



*Alaska State Commission for Human Rights*

*2007 Annual Report*



March 12, 2008

STATE OF ALASKA  
**HUMAN RIGHTS COMMISSION**

The Honorable Sarah Palin, Governor of Alaska  
The Honorable Lyda Green, President, Alaska Senate  
The Honorable John Harris, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 2007 Annual Report of the Alaska State Commission for Human Rights. The Commission is entering its 45<sup>th</sup> year as Alaska's civil rights enforcement agency.

In 2007, the Commission staff heard from several thousand Alaskans with questions and requests for assistance, and saw significant increases in the overall number and types of certain complaints filed compared with the previous year. Total filings increased by 51 percent. Persons of Asian descent filing complaints tripled, and complaints filed by Alaska Natives increased as well. Overall four times as many harassment claims were filed. Alaskans also more often alleged discrimination in the terms and conditions of their employment and termination than in prior years.

Despite the increasing demand for services, our skilled staff completed 7 percent more investigations than in 2006. Commission staff also eliminated its case backlog, largely due to the restoration of positions that had been previously cut. The Commissioners remain concerned, however, about resolving complaints promptly with filings rising so dramatically and caseloads remaining high.

The Commission's voluntary mediation program continues to be very successful. Both businesses against whom complaints of discrimination were filed and the Alaskans bringing the claims praised the program and were glad for the opportunity to informally resolve their concerns. The successful settlement rate of cases that went through mediation was 71 percent in 2007.

Although staff must focus their attention on investigating complaints, outreach increased slightly. The Commission helped organize presentations with U.S. Equal Employment Opportunity Commission Chair Naomi Earp on education of youth, prevention of employment discrimination; as well as race discrimination in the workplace. Staff also trained human resource professionals from several Alaska businesses on compliance with the Human Rights Law. The Commission staff continues to evaluate and engage in outreach as resources and opportunities become available.

We thank you for your continued support of the Commission's efforts to prevent and eliminate discrimination in Alaska.

Grace E. Merkes  
Chairperson

## COMMISSIONERS

**RANDALL H. ELEDGE**, Anchorage

**MARK S. FISH**, Anchorage

**LESTER C. LUNCEFORD**, Whittier

**GRACE E. MERKES**, Sterling

**BARBARA (TAMIE) J. MILLER**, Wasilla

**KAREN RHOADES**, Wasilla

**ROBERT B. SAWYER, JR.**, Fairbanks

## COMMISSION STAFF

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**Stephen Koteff**, Chief of Enforcement

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**Lucinda G. Bay**, Administrative Clerk

**Brooke Y. Groh**, Law Office Assistant

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**Margaret A. Taylor**, Commission Secretary

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**Erin Collins**, Investigator

**Robert C. Eddy**, Investigator

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## ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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

## ***PUBLIC HEARING CASES***

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



In ***Block v. Pulse Newspaper***, complainant, an above-knee amputee, alleged that respondent's owner discriminated against her because of her disability. Complainant alleged that respondent refused to reasonably accommodate her by allowing her to have a designated parking space next to respondent's business. Complainant also alleged that respondent terminated her employment after she complained about the lack of accommodation. At the end of 2007 a hearing in the case had not yet been scheduled.

In ***Bullecer v. General Teamsters Local 959 State of Alaska***, complainant alleged that respondent discriminated against him because of his national origin, Filipino, when it refused to take forward several grievances against his employer. Complainant also alleged that respondent failed to pay him under its bargaining agreement for a grievance that respondent admitted should have been brought. Commission staff did not find substantial evidence that respondent failed to represent complainant because of his national origin. Commission staff found, however, that respondent retaliated against complainant for filing his complaint by continuing to withhold payment for the grievance it should have brought. After the Commission issued the substantial evidence determination, respondent paid complainant the money owed. The parties later entered into a settlement in which the respondent agreed to adopt and disseminate to all of its employees a policy that prohibits retaliation against its members who participate in civil rights proceedings or investigations.

In ***Chapa v. Advancial Federal Credit Union***, complainant alleged that respondent discriminated against her because of her sex and national origin, Dominican. Commission staff found substantial evidence that respondent subjected complainant to a hostile work environment based on her sex and that it prohibited her from speaking her native language at work when the restriction was not justified by business necessity. At the end of 2007 the parties had entered into negotiations to settle the case.

