Alaska State Commission for Human Rights

2004 Annual Report

The Honorable Frank Murkowski, Governor of Alaska
The Honorable Ben Stevens, President, Alaska Senate
The Honorable John Harris, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 2004 Annual Report of the Alaska State Commission for Human Rights.

In 2004 over 3,300 Alaskans contacted the Commission with concerns and questions. Notably, the agency saw a five percent increase in the number of Alaskans who alleged retaliation for opposing discrimination or filing complaints of discrimination; an increase in the number of complaints based on national origin discrimination; and a rise in the number of complaints based on failure to hire.

The Commission's voluntary mediation program continued to receive praise both from businesses against whom complaints were filed and the Alaskans bringing claims. This past year eighty-five percent of those who agreed to participate in the voluntary program reached a settlement. Participants consistently express appreciation for the opportunity to address their concerns through mediation even when efforts to resolve the complaint are not successful. The Commission was honored for the second year in a row to be one of relatively few enforcement agencies in the country selected by the federal Equal Employment Opportunity Commission to participate in its pilot mediation program.

Although the Commission would like to meet the demands of the business community to provide more education, outreach, and prevention programs, budgetary constraints demand that staff focus their attention on investigation. Nevertheless, last year the Commission did provide several presentations to businesses, human resource managers, and private groups such as Chambers of Commerce.

The Commissioners continue to be concerned about the agency's ability to process complaints in a timely manner. During recent years the agency lost twenty-four percent of its staff. Despite changes to regulations and improvements in procedures, Alaskans must now wait upwards of six months before the Commission can even assign complaints for investigation. Without additional staff support complaint resolution will continue to be delayed.

The Commission will continue its commitment to fair enforcement of Alaska's human rights law. The Commissioners ask for your support to insure Alaska keeps its strong commitment to the prevention and elimination of discrimination.

Lisa M. Fitzpatrick Chairperson

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FOR ADDITIONAL COPIES OF THIS REPORT, INFORMATION REGARDING ALASKA'S HUMAN RIGHTS LAW, OR TO FILE A COMPLAINT, PLEASE CONTACT THE COMMISSION AT THE ADDRESS OR PHONE NUMBERS ABOVE.

PUBLIC HEARING CASES

Note: In all of the following public hearing cases, unless otherwise noted, the Commission staff found that substantial evidence existed to support the complainants' allegations.



In Acuna v. North Slope Borough, complainant alleged that she was discriminated against on the basis of her race, Asian, and national origin, Filipino, when she applied for a position as a payroll specialist with the North Slope Borough. Complainant alleged that the Borough refused to hire her in accordance with its ordinance which requires employment preferences for Native Americans. Commission staff found substantial evidence that the Borough's employment preference violates the Human Rights Law. A public hearing scheduled to begin on June 13, 2000, was continued pending a decision by the Ninth Circuit Court of Appeals in Malabed v. North Slope Borough, which involved a challenge to the ordinance brought in federal court. On July 8, 2003, the Ninth Circuit ruled that the ordinance was invalid under state law. The parties have continued discussions to attempt to settle.

In Beegan v. State of Alaska, Department of Transportation & Public Facilities, Anchorage International Airport, complainant filed five separate complaints alleging that respondent failed to hire him because of his age and in retaliation for having filed complaints of age discrimination. Commission staff found substantial evidence that Mr. Beegan was retaliated against four separate times after filing his first complaint, but no substantial evidence to support Mr. Beegan's first complaint of age discrimination. Mr. Beegan appealed the no substantial evidence determination to the Superior Court, which remanded the case to the Commission with instructions to make a substantial evidence finding. After conciliation failure, a public hearing was held July 14-18, 2003. On August 2, 2004, the hearing Commissioners issued a proposed order finding for complainant in part and for respondent in part, and requesting further briefing on the issue of damages. Briefing was concluded October 27, 2004, and a final order from the Commission was pending.

EXPRESSING ONESELF

A junior accountant alleged that his employer discriminated against him on the basis of his race, Asian, and his national origin, Filipino, when it transferred him to another department due to a reduction in force and then terminated him one month later. The accountant also alleged that his supervisor complained when he spoke Filipino to his coworkers, even though the supervisor spoke her own Native language to coworkers too. The Commission's mediation program facilitated a predetermination settlement between the parties in which the employer agreed to rehire the complainant as an accounting clerk in another department.

