proposed Conciliation Agreement. Chairman Aaron Isaacs reviewed Lagao's request for reconsideration and sustained the staff's decision to close the case. Mr. Lagao filed an appeal in the superior court. The parties are preparing their appellate briefs.

VECO Inc. v. ASCHR, Paula M. Haley, Executive Director, ex rel. Sharon M. Webb. After a public hearing, the Commission held that VECO had discriminated against Sharon Webb on the basis of her sex by failing to consider employing her as an electrician on the Steelhead (Cook Inlet) oil and gas production platform reconstruction project. The Commission ordered VECO to pay her damages and interest in the amount of \$43,668 plus interest at 10.5 percent from June 8, 1993. VECO has appealed the Commission decision and order to the superior court arguing that the Commission erred in finding that it discriminated against Sharon Webb. VECO raises 23 points on appeal. The agency record was filed in the superior court on February 3, 1994. VECO's opening brief is due in March 1994.

Robert Lewis v. ASCHR. Robert Lewis filed a complaint with the Commission alleging that the Anchorage Police Department rejected his application for a permanent full-time patrol officer position because of his age, 40, and alternatively because he was physically disabled due to ear drum replacements, a broken collar bone and a torn ankle tendon.

Repairing a Communication Breakdown

A patient alleged that a health care provider discriminated against her on the basis of her hearing impairment when it denied her equal access to inpatient services by failing to provide her with a sign language interpreter, a TTY telephone and a closed caption device for the television in her room. The patient also alleged that the provider's personnel were not trained in the proper use of the TTY telephone in its emergency room. The provider denied the allegations, but informed the Commission that it would schedule mandatory training of emergency room personnel and provide auxiliary aids to all patients upon request. Negotiations resulted in a comprehensive Predetermination Settlement, which positively impacted access for all hearing impaired patients and addressed the concerns of the woman who filed the complaint. The provider agreed to: enter into a services contract for interpreter services which would provide an interpreter within one hour of a request for emergency services, and within forty-eight hours for non-emergency requests. The provider also agreed to: utilize flash cards prior to the arrival of the interpreter; provide TTY and closed caption decoder services; provide training for all employees regarding effective communication; and include specific instructions on how to address requests for services in a procedures manual.

The Commission staff concluded that Lewis failed to establish a prima facie case of discrimination on the basis of physical disability and age, and issued a determination dismissing the complaint. Commissioner Edna DeVries reviewed Lewis' request for reconsideration and sustained the staff's closure of the case. Mr. Lewis filed an appeal in the superior court in Anchorage alleging that the Commission erred in dismissing his case. The Commission filed the agency record with the court on December 21, 1993. Mr. Lewis' opening brief is due February 7, 1994.

Michael DaFermo v. State of Alaska. Michael DaFermo filed a complaint with the Commission alleging that a local private law firm had discriminated against him on the basis of his physical disability when it refused to represent him. Mr. DaFermo filed an appeal in superior court from the Commission's decision to close his case for lack of substantial evidence. The law firm, Kelly, Cossman and Associates, moved to join the case on appeal and its motion to intervene was granted. Mr. DaFermo requested and received numerous extensions of time to file his opening brief. The court eventually dismissed his case for failure to timely file his appeal brief.

ASCHR ex rel. Margaret Chambers v. Engine and Gear Works, Inc. The Commission is seeking enforcement of the Commission's order that Engine and Gear Works pay Ms. Chambers over \$3,000 in back wages and interest. Engine and Gear Works did not answer the complaint and the clerk of court entered default on October 18, 1993. The Commission applied for entry of default judgment on November 29, 1993. As soon as the court enters judgment, the Commission will begin enforcement of the judgment by executing on Engine and Gear Works' assets.

