

Alaska State Commission for Human Rights

2019 Annual Report



HUMAN RIGHTS COMMISSION

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HUMAN RIGHTS COMMISSION

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711 TTY / Alaska Relay



From left to right: Chairperson Debbie Fullenwider, Vice Chairperson Betsy Engle, Executive Director Rob Corbisier, Commissioner Evelyn Falzerano, Commissioner Jamie Allard, Commissioner Kyle Foster, Commissioner Cynthia Erickson, and Commissioner William Craig.

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COMMISSIONERS

A. Debbie Fullenwider, Chairperson

Betsy M. Engle, Vice-Chairperson

William P. Craig

Jamie A. Allard

Cynthia M. Erickson

Evelyn R. Falzerano

Kyle N. Foster

COMMISSION STAFF

Administration/Legal

Robert Corbisier

Executive Director

Toyia Del Valle

Administrative Officer

Carolyn Thomas

Law Office Assistant

Or'Lanthia Lloyd

Law Office Assistant

Shari Ketchum

Commission Secretary

Investigations

Nanette Gay

Investigations Director

Antoinette Hamilton

Investigator

Breanne Lee

Investigator

Mark Loper

Investigator

Donna Nass

Investigator

Donte Powell

Investigator

Jocelyn Thammavongsa

Investigator

Cover Photo by Rob Corbisier



The Honorable Michael J. Dunleavy, Governor of Alaska

The Honorable Cathy Giessel, President, Alaska Senate

The Honorable Bruce Edgmon, Speaker, House of Representatives

It is my pleasure on behalf of the Commissioners and Commission staff to introduce the 2019 Annual Report of the Alaska State Commission for Human Rights. The Commission is proceeding into its 57th year under specific guidance from Alaska State Statutes Title 18, Chapter 80, with emphasis on enforcement of Article 4: "Discriminatory practices prohibited".

The Commission processed 1385 inquiries in 2019, which resulted in 251 intake files and 210 formal complaints. Most inquiries which do not reach the level of formal complaints are closed within a few days. This calendar year we closed 295 formal complaints, 68 of which were filed in 2019. Currently, we have 287 open cases (formal complaints and unclosed inquiries) that our Investigators are actively pursuing.

2019 was a year of transition for the commission, causing us to re-evaluate and refocus our efforts on public education and outreach programs as we implement a minor "makeover" for the agency into 2020 to inform the public on the vital statutory and constitutional role the Commission serves. To this end, we recently restarted our internal staff out-reach committee and will soon re-establish a social media presence that complies with the State of Alaska's social media policy. This year, there were 33 cases that were closed which required remedial training, most of which were conducted by private contractors. The Commission staff is undertaking a cost/benefit analysis on potentially providing low-cost remedial training along with preventive training. The commission will place any fee schedule in regulation should we decide to pursue this specific activity.

The 2019 - 2023 Strategic plan is a work in progress. (1) Timely Investigations are an issue that our new Commissioners and new Executive Director as well as staff are acutely aware of. The complaint resolution process, as represented by the flow chart shown in this report, illustrates the steps to reach case closure. We are exploring ways with our Executive Director on how to change this chart and shorten the time frame to under a year. (2) The Alaska Supreme Court stated that the Commission is to be more than just a complaint taking agency. Our public outreach program which addresses our role as Public Advocates for the elimination and prevention of discrimination is being evaluated by our staff out-reach committee. (3) Our Commissioners support our staff and agree they are our greatest asset.

At this time, the current Commissioners who were all newly appointed in 2019, have chosen not to propose any new regulations or legislation. There are currently three (3) bills pending in the legislature that impact the Commission; HB 119 changes the "employer" definition in AS 18.80.300(5) to include within the Commission's jurisdiction non-profit entities with **exceptions** & HB 82 and companion bill SB82 which prohibit discrimination based on sexual orientation or gender identity or expression. This legislation has not been before the new Commissioners for review as of this writing, but I intend on placing it on the agenda for our next meeting.

As Chair of the Human Rights Commission and on behalf of the Commissioners and Commission staff, we are pleased to provide this report to you for your review, along with a thank you for your support during this time of transition.