### ***MOVING ON UP?***

*A security guard alleged that his employer refused his request for an accommodation to have Sundays off because of his religious beliefs and his position as a youth minister. The guard asserted that he was allowed to take Sundays off until promoted to a supervisory position. The guard alleged that he asked the employer to demote him to his previous position, which was still available, so he could continue to have Sundays off but the employer refused. While the complaint was in the mediation unit, the employer agreed to allow the guard supervisor to have Sundays and one other religious holiday off and he withdrew his complaint.*

### ***SPRINT FOR EQUALITY***

*A female middle school track and cross-country running coach alleged that the school district in which she worked discriminated against her because of her sex when it removed her from her coaching position and replaced her with a male. The complainant claimed that she had coached cross-country running for two years while her male replacement had no experience in the sport. The mediation program facilitated a predetermination settlement between the parties in which the school agreed to pay the coach's salary for the remainder of the season.*

In *Coria v. Women's Nautilus Club*, complainant alleged that respondent's owner subjected her to sexual harassment and terminated her employment as respondent's manager after she complained about the owner's conduct. The complaint was consolidated with four other complaints against respondent and a public hearing was scheduled to begin March 5, 2007. After respondent failed to file an answer or participate in the proceedings, the administrative law judge issued a default finding and issued a preliminary recommended decision against respondent. On December 27, 2007, the Commission adopted the administrative law judge's preliminary decision and awarded complainant \$88,735 in back pay.

In *Flakes v. Alaska Sales and Service*, complainant alleged that respondent failed to promote him from his position of sales representative to a team leader position because of his race, Black. A hearing scheduled for December 10-14 was continued, and at the end of 2007 a new hearing had not yet been rescheduled.

In *Gibson v. Women's Nautilus Club*, complainant alleged that respondent's owner subjected her to sexual harassment and terminated her employment as respondent's general manager after she complained about the harassing conduct. The complaint was consolidated with four other complaints against respondent and a public hearing was scheduled to begin March 5, 2007. After respondent failed to file an answer or participate in the proceedings, the administrative law judge issued a default finding and issued a preliminary recommended decision against respondent. On December 27, 2007, the Commission adopted the administrative law judge's preliminary decision but found that complainant had not provided sufficient evidence of economic loss to justify an award of back pay.

In *Lamb v. Women's Nautilus Club*, complainant alleged that her position as a desk clerk was terminated because of her race, Black. The complaint was consolidated with four other complaints against respondent and a public hearing was scheduled to begin March 5, 2007. After respondent failed to file an answer or participate in the proceedings, the administrative law judge issued a default finding and issued a preliminary recommended decision against respondent. On December 27, 2007, the Commission adopted the administrative law judge's preliminary decision and awarded complainant \$21,533 in back pay.

#### ***A PASS ON PREJUDICE***

*A parent alleged that a movie theater discriminated against her teenage children on the basis of their race, Alaska Native. The parent alleged that while her children and three other Alaska Native teenagers were in the theater's lobby discussing what movie to see, they were ordered to leave and were banned from the theater for six months, while groups of teenagers of other races were not told to leave. The mediation program facilitated a predetermination settlement in which the movie theater gave each of the children a written apology and twenty movie passes, allowed them to return to the theater provided they respected the theater's no loitering rules, and provided training to all theater employees regarding the laws prohibiting discrimination.*

#### ***NECESSARY ACCESS***

*A paraplegic woman filed a complaint alleging that a hotel in which she was staying did not provide a wheelchair accessible restroom in its common area. While she was dining in the hotel's restaurant, she was forced to use a bathroom in an unoccupied guestroom. The mediation program facilitated a predetermination settlement between the parties in which the hotel agreed to provide a wheelchair accessible restroom in its lobby so that persons with mobility impairments had equal access to its facilities.*

In *Le-Sueur v. Alaska Regional Hospital*, complainant alleged that she was sexually harassed by her supervisor when he subjected her to unwelcome comments of a sexual nature. Complainant also alleged she was retaliated against for complaining about harassment when she was given additional work assignments and denied the opportunity to work light duty. Staff found that complainant's allegations were not supported by substantial evidence, and complainant appealed to superior court. The court found that there was substantial evidence to support the claims and remanded the case to the Commission on April 3, 2006. Complainant later elected to file an action in superior court, and the Commission closed the case on June 11, 2007.