That's the Ticket

A woman claimed that her employer discharged her from her customer service position because of her race, black. The employer denied the allegation, asserting the company was undergoing a reduction in force and selected the woman for termination because of her poor job performance. While the complaint was under investigation, the employer offered to settle. The employer and employee agreed that: the woman would attend a Reservations Agent Training Class with pay; upon successful completion of the training, the employee would work in a ticket counter position with pay comparable to her former wage rate and the employer reinstate her benefits and privileges based on her original hire date.

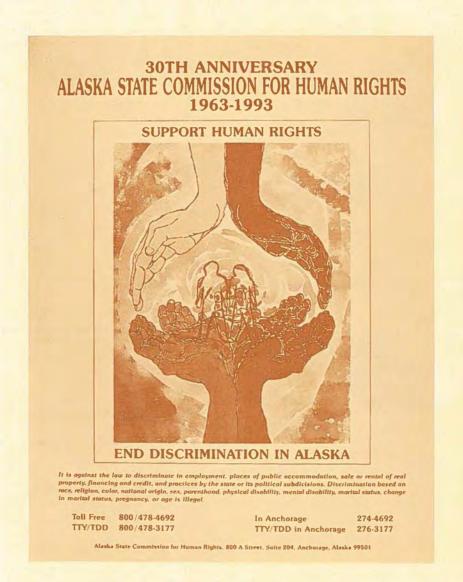
A Recipe for Discrimination

A restaurant worker alleged that his white manager fired him from his part-time job and humiliated him as a customer because he is black. He alleged that as he bought lunch at the restaurant, the manager, in the presence of customers, accused him of stealing, hurled racial epithets at him, physically assaulted him and threw him out of the restaurant. The worker offered to settle the complaint, wanting to put the incident behind him. Predetermination Settlement, the restaurant agreed to post its nondiscrimination policy in a conspicuous location; train its managers and supervisors in civil rights laws and pay the worker \$750.

Dubious Dockside Demeanor

A female seasonal dock hand complained that her supervisor repeatedly made sexually explicit remarks, exposed himself to her, unlocked and entered a bathroom she occupied, told her that he "knew [she] wanted it", and referred to her as "dumb" in conjunction with obscenities. The dock hand alleged that after the supervisor learned that she considered his treatment to be sexual harassment, he summarily fired her. As relief, the dock hand sought a position for the following season, a letter of recommendation, and training for the supervisor on unlawful discrimination. Upon receiving the complaint the employer immediately agreed to the dock hand's terms in a Predetermination Settlement Agreement.

THE POSTERS APPEARING ON THIS PAGE ARE AVAILABLE TO THE PUBLIC FREE OF CHARGE.





1993 CASE PROCESSING STATISTICS

Analysis of Filings By Complainant's Sex

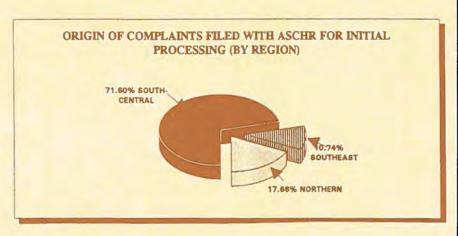
Female	324
Male	274
Total Filings	598

ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	295
Black	120
Alaska Native	52
Hispanic	46
Unknown	35
Asian	20
American Indian	16
Other	14
Total Filings	598

ANALYSIS OF FILINGS BY TYPE

Employment	537
Public Accommodation	21
Housing	20
Government Practices	15
Finance	3
Multiple	2
Total Filings	598



LOCATION OF CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS 79.65% ASCHR 11.45% AERC 8.90% EEOC

ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	119	55
Sex	100	80
Physical Disability	81	42
Age	45	46
National Origin	44	27
Retaliation for Filing	14	6
Pregnancy	12	12
Retaliation	9	52
Marital Status	8	17
Mental Disability	6	6
Parenthood	2	5
Religion	2	8
Multiple Bases	156	0
Total Filings	598	356