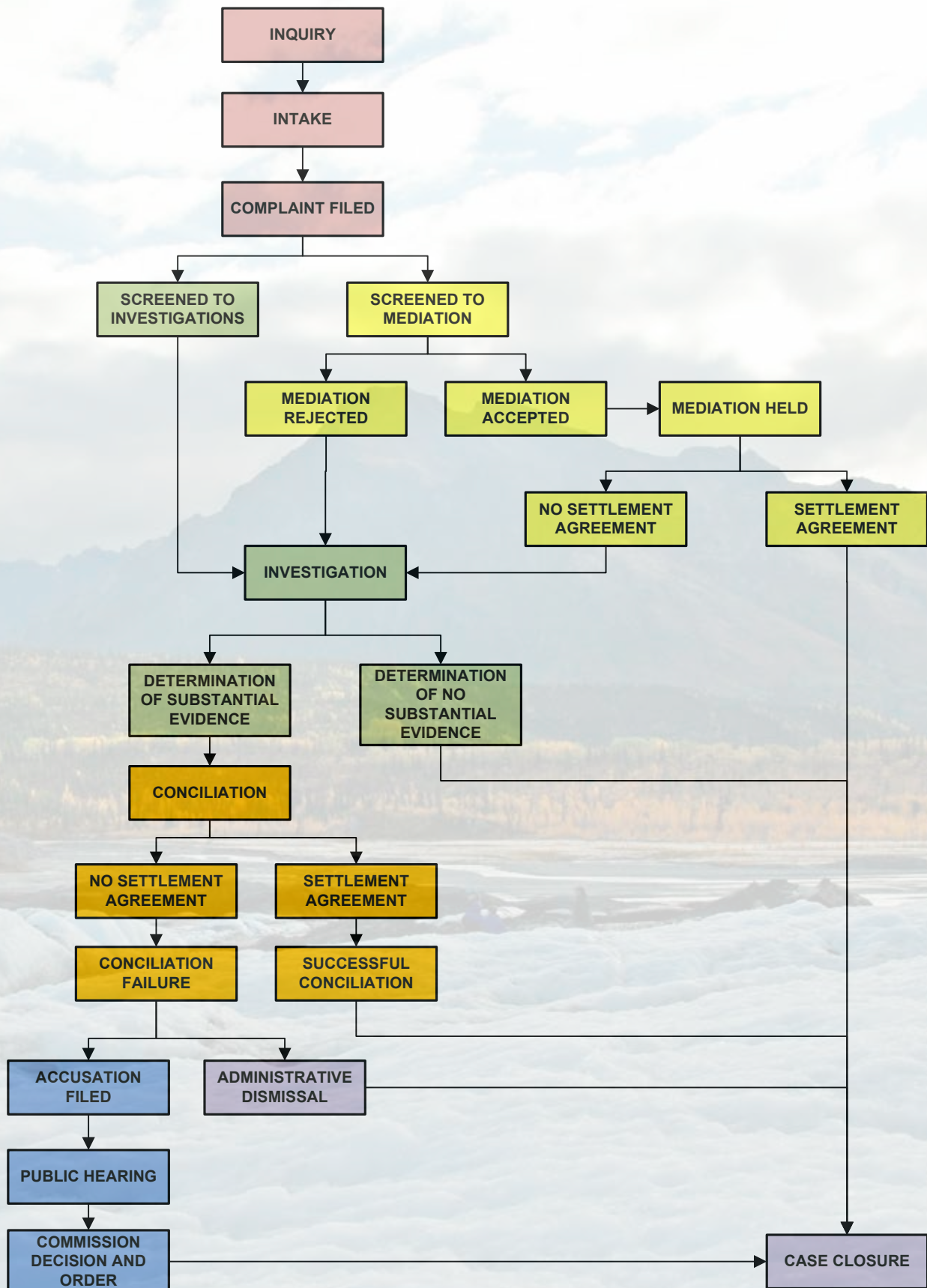
A handwritten signature in cursive script that reads "A. Debbie Fullenwider".

A. Debbie Fullenwider

Chairperson

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Complaint Resolution Process



PUBLIC HEARING CASES

In **Danny Joe Burnham v. Beacon/Price International**, the complainant filed a discrimination grievance based on a fit-for-duty exam administered by Beacon that did not accurately test the skills required for a crane operator position with Price International, nor did it accommodate his disability. No job description existed, making tailoring the fitness exam to the job requirements impossible. When complainant did not accept an offer exceeding the Commission's recommended settlement, the accusation was dismissed and a conciliation agreement was signed on August 16, 2019, with respondents only. Upon completing the agreement's terms, the case was closed on October 28, 2019.

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. Respondent hired a new attorney in August of 2018, which prompted additional settlement negotiations. Prior to the scheduled hearing, the parties reached a settlement on May 7, 2019, in which complainant received \$56,447. The case was closed October 10, 2019.

In **Dorothy Cole v. ABC Motor Home Rentals, Inc.**, complainant alleged she was subjected to inappropriate comments and sexual gestures by a male coworker, who admitted being a registered sex offender. Commission staff found that complainant's allegations of discrimination were supported by substantial evidence and that respondent retaliated against her for complaining about the harassment. An accusation was filed on July 15, 2019. The case planning conference is currently stayed pending preparation for alternative dispute resolution.

In **Jetta Haynes v. Lily's Family Restaurant**, complainant alleged respondent's husband subjected her to unwelcome physical contact, including sexual assault. Commission staff discovered another female employee had also been subjected to sexual harassment. An accusation was filed on December 19, 2016. The Commission issued a Final Order on September 28, 2017, awarding complainant \$15,179.18. Complainant returned to the Commission office in January of 2019 to advise that she had never received her settlement from respondent. After continued attempts to contact respondent, the Commission moved for and received a Final Judgment from Alaska Superior Court for \$16,895.88 plus post-judgment interest at 6%. The Commission filed a writ of execution for garnishment of the owners' Permanent Fund Dividends on June 18, 2019. Dividends for both respondents were garnished November 21, 2019 and are pending receipt by the Commission.

In **Pauline Hoelscher v. 907 Norefund Incorporated d/b/a Cheap Smokes**, complainant filed on December 21, 2017, alleging sex discrimination. The employer then subjected her to retaliatory treatment. The investigation found substantial evidence for both claims, with an accusation filed on December 13, 2018. As with another case against Cheap Smokes, after multiple attempts to contact respondent were unsuccessful, the Commission issued a Final Order based on a default on October 7, 2019. On November 21, 2019, the Commission moved for Entry of Default Judgment in the Alaska Superior Court, which the court granted and then issued a Final Judgment. The Commission filed a Writ of Execution on December 20, 2019, requesting a bank sweep to collect funds owed to complainant.

Successful Commission Mediations and Conciliations

Mediation

A bookkeeper alleged that his former employer discriminated against him based on sex by subjecting him to unwanted and offensive sexual comments and requesting that the employee offer sexual favors to a potential investor for the employer's financial gain. Under the mediated settlement, the employer agreed to provide the former employee a formal apology letter, provide at least one hour of anti-discrimination training for all employees, and to pay the employee's \$318 attorney fee.



Mediation

A technician alleged his former employer discriminated against him based on race when it subjected him to derogatory conduct and ultimately terminated his employment. Under the mediated settlement, the employer agreed to pay the former employee a total of \$200.

Mediation

A marketing specialist alleged that his employer paid him less than his coworkers not of his race or sex, and his employer retaliated against him by placing him on a performance improvement plan after he complained. Under the mediated settlement, the employer agreed to raise the employee's hourly wage from \$27.84 to \$33, retroactively, for an estimated back pay amount of \$6,200.



In **Mark Lahrman v. Valentine Ventures, LLC d/b/a Sgt. Preston's Lodge**, complainant alleged that his service animal was not allowed on the premises of respondent's lodge. Commission staff found that complainant was discriminated against based on his disability. An accusation was filed on July 16, 2018. The parties agreed to settle the case and a settlement agreement was approved by the Executive Director on November 7, 2018.