In *Raad v. Fairbanks North Star Borough School District*, complainant alleged that respondent discriminated against her because of her national origin, Lebanese, and religion, Muslim, when it failed to hire her for thirty-one different teaching positions. Complainant further alleged that respondent refused to hire her in retaliation for filing a prior discrimination complaint. After a public hearing, the Commission issued an order dismissing the case. Complainant appealed the Commission order, and the Alaska Supreme Court remanded the case to the Commission for further findings on whether respondent's reasons for not hiring complainant for some of the positions were pretextual. On December 9, 2005, the case was transferred to the Office of Administrative Hearings (OAH). The parties completed briefing on July 14, 2006. As of December 31, 2007, the OAH had not yet issued a preliminary decision.

In *Ridges v. Fred Meyer, Inc.*, complainant alleged that respondent failed to promote him because of his race, Black, when it promoted a Caucasian coworker who had far less relevant experience for the job. By the beginning of 2007, the parties had executed a settlement agreement. On February 6, 2007, the Commissioners dismissed the complaint based on the parties' settlement.

In *Rosenblad v. Valley Tesoro Service Station*, complainant alleged that respondent subjected her to sexual harassment and made her working conditions so intolerable she was forced to resign from her position as a barista. Complainant also alleged that respondent retaliated against her for complaining about the harassment by changing her shift thus reducing her hours. As of December 31, 2007, a hearing had not yet been scheduled.

#### ***TOO MUCH INFORMATION***

*An employee of a real estate management company filed a complaint alleging that her employer required her to complete an extensive health questionnaire that sought confidential medical information. Commission staff investigated the complaint and found substantial evidence that the employer's questionnaire violated the Human Rights Law's prohibition on requesting medical information from employees that is not job related and consistent with business necessity. The parties entered into a conciliation agreement in which the management company agreed to refrain from making general requests of employees for medical information, and to destroy any medical questionnaires it had previously obtained from other employees.*

#### ***SKATING TO A SOLUTION***

*The parent of a girl with a hearing impairment alleged that her daughter was discriminated against because of her physical disability when a skating rink told her that they would not accept her daughter into a skating class. The parties mediated the complaint and reached a settlement agreement. The ice rink agreed to enroll the child in a skating class with an instructor who had sign language experience and to enroll the child's hearing impaired sister in another class at the same time in the same location. The parent agreed to be available outside the skating rink if the instructors or her children needed additional sign language assistance.*

In ***Ryan v. Magone Marine Service, Inc.***, complainant alleged that respondent discriminated against him on the basis of his race, Black, when respondent terminated him from his position as a welder for unauthorized use of a company vehicle and for falsifying his time card. Complainant reported that other employees were not fired for similar behavior. On September 21, 2007, the parties reached a settlement in which respondent agreed to provide complainant with make whole relief in the amount of \$1,000 and to adopt and disseminate to all of its employees a policy prohibiting discrimination.

In ***Scollan v. Women's Nautilus Club***, complainant alleged that respondent's owner subjected her to sexual harassment and made her working conditions so intolerable that she was forced to resign. The complaint was consolidated with four other complaints against respondent and a public hearing was scheduled to begin March 5, 2007. After respondent failed to file an answer or participate in the proceedings, the administrative law judge issued a default finding and issued a preliminary recommended decision against respondent. On December 27, 2007, the Commission adopted the administrative law judge's preliminary decision but found that complainant had not provided sufficient evidence of economic loss to justify an award of back pay.

In ***Wallace v. Speedy Glass***, complainant alleged that respondent discriminated against her on the basis of her sex and retaliated against her for opposing sexual harassment. The Commission found substantial evidence to support complainant's allegation of retaliation. Complainant later elected to file an action in superior court, and the Commission closed the case on September 7, 2007.

In ***Webb v. Women's Nautilus Club***, complainant alleged that respondent's owner subjected her to sexual harassment and terminated her employment as respondent's manager after she complained about the owner's conduct. The complaint was consolidated with four other complaints against respondent and a public hearing was scheduled to begin March 5, 2007. After respondent failed to file an answer or participate in the proceedings, the administrative law judge issued a default finding and issued a preliminary recommended decision against respondent. On December 27, 2007, the Commission adopted the administrative law judge's preliminary decision and awarded complainant \$6,073 in back pay.