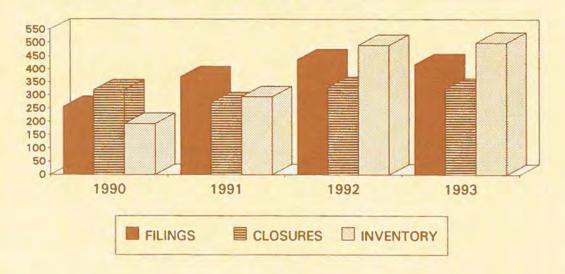
ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	142	173
Failure to Hire	83	20
Terms & Conditions	79	153
Other	32	31
Denied Service	19	0
Sexual Harassment	8	54
Failure to Rent	6	0
Failure to Promote	2	10
Pay Equity	2	11
Eviction	1	2
Demotion	0	15
Harassment	0	33
Multiple Issue	224	0
Total Filings	598	502

ANALYSIS OF 1993 CLOSURES

REASON FOR CLOSURE	Number of Closures	PERCENTAGE OF TOTAL
ADMINISTRATIVE:	102	22.03%
Complaint Withdrawn	37	7.99%
Lack of Jurisdiction	14	3.02%
Complainant Not Available	5	1.08%
Failure of Complainant to Proceed	16	3.46%
Complainant to Court	19	4.10%
Administrative Dismissal	11	2.38%
CONCILIATION/SETTLEMENT:	93	20.09%
Complaint Withdrawn with Successful Settlement	5	1.08%
Predetermination Settlement (PDS)	71	15.33%
PDS-Full Relief	8	1.73%
PDS-Cause/Full Relief	4	.86%
Substantial Evidence/ Conciliation Agreement	4	.86%
Substantial Evidence/Full Relief Rejected by Complainant	1	.22%
NOT SUBSTANTIAL EVIDENCE	264	57.02%
HEARING:	4	.86%
Decision for Complainant	1	.22%
Pre-Hearing Settlement	3	.65%
TOTAL 1993 CLOSURES	463	100%

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



SUMMARY OF CLOSURES

	1991		1992		Detail of 1993 Closures					
					AS	CHR	EI	ЕОС	A	ERC
CATEGORY OF CLOSURE	No.	%	No.	%	No.	%	No.	%	No.	%
Administrative	54	13.3	97	19.6	73	15.8	16	3.4	13	2.8
Conciliation/Settlement	122	30.1	98	19.8	54	11.7	1	0.2	38	8.2
Not Substantial Evidence	227	55.9	293	59.2	194	41.9	14	3.0	56	12.1
Hearing	3	.7	7	1.4	4	0.9	0	0	0	0
					3:	25	:	31	1	07
TOTAL CLOSURES	4	106	4	95			4	63		

EEO PROGRESS IN STATE GOVERNMENT

Alaska Statute 18.80.060(6) requires the Commission to "make an overall assessment, at least 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." The Commission staff requested statistics from the Department of Administration, Division of Personnel and Equal Employment Opportunity (hereinafter the Division) at the end of 1993. After review and analysis of the statistics provided by the Division, the Director of Investigations interviewed Deputy Commissioners and personnel officers about advancement or regression by certain departments as shown in the statistics.

Since 1990, no progress has been made to increase the numbers of minority and female State employees. As in the past some departments fared better than others. However, no departments made remarkable strides in equal employment opportunity. Of significance was the increase in minotities and females at the higher salary levels of state government.

In this report, the Commission provides statistics which parallel those from its 1990 and 1987 Annual Reports. The charts shown throughout this report reveal that the total number of full-time State employees decreased by 102, or .9 percent, between 1990 and 1993. Despite this decrease in the number of State employees, minority participation in the work force remained constant at 15.5 percent and female participation dropped slightly by .3 percent.

Though the State did not lose ground on its equal employment profile, it did not make any headway. Of particular note is the State's failure to improve in the areas targeted by the Office of Equal Employment Opportunity in 1990.

Department officials once again called for more EEO training. The officials suggested that requiring managers and supervisors to attend annual training would assist them in fulfilling the State's affirmative action goals. The officials requested that the Division supply them with affirmative action statistics on a regular basis so they could monitor their progress. One official recommended that the Division coordinate outreach for all departments instead of having each department handle it separately.