On December 12, 2018, respondent notified the Executive Director that the lodge had been sold with an effective date of March 31, 2019. After determining there was no need to pursue training requirements, a Motion to Dismiss was filed with the Commission on April 18, 2019 and the case closed on September 19, 2019.

In **Jay T. Lawless v. Sturgeon Electric Company, Inc.**, complainant alleged that respondent discriminated against him based on his age, 82, when the company failed to hire him for any union referred positions. Investigation found substantial evidence supporting his claims. Prior to the scheduled hearing, an agreement between the parties was approved on August 16, 2019, in which complainant received a \$66,338.52 settlement. After respondent met the remaining terms of settlement, the case was closed on October 17, 2019.

In **David Ponte-Thomas v. K & G Enterprises, LLC d/b/a Evangelo's Restaurant**, complainant alleged that respondent treated him as a person with a disability after he suffered an on-the-job injury. Although complainant provided a release from his doctor, respondent hired a new employee for the same position. Commission staff found complainant was discriminated against. An accusation was filed on January 26, 2018. A settlement was reached at the start of the public hearing on October 9, 2018. Complainant received a settlement of \$14,500. Upon respondent's completion of all terms of the settlement agreement, the Commission issued an order granting an unopposed motion to dismiss and the case was closed on September 19, 2019.

In **Samantha Pushruk v. 907Norefund Inc dba Cheap Smokes**, a female employee filed a complaint with the Commission alleging constructive discharge after the owner of the business gave her a sexually explicit scratch card and made multiple inquiries about her performing the acts listed on the card with him. She felt compelled to quit. Shortly thereafter, complainant took a position at another local business. The owner of Cheap Smokes came into the store, saw complainant, and spoke very badly of her to her new supervisor. Complainant also filed a second complaint for retaliation. After multiple attempts to contact respondent were unsuccessful, the Commission issued a Final Order for default judgment on October 7, 2019. On November 21, 2019, the Commission moved for a default Final Judgment in the Alaska Superior Court, which the court granted. The Commission filed for a Writ of Execution on December 20, 2019, requesting a bank sweep to collect funds owed to complainant.

Mediation

A security officer alleged that his former employer retaliated against him for opposing discrimination by frequently complaining to the employer about racially discriminatory acts other security officers allegedly committed against Alaska Natives. Under the mediated settlement, the employer agreed to pay the security officer \$17,308.83, update his personnel file to reflect that the former employee resigned from his position rather than being terminated, and agreed to provide any potential employers with a neutral reference.

Mediation

A parts manager alleged that his former employer discriminated against him on the basis of his age when the employer terminated his employment after 12 years without any warning, reason, or prior disciplinary action, and filled his position with a younger, less experienced person. Under the mediated settlement, the employer agreed to provide the former employee with a letter of recommendation and agreed that the employee will be eligible for rehiring.

Mediation

A customer alleged that a tour company discriminated against him based on his physical disability when he visited the company's location, and it denied his request for accessibility services. Under the mediated settlement, the company agreed to pay the customer \$100 and provide an Alaskan non-profit disability advocacy organization with four free passes for use in 2019, and another four free passes for use in 2020. The company also acquired assisted listening devices and other accommodations for individuals who are deaf or hard of hearing, and trained its customer service representatives in accessibility options.

Conciliation

Complainant alleged his employer discriminated against him and treated him as disabled when his employer terminated his interim position and eliminated him from the permanent position hiring pool. The employer, based solely on its observation of how the complainant walked and climbed stairs, claimed that complainant was unable to perform required field work. The investigation found that the complainant's application stated that he could perform all the position duties and that the position required little if any field work. Commission staff determined that the employer's decision to terminate the complaint and not consider him a viable candidate for continued employment was motivated in substantial part because respondent perceived complainant as having a substantially limiting physical impairment, walking. The parties conciliated, and respondent agreed to pay complainant back pay of \$1,079.64, undergo training, and adopt an anti-discrimination policy.

Filings by Basis

	Single	Multiple
Race	67	41
Sex	37	54
Physical Disability	36	46
Age	26	40
Mental Disability	22	30
National Origin	6	13
Religion	5	5
Retaliation	4	34
Retaliation for Filing	3	6
Pregnancy	3	3
Parenthood	1	3
Marital Status	0	3
Total Filings	210	

*Some complaints alleged more than one basis and/or issue

Filings by Type

Employment	187
Public Accommodation	16
Government Practices	4
Housing	2
Finance and Credit	1

ANALYSIS OF 2019 CLOSURES

REASON FOR CLOSURE

NOT SUBSTANTIAL EVIDENCE	203
MEDIATION	20
Mediation Successful	12
Predetermination Settlement	6
Complaint Withdrawn	2
Complaint Withdrawn / Successful Settlement	0
ADMINISTRATIVE	36
Complaint Withdrawn	33
Lack of Jurisdiction	3
CONCILIATION AND SETTLEMENT	24
Substantial Evidence - Conciliation Finalized	23
Successful Settlement	1
HEARING	12
Administrative Dismissal by Hearing Unit	5
Prehearing Settlement	7
Decision for Complainant	0
Decision for Respondent	0
Total Closures	295

Filings by Issue

	Single	Multiple
Fired	129	81
Terms and Conditions	32	90
Failure to Hire	14	16
Failure to Accommodate	13	29
Denied Service	7	11
Sexual Harassment	6	28
Failure to Promote	5	5
Harassment	3	31
Other	1	10
Demotion	0	4
Equal Pay	0	0
Total Filings	210	

