

Alaska State Commission for Human Rights

2017 Annual Report



HUMAN RIGHTS COMMISSION

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HUMAN RIGHTS COMMISSION

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- The Honorable Bill Walker, Governor of Alaska
- The Honorable Pete Kelly, President, Alaska Senate
- The Honorable Bryce E. Edgmon, Speaker, House of Representatives

On behalf of the Commission, I respectfully submit the 2017 Annual Report of the Alaska State Commission for Human Rights. The Commission is entering its 55th year as Alaska’s civil rights enforcement and education agency.

This year we processed 1,521 inquiries, which resulted in 284 complaints. Racial discrimination continues to be the most prevalent basis for complaints; but complaints with a physical or mental disability basis continue to rise, many of them involving service and emotional support animals. When physical disability complaints are combined with mental disability complaints, they supersede racial discrimination as the highest single basis for discrimination complaints. You will see our efforts increase in 2018 to educate the public about these issues.

A strategic goal for this year was to “Continue and expand our role as public advocates for the elimination and prevention of discrimination.” We have done this by partnering with other human rights organizations such as the Human Trafficking Work Group, Bridge Builders, Fair Housing and others. You will also see a new approach in our Equal Employment Opportunity Progress in State Government report with recommendations for improvement as the State moves forward in ensuring equal opportunity in employment for all Alaskans.

Our public education and outreach efforts were further expanded this year with key trainings in discrimination law to the Anchorage Medical Society and NEA Alaska; and sexual harassment training for Legislators and Legislative staff.

Internally, we have eliminated our case backlog and are, with few exceptions, currently working on cases that are less than two years old. Our goal is to close all investigations within one year and we hope to narrow that to 180 days by implementing a new case management system designed to streamline our internal processes.

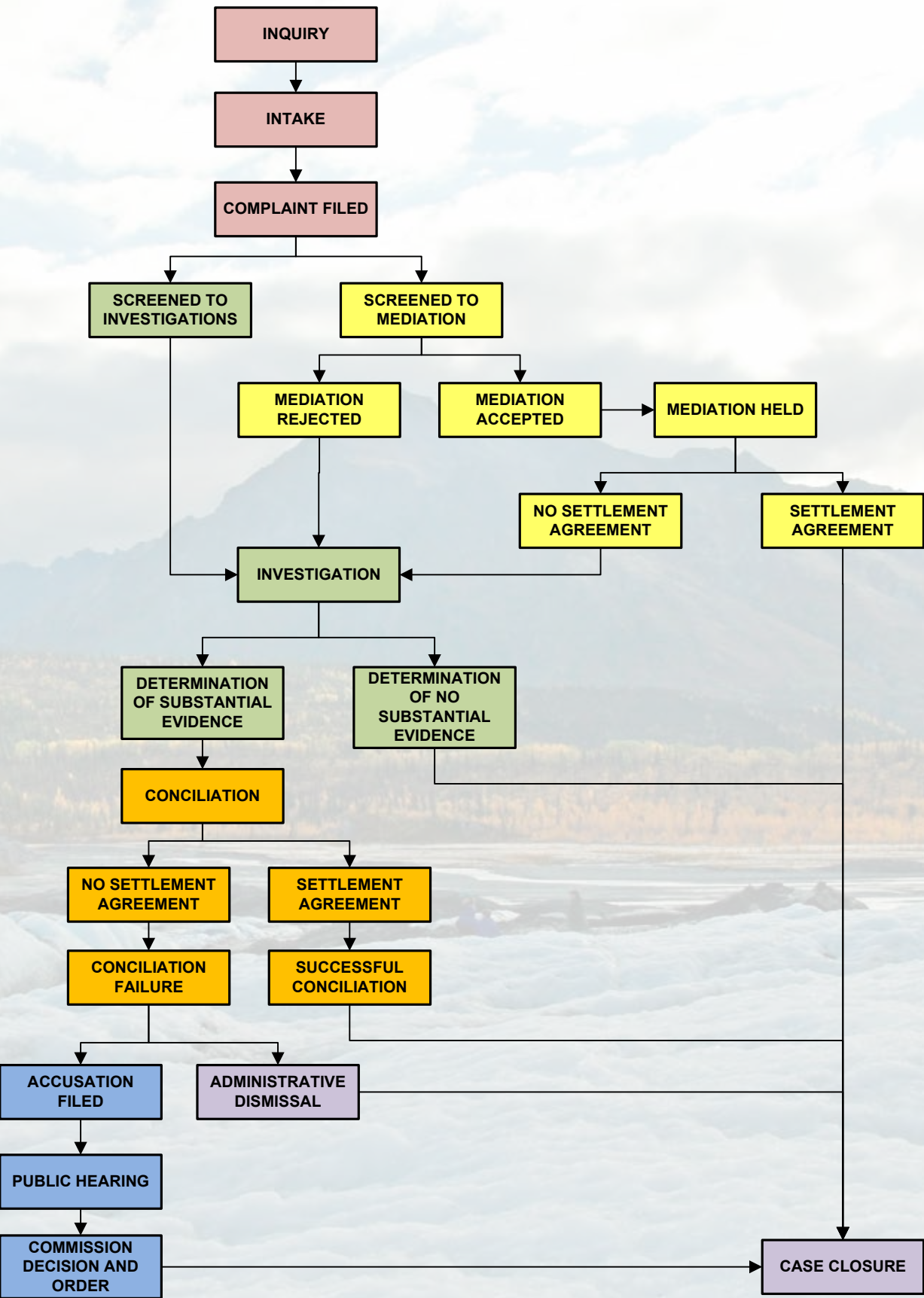
The Commissioners and staff continue their commitment to eliminating and preventing discrimination for all Alaskans through public education, conducting impartial investigations and enforcing the Alaska Human Rights law.

We appreciate your continued support in this endeavor as we strive for a discrimination-free Alaska.

Kathryn Dodge
Chairperson

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Complaint Resolution Process



PUBLIC HEARING CASES

In **Russell Baker v. Guardian Flight**, complainant alleged that respondent discriminated against him based on his age, when it terminated his employment while retaining younger, less experienced pilots. Complainant also alleged that respondent retaliated against him for filing complaints of discrimination. At the end of 2017, the parties were in the process of negotiating the terms of a settlement.

In **Claude Blake v. Sumitomo Metal Mining Pogo, LLC**, complainant alleged that respondent discriminated against him on the basis of his race, African-American, and age, fifty-one, when it refused to hire him for a permanent full-time surface equipment operator position. Complainant also alleged that he was subjected to a hostile work environment because of his race. A hearing scheduled for November 14-16, 2016, was vacated when the parties agreed to settle the case. The parties executed a settlement agreement in which respondent agreed to pay complainant \$70,000 in backpay and to provide training to its managers, supervisors, and employees on the laws prohibiting discrimination in employment. On June 21, 2017, upon completion of all terms of the settlement agreement, the Commission issued an order granting the Executive Director’s motion to dismiss and closing the case.

In **Paula Buston v. Alaska Ship Supply**, complainant alleged that she was subjected to a hostile work environment and that respondent retaliated against her for complaining about the hostile work environment by terminating her employment. The Commission’s Executive Director approved a settlement agreement on April 10, 2017. Upon completion of all terms of the agreement, the

Commission issued an order on August 17, 2017, granting the Executive Director’s motion to dismiss and closing the case.

In **Michael Chiesa v. City of Kodiak, Kodiak Police Department**, complainant alleged that respondent discriminated against him based on his physical disability by failing to accommodate his disability and terminating his employment. Complainant also alleged that respondent retaliated against him for requesting a reasonable accommodation when it disciplined him following his termination for conduct that occurred prior to his injury. A public hearing is scheduled for June 4-8, 2018.

In **Randall Danes v. State of Alaska, Department of Corrections, Division of Institutions**, complainant alleged that respondent discriminated against him based on his physical disability when it denied complainant’s requests for a sign language interpreter to allow him the same access to benefits provided to other inmates. A settlement was approved on April 12, 2017. At the end of 2017, Commission staff was monitoring compliance with the agreement.

In **Steven Govatos v. ASRC Energy Services Alaska, Inc.**, complainant alleged that respondent discriminated against him by refusing to accommodate his mental disability and terminating his employment when complainant refused to change the medication he had been taking for many years to treat his disability. A public hearing is scheduled for May 7-10, 2018.

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Work and a Play

A male office worker alleged he was discriminated against by his employer. He claimed that he was treated differently than female employees because he was not allowed to work offsite, that co-workers performed a racially offensive and discriminatory skit at a holiday party, and that he was terminated for actions similar to other’s not of his race or sex who were not terminated. Commission staff found substantial evidence supporting complainant’s allegation regarding the racially derogatory holiday skit and found that, although the employer apologized for the discriminatory nature of the event, it failed to take appropriate action to prevent a reoccurrence. The employer agreed to develop and disseminate a corporate policy opposing discrimination and retaliatory practices, and to provide training for its managers, supervisors, and employees.