The total percentage of minority participation in the State's work force remains at 15.5 percent. The figure is still slightly higher (1.1 percent) than the figure of 14.4 percent minority participation targeted in the State's 1985 Affirmative Action Plan. Though revisions to the Affirmative Action Plan have been underway since fall of 1991 -- a new plan has yet to be released. Director Ritchie stated that the Division is revising the State's Affirmative Action Plan using labor force statistics from the 1990 census. He emphasized that the

1993 STATE OF ALASKA WORKFORCE (PERMANENT FULL-TIME EMPLOYEES)

RACE	MALES	FEMALES	UNKNOWN	TOTAL
White	5,562	4,409	0	9,971
Black	211	190	0	401
Hispanic	96	119	0	215
Asian/Pacific Islander	180	256	0	436
Alaska Native/ American Indian	355	430	0	785
Unknown	23	17	7	47
Total	6,427	5,421	7	11,855

1993 STATE OF ALASKA WORKFORCE (PERMANENT PART-TIME EMPLOYEES)

RACE	MALES	FEMALES	TOTAL
White	22	171	193
Black	5	4	9
Hispanic	2	5	7
Asian/Pacific Islander	1	14	15
Alaska Native/ American Indian	1	21	22
Unknown	0	1	1
Total	31	216	247

Affirmative Action Plan is a department priority and has been targeted for completion within the next three months.

EXPANDED CERTIFICATION PROGRAM

For over ten years, the State has used the Expanded Certification Program as one method of increasing minority and female employment in the executive branch of State government. The program requires managers and supervisors to consider underutilized classes in their departments when filling vacancies. Hiring officials consider eligible applicants both from the personnel registers and from underutilization reports certified and furnished by the Division. Some departments attribute their gains in minority and female participation to the use of expanded certification registers.

Department officials stated use of the expanded certification has helped managers and supervisors, with the authority to hire, identify underutilized groups in their departments and look at applicants from those groups that they would not otherwise be able to consider. To this date, the Division has not made a meaningful evaluation of the program's impact on the State's overall equal employment opportunity efforts.

However, when the Division of Legislative Audit conducted a performance review of the Office of Equal Employment Opportunity in 1990 it provided a limited analysis of the Expanded Certification Program in its audit report. Legislative Audit found that minorities are appointed to State positions because of consistent use of the expanded certification hiring procedure. They also concluded that the expanded certification policy "contributes to the positive increase of minority employment in the executive branch work force."

NO DATA ON DISABLED

In 1990, then Director of the Office of Equal Employment Opportunity, Michael McKennett, stated that one of the office's goals was to upgrade the State's informational system to track statistics on hiring individuals with disabilities. At that time the Office of Equal Employment Opportunity planned to use the statistics to develop an affirmative action plan to include individuals with disabilities. Statistics on disabled applicants and employees are still not compiled. Though the 1990 Americans with Disabilities Act (ADA) does not require states to create affirmative programs for hiring individuals with disabilities, the community has been awaiting this action. Director Ritchie stated that this responsibility rests with the State's ADA coordinator.

1993 STATE OF ALASKA WORKFORCE (SEASONAL EMPLOYEES)

RACE	MALES	FEMALES	TOTAL
White	831	402	1,233
Black	10	8	18
Hispanic	8	. 5	13
Asian/Pacific Islander	14	5	19
Alaska Native/ American Indian	51	29	80
Unknown	10	8	18
Total	924	457	1,381

Number of Minorities and Females Employed By the State of Alaska 1982 - 1993 (Permanent Full-Time, Permanent Part-Time, & Seasonal)

YEAR	FEMALES	%	MINORITIES	%
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
1993	6,094	45.2	2,020	15.0

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 Commerce and Economic Development demonstrated an increase in both minority and female employment despite a 3.5 percent decrease in total number of employees. Department officials stated that advertisements for some positions outside State registers helped attract minority and female applicants. The department also noted that there are more minorities and women on the registers it uses.