OPPORTUNITY WOULDN'T KNOCK

A female assistant supervisor alleged that her employer discriminated against her on the basis of her sex by choosing males with less experience to serve as acting supervisor. The complainant asserted that serving as an acting supervisor provided experience that counted towards qualifications for a permanent supervisory position, but her manager refused to allow her the opportunity. After her complaint was filed, her employer began to select her for the acting supervisor position. The mediation program facilitated a predetermination settlement in which the employer also agreed to not discriminate or retaliate against the acting supervisor.

In *Behre v. The Hertz Corporation*, complainant alleged that respondent failed to accommodate his known mental disability and terminated his employment because of his disability and in retaliation for supporting a coworker's complaint about discrimination. Commission staff did not find substantial evidence that respondent retaliated against complainant. Commission staff found, however, that substantial evidence supported complainant's allegation that respondent discriminated against him because of his mental disability. After a public hearing held May 24-25, 2004 the hearing examiner recommended that the complaint be dismissed. As of the end of 2004, a final order from the Commission was pending.

In *Drury v. Alaska Tool Company, Inc.*, complainant alleged that respondent discriminated against her on the basis of her sex and retaliated against her for opposing unlawful discrimination when it subjected her to offensive sexual comments, touching, conduct, and propositions. The parties reached a settlement in which respondent agreed to train managers and supervisors in the provisions of the Human Rights Law, expunge documents from complainant's personnel file related to her complaint, and provide complainant with back pay of \$2,500. The Commission approved the agreement on May 18, 2004.

In *Eaton v. Northwest Airlines*, complainant alleged that respondent discriminated against her on the basis of her physical disability, quadriplegia, when respondent refused to provide her with a bulkhead seat, causing her severe pain due to the restrictions of her assigned seat. The Commission scheduled a public hearing for May 10-11, 2005, while the parties continued to discuss a possible settlement.

In Faria v. Federal Express Corporation, complainant alleged that respondent subjected him to different terms and conditions and terminated his employment because of his race, Pacific Islander, and national origin, Hawaiian. The Commission has scheduled a public hearing for July 19-26, 2005.

In *Graham v. Jacobs Engineering Group, Inc.*, complainant alleged that respondent retaliated against her for filing a prior complaint of discrimination with the Commission when it terminated her employment. At the end of 2004, a public hearing was scheduled for March 14-18, 2005.

YOUNG AT HEART

A woman filed a complaint alleging that her employer refused to rehire her as a teacher's aide, a position she had held for over 20 years, because of her age, 65. The employer denied the woman's allegation, asserting that due to a budget reduction, it was hiring fewer aides. The employer contended that the aides it did rehire had superior abilities to work with children. Staff investigated and found substantial evidence to support the woman's claim of discrimination based on age. In a conciliation agreement, the employer agreed to pay complainant \$14,157 in lost wages and train its employees in the laws prohibiting discrimination. The parties signed the agreement and the Commission closed the case.

MEAN AND MALICIOUS

A Black client of a facility filed a complaint alleging that, while assigned to work in the kitchen, an employee who was monitoring the kitchen area used racial epithets to refer to Blacks and directed another client to physically assault him. Staff investigated the complaint and established that the facility employee did use racially derogatory terms to refer to Black clients, and that the directive to physically assault complainant was in fact carried out. Staff issued a determination of substantial evidence and executed a conciliation agreement in which the facility agreed to disseminate its policy against discrimination and provide training to its staff in the laws prohibiting discrimination.

In Klutcharch v. Snug Harbor Seafoods, Inc., complainant alleged that respondent discriminated against him because of his age when it terminated his employment. Commission staff did not find substantial evidence to support complainant's allegations, but did find substantial evidence that respondent was eliciting disability-related information from job applicants. The parties reached a settlement in which respondent agreed to refrain from asking for disability-related information until after making a bona fide offer of employment. The Commission approved the agreement on March 10, 2004.