Cook Off

A lead cook with a heart condition alleged he was discriminated against based on his physical and mental disability when he was terminated from his job after suffering an anxiety attack that required him to leave work. Investigation showed the employer had knowledge that this employee required an accommodation and failed to engage in the interactive process. The case was successfully conciliated and a settlement was reached awarding the employee \$8416. The employer also agreed to adopt an anti-discrimination policy and was required to receive six hours of training by a Commission approved trainer.



Public Hearing Cases continued from 5

In **Paula Haley, Connor Carle, and Sydney Peterson v. Sullivan’s of Alaska, Inc. d/b/a Sullivan’s Steakhouse**, the Executive Director and two individual complainants filed three separate complaints against respondent, alleging that respondent terminated the employment of five employees, including Mr. Carle and Ms. Peterson, because they were under the age of eighteen. A hearing was held on May 4–7, 2015. On June 14, 2016, the administrative law judge (ALJ) issued a recommended decision finding that the Human Rights Law does not protect persons under eighteen from age discrimination. The Executive Director filed objections to the recommended decision on June 30, 2016. The ALJ did not rule on the objections and forwarded the unchanged recommendation to the Commission on November 29, 2016.

On February 27, 2017, the Commission rejected the ALJ’s recommendation, explicitly holding that the Human Rights Law does apply to employees under eighteen, and remanded the case to the ALJ for calculation of back pay. The ALJ issued an order on November 28, 2017 recommending that the Commission adopt the damage calculations in her revised recommended order of the same date. On December 13, 2017, the Executive Director filed a motion requesting that the hearing commissioners issue a ruling on the ALJ’s jurisdiction to revise a recommended decision and respond to objections after statutory time limit for doing so had expired. As of the end of 2017, the decision was still pending.

In **Jetta Haynes v. Naomi Lee and Jung Lee d/b/a Lily’s Family Restaurant**, complainant alleged that one of respondent’s owners subjected her to a hostile work environment based on her sex when he sexually assaulted her, and made her working conditions so intolerable that she had no choice but to resign. A hearing was held on May 31, 2017. The ALJ issued a recommended decision on July 24, 2017, finding that respondents violated the Human Rights Law and recommending backpay in the amount of \$15,179.18, with interest. The Commission issued a final order adopting the recommended decision on September 28, 2017.

In **Charlie Kanayurak v. North Slope Borough Fire Department**, complainant alleged that respondent discriminated against him based on his parenthood and his association with a person with a physical disability when it required him to take leave without pay and disciplined him because he was unable to attend a training event due to his daughter’s medical appointment. A public hearing was scheduled for November 21-22, 2017, but was vacated when the parties agreed to settle the case. The parties were in the process of negotiating the terms of a settlement as of the end of 2017.

Men in Camp

A male complainant, working and living at a remote worksite, alleged discrimination on the basis of his sex and retaliation for complaining of discrimination. He indicated he was constantly subjected to sexual harassment and unwelcome offensive comments of a sexual nature from his male co-workers, supervisors, and managers. The employer terminated his employment after he complained of the sexual harassment. Commission staff investigated and found substantial evidence to support complainant’s allegations. The parties resolved the complaint in conciliation and the employer was required to adopt and disseminate a nondiscriminatory policy, obtain training for its managers, supervisors, and employees and pay the complainant a \$28,650 settlement for lost wages with an additional \$1350 contribution to his IRA.

Access Denied

A resident complained that a public facility in the town was not accessible to physically disabled residents, both in its lack of designated handicap accessible parking spaces and the lack of a ramp to gain access to the public lobby. As a result of the investigation the facility altered its property to be accessible to physically disabled residents and agreed to maintain its public spaces in a way that ensured access for physically disabled residents.



Trucking Along

A truck driver suffered a work-related injury which temporarily prevented him from driving. When he was able to return to work, his employer terminated his employment and treated him as if he was disabled. The Commission found substantial evidence that the employer regarded the driver as disabled and terminated him believing he couldn’t perform the essential functions of the job. The parties resolved the complaint through conciliation and respondent provided make whole relief regarding missed wages in the amount of \$7420, adopted a corporate policy to reflect its non-discriminatory posture and trained its employees and supervisors regarding discrimination and the obligations and responsibilities of managers and supervisors when they witness discriminatory behavior or receive complaints of discrimination.

Ramping Up

A disabled gentleman was injured after attempting to use a ramp that was not appropriate for wheeled assistance devices and engaged with the Commission to address the defect after the business failed to respond to him. The Commission found substantial evidence that the business failed to engage with the complainant and failed to take appropriate action to resolve the defect. The investigation resulted in the company making the appropriate alterations to the access points of its building and agreeing to maintain them.

In **Thailando Linnear v. Quantum Investments, LLC d/b/a Barratt Inn Anchorage Airport**, complainant alleged that respondent discriminated against him based on his disability when it refused to allow complainant to stay at its hotel with his service animal. The Commission approved a settlement agreement on October 11, 2017. Commission staff was monitoring compliance with the agreement at the end of 2017.

In **David Register v. State of Alaska, Department of Public Safety, Division of Alaska State Troopers**, complainant alleged that respondent discriminated against him based on his sex by subjecting him to a hostile environment. The Executive Director filed a motion for dismissal on December 30, 2016, after complainant indicated that he would not participate in the case. On February 13, 2017, the Commission issued a final order dismissing the complaint and closing the case.

In **Francis Roach v. Friendship Mission**, complainant alleged that respondent discriminated against him based on his disability when respondent refused his service dog admission into its homeless shelter. The parties filed opposing motions for summary decision. On July 18, 2017, the ALJ issued a recommended decision finding that respondent was not a “place of public accommodation” and recommending dismissal of the case. The Executive Director filed an objection on August 25, 2017, asserting that the obligation to interpret the Human Rights Law broadly would compel an individual assessment of the relevant facts in each case, regardless of an entity’s name or stated mission. In a revised recommended decision issued on August 29, 2017, the ALJ reached the same conclusion. The Commission dismissed the case on October 30, 2017, noting that the

decision was limited to the facts of this particular case and did not establish a broad rule regarding the application of the Alaska Human Rights Act’s public accommodation provisions to homeless shelters.

In **Boris Sar v. Federal Express Corporation**, complainant alleged that respondent discriminated against him based on his disability when it refused to hire him as a courier because he is deaf. On October 10, 2017, the parties reached a settlement under which complainant received \$20,000 in supplemental wages. The Commission dismissed the case on November 9, 2017.

In **America Sullivan v. Personnel Plus Employment Agency, LLC**, complainant alleged that respondent discriminated against her because of her pregnancy when it eliminated her position and terminated her employment after learning that she was pregnant. At the end of 2017, a public hearing was scheduled for January 17-18, 2018.

In **Jessica Walker v. Trident Seafoods Corporation**, complainant alleged that respondent discriminated against her based on her pregnancy when it terminated her employment as a deckhand on one of its fishing vessels after learning that she was pregnant, even though complainant provided a release from her doctor stating that she could safely continue performing her normal job duties. A public hearing is scheduled for July 9-13, 2018.

In **Steve Williamson v. North Slope Borough, Search & Rescue Department**, complainant alleged that respondent discriminated against him based on his physical disability when it terminated his employment as a search and rescue pilot. The parties were in the process of negotiating the terms of a settlement at the end of 2017. ♦