*Some complaints alleged more than one basis and/or issue

Filings by Complainants Race

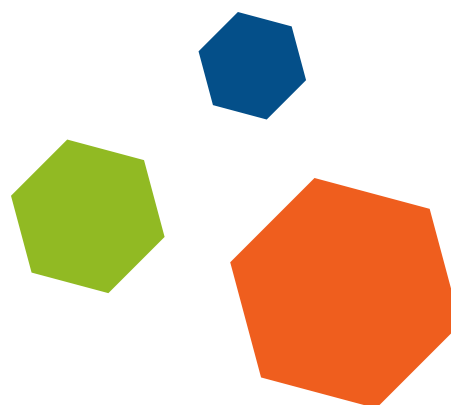
Caucasian	98
Black	39
Native	17
Other	23
Asian	14
Hispanic	5
Unknown	14

Filings by Complainants Age

20 year and under	2
21 - 40 years	91
41 - 60 years	89
61 years and older	28

Filings by Complainants Gender

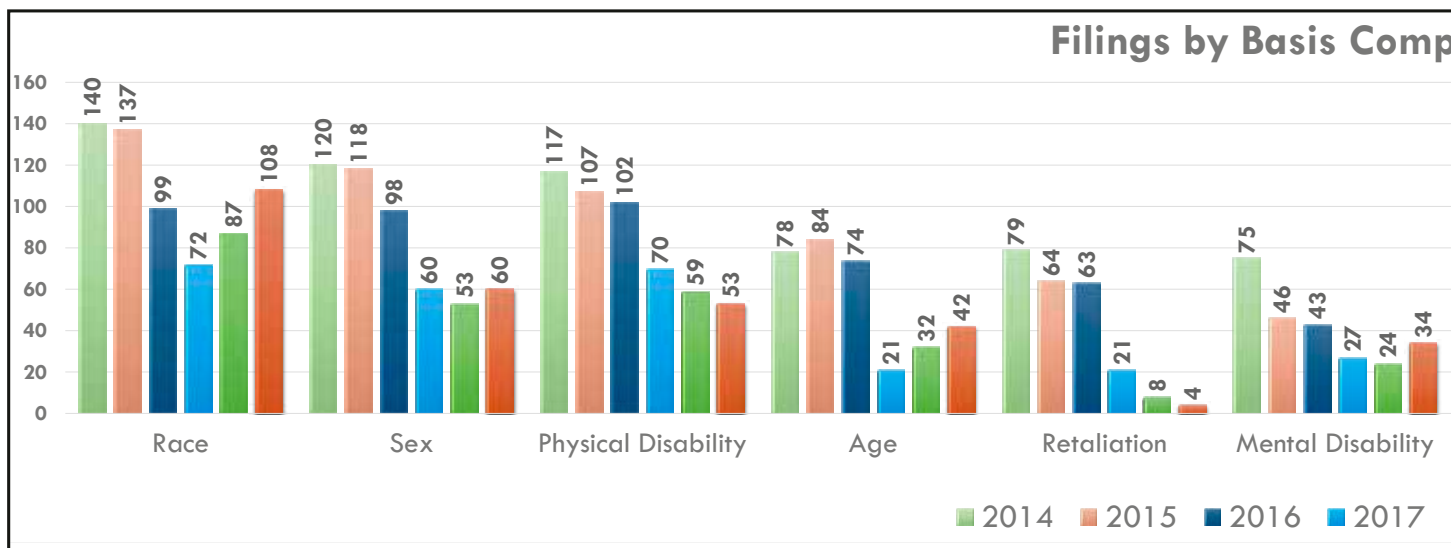
Male	102
Female	108



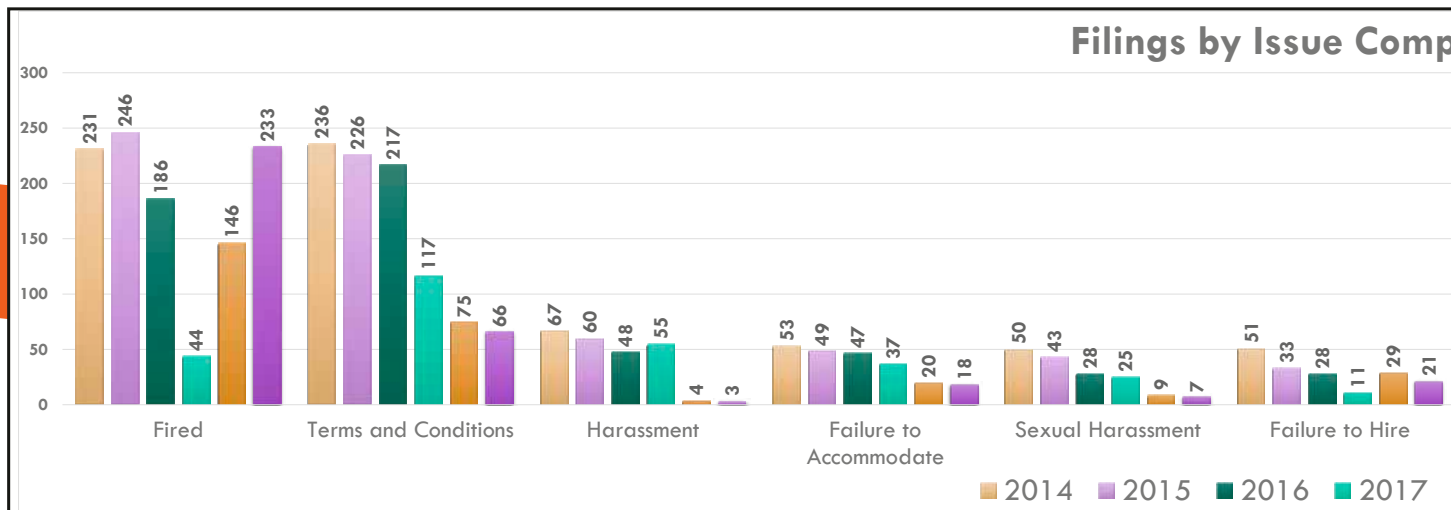
Summary of Closures

Category of Closure	2014		2015		ASCHR
	ASCHR	EEOC	ASCHR	EEOC	
Mediation	15	3	22	1	28
Administrative	25	0	27	5	35
Not Substantial Evidence	310	17	286	18	301
Conciliation and Settlement	33	3	30	3	28
Hearing	14	0	12	1	22
Subtotal	397	23	377	28	414
TOTAL	441		420		