In McRae v. Alaska Vocational and Technical Center, complainant alleged that respondent subjected her to a hostile work environment and that she was forced to leave her employment because of the hostile work environment. The parties reached a settlement in which respondent agreed to pay \$25,000 to complainant and provide six hours of training to its managers and employees in the laws prohibiting race and gender discrimination, and retaliation. The Commission approved the agreement on May 18, 2004.

In *Meraz v. Bering Air*, complainant alleged that respondent discriminated against him on the basis of his race, Hispanic, and retaliated against him when it terminated his employment after he lodged a complaint with his supervisors regarding a hostile work environment. A public hearing scheduled for January 3-10, 2005, was continued pending a settlement agreement.

In Owens v. The Estelle Group, complainant alleged that respondent discriminated against him on the basis of his disability, paraplegia, because a retail store owned by respondent is not accessible to persons who use wheelchairs for mobility. Respondent has complied with the terms of a proposed settlement agreement and installed a ramp for access to its facility. A settlement is pending in this case.

In *Perkins v. Doyon Universal Services, Inc.*, complainant alleged that respondent failed to hire him as a kennel technician because of his race, Black. Complainant alleged that despite his prior experience respondent hired someone who was less qualified for the position. Complainant filed a lawsuit containing the same allegations in Superior Court on January 30, 2003. The Commission ordered the case held in abeyance on March 30, 2004, pending resolution of complainant's court complaint.

MOTHERS NOT WELCOME

A part-time administrative assistant alleged that her employer terminated her on the basis of her pregnancy. She alleged that during her job interview, the employer asked her how many children she had and whether she planned to have more. The administrative assistant stated that after she became pregnant, her supervisor terminated her and told her she could look for another job before she became any "bigger," and that the employer then readvertised the position. The parties agreed to mediation and reached a settlement. The employer agreed to counsel the supervisor and have the supervisor provide a written apology to the administrative assistant for the inappropriate comments made at her termination. The employer also agreed to develop a written policy regarding employee work performance, and to provide specific reference information to the assistant's prospective employers.

SHORT AND NOT SO SWEET

A roofer alleged that his employer terminated him because of his race, Black, after only one month on the job. He stated that he was told that his work performance was unacceptable, but his coworkers told him they were surprised he lasted that long because he was Black. The parties agreed to mediation and reached a settlement in which the employer agreed to pay the roofer \$3,450.

In Raad v. Fairbanks North Star Borough School District, complainant alleged that she was discriminated against by respondent when it failed to hire her on the basis of her race, national origin, and religion. Complainant further alleged that she was retaliated against by respondent for filing the discrimination complaint. After a public hearing, the Commission issued an order dismissing the complaint. Complainant appealed the Commission order. On January 9, 2004, the Alaska Supreme Court remanded the case to the Commission for further findings on whether the reasons for not hiring complainant were pretextual.

In Rescober v. State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water, complainant alleged that respondent failed to promote him based on his sex, race, and national origin. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to the Superior Court. The Superior Court found substantial evidence of discrimination and remanded the case for a hearing. The parties reached a settlement in which respondent agreed to promote complainant and transfer him to a different department. The Commission approved the agreement on April 26, 2004.

In *Ridges v. Fred Meyer*, *Inc.*, complainant alleged that respondent failed to promote him because of his race, Black. As of December 31, 2004, a public hearing had not yet been scheduled.

In Sellers v. Alaska Tool Company, Inc., complainant alleged that respondent discriminated against her on the basis of her sex and in retaliation for opposing unlawful discrimination when it subjected her to offensive sexual comments, touching, conduct, and propositions. The parties reached a settlement in which respondent agreed to train managers and supervisors in the provisions of the Human Rights Law, expunge documents from complainant's personnel file related to her complaint, and provide complainant with back pay of \$2,612. The Commission approved the agreement on May 18, 2004.

TWICE WRONGED

A female office worker in a construction company alleged that the company's general manager sexually harassed her by making sexual comments and showing her a sexually explicit email. After reporting this behavior to her supervisor, she alleged that her employer retaliated against her by creating a hostile work environment and then terminated her less than two months later. The parties agreed to mediation and reached a settlement in which the employer agreed to pay the complainant back pay.