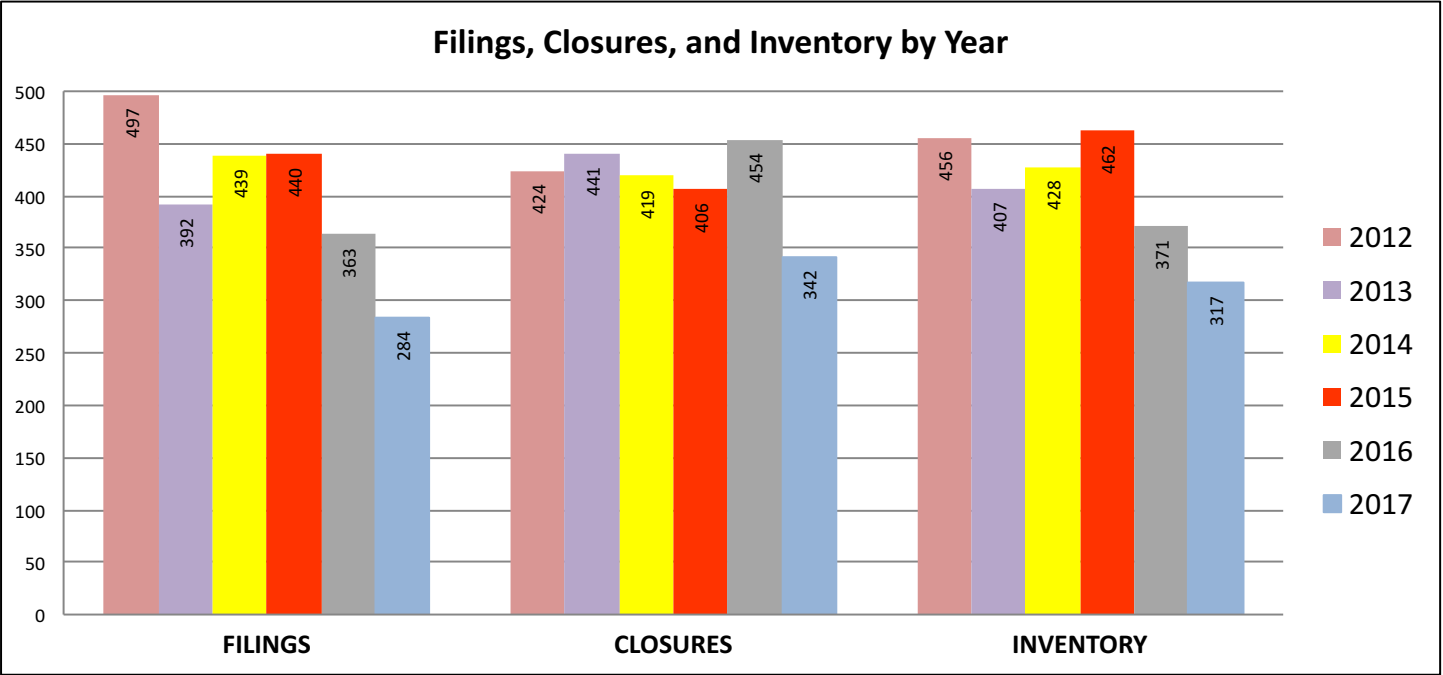
Age Old Problem

An employee alleged that his former employer discriminated against him on the basis of his age when a younger and less qualified employee was given a position for which complainant alleged he was more qualified. The parties agreed to mediation and a settlement was reached. The employer agreed to pay the former employee the sum of \$37,500.



Setting the Course

A student alleged that his school discriminated against him on the basis of physical disability and treated him as disabled when he was dismissed from and prevented from further participating in a required class, even though he was medically cleared to participate in that class. The parties agreed to mediation and a settlement was reached. The institution agreed to pay one half of the tuition for the student’s course during the next semester.



Filings by Complainant's Sex	
Male	149
Female	135
Director's Charge	0

Filings by Type	
Employment	248
Public Accommodation	16
Government Practices	10
Housing	10
Finance	0

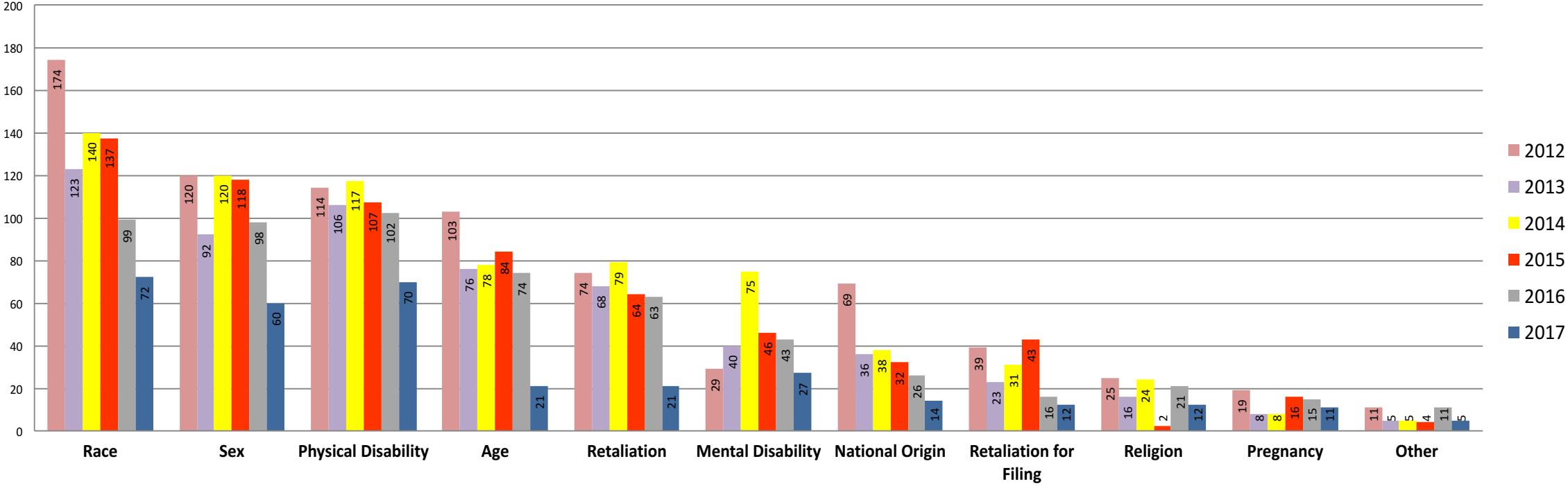
Filings by Complainant's Age	
20 year and under	7
21 - 40 years	112
41 - 60 years	121
61 years and older	44
Director's Charge	0

Filings by Complainant's Race	
Caucasian	142
Black	44
Native	40
Hispanic	18
Asian	14
American Indian	10
Unknown	9
Other	7
Director's Charge	0

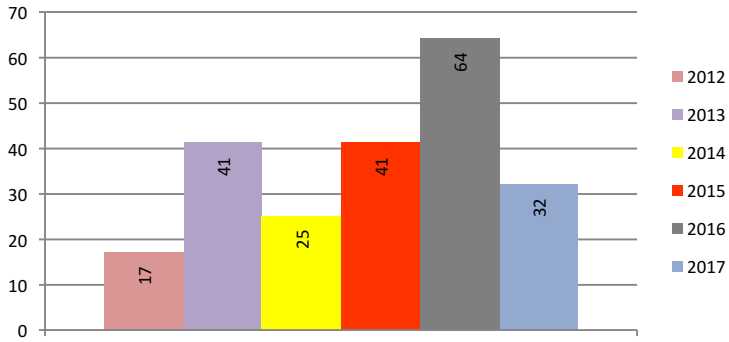
Summary of Closures (2012-2017)

Category of Closure	2012		2013		2014		2015		2016		2017	
	ASCHR	EEOC	ASCHR	EEOC	ASCHR	EEOC	ASCHR	EEOC	ASCHR	EEOC	ASCHR	EEOC
Mediation	18	9	18	0	15	3	22	1	28	0	19	0
Administrative	38	6	52	1	25	0	27	5	35	3	27	0
Not Substantial Evidence	270	46	313	22	310	17	286	18	301	33	233	3
Conciliation and Settlement	22	2	19	5	33	3	30	3	28	4	39	1
Hearing	14	0	11	0	14	0	12	1	22	0	20	0
Subtotal	362	63	413	28	397	23	377	28	414	40	338	4
TOTAL	425		441		420		405		452		342	

