

January 31, 1997

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STATE OF ALASKA HUMAN RIGHTS COMMISSION

The Honorable Tony Knowles, Governor of Alaska The Honorable Mike Miller, President, Alaska Senate The Honorable Gail Phillips, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 1996 Annual Report of the Alaska State Commission for Human Rights.

In 1996 Commission staff responded to 5,000 inquiries from Alaskans. Complaints of discrimination based on religion more than doubled. The number of complaints which staff found to be supported by substantial evidence continued to increase.

In the past fifteen years complaints of discrimination filed with the Commission have nearly tripled. During this same time frame the agency has lost 35% of its staff.

The Commissioners have expressed concern about the agency's ability to meet the public's increasing demand for services in its past five annual reports. In 1996, the Commission revised procedures, amended the agency's regulations, and proposed legislation in an effort to reduce costs and improve productivity.

Alaskans are already frustrated by delays in the investigation of their cases. However, increased efficiencies alone have not been enough to handle the growing number of charges and the Commission now has the highest complaint inventory in its history.

While the Commission recognizes that these are challenging budgetary times, it is the Alaskan public that determines the level of demand for our services. Without additional resources the investigation and resolution of complaints of discrimination will be further delayed.

The Commissioners ask for your support to allow us to better serve all Alaskans and send the message that Alaska does not tolerate discrimination.

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EDNA DEVRIES, Chairman ALASKA STATE COMMISSION FOR HUMAN RIGHTS

COMMISSIONERS

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PUBLIC HEARING CASES



In Abbott v. King Salmon Restaurant, complainant alleged that the prospective employer refused to hire him because of his sex and referred to him in a derogatory manner because of his race. Staff found that substantial evidence supported the allegations. The Commission has not yet scheduled a public hearing.

In Asaro v. SOA, Department of Corrections, complainant alleged that his employer refused to accommodate his disability. Staff found that substantial evidence supported the allegation. On July 10, 1996, the Commission approved a settlement.

In Avila v. Kurani Inc. d/b/a Pizza Hut, complainant alleged that she was sexually harassed by her supervisor. Staff found that substantial evidence supported the allegation. The Commission has not yet scheduled a public hearing.

In Beebe v. Russian American Company, complainant alleged that she was terminated because her employer perceived her to be disabled. Staff found that substantial evidence supported the allegation. The Commission has not yet scheduled a public hearing.

In Benson v. V. F. Grace Inc., complainant alleged that he was terminated because of his disability. Staff found that substantial evidence supported the allegation. The parties agreed to settle the case before the Commission scheduled a public hearing.

In **Butt v. Westward Seafoods**, complainant alleged his employer discriminated against him because of his marital status. Staff found that substantial evidence supported the allegation. The Commission held a public hearing in January 1996. On October 3, 1996, the Commission adopted a proposed decision in favor of the employer.

In Carlo v. City of Tanana, the Commission investigated two complaints in which complainant alleged that his employer treated him differently with regard to the terms and conditions of his employment and terminated him because of his race and in retaliation for opposing discrimination. Staff found that substantial evidence supported the allegations in both complaints. The hearing examiner granted a motion to continue the public hearing from January 1997. The Commission rescheduled a public hearing to begin on October 6, 1997.

BACK PEDALLING

An oil industry worker alleged that his previous employer refused to rehire him because of its perception that he had a physical disability. He alleged that the company knew that he had undergone back surgery on two occasions, and failed to rehire him despite the fact that he had been released to return to work without restriction. The oil company denied the worker's allegation. Staff investigated the complaint and found substantial evidence of discrimination. The oil company refused to allow the worker to undergo physical endurance testing because it believed that, if rehired, the worker would be a liability due to his history of previous back surgeries. At conciliation the company agreed to pay the worker \$41,864.33 in back wages, develop and disseminate to all employees a policy against discrimination, eliminate from the worker's personnel file all references to the complaint, offer him immediate employment with seniority and benefits based on the date it refused to rehire him; and train all its managers in the laws prohibiting disability discrimination.

In Corley v. SOA, Alaska Railroad Corporation, complainant alleged that his employer treated him differently with regard to the terms and conditions of his employment and terminated him because of his race. Staff found that substantial evidence supported the allegations. The Commission has not yet scheduled a public hearing.

In Cory v. Kurani Inc. d/b/a Pizza Hut, complainant alleged that she was sexually harassed by her supervisor. Staff found that substantial evidence supported the allegation. The Commission has not yet scheduled a public hearing.

In Croston v. SOA, Alaska Railroad Corporation, complainant alleged that the prospective employer refused to hire him because it perceived him to be disabled. Staff found that substantial evidence supported the allegation. The parties agreed to settle the case before the public hearing which had been scheduled to begin on January 13, 1997.

In Duncan v. SOA, Alaska Railroad Corporation, complainant alleged that the prospective employer refused to hire him because it perceived him to be disabled. Staff found that substantial evidence supported the allegation. The parties agreed to settle the case before the public hearing which had been scheduled to begin on January 13, 1997.

In Eischen v. Lin's International Gifts, complainant alleged that the store owner refused to sell her an item because of her race. Staff found that substantial evidence supported the allegation. On November 6, 1996, the Commission approved a settlement.

In Ezell v. State of Alaska, complainant alleged that the prospective employer refused to accommodate her religion. Staff found that substantial evidence supported the allegation. On January 19, 1996, the Commission approved a settlement.

In Ferrell v. Houston Contracting Company, complainant alleged that the prospective employer refused to hire him because of his race. Staff found that substantial evidence supported the allegation. On January 30, 1996, the Commission approved a settlement.

In Folse v. Sportsman Marine Supply, complainant alleged that her employer sexually harassed her. Staff found that substantial evidence supported the allegation. On May 7, 1996, the Commission approved a settlement.