WRONG "MOVES"

A male maintenance worker alleged that his female supervisor subjected him to a hostile work environment. The worker alleged that the supervisor invited him and his wife out to a bar after work, then made sexual advances to him by grabbing his buttocks and groin area and trying to kiss both of them. The worker and his wife objected to this behavior and left. The worker alleged that he was then demoted several months later. After he complained to the company's human resources manager that his supervisor was continuing her sexual advances and retaliating against him, his female supervisor terminated him. The parties agreed to mediate and reached a settlement. Respondent agreed to pay complainant \$1,000 and to provide him with a reference letter regarding his technical skills.

In Shelton v. Anderson Apartments, LLC, complainant alleged that respondent failed to hire him as a maintenance worker because it perceived him to be a person with a physical disability. Complainant alleged that respondent believed the job would be too stressful for him because he had been treated for a heart condition. The parties reached a settlement in which respondent agreed to train its managers in the provisions of the Human Rights Laws and provide complainant with back pay of \$8,000. The Commission approved the agreement on December 22, 2004.

In Taheri v. Evergreen International Aviation, Inc., complainant filed two complaints alleging that respondent subjected him to different terms and conditions, failed to promote him, and ultimately terminated him because of his race, Asian, his national origin, Iranian, his religion, Muslim, and his age, 48. Commission staff did not find substantial evidence that complainant was subjected to different terms and conditions of employment. Commission staff did find substantial evidence that respondent discriminated against complainant when it failed to promote him, and that it retaliated against him for filing a complaint of discrimination when it terminated his employment. As of December 31, 2004, a public hearing had not been scheduled.

In *Thiel v. Kachemak Port Services, Inc.*, complainant alleged that respondent discriminated against her on the basis of her sex when she was subjected to sexual harassment by respondent's vice-president. Complainant further alleged that she was terminated in retaliation for reporting the harassment to her supervisor. After a public hearing held August 4-7, 2003, the hearing examiner recommended that the complaint be dismissed. The Commission issued a final order on February 3, 2004, adopted the hearing examiner's decision and dismissed the case.

LITIGATION



In Raad v. Fairbanks North Star Borough School District, complainant alleged that she was discriminated against by respondent when it failed to hire her on the basis of her race, national origin, and religion. Complainant further alleged that she was retaliated

NOT SO FUNNY

A Polish mailroom worker alleged that his supervisor subjected him to offensive jokes based on his national origin, directed sexual comments to a coworker, and retaliated against him for reporting his supervisor's conduct to the human resources manager. The worker alleged that after he complained his supervisor denied him his annual seasonal transfer to the company's warehouse, and assigned him to a lower-paying laborer position The employer denied the worker's allegations, asserting that the worker never objected to his supervisor's jokes and that he was not needed in the Staff investigated the warehouse. complaint and found substantial evidence to support the worker's allegations. In a conciliation agreement, the employer agreed to pay complainant \$9,500 in back wages and train its employees in the laws prohibiting discrimination, with emphasis on harassment and retaliation.

MEN PREFERRED

A female high school teacher alleged that she was discriminated against on the basis of her sex when she was laid off. She alleged that her employer told her that it was vacating her position so it could hire a male teacher to replace her. The parties agreed to mediation and reached a settlement. Respondent apologized verbally and in writing to complainant, agreed to recommend her for a university "aspiring administrator" program, and to provide her with a positive reference letter.

against by respondent for filing the discrimination complaint. After a public hearing, the Commission issued an order dismissing the complaint. Complainant appealed the Commission's order to Superior Court. On June 24, 2002, the Superior Court affirmed the Commission's decision. Complainant then appealed the Superior Court's decision to the Alaska Supreme Court. On January 7, 2004, the Supreme Court reversed and remanded the case to the Commission for clearer findings on whether respondent's reasons for failing to hire complainant were pretextual.