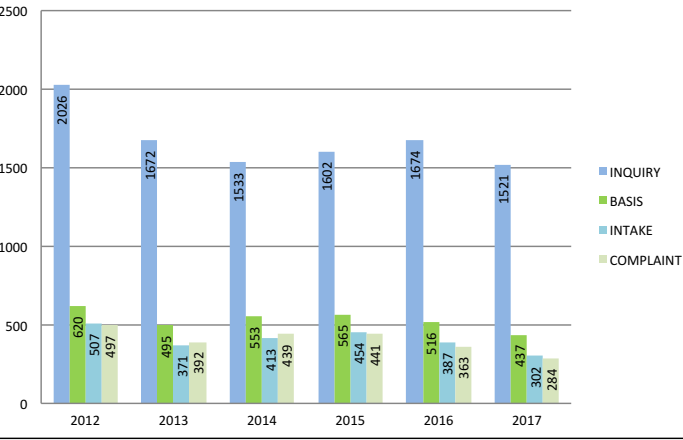
Filings by Basis Comparison



Substantial Evidence Determinations Issued by Year



Inquiries and Complaints by Year



Filings by Issue Comparison

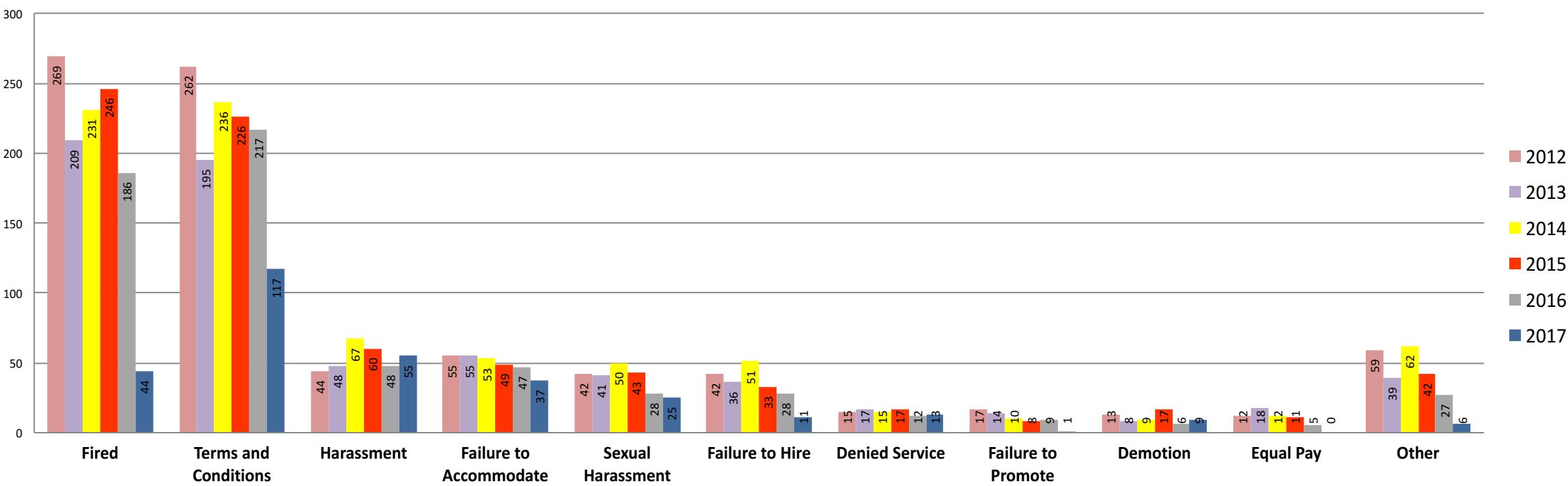


Photo by Marie Kyle



Photo by Matthew Jendrusina

LITIGATION

In **Demetrie Alexander v. Alaska State Commission for Human Rights**, complainant alleged that the State of Alaska, Alaska Court System, discriminated against him based on his race, Alaska Native, when it terminated his employment as a magistrate. Commission staff did not find substantial evidence of discrimination and closed the case. Complainant appealed to superior court on August 9, 2017. Briefing had not been completed at the end of 2017.

In **Alek Anderson v. Alaska State Commission for Human Rights**, complainant alleged that Alaska Airlines discriminated against him based on his sex when it terminated his employment after he caused damage to an aircraft, even though a female employee was not terminated for similar reasons. Commission staff did not find substantial evidence supporting the allegations and closed the case. Complainant filed an appeal in superior court on November 22, 2017. Briefing had not yet been completed at the end of 2017.

In **Alaska State Commission for Human Rights v. Dori Lynn Anderson**, the Commission filed an action in superior court to compel a witness to respond to questions during an investigative interview. At issue is the Commission’s authority to require witness interviews to be conducted confidentially when the Commission investigates allegations of discrimination. The witness refused to answer questions unless she was accompanied by a third person of her choosing. The superior court dismissed the Commission’s enforcement action and the Commission appealed the dismissal to the Alaska Supreme Court, which heard oral argument in the case on October 17, 2017. At the end of 2017, a decision by the Court was pending.

In **David Arbuckle v. Human Rights Commission**, complainant alleged that he was terminated from his position as a maintenance specialist with the State of Alaska because of his disability. Commission staff found substantial evidence the respondent failed to consider reasonable accommodations for complainant. Efforts to conciliate the matter failed and the Commission closed the case on August 23, 2017. Complainant filed a notice of appeal on September 21, 2017. As of the end of 2017, complainant had not yet filed his opening brief.

In **Russell Baker v. Alaska State Commission for Human Rights**, complainant alleged that he was discriminated against in the terms and conditions of his employment as a pilot for Fed Ex in Hong Kong based on his marital status, and that his employment was terminated in retaliation for filing a complaint with the Commission. The Commission determined that there was substantial evidence to support complainant’s allegations regarding his marital status. However, it determined that his allegation of retaliation was not supported by substantial evidence. Complainant appealed the decisions to the superior court on August 18, 2017. At the end of 2017, briefing had not yet been completed.



It’s Just Not the Same

An office worker alleged that her employer discriminated against her on the basis of her age and disability. She believed she was subjected to different terms and conditions of employment, such as over-scrutiny, after informing her employer that she required time off because of her disability. The parties mediated the complaint and a settlement was reached. The employer agreed to pay her \$20,000 and provide a neutral reference to any future employers.

A Helping Hand

A customer with a physical disability alleged that a place of public accommodation discriminated against him on the basis of his disability by refusing his request to schedule a sign language interpreter to be present for a meeting. The parties mediated the complaint and a settlement was reached. The company agreed to settlement terms valued at \$4,200.

Home Sweet Home

A tenant alleged that his landlord discriminated against him on the basis of disability by refusing his request to have a service animal on the property and by serving him with an eviction notice approximately two weeks after the alleged request. The parties mediated the complaint and a settlement was reached. The eviction notice was rescinded and the landlord acknowledged her responsibilities regarding service animals.

Moving On Up

An equipment operator alleged that his employer discriminated against him on the basis of his age, 59. After he informed his employer of his interest in a promotion to another location that would soon be available, he was told that they preferred to hire a younger employee. The parties mediated the complaint and a settlement was reached. The employer agreed to pay him \$2,000, increase his salary, and offer him a future promotional position if available.

In **Russell Baker v. Alaska State Commission for Human Rights**, complainant alleged that he was discriminated against based on his age when he was laid off from his position as a pilot for Guardian Flight. Complainant also alleged that Guardian Flight retaliated against him for filing a complaint with the Commission by refusing to rehire him. Commission staff did not find substantial evidence to support complainant’s allegations and closed the case. On March 9, 2016, complainant appealed the Commission’s decision to superior court. On May 22, 2017, the superior court issued an order remanding the case to the Commission, which found substantial evidence to support the allegations. The parties were in the process of negotiating the terms of a settlement at the end of 2017.

In **Frank Bauer v. Alaska State Commission for Human Rights**, complainant alleged that his employer, D & L Construction, discriminated against him in the terms and conditions of his employment as a landfill attendant based on his age, fifty-six, and his religion, Church of Jesus Christ of Latter Day Saints. Commission staff did not find substantial evidence to support complainant’s allegations and closed the case. Complainant appealed to the superior court on October 5, 2016. After no action following several requests for extensions, the court issued a notice of dismissal on September 7, 2017. At the end of 2017, the case remained pending.

In **Andra Colbert v. Alaska State Commission for Human Rights**, complainant alleged that the Alaska State Troopers, Judicial Services, discriminated against him based on his race, African American. Commission staff did not find substantial evidence of discrimination and closed the case on September 15, 2017. Complainant appealed to the superior court on October 13, 2017.

In **Connie Jacobs-Morin v. Alaska State Commission for Human Rights**, complainant filed three complaints alleging that 1) Mechanical Construction and Consulting, Inc., discriminated against her based on her sex when she was subjected to a hostile work environment and forced to resign, 2) she was discriminated against based on her sex and retaliated against for complaining about discrimination by SNC Lavalin Constructors, Inc., and 3) she was discriminated against by her union, United Association Local 367, when the union failed to take any action after she reported that she was discriminated against on the job site. Commission staff determined that complainant’s allegations of discrimination based on sex against her employers were supported by substantial evidence, but that her allegations of constructive discharge and termination were not supported by substantial evidence. Commission staff did not find substantial evidence to support complainant’s allegations against her union. Complainant appealed the portions of

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Filings by Issue

	Single	Multiple
Terms and Conditions	29	88
Harassment	4	51
Fired	43	1
Failure to Accommodate	9	28
Sexual Harassment	7	18
Denied Service	6	7
Failure to Hire	8	3
Demotion	0	9
Other	2	0
Eviction	0	2
Failure to Rent	2	0
Failure to Promote	0	1
Denied Credit	0	0
Failure to Dispatch	0	0
Multiple Issues	113	
Total Filings	284	

Filings by Basis

	Single	Multiple
Race/Color	24	48
Physical Disability	43	27
Sex	18	42
Mental Disability	15	12
Age	20	1
Retaliation	5	16
National Origin	3	11
Religion	8	4
Retaliation For Filing	9	3
Pregnancy	10	1
Parenthood	3	0
Marital Status	0	2
Change in Marital Status	0	0
Multiple Issues	126	
Total Filings	284	

Litigation continued from 13

the Commission’s decisions that were adverse to her on October 26, 2016. On April 6, 2017, the superior court dismissed the case against United Association Local 367. At the end of 2017, briefing had not been completed in the remaining cases.