Filings by Basis Comp



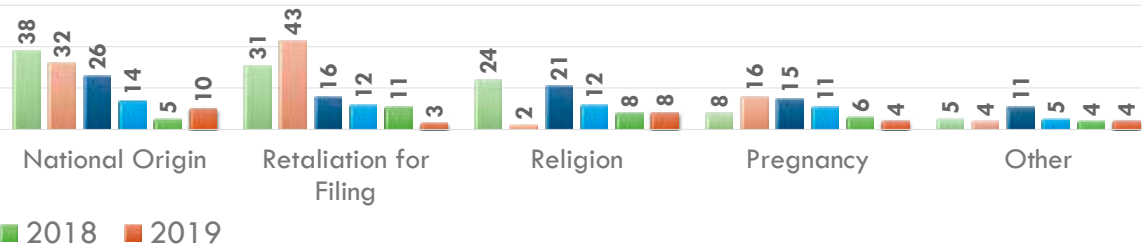
Filings by Issue Comp



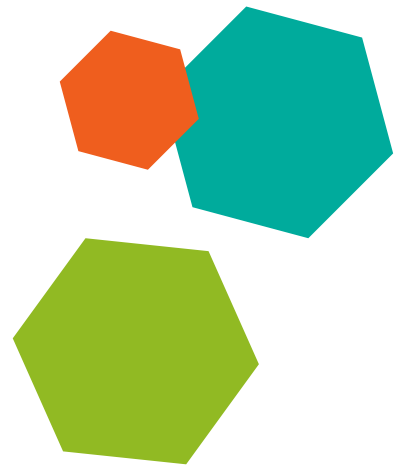
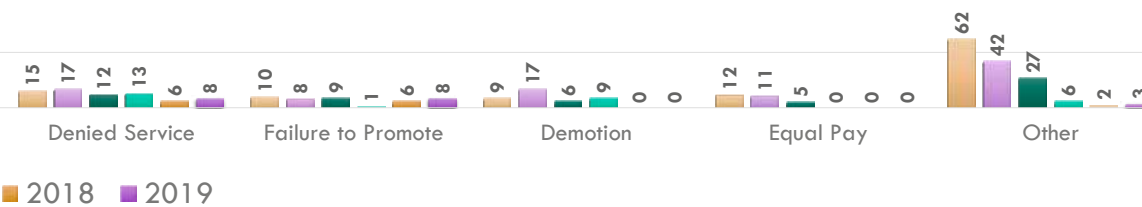
Cases (2014-2019)

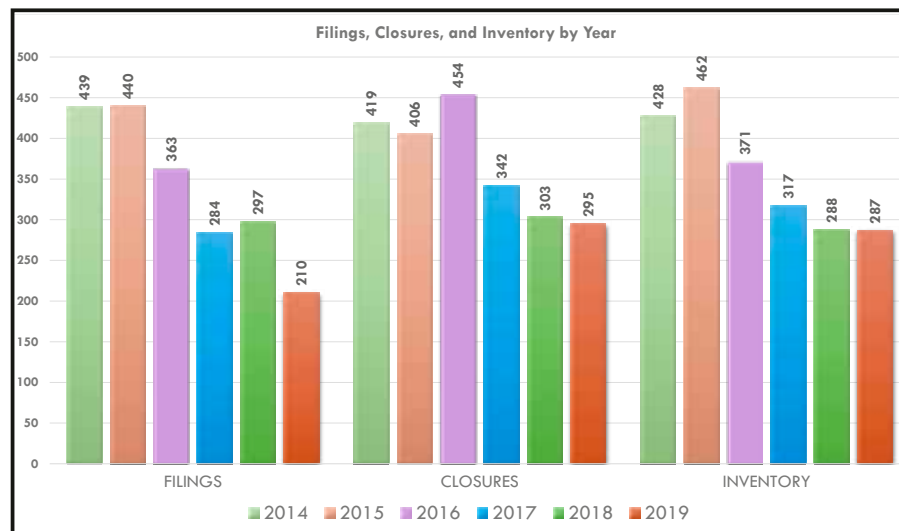
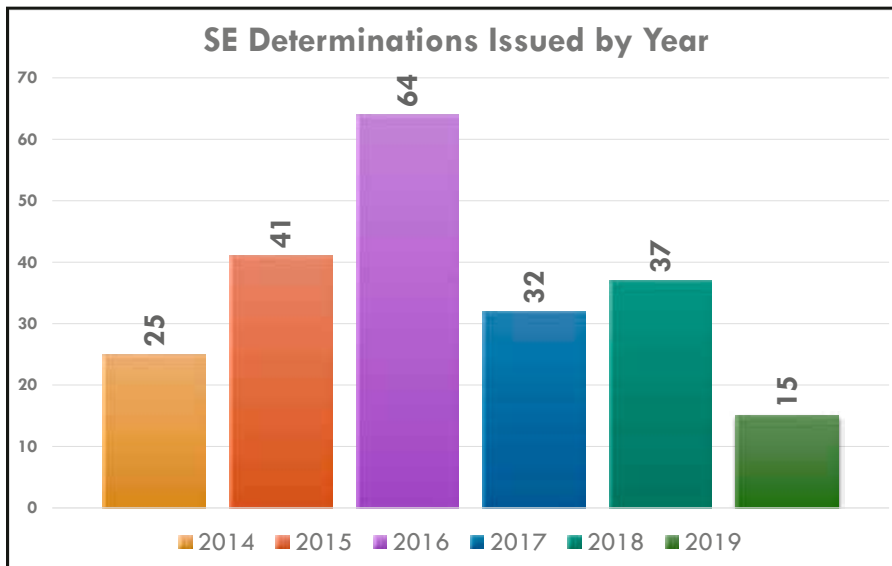
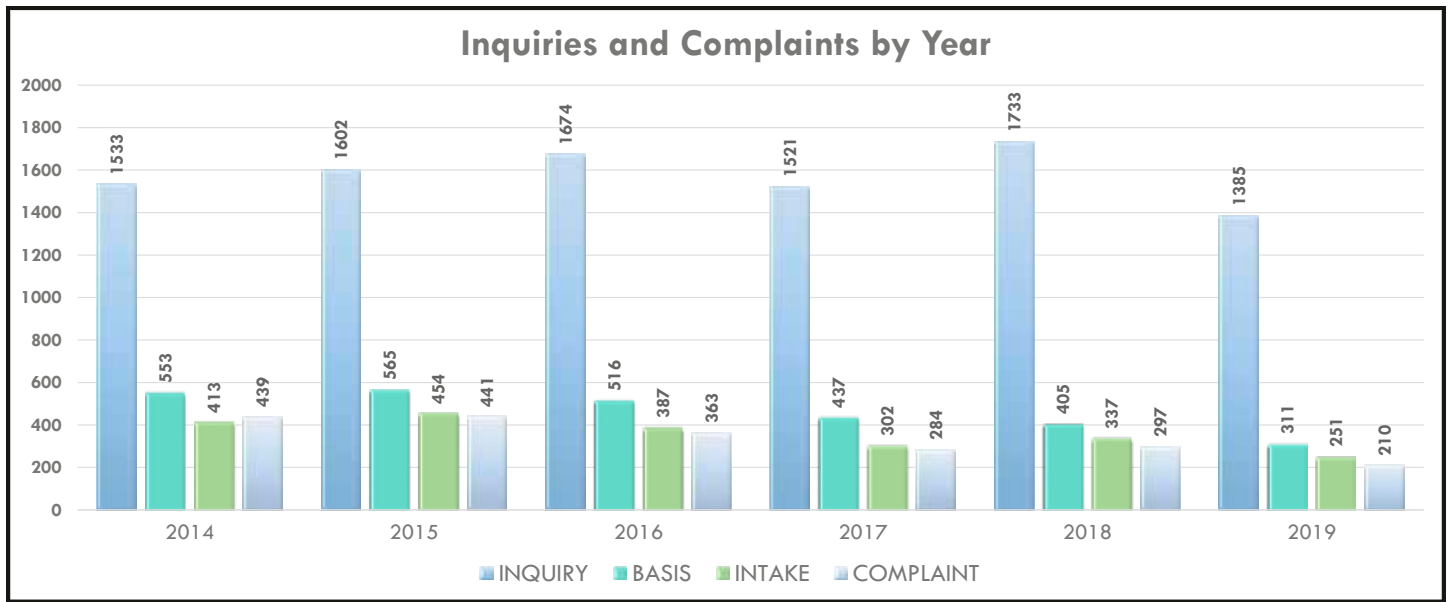
2016		2017		2018		2019	
	EEOC	ASCHR	EEOC	ASCHR	EEOC	ASCHR	EEOC
	0	19	0	22	1	20	0
	3	27	0	30	1	36	0
	33	233	3	165	48	197	6
	4	39	1	14	1	24	0
	0	20	0	21	0	12	0
	40	338	4	252	51	289	6
405		452		342		295	