The Department of Military and Veterans Affairs increased its female participation by 9.9 percent. It attributed its gain in female participation to constant reminders to managers and supervisors to be cognizant about the department's goals to hire more women. It also referred to its new, federally-funded Youth Corps program which created opportunities to hire more women for teaching and administrative positions.

BACKSLIDING/BARRIERS

While the Department of Environmental Conservation increased its work force by 16 percent, its female participation declined by 4.9 percent and minority participation did not improve. Despite the backsliding, department officials stated that they continue to require hiring managers and supervisors to justify non-selection of minority or female applicants from the underutilized classes. The Deputy Commissioner stated that both he and the Commissioner have made efforts to set a tone in the department of welcoming diversity. He noted that women had been appointed to key management and policy-making positions. He underscored that the department has entered into partnerships with Alaska Native organizations and hired persons with bilingual skills for work in rural villages in order to improve Alaska Native participation in the future.

The Department of Fish and Game remains at the bottom of the list ranking minority participation in the work force. Between 1987 and 1990, instead of advancing, minority participation declined. In the past three years minority participation has remained essentially the same. Officials speculated that the decrease in female participation resulted in part from a loss of clerical positions which had been occupied mostly by women. The department cited the lack of turnover in permanent full-time positions as a barrier to providing opportunities for minorities and women.

NUMBER OF ALASKA NATIVES/AMERICAN INDIANS EMPLOYED BY THE STATE OF ALASKA 1982 - 1993 (PERMANENT FULL-TIME, PERMANENT PART-TIME, & SEASONAL)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1982	572	4.65
1983	528	4.36
1984	594	5.03
1987	806	6.70
1990	959	7.01
1993	887	6.58

Number of Blacks Employed By The State of Alaska 1982 - 1993 (Permanent Full-Time, Permanent Part-Time, & Seasonal)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE		
1982	275	2.23		
1983	275	2.27		
1984	324	2.75		
1987	336	2,77		
1990	415	3.03		
1993	428	3.17		

The Department of Fish and Game continues to cite required professional degrees and technological expertise of their job classes as impediments to increasing opportunities for women and minorities. In order to attract minorities, Fish and Game is working with the University of Alaska to establish a career track program for village high school graduates. Village high school students who work in temporary positions during the summer will be encouraged to pursue related courses at the University during school terms and work with the department during the summers. Through this program the department wants to establish a pool of qualified Alaska Natives who can compete with non-minority applicants on Fish and Game registers.

The Deputy Commissioner for Fish & Game believes that the department will better meet its responsibilities by employing staff who are from rural villages. The department continues to reach out to students from grade school through college to educate them about Fish and Game as a career.

THE ROLE OF THE EEO OFFICE

Kevin Ritchie, Director of the Division of Personnel/Equal Employment Opportunity, believes that the State of Alaska is doing well with its affirmative action program because it has incorporated expanded certification as part of its personnel system. He views affirmative action as part of good management, not an isolated process. He identified training minorities to compete for promotions as one goal of the Division. Director Ritchie stated that in order to accomplish this the Division would need to create a training program.

Director Ritchie stated that training should be part of the overall equal employment opportunity program. However, budget contraints preclude his equal employment opportunity staff from providing training to departments and divisions within State government. This training is currently provided by the Division's Productivity Improvement Center (PIC) for a fee. PIC provided training to 999 State employees in 1992 and 1993. This compares to the 2,500 State employees reached by the Office of Equal Employment Opportunity between 1989 and 1990.