In **Sherman Pitt v. Alaska State Commission for Human Rights**, complainant alleged that the State of Alaska, Department of Corrections, discriminated against him based on his religion, Buddhist, by refusing to provide him with the same accommodations and privileges as non-Christian inmates. Commission staff found substantial evidence of discrimination and entered into a conciliation agreement in March 2011. On February 14, 2017 the Commission closed the case after monitoring the terms of the agreement. Complainant appealed the closure to superior court on May 23, 2017. The record on appeal had not yet been filed and briefing had not yet been completed at the end of 2017.

In **Harry Ross v. Alaska State Commission for Human Rights**, complainant alleged that the Alaska Railroad Corporation failed to promote him because of his race, African American. After a hearing, the Commission dismissed the case. Complainant appealed the decision to superior court, and the court reversed the Commission’s decision and remanded the case. On remand, the ALJ recommended that the case again be dismissed. On August 30, 2016, the Commission adopted the

ALJ’s recommendation for dismissal and closed the case. Complainant appealed to the superior court on September 27, 2016. On December 18, 2017, the superior court issued an order affirming the Commission’s final order based on its determination that there was sufficient evidence to support the Commission’s decision.

In **State of Alaska, Department of Health and Social Services, Division of Pioneer Homes v. Alaska State Commission for Human Rights the Commission** issued a decision after a hearing finding that the State discriminated against complainant because of her disability when it terminated her employment as a certified nurse aide. The Commission awarded complainant \$84,716 in backpay, plus interest, and ordered respondent to reinstate complainant to her position. On March 30, 2016, the State appealed the Commission’s final order to superior court. The court issued a decision affirming the Commission’s order on August 2, 2017.

In **David Wallace v. Alaska State Commission for Human Rights**, complainant alleged that he was discriminated against based on his sex and race, Caucasian. Commission staff did not find substantial evidence of discrimination and closed the case. Complainant appealed to superior court. At the end of 2017, briefing had not yet been completed.

In **State of Alaska, Department of Health and Social Services, Division of Pioneer Homes v. Alaska State Commission for Human Rights**, the Executive Director alleged in a hearing before the Commission that the State discriminated against complainant because of her disability when it terminated her employment as a certified nurse aide. A hearing was held on January 6-9, 2015. On October 30, 2015, the ALJ recommended that the Commission find that respondent discriminated against complainant and award her \$84,716 in backpay, plus interest, and require respondent to conduct training on the provisions of the Human

Rights Law. On March 7, 2106, the Commission adopted the ALJ’s recommendation on backpay and, in addition, ordered respondent to reinstate complainant to her position. On March 30, 2016, the State appealed the Commission’s final order to superior court. The court issued a decision affirming the Commission’s order on August 2, 2017, concluding that the Commission did not abuse its discretion by making the award of prejudgment interest and ordering reinstatement of complainant with pay until such time as she is reinstated.

In **David Wallace v. Alaska State Commission for Human Rights**, complainant alleged that he was discriminated against based on his sex and race, Caucasian. Commission staff did not find substantial evidence of discrimination and closed the case. Complainant appealed to superior court and a record of appeal was filed on August 28, 2017. At the end of 2017, briefing had not yet been completed. ♦

ANALYSIS OF 2017 CLOSURES

REASON FOR CLOSURE	
NOT SUBSTANTIAL EVIDENCE	236
MEDIATION	19
Mediation Successful	10
Predetermination Settlement	4
Complaint Withdrawn	3
Complaint Withdrawn / Successful Settlement	2
ADMINISTRATIVE	27
Complaint Withdrawn	10
Complainant not Available	7
Failure to Proceed or Cooperate	6
Lack of Jurisdiction	3
Administrative Dismissal	1
CONCILIATION AND SETTLEMENT	40
Substantial Evidence - Conciliation Finalized	36
Predetermination Settlement	4
HEARING	20
Administrative Dismissal by Hearing Unit	12
Prehearing Settlement	4
Decision for Complainant	2
Decision for Respondent	0
Total Closures	342



Food for Thought

A chef alleged he complained of unwelcome comments and conduct of a sexual nature to a manager, but the employer failed to take any corrective action. The chef asserted that his employment was terminated without warning in retaliation for the complaint. The Commission’s investigation found the restaurant failed to take any action regarding the complaint, which caused a hostile work environment, but found the termination was unrelated to the complaint of sexual harassment. The employer agreed to adopt and disseminate a statement of corporate policy reflecting its nondiscriminatory posture and opposition to discrimination, and to train its managers, supervisors and employees in the laws prohibiting discrimination.

Post-Partum Blues

A server alleged she was repeatedly subjected to unwelcome comments and conduct of a sexual nature by the owner of a restaurant, specifically regarding her pregnancy. After returning from maternity leave she alleged that the owner again subjected her to sexual comments, asking for sexual favors in return for more work hours. The server claimed the working conditions were so intolerable she felt no other option but to resign. The Commission found substantial evidence that complainant was discriminated against based on her sex and pregnancy, but found that the working environment was not the cause of her termination. The business adopted a strong policy against sexual harassment and discrimination, and conducted training for its employees, supervisors, and owner.





Alaska State Commission for Human Rights

Strategic Plan 2017-2022

MISSION

To eliminate and prevent discrimination for all Alaskans

VISION

An Alaska free of discrimination

GUIDING PRINCIPLES

- Integrity in all we do
- An organization built on mutual respect
- Data-driven and accountable
- Promoters of equality for all Alaskans
- Meaningful application of resources
- Continuous improvement
- Respectful representation of the constituents we serve
- Enforcement as a tool, not a goal

PURPOSE STATEMENT

“Discrimination not only threatens the rights and privileges of the inhabitants of the state, but also menaces the institutions of the state and threatens peace, order, health, safety, and general welfare of the state and its inhabitants. Therefore, it is the policy of the state and the purpose of this chapter to eliminate and prevent discrimination. It is also the policy of the state to encourage and enable physically and mentally disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.” AS 18.80

STRATEGIC GOALS

- Goal 1:** Continue and expand our role as public advocates for the elimination and prevention of discrimination
- Goal 2:** Conduct timely investigations that strengthen the enforcement of Alaska anti-discrimination laws under AS 18.80
- Goal 3:** Become a respected and welcomed resource to the community through public education, information and training.
- Goal 4:** Create an environment where people feel appreciated and valued.

Community Outreach

The Commission’s focus on outreach and public education continues. Informing the public of the resources available to them is paramount to ASCHR’s success in preventing and eliminating discrimination. We will focus our resources on training in 2018. It is important for workers, tenants and the general public to know their rights under the law and to feel free to exercise those rights under protection of the law.

- Human Trafficking Workgroup/Enforcement Subgroup
- Diversity, Equity, Inclusion Community Engagement Meetings
- Legislative staff training
- Mexican Consulate
- World Refugee Day by Catholic Social Services
- YWCA Sexual Assault Training
- EEOC Annual FEPA Meeting
- International Association of Human Rights Agencies (IAOHRA) Annual Meeting
- REMAX, housing discrimination
- Governor’s Booth at the Alaska State Fair
- Welcoming Anchorage Luncheon
- Welcoming Anchorage Job Fair
- ADN Job Fair
- NAACP Banquet
- APU Adult Learning Center Graduation
- City-Wide Case Manager Meeting (October and December)
- Alaska Federation of Natives Annual Conference
- Anchorage Medical Society



EEO Progress in State Government

Every three years, the Alaska State Commission for Human Rights conducts an overall assessment of the progress made toward equal employment opportunity by every department of the executive branch of state government and, as mandated by statute [AS 18.80.060(6), publishes it in the annual report. This year, working in conjunction with the state’s Division of Personnel and Labor Relations, which administers the state’s EEO program, we acquired and analyzed the most recent statistics available at the end of the 2017 fiscal year.

Despite reductions in the workforce, minorities represent a larger percentage today than they did three years ago. Minority employees comprise 22.6% of the current workforce compared to 21.1% in 2014, a gain of 1.5%. Although progress has been made, comparatively the Alaska civilian labor force is at 28.8%. African American and Asian/Pacific Islander employees are well represented in state employment. Hispanic employees are underrepresented at 1.7% compared to the labor force of 3.3% Alaska Native representation has grown by 1.3% in a steady upward trend but continues to be the most underrepresented group at 6.8% compared

to labor force percentages of Native Americans/Alaska Natives in the mid double digits.