Comparison



Comparison





In **Michael Wiedemann v. Wasilla Woodworks, LLC**, complainant alleged that he was terminated from his position as a cabinet maker after he informed his employer that he was seeking disability status through the United States Department of Veterans Affairs and would need surgery in the near future. Commission staff found substantial evidence that respondent treated complainant as if he were a person with a disability and retaliated against him for complaining about discrimination. An accusation was filed on June 8, 2018, but the parties settled on April 18, 2019, with the complainant receiving \$9,000. On July 16, 2019, an Unopposed Motion to Dismiss was filed with the Commission following the completion of all terms of the agreement and the case was closed on September 19, 2019.

In **Adrian Wagner v. First National Bank**, complainant alleged that he was discriminated against based on his physical disability when respondent failed to hire him because he did not have a driver's license. Investigation showed respondent did not consider complainant's request to allow use of a taxicab when required. Prior to the scheduled hearing, a settlement agreement was approved on May 21, 2019. Ultimately, it was determined that only a few of respondent's positions actually required a driver's license. Following revision of the remaining job descriptions and respondent's fulfillment of all terms of the agreement, an Unopposed Motion to Dismiss was filed with the Commission and the case was closed on November 4, 2019.

2019 APPEAL UPDATES

In **Bobby J. Hickman v. ASCHR**, complainant alleged respondent terminated him following an on-the-job injury. Investigation found that complainant was released to return to work with no restrictions and that the termination was due to a violation of personnel regulations. The case was closed on December 19, 2018, with a no substantial evidence finding. The complainant appealed this determination on January 15, 2019. The record on appeal was filed in superior court on March 18, 2019. Briefs were filed, with oral argument scheduled for March 23, 2020.

In **Demetrie Alexander v. Alaska State Commission for Human Rights**, complainant alleged that the 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. After complainant filed a separate civil action based on the same

allegations as those before the Commission, the court stayed the administrative appeal. There has been no further action as of December 31, 2019.

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 him for damaging 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. The court affirmed the closure order on June 19, 2019, agreeing with the Commission's determination that there was not substantial evidence of discrimination. The court granted the State's motion for attorney fees, and the file was closed on September 17, 2019.

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 that respondent failed to consider reassigning complainant after he was no longer qualified to perform his job. After efforts to conciliate the matter failed, the Commission closed the case on August 23, 2017. Complainant filed a notice of appeal on September 21, 2017. The Commission moved to dismiss on October 5, 2018. On April 29, 2019, the court denied the motion but nevertheless affirmed the Commission's Closing Order. The Commission was awarded attorney's fees and the case was closed July 29, 2019.

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 FedEx 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 there was substantial evidence to support complainant's allegations regarding his marital status, however, it also determined that his allegation of retaliation was not supported by substantial evidence.