DOUBLE STANDARD

A bookkeeper filed a complaint alleging that her employer subjected her to different terms and conditions of employment because she was pregnant and married. She alleged that her employer denied her insurance coverage due to her pregnancy because her husband had insurance and retaliated against her for opposing unlawful discrimination, making her working conditions so intolerable that she was forced to resign. During the investigation, the parties reached a settlement for \$18,000 and signed a Predetermination Settlement Agreement.

DON'T HANG UP

In separate but similar complaints, two customers alleged that different restaurants denied them services on the basis of their physical disability, a hearing impairment. Both alleged that the restaurants refused to accept their take-out orders placed via a telephone relay service. In both cases, Commission staff determined that substantial evidence supported the claims of disability discrimination. At conciliation, both restaurants agreed to develop and provide to all their employees a policy outlining their obligations under the Alaska Human Rights Law, particularly with regard to persons with disabilities seeking their goods and services, and to train their staff on how to handle telephone orders placed by persons with a hearing impairment.

In Gorton v. Checker Cab Company, complainant alleged that her employer sexually harassed and terminated her in retaliation for opposing sexual harassment. Staff found that substantial evidence supported the allegation. The Commission has not yet scheduled a public hearing.

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In Hensley v. UNOCAL Corporation, complainant alleged that the prospective employer refused to hire him because it perceived him to be disabled. Staff found that substantial evidence supported the allegation. The Commission scheduled a public hearing for April 14, 1997.

In Holmes v. Price Waterhouse, complainant alleged that her employer terminated her because of her pregnancy and because she is a parent. Staff found that substantial evidence supported the allegations. The Commission has not yet scheduled a public hearing.

In Jaya v. Kurani Inc. d/b/a Pizza Hut, complainant alleged that she was sexually harassed by her supervisor and terminated her in retaliation for opposing sexual harassment. Staff found that substantial evidence supported the allegations. The Commission has not yet scheduled a public hearing.

In Kelly v. Kinney Corporation, complainant alleged that his employer failed to promote him and terminated him because of his race. Staff found that substantial evidence supported the allegations. The Commission has not yet scheduled a public hearing.

In Kennedy v. Asbestos Removal Specialties of Alaska, complainant alleged that her employer terminated her because of her sex. Staff found that substantial evidence supported the allegation. The Commission scheduled a public hearing for February 27, 1997.

In Khan v. SOA, Department of Veterans Affairs, the Commission investigated two cases in which complainant alleged that his employer treated him differently with regard to the terms and conditions of his employment because of his religion and national origin, and in retaliation for opposing discrimination. Staff found that substantial evidence supported the allegations in both complaints. The Commission has not yet scheduled a public hearing.

NOT COLOR BLIND

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A prospective Black tenant filed a housing discrimination complaint alleging that a prospective landlord, who encouraged her over the telephone. refused to rent to her after meeting her in person. The landlord denied refusing to rent to the woman on the basis of her race. The initial investigation, conducted by another civil rights enforcement agency supported a finding of substantial evidence. However, the agency dismissed the complaint because the prospective tenant did not accept as substantially full relief the terms of its proposed settlement. This Commission agreed with the prospective tenant that additional relief may be appropriate and continued the In a Conciliation investigation. Agreement, the landlord agreed to pay the prospective tenant \$1,500 and affirmed that she would abide by any and all applicable civil rights laws in effect if she rented or sold real property in the future.

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NET RESULT

A fish processor on a boat filed a complaint alleging sexual harassment and retaliation for opposing unwelcome sexual conduct and comments. Before staff began the investigation, the processor and her employer signed a Predetermination Settlement. The employer agreed to provide all its employees with sexual harassment training, issue the processor a written apology, post the required sexual harassment posting notice, and reimburse the processor for uncovered medical expenses. In Knight v. Sportsman Marine Supply, complainant alleged that her employer sexually harassed her. Staff found that substantial evidence supported the allegation. On May 7, 1996, the Commission approved a settlement.

In Lynch v. Dependable Vicky's, the Commission investigated two complaints in which complainants, a husband and wife, alleged that they were treated differently and terminated because of race and marital status. Staff found that substantial evidence supported the allegations. The Commission has not yet scheduled a public hearing.

In Mamae v. SOA, Alaska Railroad Corporation, complainant alleged that the prospective employer refused to hire her because of her disability. Staff found that substantial evidence supported the allegation. The parties agreed to settle the case before the public hearing which had been scheduled to begin on January 13, 1997.

In McGrew v. State of Alaska, complainant alleged that her employer failed to accommodate her physical disability. Staff found that substantial evidence supported the allegation. On October 1, 1996, the Commission approved a settlement.

In Meili v. Boot Country, complainant alleged that her employer subjected her to a hostile environment and constructively discharged her because of her sex and because she was a parent. Staff found that substantial evidence supported the allegations. The Commission held a public hearing in August 1996. The hearing examiner's proposed decision finds in favor of the employer. The Commission has not yet acted on the proposal.

In Meyer v. SOA, Department of Fish and Game, complainant alleged that she was treated differently because of her sex. Though the staff did not find that substantial evidence supported the allegation, the case was remanded to the Commission for a public hearing by the Alaska Supreme Court. The Commission scheduled a public hearing to begin on May 5, 1997.

In Morgan v. KNEB TV Sitka News Bureau, complainant alleged that she was sexually harassed and terminated because of her sex. Staff found that substantial evidence supported the allegations. The Commission scheduled a public hearing to begin on August 18, 1997.

PATERNALISTIC PRESUMPTION

A motel desk clerk filed a complaint alleging that the motel failed to promote her to a manager position because of her age, 22, and her status as a parent of a small child. The motel denied the clerk's allegations of age and parenthood discrimination and asserted that it hired a more qualified applicant for the position. Staff investigated the complaint and found that the successful applicant had substantially less experience than the clerk, and that, immediately after interviewing the clerk, the decision-maker commented that the clerk would not work out because she was too young and had a In a Conciliation young child. Agreement the motel agreed to pay the clerk \$1,000, expunge her personnel file, provide her with a letter of apology, and train its management on the laws prohibiting discrimination.