During the same three-year time frame, the percentage of female employees has slowly, but steadily decreased from 50% to 49.5%. However, this number is still 3.5% higher than the Alaskan civilian labor force. Female

executives hold 42.1% of the executive positions compared to 40% three years ago.

We met with selected department heads and Human Resources representatives to gain a better understanding of the challenges they face in recruiting and retaining women and minorities in the workforce. ♦



Minorities Employed in the Executive Branch of Alaska State Government 2017

Minorities Employed in the Executive Branch of Alaska State Government as of June 30
Permanent Full-time

Department Name	2014			2015			2016			2017		
	Total Employees	Minorities	Percentage	Total Employees	Minorities	Percentage	Total Employees	Minorities	Percentage	Total Employees	Minorities	Percentage
Office Of The Governor	143	24	16.8	127	29	22.8	126	30	23.8	129	30	23.3
Administration	980	221	22.6	957	223	23.3	922	220	23.9	884	225	25.5
Commerce, Community And Economic Development	465	78	16.8	459	85	18.5	443	91	20.5	438	91	20.8
Corrections	1756	371	21.1	1768	394	22.3	1766	391	22.1	1721	390	22.7
Education And Early Development	311	53	17.0	298	55	18.5	269	53	19.7	251	44	17.5
Environmental Conservation	508	82	16.1	489	80	16.4	473	83	17.5	462	77	16.7
Fish And Game	856	78	9.1	827	72	8.7	767	66	8.6	765	69	9.0
Health And Social Services	3209	1021	31.8	3206	1053	32.8	3115	1047	33.6	2994	1017	34.0
Labor And Workforce Development	688	126	18.3	665	131	19.7	622	132	21.2	615	131	21.3
Law	537	91	16.9	510	87	17.1	478	83	17.4	460	83	18.0
Military And Veterans Affairs	276	61	22.1	244	53	21.7	224	45	20.1	244	54	22.1
Natural Resources	675	77	11.4	666	74	11.1	630	67	10.6	612	62	10.1
Public Safety	822	131	15.9	804	132	16.4	768	131	17.1	743	128	17.2
Revenue	518	138	26.6	501	140	27.9	475	133	28.0	468	130	27.8
Transportation And Public Facilities	2720	493	18.1	2637	473	17.9	2545	481	18.9	2487	471	18.9
Grand Total	14464	3045	21.1	14158	3081	21.8	13623	3053	22.4	13273	3002	22.6

Hispanics Employed by the State of Alaska 2017		
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal		
Year	Number Employed	Percentage of Workforce
2017	534	3.6

Alaska Natives or Native Americans Employed by the State of Alaska 2017		
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal		
Year	Number Employed	Percentage of Workforce
2017	1005	6.8

Pacific Islanders or Hawaiians Employed by the State of Alaska 2017		
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal		
Year	Number Employed	Percentage of Workforce
2017	16	0.1

Females Employed in the Executive Branch of Alaska State Government as of June 30
Permanent Full-time

Department Name	2014			2015			2016			2017		
	Total Employees	Females	Percentage	Total Employees	Females	Percentage	Total Employees	Females	Percentage	Total Employees	Females	Percentage
Office Of The Governor	143	101	70.6	127	90	70.9	126	89	70.6	129	90	69.8
Administration	980	571	58.3	957	566	59.1	922	548	59.4	884	520	58.8
Commerce, Community And Economic Development	465	286	61.5	459	271	59.0	443	266	60.0	438	257	58.7
Corrections	1756	649	37.0	1768	661	37.4	1766	650	36.8	1721	652	37.9
Education And Early Development	311	205	65.9	298	194	65.1	269	171	63.6	251	160	63.7
Environmental Conservation	508	267	52.6	489	252	51.5	473	249	52.6	462	251	54.3
Fish And Game	856	371	43.3	827	347	42.0	767	324	42.2	765	326	42.6
Health And Social Services	3209	2231	69.5	3206	2229	69.5	3115	2163	69.4	2994	2086	69.7
Labor And Workforce Development	688	442	64.2	665	425	63.9	622	396	63.7	615	398	64.7
Law	537	358	66.7	510	343	67.3	478	320	66.9	460	308	67.0
Military And Veterans Affairs	276	86	31.2	244	83	34.0	224	74	33.0	244	84	34.4
Natural Resources	675	347	51.4	666	332	49.8	630	310	49.2	612	291	47.5
Public Safety	822	261	31.8	804	261	32.5	768	252	32.8	743	239	32.2
Revenue	518	337	65.1	501	319	63.7	475	302	63.6	468	291	62.2
Transportation And Public Facilities	2720	714	26.3	2637	688	26.1	2545	665	26.1	2487	616	24.8
Total	14464	7226	50.0	14158	7061	49.9	13623	6779	49.8	13273	6569	49.5

African Americans Employed by the State of Alaska 2017		
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal		
Year	Number Employed	Percentage of Workforce
2017	527	3.6

Asians Employed by the State of Alaska 2017		
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal		
Year	Number Employed	Percentage of Workforce
2017	1187	8.1

Two or More Races Employed by the State of Alaska 2017		
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal		
Year	Number Employed	Percentage of Workforce
2017	25	0.2



Department of Administration

DOA lost almost 100 permanent, full time employees in the last three years. Despite this reduction in its workforce, the department was able to maintain its percentage of female workers and actually gained almost 3% in minorities.

The Department of Administration is extremely diverse in its functions, housing such agencies as the Division of Motor Vehicles, the Division of Personnel & Labor Relations (including EEO), the Public Defender Agency, the Office of Public Advocacy, and the Office of Information Technology. They centralize services in the areas of IT, Finance and Shared Services (purchasing, leasing and facilities, surplus property and central mail).

Administration constantly makes efforts to improve the quality of its workforce and the diversity of its employees. Personnel is by nature, a department of women. Historically, the department has not been as well represented in female executives as it could be. The Department’s current executive leadership team in the Office of the Commissioner is all women. Fiscal year end numbers showed female executives at 30%. However, there has been continuous improvement in that area and, according to Commissioner Leslie Ridle,

year-end numbers would show a gain closer to 50% in female executives.

Efforts are underway to continue to improve upon minority and female representation at all levels. Commissioner Ridle stated that the current administration’s commitment to inclusion and diversity has been extremely helpful in EEO efforts. The governor has established GTAC (Governor’s Tribal Advisory Council) – an effort to get staff and tribal leaders talking. Cultural training is ongoing at the cabinet level to help expedite and maintain business relationships with Alaska Native tribes. OPA partners with tribes in Kenai, and the DMV also hopes to implement a program that partners with Alaska Native entities so that DMV functions can be obtained at those affiliates.

One of the barriers to hiring more employees who are Alaska Natives is competition from Alaska Native corporations, which are often employers of choice in native communities. The partnerships currently being forged will help to turn that into an advantage for the state in a mutually beneficial relationship with tribal entities. ♦



Department of Corrections

Although the Department of Corrections shows a decrease of 35 employees since fiscal year end 2014, they actually gained 30 budgeted positions in the department. However, they currently have 200 vacancies. Last year alone, they had 570 new hires.

As of fiscal year end in July of 2017, the Department of Corrections showed an increase in female employees by almost 1% to 37.9% and an increase in minorities of 1.6% The DOC intends to continue these efforts.

In an effort to enhance public safety - one of the Governor’s key priorities - a new pretrial division has been formed. This division is currently led by an all-female executive staff, including the director. The division has also resulted in an increase in minority staff members and will continue to do so due to a change in hiring practices. It is expected that calendar year-end numbers will reflect these increases and drive up both female and minority representation in the department.

Commissioner Dean Williams and Deputy Commissioner Clare Sullivan explained that they see a need for a change in hiring practices to adequately staff the department and ensure that minority and female representation is maximized. Among those that can be easily implemented, one has already been put into practice and is yielding results. With the heavy concentration of military personnel in Alaska, it makes sense to recruit from that pool of people. These efforts are resulting in an increase in minority recruitment and are expected to remain fruitful in overall recruitment efforts.

Other changes required to improve recruitment efforts are policy changes that will rely on the Governor’s support and include changes to current union contracts. These may include changes in consideration of prior felonies to improve upon recruitment

opportunities, revised psychological testing and oral interviews, US citizenship requirements, APSC certification and others.

Under Commissioner William’s leadership, the department has remained proactive. They conducted an in-depth staffing analysis and performance review that showed how short staffed they were and took advantage of the closing of the Palmer facility to retain those employees in other areas. They have improved their hiring practices to hire within local areas, which is expected to result in an increase in minority representation, and they are examining current practices thoroughly to make recommendations to changes in policy that will aid in recruitment and EEO efforts.

EEO training is a requirement within DOC. Both new and current staff members are regularly sent to training. Seasoned staff attend refreshers and participate in webinars as well.