In Thomas v. Anchorage Equal Rights Commission, plaintiffs sued the Municipality of Anchorage, Anchorage Equal Rights Commission, and Paula M. Haley, in her official capacity as the Commission's Executive Director, in state court. Plaintiffs sought a declaratory judgment reversing the Alaska Supreme Court's decision in Swanner v. Anchorage Equal Rights Commission, 874 P.2d 274 (1994), which held that a landlord is not entitled to a religious exemption to the provisions of the Human Rights Law which prohibit housing discrimination based on marital status. On October 31, 2002, the Superior Court entered Final Judgment upholding the law. Plaintiffs appealed the Superior Court's decision to the Alaska Supreme Court. On December 10, 2004, the Supreme Court reaffirmed its decision in Swanner and dismissed the plaintiffs' challenge.

In Crowley v. State of Alaska, Department of Transportation and Public Facilities, complainant alleged that he was terminated from his position as a procurement specialist because of his race, Black. On November 7, 2003, the Commission staff found complainant's allegations were not supported by substantial evidence. Complainant appealed the Commission staff's decision to Superior Court. As of December 31, 2004, the parties were in the process of briefing the court on the issues.

In John-Baptiste v. Alaska State Commission for Human Rights, complainant alleged that respondent, Carrs Quality Centers, discriminated against him because of his race, Black, when he was terminated from his position as a produce clerk. On September 29, 2004, staff found complainant's allegations were not supported by substantial evidence. Complainant has appealed the staff's decision to Superior Court. As of December 31, 2004, the court had not yet set a briefing schedule.

NEVER SAY NEVER

A store clerk filed a complaint alleging that when she was assigned to work as a cashier, she requested an accommodation for a disability. The employer refused to accommodate her, told her that position was no longer available, and never scheduled her to work again. employer stated that it never grants accommodations, and that if an employee is unable to perform the essential requirements of their positions without accommodation, it instructs the employee to apply for other jobs. After an investigation, staff concluded that complainant's medical condition was not a disability that substantially limited her ability to engage in a major life activity. However, staff found that the employer's failure to provide any reasonable accommodation, and its practice of not talking to employees about the asserted disability and whether they need a reasonable accommodation, violates the Alaska Human Rights Law. The employer and the Commission conciliated the case and the employer agreed to provide training for its managers and supervisors in the laws prohibiting disability discrimination and the requirements and procedures for providing reasonable accommodations for employees with disabilities.

In Le-Sueur v. Columbia Regional Hospital, complainant alleged that she was sexually harassed by her supervisor and retaliated against for complaining about harassment when she was given additional work assignments and denied the opportunity to work light duty in her job as an environmental services aide. The Commission staff originally closed the case on May 11, 1999, finding that complainant had refused a settlement offer that would have provided her with all of the relief she could have obtained if she prevailed at hearing. Complainant appealed that decision to the Superior Court, and on September 19, 2001, the court remanded the case to the Commission for further investigation. Staff later found that complainant's allegations were not supported by substantial evidence, and complainant again appealed to Superior Court on April 12, 2004. As of December 31, 2004, the parties were in the process of briefing the court on the issues.

In Musgrove v. Alaska State Commission for Human Rights, complainant alleged that her employer, Pinkerton Security Services, treated her differently in the terms and conditions of her employment, and then terminated her, because of her sex. On February 9, 2004, staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to Superior Court. As of December 31, 2004, the court had established a briefing schedule and the parties' briefs were pending.

In **Tiernan v. Pyramid Printing**, complainant alleged that she was sexually harassed and forced to quit her job because respondent's manager subjected her to a hostile work environment. Commission staff found that complainant's claims were supported by substantial evidence. On October 1, 2003, after a public hearing, the Commission issued a decision in favor of complainant and ordered respondent to pay complainant the sum of \$50,972, plus interest, and to train its managers regarding the requirements of the Human Rights Law. On October 27, 2003, respondent appealed the Commission's final order to the Superior Court. As of December 31, 2004, briefing had been completed and a decision from the court was pending.

In Billingham v. Alaska State Commission for Human Rights, complainant alleged that her employer, State of Alaska, treated her differently in the terms and conditions of her employment because of her age, sex, and in retaliation for filing an earlier complaint. On November 2, 2004, staff agreed with the Equal Employment Opportunity Commission's finding that the allegations were not supported by substantial evidence. Complainant appealed the decision to Superior Court on December 2, 2004.