TURBULENCE AT THE TOP

A Black business manager employed by an airline filed two complaints, alleging first that he was subjected to different terms and conditions of employment and a hostile environment because of his race, and, second that he was terminated in retaliation for having filed the initial complaint. During the investigation the parties signed a Predetermination Settlement which addressed both complaints. The employer agreed to pay the business manager \$10,000, to expunge his personnel records, to provide him with a neutral job reference and to change his records to reflect that he voluntarily resigned.

In Newton v. SOA, Department of Transportation and Public Facilities, complainant alleged that he was treated differently because of his race. Staff found that substantial evidence supported the allegation. The Commission scheduled a public hearing to begin on May 19, 1997.

In Norman v. Kurani Inc. d/b/a Pizza Hut, complainant alleged that he was treated differently because of his race. Staff found that substantial evidence supported the allegation. The Commission held a public hearing in December 1996.

In Olson v. Chevron Pipeline Company and J & L Oilfield Maintenance, the Commission investigated two cases in which the complainant alleged that the prospective employer refused to hire him because of his disability. Staff found that substantial evidence supported the allegations in both complaints. The Commission scheduled a public hearing to begin on September 22, 1997.

In **Parker v. Piquniq Management Corporation**, complainant alleged that the prospective employer refused to hire her because of her race. Staff found that substantial evidence supported the allegation. The Commission scheduled a public hearing to begin on April 1, 1997.

In Perry v. King Salmon Restaurant, complainant alleged that the prospective employer refused to hire him because of his sex. Staff found that substantial evidence supported the allegation. The Commission has not yet scheduled a public hearing.

In Richardson v. Pizza Hut, complainant alleged that the prospective employer refused to hire her because of her pregnancy and age. Staff found that substantial evidence supported the allegations. The Commission held a public hearing in July 1996. The Hearing Examiner's proposed decision finds in favor of the complainant.

In Rochon v. North Slope Borough, complainant alleged that the prospective employer refused to hire her because of her pregnancy, age, and national origin. Staff found that substantial evidence supported the allegations. The Commission has not yet scheduled a public hearing.

THE ROAD BEST NOT TRAVELLED

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An applicant for a position as a travel agent filed a complaint alleging that the agency refused to hire her because of congenital deformities of both her arms. The agency denied the allegation stating that it did not hire her because she lacked the requisite knowledge and experience, and because she did not dress "professionally". Staff investigated the complaint and determined that substantial evidence supported the applicant's allegation of disability discrimination. The agency agreed to sign a Conciliation Agreement and paid the applicant \$22,000, trained its management in the laws prohibiting discrimination against persons with disabilities, and developed and disseminated to all employees a policy against discrimination.

JUST DESSERTS

A cook filed a complaint alleging that her supervisor at the cafeteria where she worked told co-workers that she thought the cook was too old to work and fired her because of her age, 57. The employer denied the cook's allegations and asserted that the cook was terminated for poor performance and insubordination. Staff investigated the complaint and found substantial evidence of age discrimination. In a Conciliation Agreement, the employer agreed to pay the cook \$20,434.15 in back wages, develop and disseminate a policy against discrimination, and expunge the cook's personnel file.

In **Rusler v. Subway Restaurant**, complainant alleged that the employer refused to accommodate her religion. Staff found that substantial evidence supported the allegation. The Commission has not yet scheduled a public hearing.

In Rutzler v. Alaska Pacific University, complainant alleged that the property owner refused to rent to her because of her marital status. Staff found that substantial evidence supported the allegation. The Commission scheduled a public hearing to begin on November 3, 1997.

In Schaeffer v. Alaska Court System, complainant alleged that the prospective employer did not hire him because of his race. Staff found that substantial evidence supported the allegation. The Commission scheduled a public hearing to begin on July 14, 1997.

In Searle v. Gold Rush Saloon, complainant alleged that her employer sexually harassed her. Staff found that substantial evidence supported the allegation. The Commission has not yet scheduled a public hearing.

In Setlow v. FMR Developers, complainant alleged the property owner refused to renew his lease because of his religion. Staff found that substantial evidence supported the allegation. The Commission scheduled a public hearing to begin on June 9, 1997.

In Shely v. Municipality of Anchorage, Department of Public Safety, complainant alleged that the prospective employer refused to hire him because of his age and national origin. Staff found that substantial evidence supported the allegations. The Commission scheduled a public hearing to begin on June 23, 1997.

In Simpson v. Seekins Ford Lincoln Mercury, complainant alleged that his employer demoted him because of his race and fired him in retaliation for opposing discrimination. Staff found that substantial evidence supported the allegations. The Commission held a hearing in December 1995. The Commission issued a Final Order in favor of the employer. In November, the Commission staff moved to reopen the case, asking the Commissioners to reconsider their Final Order.

In Smith v. MarkAir, complainant alleged that he was fired because of his race. Staff found that substantial evidence supported the allegation. Before the Commission scheduled a public hearing MarkAir filed bankruptcy under Chapter 11 of the Bankruptcy Code. Subsequently, the Chapter 11 proceeding was converted to Chapter 7. On January 2, 1996, the Commission authorized the administrative closure of the case.

DELIVERY - ONE SETTLEMENT

A forty-year-old Black delivery driver for a fast food restaurant filed a complaint alleging that his employer subjected him to different terms and conditions of employment and terminated him on the basis of his age and race. He also alleged that the restaurant fired him in retaliation for opposing unlawful discrimination. Before staff began the investigation, the employer agreed to reinstate the delivery driver.

EXPRESS YOURSELF

An Alaska Native administrative clerk filed a complaint alleging that her employer subjected her to different terms and conditions of employment and terminated her because of her race and in retaliation for opposing unlawful discrimination. The clerk alleged that the employer restricted her from speaking her native language at work. The employer denied the clerk's allegations. Staff investigated the complaint and issued a finding that respondent's instruction to the clerk and other Yupik-speaking employees not to speak Yupik at work was racially discriminatory. Staff did not find evidence to support the other allegations. In a Conciliation Agreement, the employer agreed to develop and disseminate to all employees a statement of its policy against discrimination, to expunge the clerk's file, and to refrain from instituting an English-only rule in the workplace unless required by business necessity.