Commissioner Williams would like to scrutinize barrier crimes and issues that rule people out. Citing Ban the Box issues, he states that it’s important to get the person in front of you before you automatically exclude him or her. He’s in favor of looking at all those potential barriers indicating that state government doesn’t make the distinctions that private companies can to get past some of those things. He brings up Norway as an example, and their recruitment of immigrant permanent residents who are not yet citizens resulting in more diversity and a workforce representative of the prison population.

“There are alternative ways to take people through the process,” he states, “such as longer probationary periods that can help ensure success.” ♦

MINORITIES EMPLOYED IN THE EXECUTIVE BRANCH
OF ALASKA STATE GOVERNMENT
Permanent Full-time

2014 MONTHLY BASE SALARY

Salary Group	All Employees in the Salary Group	Percentage of All Employees in the Salary Group	Total Minority Employees in Salary Group	Percentage of Minorities in Salary Group
2000-2999	736	5.1	305	2.1
3000-3999	2501	17.3	768	5.3
4000-4999	3349	23.2	788	5.4
5000-5999	3024	20.9	552	3.8
6000-6999	1940	13.4	293	2.0
>6999	2914	20.1	339	2.3
Grand Total	14464	100.0	3045	21.1

2017 MONTHLY BASE SALARY

Salary Group	All Employees in the Salary Group	Percentage of All Employees in the Salary Group	Total Minority Employees in Salary Group	Percentage of Minorities in Salary Group
2000-2999	381	2.9	185	1.4
3000-3999	1920	14.5	694	5.2
4000-4999	2863	21.6	732	5.5
5000-5999	2773	20.9	605	4.6
6000-6999	2139	16.1	358	2.7
>6999	3197	24.1	428	3.2
Grand Total	13273	100.0	3002	22.6

FEMALES EMPLOYED IN THE EXECUTIVE BRANCH
OF ALASKA STATE GOVERNMENT
Permanent Full-time

2014 MONTHLY BASE SALARY

Salary Group	All Employees in the Salary Group	Percentage of All Employees in the Salary Group	Total Female Employees in Salary Group	Percentage of Females in Salary Group
2000-2999	736	5.1	563	3.9
3000-3999	2501	17.3	1614	11.2
4000-4999	3349	23.2	1751	12.1
5000-5999	3024	20.9	1320	9.1
6000-6999	1940	13.4	858	5.9
>6999	2914	20.1	1120	7.7
Grand Total	14464	100.0	7226	50.0

2017 MONTHLY BASE SALARY

Salary Group	All Employees in the Salary Group	Percentage of All Employees in the Salary Group	Total Female Employees in Salary Group	Percentage of Females in Salary Group
2000-2999	381	2.9	272	2.0
3000-3999	1920	14.5	1352	10.2
4000-4999	2863	21.6	1462	11.0
5000-5999	2773	20.9	1263	9.5
6000-6999	2139	16.1	944	7.1
>6999	3197	24.1	1276	9.6
Grand Total	13273	100.0	6569	49.5



Photo by Marie Kyle

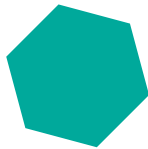
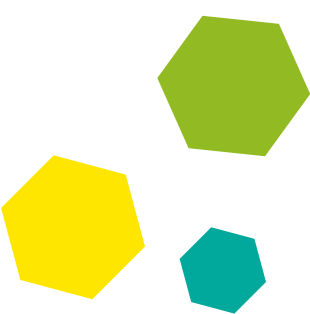
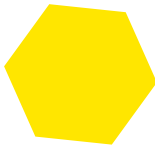


Photo by Marie Kyle



Alaska Native Employment in the
Executive Branch of Alaska
State Government
Permanent Full-time, Permanent Part-time,
Permanent Full-time Seasonal, and
Permanent Part-time Seasonal
1996-2017

Year	Number of Alaska Natives Employed	Percentage of Total Workforce
1996	642	4.7
1997	644	4.8
1998	684	5.0
1999	703	5.2
2000	702	5.1
2001	758	5.3
2002	794	5.4
2003	808	5.6
2004	798	5.5
2005	809	5.5
2006	837	5.6
2007	885	5.8
2008	903	5.8
2009	893	5.7
2010	916	5.8
2011	903	5.7
2012	910	5.7
2013	875	5.4
2014	893	5.5
2014 FYE	883	5.5
2015	896	5.7
2016	871	5.8
2017	1005	6.8

Note: Data prior to 2014 was calculated using 12/31 of each year; in the 2017 report, data is calculated using the fiscal year end (FYE) date of 6/30 for each year, beginning with a recalculation of 2014. New EEO race categories are captured in the IRIS HRM payroll system implemented effective 1/9/17; Alaska Native and American Indian or Native American are now combined into one category.

Department of Education and Early Development

EED is overrepresented in permanent, full-time employees who are women, with 63.7% females compared to the Alaska civilian workforce number of 46.1%. And, they comprise an astounding 62.5% of executive positions in the department. According to Deputy Commissioner Sana Elfird, this is not so unusual as women are more prone to work in education. Their statistics are the same as national stats: most educators are female and there are few people of color. This may account for the fact that, despite having increased minority representation by .5% over the past three years, they still fall short in minority employment. According to the State of Alaska 2010 Affirmative Action plan, the EED's largest goal was the placement of Alaska Natives. This remains their goal today.

Deputy Commissioner Elfird and Human Resources Director Bobi Jo Grimes expressed many of the same concerns as other departments in the executive branch. They are constrained by state policies for pay scales. Many of the positions with the Department of Education and Early Development require a teaching certificate and a BA or MA that must be education focused. This creates a barrier to entry. Those that do qualify can most likely obtain higher benefits and pay working in a district. The state simply cannot compete.

However, this has not prevented them from developing and continuing programs in recruitment and outreach to Alaska Natives. DEED participates in a joint State Board of Education and University of Alaska Regents subcommittee which includes education,

recruitment and retention of teachers in Alaska as a focus area. They work with the UA system through Educators Rising, a program to increase the available workforce of teachers committed to Alaska with special emphasis on Career and Technical Education classes in rural Alaska to encourage Alaska Native students to become teachers and to recruit people with cultural competency.

A prime example of a highly successful program is Mt. Edgecumbe High School. The boarding school boasts a Future Teachers in Alaska group that builds a bridge to the future. About 89% of students are Alaska Native.

EED is also working on recruitment of a tribal liaison and it is working toward changing the minimum qualifications to recruit Native representation in this area. They also plan to continue to work closely with UAA to promote teaching as a profession in our Native communities.

EED has suffered a 45% reduction in workforce since the downturn. All departments except teaching positions at Mt. Edgecumbe were hit. But this has not changed their focus on diversity, training and a respectful workplace. In addition, they have added goals of cultural competency training. Currently, about 80% of teachers being hired come from outside of Alaska. They are not prepared to deal with the issues present in the rural villages. Teaching materials as well as cultural norms must be addressed. Students need to be judged on growth rather than proficiency alone. The goal is to make some pieces accountable where it's more meaningful. ♦





Photo by Marie Kyle

Department of Fish & Game

Fish & Game is unique in that it is more likely to change emphasis depending on the commissioner in charge than other departments within the state. Many affirmative action programs tend to be dropped during these transitions. Such was the case with the Alaska Native Science and Engineering Program (ANSEP) which worked with students from middle school through graduate school. The program’s goal was to increase the numbers of Alaska Natives in the fields of science, technology, engineering and mathematics. Fish & Game sponsored the program until 2016, when it succumbed to budget cuts.

Another program that continues, but at a reduced level is the internship program in partnership with the Alaska Marine Science and Fisheries Career Coalition (AMSFCC), a network of schools, management agencies, tribal, non-profit and fishing associations working together to support Alaskans, particularly rural Alaskans and Alaska Natives, who seek careers in fisheries and marine science.

Currently, Fish & Game has the lowest numbers of minority full time employees at only 9%. The Alaskan civilian labor force is 28.8% minority. We met with Carol Petrabor, Director of Administrative Services who explained to us that because field work is science based, a degree is most often required. This has a limiting effect on the number of minority applicants. In recent years, recruitment of qualified applicants has been tough in general. They are currently working on an initiative to recruit both staff and user groups to Alaska on a national level.

There is no formal EEO process, but there is a cultural understanding for a diverse workforce according to Ms. Petrabor. One of the changes they have made is to institute a phone conversation with all applicants that meet the minimum qualifications. Hiring managers have changed their minds about hiring specific candidates based on those 15-minute interviews. “Sometimes people just don’t write well, but they can perform very well,” Ms. Petrabor told us.