RECIPE FOR TROUBLE

A woman filed a complaint alleging that when she worked as a bull cook, her supervisor subjected her to offensive and unwelcome sexual conduct and that when she complained about the supervisor's actions, her employer retaliated against her by laying her off. The employer denied the woman's allegations, contending that it promptly conducted an investigation into the woman's report of sexual harassment, but that the findings were inconclusive. The employer also asserted that it did not lay the complainant off because she complained about sexual harassment. Before staff could complete its investigation, the employer proposed settlement terms, which the complainant In a predetermination accepted. settlement, the employer agreed to pay the woman \$2,500, give her a letter of recommendation, and provide training to its managers and supervisors in antidiscrimination laws with emphasis on eliminating and preventing sexual harassment and sex discrimination in the workplace. The parties signed the agreement and the Commission closed the case.

2004 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Male	99
Female	98
Total Filings	197

ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	89
Black	40
Hispanic	18
Unknown	17
Asian	15
Alaska Native	13
Other	5
Total Filings	197

ANALYSIS OF FILINGS By Type

Employment Public Accommodation Housing Government Practices	192 2 2 1
Total Filings	197

ORIGIN OF COMPLAINTS FILED WITH ASCHR FOR INITIAL PROCESSING (BY REGION) Southcentral 78.57% Southeast 7.14%

LOCATION OF OPEN CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS ASCHR Investigative Unit 87.32% Hearing Unit 4.15% EEOC 7.80%

ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	46	28
Sex	29	24
Age	19	13
Physical Disability	12	3
Retaliation	9	25
National Origin	9	15
Retaliation for Filing	8	5
Religion	7	3
Pregnancy	3	2
Mental Disability	2	0
Parenthood	0	1
Multiple Bases	53	
Total Filings	197	119

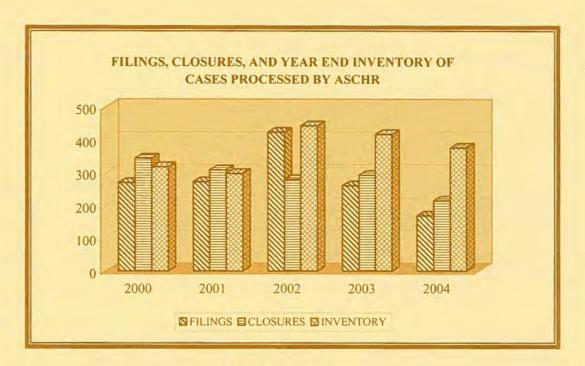
ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	52	49
Terms & Conditions	33	43
Failure to Hire	31	1
Sexual Harassment	3	15
Failure to Dispatch	3	0
Failure to Promote	2	8
Pay Equity	2	8
Demotion	2	5
Denied Service	1	1
Other	1	2
Failure to Sell	1	0
Harassment	0	9
Eviction	0	1
Failure to Rent	0	1
Multiple Issue	66	
Total Filings	197	143

ANALYSIS OF 2004 CLOSURES

ANALYSIS OF 2004 CLOSURES							
REASON FOR CLOSURE	Number of Closures	PERCENTAGE OF TOTAL					
MEDIATION:	231	8.78%					
Mediation - Successful Settlement	12	4.58%					
Mediation - Complaint Withdrawn with Successful Settlement	4	1.53%					
Mediation - Complaint Withdrawn	2	0.76%					
Mediation – Predetermination							
Settlement (PDS)	5	1.91%					
ADMINISTRATIVE:	29	11.07%					
Complaint Withdrawn	7	2.67%					
Lack of Jurisdiction	3	1.15%					
Complainant Not Available	6	2.29%					
Failure of Complainant to Proceed	1	0.38%					
Complainant to Court	10	3.82%					
Administrative Dismissal	2	0.76%					
NOT SUBSTANTIAL EVIDENCE	176	67.18%					
CONCILIATION/SETTLEMENT:	26	9.92%					
Complaint Withdrawn with Successful Settlement	11	4.19%					
Predetermination Settlement (PDS)	4	1.53%					
Substantial Evidence/ Conciliation Agreement	8	3.05%					
Substantial Evidence/ Complainant Rejected Full Relief	3	1.15%					
HEARING:	8	3.05%					
Decision for Respondent	1	0.38%					
Pre-Hearing Settlement	7	2.67%					
TOTAL 2004 CLOSURES	262	100%					