In Smith v. Federal Express, complainant alleged her employer paid her less than similarly situated male employees because of her race and sex. Staff found that substantial evidence supported the allegations. The Commission signed a Final Order in favor of the employer on April 29, 1996.

In Walker v. Petro Star, Inc., complainant alleged that she was sexually harassed. Staff found that substantial evidence supported the allegation. On September 5, 1996, the Commission approved a settlement.

In Welch v. Alyeska Pipeline, complainant alleged that the prospective employer did not hire him because of his race and age. Staff found that substantial evidence supported the allegations. On April 11, 1996, the Commission approved a settlement.

In Weldon v. Collins Company, complainant alleged his employer refused to accommodate his disability. Staff found that substantial evidence supported the allegation. The Commission scheduled a public hearing to begin on September 2, 1997.

In Wyatt v. SOA, Alaska Railroad Corporation, complainant alleged that his employer treated him differently because of his race. Staff found that substantial evidence supported the allegation. The Commission has not yet scheduled a public hearing.

In Zuniga v. Inlet Tower Suites Hotel, complainant alleged that his employer subjected him to a hostile environment and fired him because of his physical disability and in retaliation for opposing discrimination. Staff found that substantial evidence supported the allegations. The Commission held a public hearing in November 1996.

LITIGATION



Gary Baker, Joyce Baker and Kevin Thomas v. Municipality of Anchorage, Anchorage Equal Rights Commission, and Paula Haley. The plaintiffs have sued the Municipality of Anchorage, Anchorage Equal Rights Commission, and Paula Haley, in her official capacity as executive director of the Alaska State Commission for Human Rights (ASCHR). The plaintiffs claim that their right to freedom of religion would be violated if they are compelled to rent their apartments to unmarried cohabiting couples. The defendants have moved for summary judgment on the basis that there is no actual case in controversy between the parties and that Paula Haley, in her official capacity as executive director of ASCHR, is entitled to sovereign immunity. The federal court is awaiting the submission of the parties' final briefs and will then take the case under advisement.

SUBTLE STEREOTYPES

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A paralegal filed a complaint alleging that his employer had subjected him to sexual harassment, treated him differently because of his sex during the investigation of his internal harassment complaint, and retaliated against him for opposing unlawful discrimination. The law firm denied the paralegal's allegations. Staff investigated the complaint and found no evidence to support the claim of sexual harassment, but did find substantial evidence of gender-based differential treatment and retaliation. Staff successfully conciliated the case. The law firm agreed to develop and disseminate to all employees a policy against discrimination, and to expunge the paralegal's personnel file of disciplinary measures taken, and references to his discrimination complaint.

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MAKING A CONTRIBUTION

An Asian woman alleged that an employer failed to hire her for a permanent secretarial position because of her race. During investigation, the employer offered to settle the complaint for \$1,605 for medical expenses, substantial contributions to her employee savings and retirement accounts for one year, and an amount equal to annual leave for one year. The secretary accepted the Predetermination Settlement offer and staff closed the case.

1996 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	299
Male	241
Total Filings	540

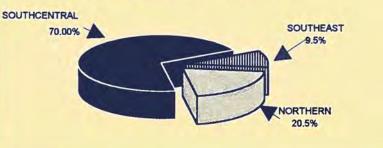
ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

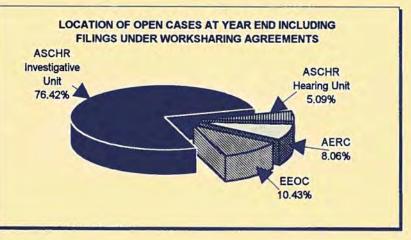
Caucasian	287
Black	96
Alaska Native	49
Hispanic	34
Asian	28
Unknown	24
American Indian	14
Other	8
Total Filings	540

ANALYSIS OF FILINGS BY TYPE

Employment	447
Government Practices	33
Public Accommodation	31
Housing	27
Coercion	0
Finance	0
Multiple	2
Total Filings	540

ORIGIN OF COMPLAINTS FILED WITH ASCHR FOR INITIAL PROCESSING (BY REGION)





ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	103	79
Physical Disability	73	37
Sex	54	96
Age	34	46
National Origin	22	26
Retaliation for Filing	19	18
Religion	15	12
Mental Disability	8	15
Marital Status	7	19
Pregnancy	7	10
Retaliation	5	69
Parenthood	1	10
Multiple Bases	192	0
Total Filings	540	437

ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	86	154
Failure to Hire	76	21
Terms & Conditions	68	171
Denied Service	26	5
Failure to Promote	9	20
Other	8	16
Harassment	7	75
Sexual Harassment	5	46
Failure to Rent	5	3
Pay Equity	3	14
Demotion	3	13
Eviction	1	7
Failure to Dispatch	0	3
Multiple Issue	243	0
Total Filings	540	548

ANALYSIS OF 1996 CLOSURES

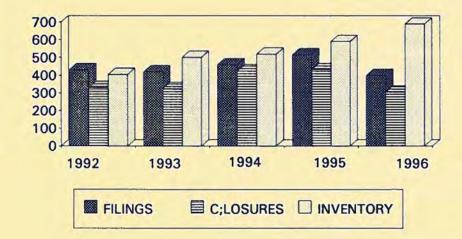
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REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
ADMINISTRATIVE:	91	21.36%
Complaint Withdrawn	42	9.86%
Lack of Jurisdiction	30	7.04%
Complainant Not Available	2	.47%
Failure of Complainant to Proceed	6	1.41%
Complainant to Court	5	1.17%
Administrative Dismissal	6	1.41%
NOT SUBSTANTIAL EVIDENCE	261	61.27%
CONCILIATION/SETTLEMENT:	61	14.32%
Complaint Withdrawn with Successful Settlement	13	3.05%
Predetermination Settlement (PDS)	31	7.28%
Substantial Evidence/ Conciliation Agreement	14	3.29%
Substantial Evidence/ Complainant Rejected Full Relief	3	.70%
HEARING:	13	3.05%
Decision for Respondent	3	.70%
Pre-Hearing Settlement	9	2.11%
Administrative Dismissal	1	.24%
TOTAL 1996 CLOSURES	426	100 %