Photo by Marie Kyle

Fish & Game makes a concerted effort to recruit locally, particularly in rural Alaska. They partner with tribal entities who do the hiring for them. Much of this work is seasonal and contractual and does not involve full-time employees, therefore it’s not reflected in the EEO numbers.

The percentage of women in the full- time workforce fares better at 42.6%. It has dropped in the past three years by .7%, but this is mostly due to the reduction in work force during that time frame of 91 full time positions.

There are specific volunteer programs that are designed to bring more women and minorities into the Fish & Game fold. They are the largest user of volunteers in the state system. This often translates to potential recruits. Their last two hires were minorities and women.

“We offer educational programs for women such as How to Be an Outdoor Woman,” Ms. Petrabor stated. “Programs of this type give people the opportunity to learn what Fish & Games does and some turn into potential recruits now and in the future. ” ♦

Department of Health and Social Services

The Department of Health and Social Services is one of the most diverse departments in the state and is becoming even more so. Almost 70% (69.7%) of their full-time positions are filled by women. They have the highest level, at 70.5%, of women in pay ranges 18 and above and they are second only to the Governor's Office (by 0.1%) in total female employees. In addition, they have the highest rate in the state of full-time minority employees (34%).

They managed to increase their percentage of minority employees by 2.2% and maintain their level of female employees despite \$210 million in cuts and a loss of 215 full-time positions in the past three years. According to Commissioner Val Davidson, most of the cuts were through attrition. There were a small number of layoffs in public health, but most were achieved through vacancies.

When we asked Commissioner Davidson how this decrease affected the department's minority and female affirmative action plans, her answer was entirely holistic. "We are always asking ourselves the question, do our employees reflect the populations that we serve?" In some of the department's programs, language is a very important component. Those who work in public assistance, for example, that can speak an indigenous language or another language can better help others like them. "We work with tribes in children's services," she told us. "Cultural differences have an impact on how we interact with families." Having knowledge and appreciation of the culture can make a significant difference in providing services that result in good outcomes.

Another component of successful EEO programs is recruitment. Conversations are taking place in Health and Social Services more frequently on how to make the employment application process easier in rural areas and on how to inspire more interest in their positions. Understanding the culture can be a game-changer here. For example, hard copy applications will bring in a broader group of people who may not have easy access to the internet in rural areas. And requiring cover letters can discourage those who may not have strong writing skills and are intimidated by the process.

The interview process may also need to be different. Traditional Yupik people or people steeped in Alaska native cultures have distinct cultural norms. According to Commissioner Davidson one of these, which can be very important in a job interview, is that they are

not allowed to boast. "We cannot speak of ourselves in a boastful manner or allow others to do so on our behalf," she told us. It's a cultural taboo that may manifest itself in resume writing and interviewing for positions. Someone with an understanding and an appreciation of the culture can draft questions to aid in this cultural deflection. Instead of asking what skills and experience one brings as an individual the question can be phrased to ask how they would respond to the needs of the department.

Commissioner Davidson is committed to helping people understand the incredible culture we have in Alaska. And she begins with her own department. She worked with First Alaskans Institute to provide training on Alaska Native governance and cultural norms to her entire leadership team in both Juneau and Anchorage. Her department also worked in the past year with the tribes to develop the Alaska Tribal Child Welfare Contract, which is reshaping the way we deliver children's services in the state. A big part of that success is finding people in the local communities who can do the work in a culturally sensitive and culturally appreciative way. "We need to understand the cultural differences and integrate those into our work," she stated. "People come to work for us who are tribal members because of our partnerships." ♦



Department of Public Safety

The Department of Public Safety lost 79 permanent full-time employees from 2014 to 2017. Despite these losses, the department was able to increase minority representation by 1.3% and maintained female representation relatively flat. Public Safety has some of the lowest numbers in the state of minority and female representation. We spoke to Commissioner Walt Monegan to determine how they are addressing this issue.

Cuts in the department were mostly due to attrition and retirements. There were only a handful of layoffs mostly in support personnel and clerk positions. Eighteen troopers were moved from highway to general patrol.

When asked why the difficulty in recruiting Alaska Natives for trooper positions Commissioner Monegan cited that much of it is cultural. Alaska Natives do not feel themselves qualified for the job. He himself is part Alaska Native and cited that he was initially recruited by troopers. "We have to do a better job of recruiting locally," he stated. This would solve two issues. Local recruitment would result in more Alaska Native recruitment and it would also solve the turnover problem. Exit interviews indicate that troopers leave because they miss home. If they can be recruited and serve close to home, losses by attrition would be mitigated.

Recruiting women has traditionally been a challenge in law enforcement. Finding women who are willing to enter the profession is difficult. The most successful

recruitment tactic is using the officers themselves. This would be an effective way to recruit females, but it hasn't been employed because the officers are so busy since the force reduction.

Trooper positions are hard to fill regardless. Law enforcement agencies are constantly stealing from each other. And of those who apply from the general population, many will not make it.

The Department of Public Safety has been extremely proactive in attempting to close the gap in minority and female employment. They have a comprehensive EEOP underutilization report that addresses recruitment strategies, outreach efforts and barrier identification in both recruitment and retention.

Commissioner Monegan and his staff are also implementing a recruitment and retention plan which will be shared with other departments within the state that may benefit from it. An increased benefits package would aid in retention of current employees and is something Commissioner Monegan would like to see changed if possible. Many troopers are taking their 5-year 401(k) and leaving for other law enforcement positions with better pay and benefits. A return to a defined benefits plan would keep them from leaving in five years and going to an employer that has one.

In Commissioner Monegan's words, "One of the fundamental requirements of public safety should be a higher level of support since they are held to a perfect standard – one they cannot possibly meet." ♦



Photo by Marie Kyle

Department of Transportation and Public Facilities

The Department of Transportation and Public Facilities lost 233 permanent full-time employees from 2014 to 2017. In that same timeframe, their percentage of minority employees increased by almost 1% and their female employees decreased by almost 1.5%. We sat down with Commissioner Marc Luiken to determine how the reduction in workforce specifically impacted these percentages.

Commissioner Luiken informed us that state OMB (Office of Management and Budget) guidelines were followed in eliminating positions that were open for more than a year. The entire department was affected, from design engineering to police and fire at the airport. Some of the changes in minority and female representation were a direct result of this reduction but general staff turnover also contributed to the changes. Most important, he stated, is the difficulty the department has in recruiting overall.

As with many state departments, since the implementation of reduced pay and benefits plans, the competition is stealing away many of the good candidates. “Young people come in for their first jobs,”

he told us, “then leave for more lucrative job offers.”

The department has designed and implemented a comprehensive 4-year Affirmative Action Plan with Commissioner Luiken designated as the EO Representative. Commissioner Luiken explained that the plan ties in with their strategic plan’s three core values and drives EEO through valuing the talent and skill set of every employee, regardless of gender, color, creed, etc. He indicated there is buy-in at all levels of the organization for the plan.

DOT has internal HR staff which has helped to conduct two Kaizens (a process improvement methodology based on continuous improvement), one on classification to make the team more responsive and one in recruitment to accelerate positive outcomes by doing things more quickly.

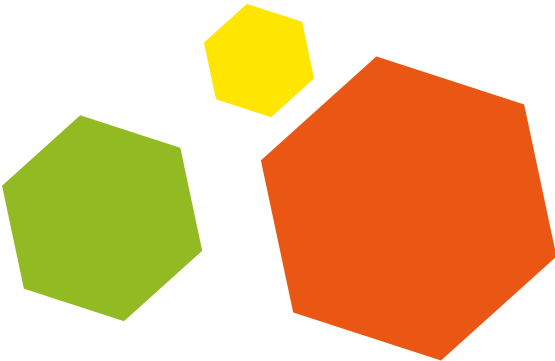
The department currently partners with UAF in recruitment and intern positions and intends to continue partnerships and process improvement to help drive Equal Employment Opportunity programs. ♦



RECOMMENDATIONS

Based on the Executive Director’s and Deputy Director’s interviews with selected department heads and recurring themes throughout the interviews, the Alaska State Commission for Human Rights makes the following recommendations:

- ❑ Consider a review of minimum qualifications and application requirements to seek out creative alternatives in hiring minority and female candidates.
- ❑ Review the State system of compensation, including pay and benefits, to determine the feasibility of a more competitive environment to attract a diverse pool of qualified candidates.
- ❑ Establish a program of shared resources for employee recruitment such as shared job fairs and referring candidates for openings in other state departments for which they may be better qualified.
- ❑ Conduct statewide cultural awareness training in interviewing and recruiting Alaska Natives.
- ❑ Eliminate barriers to work/ life balance for parents (particularly women) in the workplace by encouraging implementation of flex schedules, including flex weeks, telecommuting and other tactics that maximize parenting time along with workplace productivity.





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