Complainant appealed the decisions to the Alaska Superior Court on August 18, 2017. FedEx moved to intervene on January 30, 2018. The superior court affirmed on January 29, 2019. Complainant appealed to the Alaska Supreme Court on February 27, 2019. Oral argument is currently calendared for February 20, 2020.



In **Jack Hively v. Alaska State Commission for Human Rights**, complainant alleged he was discriminated against based on his age, and that his employer's comments created a hostile work environment. The investigation did not find evidence to substantiate his claims. Complainant appealed the no substantial evidence determination on July 24, 2018. The Order Affirming ASCHR's Closing Order was issued on August 21, 2019, finding the complaint was investigated impartially and agreeing with the no substantial evidence determination. The file was closed on October 22, 2019.

In **Douglas Kaufman v. Alaska State Commission for Human Rights**, complainant alleged respondent discriminated against him based on his age, sex and disability, as well as retaliation for filing the complaint. Complainant alleged he was subjected to inappropriate sexual comments by his general manager. He later requested accommodations for his mental disability. The Commission staff's investigation found no supporting evidence of discrimination and closed the file on October 17, 2018. Complainant appealed on November 19, 2018. The Commission filed its appellate record with the superior court on January 11, 2019. Because the complainant failed to file his brief, the Commission moved to dismiss the appeal. The court granted the motion on March 14, 2019, and the file was closed.

In **Zenaida Mayner v. Alaska State Commission for Human Rights**, complainant filed a complaint alleging she was discriminated against based on her national origin and race, Filipino. Investigation by Commission staff found no evidence supporting her claims of being subjected to different terms and conditions of employment than those of other employees, and a Closing Order was issued on October 9, 2018. Complainant filed an appeal on October 11, 2018. The Commission filed its record on with the Alaska Superior Court on November 20, 2018, and briefing was completed on April 8, 2019. On May 2, 2019, the superior court affirmed the Commission's finding of no substantial evidence of discrimination, and the Commission closed the case.

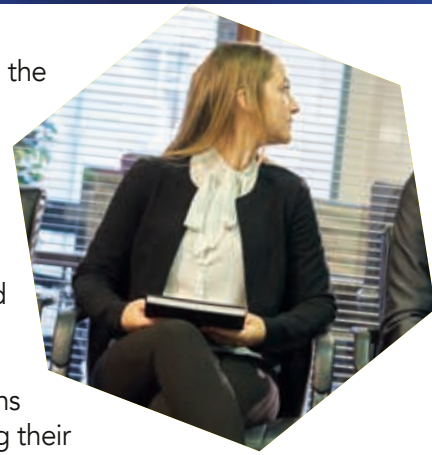
In **Sherman Pitt v. Alaska State Commission for Human Rights**, complainant alleged that the State of Alaska, Department of Corrections, discriminated against him based on his religion, Buddhist, by refusing to provide him with the same accommodations and privileges as Christian inmates. Commission staff found substantial evidence of discrimination and entered into a conciliation agreement with respondent in March of 2011 and closed the file upon completion of all terms of the agreement. Complainant appealed the closure to the Superior Court on May 23, 2017. Following many extensions, briefing was completed with appellant's reply brief filed on November 6, 2019.

No further action is listed on the docket as of December 31, 2019.

In **Sherman Pitt v. Department of Corrections**, complainant alleged he was discriminated against based on his religion in that he was subjected to different terms and conditions than other inmates practicing their religion. Prior to filing the accusation, a pre-determination agreement was approved on March 12, 2019, describing all religious items that were allowed in and out of his cell. The Commission issued its Closing Order on August 27, 2019. Complainant filed a Motion for Stay of Closing Order and Request for Judicial Review and Enforcement in superior court on September 5, 2019. The documents Pitt served show he filed with the court on October 30, 2019, but as of December 31, 2019, a case number is yet to be listed on CourtView.

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 the Alaska Superior Court, which reversed the Commission's decision and remanded the case. On remand, the administrative law judge recommended that the case be dismissed. On August 30, 2016, the Commission adopted the dismissal recommendation and closed the case. Complainant appealed the decision again on September 27, 2016. On December 18, 2017, the superior court affirmed the Commission's final order. Complainant appealed to the Alaska Supreme Court on January 17, 2018. The supreme court affirmed the Alaska Superior Court's decision to uphold the Commission's final order on August 30, 2019, returning jurisdiction to the superior court, which in turn returned the record to the Commission in December of 2019. The Commission closed the file.

In **Sarah Whicker v. Millrock Exploration Corporation**, the complainant alleged that the respondent discriminated against her based on sex in that she was not treated the same as her male counterparts. Because she was comparing her income to that of her executive supervisors, the investigation did not substantiate her claim that she was unequally compensated. The case was dismissed on June 17, 2019. Complainant filed an appeal on June 28, 2019. Appellant's brief was filed on October 28, 2019, and an extension was requested for the Commission's brief.





Alaska State Commission for Human Rights

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
- Integrate education into all aspects of our work

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

2019-2023 Strategic Plan

GOAL 1

Conduct timely investigations that strengthen the enforcement of Alaska anti-discrimination laws under AS 18.80

- Implement case collaboration procedures that introduce staff lawyers into the case early in the process to aid in identifying the legal theories prior to developing the investigation plan.
- Identify impediments to closing cases at 180 days from assignment and implement solutions.
- Develop reporting structures that access relevant data in the case management system to measure progress toward the 180 day goal.
- Develop and implement an intranet or wiki for easy access to relevant information by all staff members.
- Identify and apply best practices in both policy and procedures.
- Continue to implement technology to increase productivity

GOAL 2

Continue and expand our role as public advocates for the elimination and prevention of discrimination

- Develop and implement plan for statewide outreach with educational, training and public service components.
- Conduct systemic investigations and prepare white papers with findings to share with leadership and other organizations
- Work with the State Legislature to add non-profits to ASCHR's jurisdiction in an effort to include protections for 44,000 currently unprotected workers
- Create a training resource center
- Prepare communications plan to reach a variety of demographics throughout Alaska

GOAL 3

Recognizing that people are our greatest asset, create an environment where staff feels appreciated and valued.