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

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SUMMARY OF CLOSURES

	19	94	15	95	Detail of 1996 Closures					
					AS	CHR	E	SOC	A	ERC
CATEGORY OF CLOSURE	No.	%	No.	%	No.	%	No.	%	No.	%
Administrative	96	16.1	112	18.7	45	10.5	12	2.8	34	8.0
Not Substantial Evidence	424	71.1	377	62.7	206	48.4	16	3.8	39	9.2
Conciliation/Settlement	70	11.8	98	16.3	41	9.6	3	.7	17	4.0
Hearing	6	1.0	14	2.3	13	3.0	0	0	0	0
					3	05*	3	1	9	0
TOTAL CLOSURES	5	96	6	01			42	6		

*This total does not include completed investigations for cases still in conciliation or transferred to the Hearing Unit. ASCHR completed 328 investigations in 1996.

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 Office of the Governor, Office of Equal Employment Opportunity (hereinafter Office of EEO) in August 1996. After review and analysis of these statistics, the Director of Investigations interviewed a number of Commissioners, Deputy Commissioners, Human Resources Managers, and Administrative Service Directors about the progress, or lack thereof, made within their departments toward equal employment opportunity.

Since 1993, no significant progress has been made in the State's efforts to increase the number of minorities and females in state government. As in the past, some departments fared better than others. However, no departments made remarkable strides in equal employment opportunity. The highest percentage gain achieved by any department during the last three years was less than 6%. While gains in minority and female participation were unremarkable, the statistics revealed a positive trend with respect to the number of minorities and females at the higher salary levels of state government. Since 1993, the number of minorities and females at the higher salary levels of state government.

In this report, the Commission provides statistics which parallel those used in its 1987, 1990, and 1993 Annual Reports. The charts shown throughout this report reveal that the total number of full-time State employees increased by 222 or 2% between 1993 and 1996. Despite this increase, participation in the work force by minorities and females increased only slightly, by 0.7% in each category. In 1996, minorities comprised 16.2% of the State's permanent full-time work force and females 46.4%.

Although the State did not lose ground on its equal employment profile, it did not make any significant headway. It did make some progress in efforts to update its 1985 Affirmative Action Plan. However, it did not accomplish a number of goals targeted by the Office of EEO in 1993 and earlier.

During interviews, department officials expressed confusion about the role and function of the Office of EEO since its transfer from the Department of Administration, Division of Personnel, to the Office of the Governor. Department officials suggested that the Office of EEO clarify its responsibilities so that they may distinguish the role of the Office of EEO from that of the staff of the Division of Personnel, who assist the departments in responding to complaints of discrimination. Department officials stated that they believe that the Office of EEO can assist them in their efforts towards equal employment opportunity by providing them with regular, up-to-date statistical reports. They suggested that it would help them if the Office of EEO provided statistical data on the percentage of minorities and women employed in their departments using standard EEO reporting categories. Department officials also suggested that the Office of EEO provide statistics to help departments track how vacancies are filled, whether by personnel register, under-utilization reports, or other methods. The officials stated that they would like the Office of EEO to serve as a clearinghouse for all EEO statewide training efforts. Currently, the total percentage of minority participation in the State's work force is at 16.2%. This figure is slightly higher (1.8%) than the figure of 14.4% minority participation targeted in the State's 1985 Affirmative Action Plan. The Office of EEO has submitted a draft "1997 Affirmative Action Plan" to the Department of Law for review. The draft plan includes an analysis of the work force availability data taken from the 1990 U.S. Census. The draft Affirmative Action Plan establishes hiring goals by job category for each department in the executive branch based upon under-utilization rates derived from under-utilization analyses.

EXPANDED CERTIFICATION PROGRAM

The State continues to use the Expanded Certification Program as a tool to increase minority and female participation in the executive branch. Hiring officials are required to consider applicants from under-utilization reports furnished by the Office of EEO in addition to applicants from personnel registers. Department officials interviewed for this report stated that, while they think the program is helpful and advocate for its continued use, they did not attribute the gains they have achieved in minority and female employment during the last three years to the use of under-utilization reports. During an interview, Thelma Buchholdt, Director of the Office of EEO, stated that she believes that hiring officials should be required to hire applicants from the under-utilization reports, if an applicant's qualifications compare with those of the candidate from personnel registers. The current policy does not require hiring from the under-utilization reports.

NO DATA ON DISABILITIES

The State does not maintain statistics on the employment of persons with disabilities in state government. Individuals with disabilities who are currently employed or who are applying for employment with the State are not included in the under-utilization reports provided to hiring officials. Previously, the Office of EEO had planned to upgrade the State's personnel database to include statistics on the hiring of individuals with disabilities. However, the current Director of the Office of EEO stated that her office has no plans to develop a system to maintain and monitor statistics on the State's efforts to increase the hiring of persons with disabilities.

SUCCESSFUL EFFORTS

The Director of Investigations spoke to department officials to find out what worked for those departments that achieved gains in minority and female participation in their work force. The Department of Military and Veterans Affairs posted the highest increase in minority participation among all departments in the executive branch. In 1996, minorities comprised 12.9% of the department's 170 permanent, full-time employees as compared to 7.1% of a total of 127 workers in 1993, a 5.8% increase. The department's Deputy Commissioner attributed the improvement to the implementation of a vigorous on-going training program, reinforcement of the department's EEO policy at weekly management meetings, and the adoption of a zero-tolerance policy against discriminatory harassment in the workplace. The department has designated an official at the director level to oversee its training program. This official is charged with ensuring that managers, supervisors, and employees receive training in EEO laws, in the ability to recognize and prevent discriminatory harassment, and participate in training in cross-cultural communications and other topics which encourage

diversity in the workplace. By promptly investigating reports of discriminatory harassment and terminating employees found to have engaged in such conduct, the department's Commissioner hopes to send the message to everyone in the department that unlawful harassment will not be tolerated.