Director Ritchie stated that direct training and/or counseling by his staff to department and division officials on their equal employment opportunity responsibilities is a missing component of the State's program. He is working with the University of Alaska - Juneau to provide a certified public manager program wherein equal employment opportunity will be taught as part of basic supervision. Managers and supervisors will be required to take the

NUMBER OF HISPANICS EMPLOYED BY THE STATE OF ALASKA 1982 - 1993 (PERMANENT FULL-TIME, PERMANENT PART-TIME, & SEASONAL)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1982	106	.86
1983	111	.92
1984	141	1.19
1987	178	1.47
1990	211	1.54
1993	235	1.74

Number of Asians/Pacific Islanders Employed By The State of Alaska 1982 - 1993 (Permanent Full-Time, Permanent Part-Time, & Seasonal)

Year	Number Employed	Percent of Total Workforce
1982	223	1.81
1983	216	1.79
1984	268	2.27
1987	334	2.76
1990	451	3,30
1993	470	3,49

course to ensure that training in equal employment opportunity and diversity is part of supervisory training.

Director Ritchie stated the proposed affirmative action regulations are still pending and are currently with the Department of Law. He has assigned Michael McKennett, the former director of the Office of Equal Employment Opportunity, to work with the Department of Law on the regulations. He said his Division has done well without passage of these regulations. He is worried that if the regulations pass, the department will not have the resources to provide all of the services required in the regulations.

As to future plans, the Division hopes to focus on revising the State's Affirmative Action Plan, and training and working with various minority organizations about employment opportunities with the State. Director Ritchie hopes to continue to do the same with fewer resources.

TREND ANALYSIS
ALASKA NATIVES EMPLOYED BY THE STATE OF ALASKA
1985 - 1993
(PERMANENT FULL-TIME AND PART-TIME, SEASONAL)

Year	Number Employed	Percent of Total Workforce
December 1985	489	3.8
December 1986	521	4.1
December 1987	528	4.4
December 1990	694	5.1
December 1993	649	4.8

MINORITIES IN ALASKA STATE GOVERNMENT 1993 MONTHLY SALARY LEVELS (PERMANENT FULL-TIME)

Salary Group	Total Employees In Group	Group Percentage of Total Employees	Number of Minority Employees	Minority Percentage of Salary Group
\$8,999 - 8,000	24	.20	0	0
\$7,999 - 7,000	57	.48	6	10.5
\$6,999 - 6,000	375	3.16	19	5,1
\$5,999 - 5,000	875	7.38	54	6,2
\$4,999 - 4,000	2,364	19.94	216	9.1
\$3,999 - 3,000	3,792	31.99	547	14.4
\$2,999 - 2,000	3.803	32,10	854	22.5
\$1.999 - 1.000	565	4,77	141	25.0
Total	11,855	100.00	1,837	15.5

FEMALES IN ALASKA STATE GOVERNMENT 1993 MONTHLY SALARY LEVELS (PERMANENT FULL-TIME)

Salary Group	Total Employees In Group	Employees Percentage		Female Percentage of Salary Group
\$8,999 - 8,000	24	.2	1	4.2
\$7,999 - 6,000	433	3.7	75	17.3
\$5,999 - 4,000	3,244	27.4	888	27.4
\$3,999 - 2,000	7,589	64.0	4,038	53.2
\$1,999 - 0	565	4.8	419	74.2
Total	11,855	100.0	5,421	45.7

STATE OF ALASKA EMPLOYMENT PROFILE

MINORITIES

FOR THE YEARS 1990 - 1993

(PERMANENT FULL-TIME)