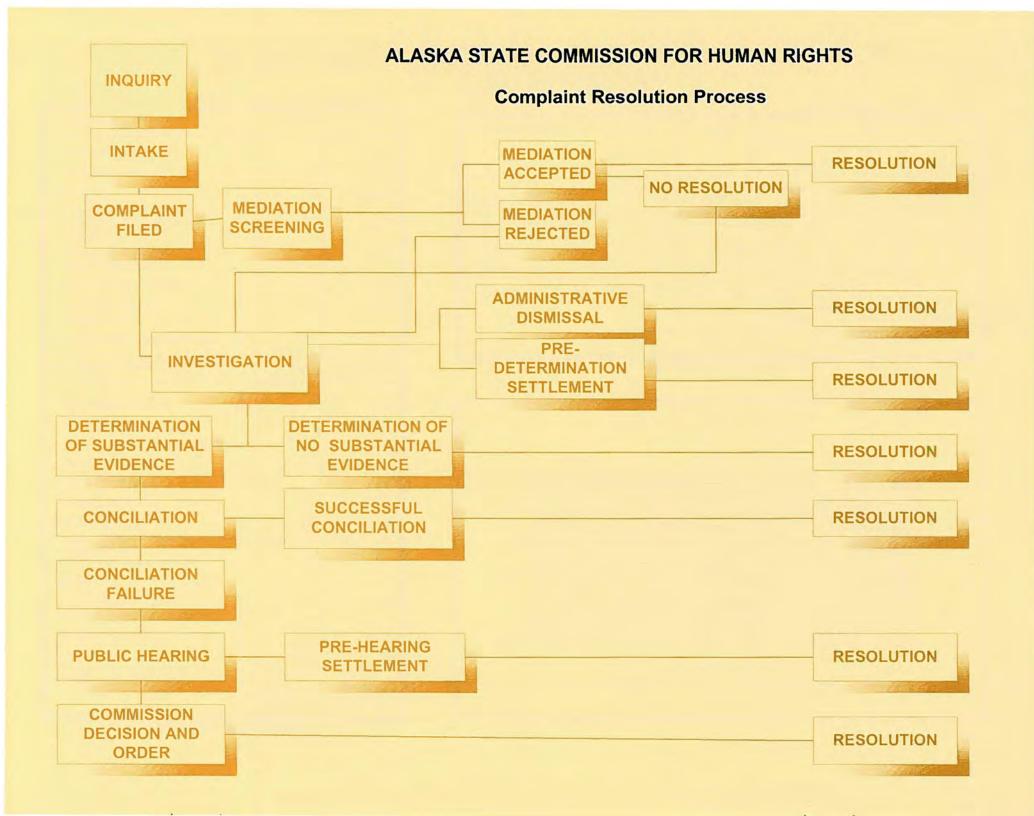
¹This number does not include 1 settlement negotiated in 2004 which closed in early 2005.



SUMMARY OF CLOSURES

	20	02	20	Detail of 2004 Closures									
							ASCHR		EEOC		AERC		
CATEGORY OF CLOSURE	No.	%	No.	%	No.	%	No.	%	No.	%			
Mediation	50	14.3	39	11.1	22	8.4	1	0.4		1			
Administrative	46	13.2	36	10.2	20	7.6	6	2.3	3	1.1			
Not Substantial Evidence	206	59.0	244	69.3	143	54.6	29	11.1	4	1.5			
Conciliation/Settlement	29	8.3	27	7.7	23	8.8	0	0	3	1.1			
Hearing	18	5.2	6	1.7	7	2.7	0	0	1	0.4			
									2152 36			11	
TOTAL CLOSURES	349 352		AL CLOSURES 349 352 262										

² This number does not include completed investigations of 6 cases which are still in conciliation or were transferred to the Hearing Unit in 2004.



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 at a cost of \$1.61 each.

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