Despite a decrease of 11% in its total number of permanent, full-time employees, the Department of Commerce & Economic Development posted the highest gain in female employment among all departments in the executive branch and improved its minority participation by 1.6%. In 1996, females comprised 58.4% and minorities 16.4% of the department's 365 total permanent, full-time workers. Department officials did not attribute these gains to any special efforts on their part, but rather to the fact that personnel registers for most positions in the department include many minorities and women. The department also cited, as having contributed to the improvement, the use of open recruitment methods, such as newspaper advertising, when the top five applicants on the personnel registers do not meet specific needs of positions being filled. The department uses the Expanded Certification Program to fill vacancies, but officials stated that they do not credit the use of under-utilization reports with the improvement in its minority and female profile.

BACKSLIDING/BARRIERS

While the Department of Corrections increased its work force by 5.5%, its minority participation declined by 2.6%. In 1996, minorities comprised 19.6% of the department's 1,288 permanent, full-time employees as compared to 22.2% of 1,218 workers in 1993. Department officials attributed this decrease to the implementation in 1991 of requirements imposed by the Alaska Police Standards Council for correctional officer positions which, according to the officials, account for 85% of positions within the Department of Corrections. Correctional officers must now be certified by the Alaska Police Standards Council within 14 months of hire. Department officials stated that these requirements and the multi-part application process required for correctional officer positions have resulted either in fewer applications from minorities or in the rejection of more minority applicants for failing to meet these requirements.

The multi-part application process includes a video test, a multiple-choice test in video format consisting of 83 questions administered by the Division of Personnel. The video portrays various situations a correctional officer typically encounters in a correctional

1996 STATE OF ALASKA WORKFORCE (PERMANENT FULL-TIME EMPLOYEES)

RACE	MALES	FEMALES	TOTAL
White	5,588	4,525	10,113
African American	223	199	422
Hispanic	107	144	251
Asian/Pacific Islander	212	301	513
Alaska Native/ American Indian	339	431	770
Unknown	4	4	8
Total	6,473	5,604	12,077

1996 STATE OF ALASKA WORKFORCE (PERMANENT PART-TIME EMPLOYEES)

RACE	Males	FEMALES	TOTAL
White	18	133	151
African American	2	3	5
Hispanic	3	3	6
Asian/Pacific Islander	2	10	12
Alaska Native/ American Indian	3	16	19
Unknown	1	0	1
Total	29	165	194

facility and asks applicants how they would handle each situation by selecting an answer from three choices. In addition, applicants are now required to complete a seven-page "Personal History Statement" consisting of 28 questions and pass a background check. Applicants are offered positions contingent upon the results of a psychological evaluation and certification by a licensed physician on their physical capabilities. Department officials expressed their belief that the arduous application process has discouraged many minority applicants from following through with their applications. They noted that a large number of minority applicants either drop out after taking the video test or fail the test. To alleviate the decline in the number of minority applicants, the department has lowered the passing score for the video test and has made the test more accessible to applicants. The Division of Personnel now administers the test at sites in major population centers throughout Alaska and locates qualified test monitors to administer the test in rural areas. The department has also adopted a continuous open recruitment policy so that interested persons may apply for positions throughout the year and has targeted recruitment in rural areas to increase the number of applications from village residents.

To make the work environment more attractive to minorities and females, the department Commissioner has adopted a three-part strategy: education, training, and prompt investigation of discrimination or harassment complaints. The department has instituted an on-going training program and has designated a staff member to implement it. Training courses include topics on EEO laws, discriminatory harassment, and diversity issues. In addition, the department has adopted a zero-tolerance policy against discriminatory harassment and established an EEO policy advisory committee.

The Department of Fish and Game remains at the bottom of the list which ranks minority participation in the work force among all departments in the executive branch. During the last three years, the percentage of minority employees has remained the same. As in 1993, minorities comprised 5.5% of the department's 718 total permanent, full-time employees in 1996. The department points out that this figure excludes a vast number of full-time and part-time seasonal workers who comprise more than half of the department's total work force. The department's in-house statistics for its entire work force of 1,340 employees shows a minority participation of 8% in 1996. Even using this figure, the department still lags behind all other departments in ranking for minority participation.

1996 STATE OF ALASKA WORKFORCE (SEASONAL EMPLOYEES)

RACE	MALES	FEMALES	TOTAL
White	784	381	1,165
African American	9	3	12
Hispanic	15	5	20
Asian/Pacific Islander	7	12	19
Alaska Native/ American Indian	60	35	95
Unknown	0	0	0
Total	875	436	1,311

NUMBER OF MINORITIES AND FEMALES EMPLOYED BY THE STATE OF ALASKA 1987 - 1996 (PERMANENT FULL-TIME, PERMANENT PART-TIME, & SEASONAL)

YEAR	FEMALES	%	MINORITIES	%
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
1994	6.102	45.4	2.027	15.1
1995	6,228	45.7	2,062	15.1
1996	6,205	45.7	2,144	15.8

Department officials continue to cite professional degrees and scientific and technological requirements as barriers to improving minority participation. To overcome this impediment, the department has formally established a cooperative project with the University of Alaska for internship and mentoring programs. The project, begun by the department several years ago as a career track program for high school graduates from rural villages, is described by officials as a way of pushing institutional change within the department and is expected to bring about slow, incremental results. Department officials were pleased to report that an Alaska Native student from the University of Alaska Fairbanks now works as a college intern for the department's Fish & Wildlife Conservation Division.