- Develop an employee succession plan.
- Create opportunities for advancement.
- Provide training & professional development opportunities.
- Increase Staff/Commission Interaction.
- Improve inter-agency and intra-agency communication.
- Enhance teambuilding opportunities.
- Provide continued training to Commissioners on human rights law and relevant court cases.



Commission staff at Elizabeth Peratrovich Day. Photo source UAA Alumni Association.

OUTREACH

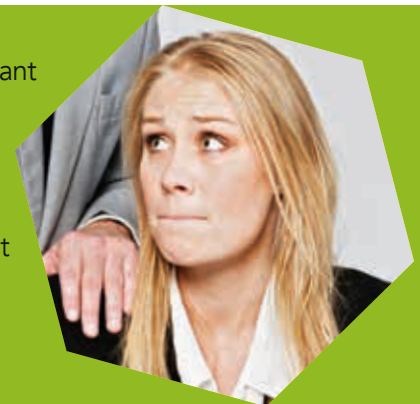
Due to the public attention on the agency in early 2019, outreach and public education were largely curtailed for the year while the Commission sought a new Executive Director and began rebuilding its staff leadership. Staff spent that time focusing more specifically on investigations.

The Commission asked the recently hired Executive Director to restart the outreach program going into 2020, focusing on rural areas of the state which are not served by municipal agencies. To that end, the internal staff outreach committee started meeting again, and is looking forward to partnering with state and community organizations to educate the public about individual rights to equal protection in employment, housing, and finance. While the outreach strategic plan is being reformulated, it will likely include a social media presence intended to disseminate useful information to employers, landlords, and the public about civil rights law, as well as preventative training opportunities.

2019 outreach events included the following:

- Alaska VA Healthcare: A Ruff Red Carpet Event Dog Show, February 9, 2019
 - This event was focused on service animals as an important part of Veterans' care and allowed the Commission to highlight its then-proposed service animal regulations.
- Bettye Davis African American Youth Summit 2019, February 16, 2019
- UAA Elizabeth Peratrovich Day, February 22, 2019
- 2nd Annual Consumer Forum, March 5, 2019
- 2nd Annual Ombudsman Day, October 10, 2019

In **Christopher Wideman v. Alaska State Commission for Human Rights**, complainant alleged he was discriminated against based on his disability when his employer failed to change his work schedule for medical purposes. Investigation did not find the allegations were supported by substantial evidence. Complainant filed an appeal on June 18, 2018. The Commission moved to dismiss on March 11, 2019, and the court issued a Notice of Intent to Dismiss for Lack of Prosecution on April 10, 2019. The court granted the Commission's motion on May 21, 2019, and the case was closed.



Substantial Evidence Case Highlights from 2019 that Closed through Settlement or Successful Conciliation

An injury requiring light duty

An employee who worked as a firefighter and maintenance lead suffered an injury requiring light duty work. The employer asserted there was no light duty work available. The employee filed a complaint alleging discrimination based on his sex and disability. The investigation found light duty assignments were available, and that the employer failed to engage in the interactive process with the employee. The parties successfully settled the matter for \$25,000.

When non-pregnant employees are allowed more absences

A pregnant employee was terminated allegedly due to absences. An investigation determined that the employer allowed more absences for its non-pregnant employees. The case was conciliated with the employer agreeing to revise its policy and participate in training. The employee received \$2,424.62.

Racial harassment and higher work expectations

Employee alleged that her supervisor treated her differently, harassing her and other staff based on their races. She alleged that she complained of the harassment, but the employer took no action. She filed a second complaint of retaliation after she was terminated. An investigation found that the employee was subjected to harassment and higher work performance expectations based on her race. The case was conciliated, and the employer agreed to participate in training, revise its policies, and rehire the employee. The employee received \$12,680.77.

Losing a job offer for previously complaining about discrimination

An applicant was given a job offer by the applicant's former employer's subsidiary. The applicant filed a complaint after the subsidiary rescinded the employment offer at the parent company's direction. The applicant claimed the offer was rescinded in retaliation for a previous discrimination complaint against the parent company. After investigation, staff found that the parent company coerced and compelled its subsidiary into rescinding the offer and retaliated against the applicant for previously opposing discrimination. The case was conciliated with the parent company agreeing to participate in training and revise its policies. The applicant received \$40,594.88.

Terminating an employee who complains about discriminatory hiring practices

A program manager complained to her employer about discriminatory hiring practices. After the employer failed to resolve the situation internally, the program manager filed a complaint with the Commission. The program manager then filed additional complaints alleging retaliation, sexual harassment, and that she was terminated due to her race and disability. The parties entered into a settlement agreement and the employer agreed to revise its policy and conduct additional training. The employee received \$138,812.

Returning from surgery

A complainant had surgery and alleged that her employer failed to engage in the interactive process with her to determine whether it could accommodate her work restrictions and limit her activity. The employer instead invoked the Family and Medical Leave Act, placing the complainant on leave status. She then filed a discrimination complaint. The employer received the complaint on the same day that she returned to work. The employer required her to work at a station that exacerbated her medical condition and refused to grant any accommodations. The parties settled, with the employer paying the complainant \$29,863 and agreeing to obtain training in employment discrimination law.

No extra pre-employment training actually required

An African-American heavy equipment operator applied for an employer's vacant operator position. The employer's general manager told him to attend a required mine safety training. After advising the general manager that he completed the training, he was told to contact the employer's foreman, who was actually responsible for hiring decisions. The foreman never returned the applicant's calls. In the meantime, the employer hired two other people without requiring them to complete the same training. The complainant alleged racial discrimination. The parties settled, with the employer paying for the training cost, and giving the applicant \$5,880 in back pay.

Service animals allowed

A homeless complainant was not allowed to keep his service animal at a transitional housing facility, a place of public accommodation, and so he let it go. He later filed a complaint with the Commission. Because he trained the dog himself, he did not receive a monetary settlement, but the facility staff was required to attend discrimination training.



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