DEPARTMENT		1990		1993			MINORITY
	TOTAL EMPLOYEES	NUMBER MINORITIES	PERCENTAGE MINORITY	TOTAL EMPLOYEES	NUMBER MINORITIES	PERCENTAGE MINORITY	INCREASE/ DECREASE
Office of the Governor	191	34	17.8	165	16	9.7	-8.1
Administration	1,021	230	22.5	1,016	230	22.6	+0.1
Commerce & Economic Development	426	53	12.4	411	61	14.8	+2.4
Community & Regional Affairs	178	44	24.7	141	33	23.4	-1.3
Corrections	1,248	287	23.0	1,218	271	22.2	-0.8
Education	523	57	10.9	507	45	8.9	-2.0
Environmental Conservation	362	31	8.6	420	36	8.6	0
Fish & Game	746	38	5.1	723	38	5.3	+0.2
Health & Social Services	1,794	355	19.8	1,821	371	20.4	+0.6
Labor	537	85	15.8	543	91	16.8	+1.0
Law	358	39	10.9	380	43	11.3	+0.4
Military & Veteran's Affairs	101	10	9.9	127	9	7.1	-2.8
Natural Resources	593	51	8.6	599	53	8.8	+0.2
Public Safety	796	115	14.4	816	122	15.0	+0.6
Revenue	342	53	15.5	351	62	17.7	+2.2
Transportation & Public Facilities	2,741	372	13.6	2,617	356	13.6	0
TOTAL	11,957	1,854	15.5	11,855	1,837	15.5	0

RANKING DEPARTMENTS By Percentage of Minorities

DEPARTMENT	1993 TOTAL
Community & Regional Affairs	23.4
Administration	22.6
Corrections	22.2
Health & Social Services	20.4
Revenue	17.7
Labor	16.8
Public Safety	15.0
Commerce & Economic Development	14.8
Transportation & Public Facilities	13.6
Law	11.3
Office of the Governor	9.7
Education	8,9
Natural Resources	8.8
Environmental Conservation	8.6
Military & Veteran's Affairs	7.1
Fish & Game	5.3

STATE OF ALASKA EMPLOYMENT PROFILE

FEMALES

FOR THE YEARS 1990 - 1993

(PERMANENT FULL-TIME)

DEPARTMENT	1990			1993			FEMALE PERCENTAGE
	TOTAL EMPLOYEES	NUMBER FEMALES	PERCENTAGE FEMALES	TOTAL EMPLOYEES	NUMBER FEMALES	PERCENTAGE FEMALES	INCREASE/ DECREASE
Office of the Governor	191	129	67.5	165	111	67.3	-0.2
Administration	1,021	654	64.1	1,016	657	64.7	+0.6
Commerce & Economic Development	426	213	50.0	411	243	55.1	+5.1
Community & Regional Affairs	178	108	60.7	141	81	57.4	-3.3
Corrections	1,248	385	30.8	1,218	360	29.6	-1.2
Education	523	337	64.4	507	310	61.1	-3.3
Environmental Conservation	362	165	45.6	420	171	40.7	4.9
Fish & Game	746	276	37.0	723	258	35.7	-1.3
Health & Social Services	1,794	1,162	64.8	1,821	1,172	64.4	-0.4
Labor	537	297	55.3	543	318	58.6	+3.3
Law	358	232	64.8	380	240	63.2	-1.6
Military & Veteran's Affairs	101	29	28.7	127	49	38.6	+9.9
Natural Resources	593	292	49.2	599	278	46.4	-2.8
Public Safety	796	323	40.6	816	337	41.3	+0.7
Revenue	342	202	59.1	351	201	57.3	-1.8
Transportation & Public Facilities	2,741	697	25.4	2,617	665	25.4	0
TOTAL	11,957	5,501	46.0	11,855	5,421	45.7	-0.3

RANKING DEPARTMENTS

BY PERCENTAGE OF

FEMALES

DEPARTMENT	1993 TOTAL
Office of the Governor	67.3
Administration	64.7
Health & Social Services	64.4
Law	63.2
Education	61.1
Labor	58.6
Community & Regional Affairs	57.4
Revenue	57.3
Commerce & Economic Development	55.1
Natural Resources	46,4
Public Safety	41.3
Environmental Conservation	40.7
Military & Veteran's Affairs	38.6
Fish & Game	35.7
Corrections	29.6
Transportation & Public Facilities	25.4

Alaska State Commission for Human Rights 800 A Street, Suite 204 Anchorage, AK 99501-3669

This publication was released by the Office of the Governor, Alaska State Commission for Human Rights, as required by AS 18.80.150. This publication was printed in Anchorage, Alaska at a cost of \$1.95 each