To increase the number of minorities among its pool of seasonal workers, the department has initiated a cooperative program with rural Native organizations to hire local village residents as harvest monitors and translators. These are non-permanent positions filled by waiving State personnel registers. The department plans to provide a list of these workers to other divisions within the department who might have other employment opportunities for them. Through this program, department officials hope to generate interest among young Alaskans in rural villages in Fish & Game careers and so that the department might begin to shed its image in rural communities solely as "enforcers." In addition, the Commissioner of the Department of Fish & Game has instituted a policy of requiring hiring officials within the department to provide justification of appointments for positions starting from Range 18 and above. By asking questions about the appointments, the Commissioner hopes to encourage officials to hire qualified minorities and women to fill vacancies.

THE ROLE OF THE OFFICE OF EEO

In an interview, Thelma Buchholdt, Director of the Office of EEO, stated that she believes that the State could have fared better during the last three years in its employment of minorities and women. She plans to increase minority and female participation in the State's work force by: "putting more teeth" into the State's Affirmative Action/Equal Employment Opportunity Policy; implementing the 1997 Affirmative Action Plan once the draft is approved and finalized; requiring hiring officials to hire from under-utilization reports to fill vacancies; and providing training and outreach for State employees and applicants for State employment on their rights under EEO laws and on how to access job availability and application information. Director

NUMBER OF ALASKA NATIVES/AMERICAN INDIANS EMPLOYED BY THE STATE OF ALASKA 1987 - 1996 (PERMANENT FULL-TIME, PERMANENT PART-TIME, & SEASONAL)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1987	806	6.70
1990	959	7.01
1993	887	6.58
1994	892	6.64
1995	855	6.27
1996	884	6.51

NUMBER OF AFRICAN AMERICANS EMPLOYED BY THE STATE OF ALASKA 1987 - 1996 (Permanent Full-Time, Permanent Part-Time, & Seasonal)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1987	336	2.77
1990	415	3.03
1993	428	3.17
1994	419	3.12
1995	431	3.16
1996	439	3,23

Buchholdt attributes the 0.7% increase in minority and female participation over the last three years to the increase in the total number of permanent, full-time State workers, as well as the appropriate racial/ethnic identification of employees in the work force. Director Buchholdt stated that, with the assistance of department human resources managers, the Office of EEO identified the race/ethnicity of 129 females and 51 males whose racial/ethnic identities were previously listed as unknown. Director Buchholdt stated that, by September 1996, the number of employees with unknown race/ethnicity — the majority of whom were minorities — was reduced to nine females and eight males. Director Buchholdt considered this project as one of her office's accomplishments.

In 1993, revision of the State's Affirmative Action Plan was a top priority for the Office of EEO. Director Buchholdt stated that her office has completed a draft "1997 Affirmative Action Plan" and has submitted it to the Department of Law for review. She added that once the draft is approved, implementation of the Affirmative Action Plan will be a priority for her office.

Director Buchholdt stated that under the current guidelines for using the expanded certification program, hiring officials are not required to hire a minority or female applicant from under-utilization reports even though the applicant is qualified for the position applied for and meets all job requirements. Ms. Buchholdt views this policy as a barrier to the State's efforts to increase minority and female participation in its work force. She plans to work towards changing this policy so that hiring officials would be required to hire qualified applicants from under-utilized categories.

Director Buchholdt stated that the Office of EEO has developed a tracking system to more effectively monitor the hiring, retention and promotion of minorities and women in state government. She plans to develop a mentoring program for minorities and women already in state service to increase their chances of continuing in the job and receiving promotions. Mentors could discuss job expectations with workers and share knowledge about their jobs so that workers would adjust more quickly and consider longterm employment with the State.

During the interview with Director Buchholdt, the Commission's Director of Investigations mentioned that department officials had made suggestions about ways that the Office of EEO might better assist them. Director Buchholdt stated that her office intended to inform departments about its current responsibilities by incorporating the

NUMBER OF HISPANICS EMPLOYED BY THE STATE OF ALASKA 1987 - 1996 (Permanent Full-Time, Permanent Part-Time, & Seasonal)

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE	
1987	178	1.47	
1990	211 1.54		
1993	235	1.74	
1994	240	1.79	
1995	249 1.82		
1996	277 2.04		

NUMBER OF ASIANS/PACIFIC ISLANDERS EMPLOYED BY THE STATE OF ALASKA 1987 - 1996 (PERMANENT FULL-TIME, PERMANENT PART-TIME, & SEASONAL)

Year	Number Employed	Percent of Total Workforce
1987	334	2.76
1990	451	3.30
1993	470	3.49
1994	476	3.54
1995	527	3.86
1996	544	4.01

information within its planned training and outreach efforts. As to providing departments with up-to-date statistical reports, Director Buchholdt said that the Office of EEO regularly provides under-utilization reports to departments. She added that, while her office would be more than willing to provide other statistical reports to the departments, the Office of EEO is hampered by a lack of resources to prepare such reports on a regular basis. Director Buchholdt stated that she considers it part of the mandate of the Office of EEO to provide training to all departments on EEO laws and affirmative action guidelines. However, she indicated that budget constraints affect her office's ability to provide this training statewide on a regular basis.

As to future plans, the Office of EEO intends to focus on implementing the 1997 Affirmative Action Plan once the draft has been approved. In addition, the Office of EEO plans to assist departments by providing written guidelines for the creation of individual affirmative action plans, to offer "spot" training to departments as needed, and to prepare guidelines for in-house training within departments. Director Buchholdt also stated that future plans include the provision of up-to-date information to departments regarding EEO and Affirmative Action, and an increase in the Office of EEO's community outreach efforts.

> MINORITIES IN ALASKA STATE GOVERNMENT 1996 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	12	0,1	1	8.3
\$7.999 - 7.000	82	0.7	9	11.0
\$6,999 - 6,000	403	3.3	25	6.2
\$5,999 - 5,000	1,018	8.4	72	7.1
\$4.999 - 4.000	2.539	21.0	247	9.7
\$3,999 - 3,000	3,782	31.4	540	14.3
\$2.999 - 2.000	3,738	31.0	932	24.9
\$1,999 - 1,000	489	4.1	126	25.8
Total	12,063	100.0	1,952	16.0

TREND ANALYSIS ALASKA NATIVES EMPLOYED BY THE STATE OF ALASKA 1986 - 1996 (PERMANENT FULL-TIME AND PART-TIME, SEASONAL)

Year	Number Employed	Percent of Total Workforce
December 1986	521	4.1
December 1987	528	4.4
December 1990	694	5.1
December 1993	649	4.8
December 1994	641	4.8
December 1995	612	4.5
December 1996	635	4.7

FEMALES IN ALASKA STATE GOVERNMENT 1996 MONTHLY SALARY LEVELS (PERMANENT FULL-TIME)

Salary Group	Total Employees In Group	Group Percentage of Total Employees	Number of Female Employees	Female Percentage of Salary Group
\$8,999 - 8,000	12	0.1	2	16.7
\$7,999 - 6.000	485	4.0	116	23.9
\$5.999 - 4.000	3.557	29.5	1.036	29.1
\$3,999 - 2,000	7,520	62.3	4,087	54.3
\$1,999 - 0	490	4.1	372	75.9
Total	12,064	100.0	5,613	47.0

STATE OF ALASKA EMPLOYMENT PROFILE

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MINORITIES

FOR THE YEARS 1993 - 1996

(PERMANENT FULL-TIME)

	1993				MINORITY		
DEPARTMENT	TOTAL EMPLOYEES	NUMBER MINORITTIES	PERCENTAGE MINORITY	TOTAL EMPLOYEES	NUMBER	PERCENTAGE	INCREASE/ DECREASE
Office of the Governor	165	16	9.7	166	17	10.2	+0.5
Administration	1,016	230	22.6	1,031	228	22.1	-0.5
Commerce & Economic Development	411	61	14.8	365	60	16.4	+1.6
Community & Regional Affairs	141	33	23.4	169	36	21.3	-2.1
Corrections	1,218	271	22.2	1,288	253	19.6	-2.6
Education	507	45	8.9	513	52	10.1	+1.2
Environmental Conservation	420	36	8.6	448	45	10.0	+1.4
Fish & Game	723	38	5.3	718	38	5.3	0.0
Health & Social Services	1,821	371	20.4	1,877	379	20.2	-0.2
Labor	543	91	16.8	557	110	19.7	+2.9
Law	380	43	11.3	396	49	12.4	+1.1
Military & Veteran's Affairs	127	9	7.1	170	22	12.9	+5.8
Natural Resources	599	53	8.8	544	50	10.8	+2.0
Public Safety	816	122	15.0	806	143	17.7	+2.7
Revenue	351	62	17.7	439	88	20.0	+2.3
Transportation & Public Facilities	2,617	356	13.6	2,590	377	14.6	+1.0
TOTAL	11,855	1,837	15.5	12,077	1,956	16.2	+0.7

RANKING DEPARTMENTS

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BY PERCENTAGE OF

MINORITIES

DEPARTMENT	1996 TOTALS
Administration	22.1
Community & Regional Affairs	21.3
Health & Social Services	20,2
Revenue	20.0
Labor	19.7
Corrections	19.6
Public Safety	17.7
Commerce & Economic Development	16.4
Transportation & Public Facilities	14.6
Military & Veteran's Affairs	12.9
Law	12.4
Natural Resources	10.8
Office of the Governor	10.2
Education	10.1
Environmental Conservation	10.0
Fish & Game	5.3

STATE OF ALASKA EMPLOYMENT PROFILE FEMALES

FOR THE YEARS 1993 - 1996

(PERMANENT FULL-TIME)

	1993			1996			FEMALE
DEPARTMENT	TOTAL	NUMBER FEMALES	PERCENTAGE FEMALES	TOTAL EMPLOYEES	NUMBER FEMALES	PERCENTAGE FEMALES	INCREASE/ DECREASE
Office of the Governor	165	111	67.3	166	113	68.1	+0.8
Administration	1,016	657	64.7	1,031	672	65.2	+0.5
Commerce & Economic Development	411	243	55.1	365	213	58.4	+3.3
Community & Regional Affairs	141	81	57.4	169	97	57.4	0.0
Corrections	1,218	360	29.6	1,288	397	30.8	+1.2
Education	507	310	61.1	513	324	63.2	+2.1
Environmental Conservation	420	171	40.7	448	192	42.9	+2.2
Fish & Game	723	258	35.7	718	264	36.8	+1.1
Health & Social Services	1,821	1,172	64.4	1,877	1,200	63.9	-0.5
Labor	543	318	58.6	557	325	58.3	-0.3
Law	380	240	63.2	396	252	63.6	+0.4
Military & Veteran's Affairs	127	49	38.6	170	42	24.7	-13.9
Natural Resources	599	278	46.4	544	260	47.8	+1.4
Public Safety	816	337	41.3	806	346	42.9	+1.6
Revenue	351	201	57.3	439	251	57.2	-0.1
Transportation & Public Facilities	2,617	665	25.4	2,590	656	25.3	-0.1
TOTAL	11,855	5,451	45.7	12,077	5,604	46.4	+0.7

RANKING DEPARTMENTS BY PERCENTAGE OF FEMALES

DEPARTMENT	1996 TUTALS
Office of the Governor	68.1
Administration	65.2
Health & Social Services	63.9
Law	63.6
Education	63,2
Commerce & Economic Development	58.4
Labor	58.3
Community & Regional	57.4
Revenue	57.2
Natural Resources	47.8
Environmental Conservation	42.9
Public Safety	42.9
Fish & Game	36.8
Corrections	30.8
Transportation & Public Facilities	25.3
Military & Veteran's Affairs	24.7

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