#### ***FASHION IS AGELESS***

*A seventy-eight year old sales associate alleged that she was treated differently than her younger coworkers by the retail clothing store for which she worked. The complainant alleged that the younger staff received better employee housing, were permitted to wear samples of the employer's clothing at work while she was not, that her supervisor belittled her in front of customers and coworkers, and that she was told she was not a "good fit" and terminated. The parties agreed to mediation and reached a settlement in which the employer agreed to pay the associate \$3,000 in back pay.*

#### ***EXPECTING MORE***

*A cashier alleged that her employer discriminated against her because of her pregnancy when it terminated her for making paperwork errors. The cashier stated that she told her employer about her pregnancy shortly after she learned she was expecting. The cashier also asserted that her employer had never previously counseled her regarding any work performance issues, never gave her an evaluation, and to her knowledge had never fired any employee for such errors. The parties agreed to mediation and reached a settlement in which the employer agreed to pay the cashier \$1,000.*

## ***LITIGATION***



In **Billingham v. Alaska State Commission for Human Rights**, complainant filed a complaint with the Equal Employment Opportunity Commission (EEOC) alleging that her employer, the State of Alaska, treated her differently in the terms and conditions of her employment because of her age and sex and in retaliation for filing an earlier complaint. The complaint was co-filed with the Human Rights Commission. The EEOC dismissed complainant's case, and on November 2, 2004, Commission staff agreed with EEOC's finding that the allegations were not supported by substantial evidence. Complainant appealed the Commission's decision to superior court on December 2, 2004. On July 7, 2006, the court affirmed the Commission decision regarding Ms. Bingham's retaliation claim but remanded the case for additional findings on the age and sex claims. The Commission conducted additional investigation and concluded that no new evidence supported complainant's claims. At the end of 2007 a decision on the appeal was pending in superior court.

In **Elliot v. Alaska State Commission for Human Rights**, complainant alleged that Cook Inlet Tribal Council refused to assist her and her husband in obtaining housing because of her husband's race, Black. Commission staff found that the allegations were not supported by substantial evidence and closed the case on May 18, 2006. Complainant appealed the Commission's decision to superior court on June 20, 2006. The court upheld the Commission's finding and dismissed the case on June 27, 2007.

In **Gallant v. Alaska State Commission for Human Rights**, complainant, who suffers from acute chemical sensitivity as a result of cancer treatments, alleged that Cook Inlet Housing Authority failed to provide a reasonable accommodation to her by refusing to house her in a hotel when chemicals were used in or around her apartment. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed to superior court. At the end of 2007 briefing in the case had not been completed.

### ***NO LONGER NEEDED***

*A marine mechanic filed a complaint alleging that his employer terminated him after six years of service because the employer perceived him to have a disability. The mechanic had a heart attack during a job-related physical exam. After treatment, his doctor released him with no medical restrictions and he returned to work. Two months later, his employer told him that his services were no longer needed. The mechanic asserted that although he asked his employer for other jobs, he was told he was overqualified or that the available work was too physical. The parties reached a settlement wherein the employer agreed to pay the mechanic \$25,000 in back pay, provide him with a positive reference, and forward his resume to several employers.*

### ***YOU TOO***

*An Hispanic woman who worked for five years as a hotel housekeeper alleged that her employer discriminated against her because of her pregnancy and race when it terminated her employment after she tried to return to work from maternity leave. The housekeeper claimed that her supervisor told her she could not return to work because she had a baby and that another Hispanic employee who also had a baby missed a lot of work and that she would too. In a predetermination settlement between the two parties, the employer agreed to pay the housekeeper \$2,500 in back pay.*



In **Johnson v. Alaska State Commission for Human Rights**, complainant alleged that the Anchorage School District treated him differently in the terms and conditions of his employment because of his race, Black. Commission staff found that complainant's allegations were not supported by substantial evidence and dismissed the case. On October 19, 2007, complainant appealed the decision to superior court. As of December 31, 2007, briefs had not yet been filed in the case.

In **Ross v. Alaska State Commission for Human Rights**, complainant alleged that the Alaska Railroad refused to promote him to the position of trainmaster because of his race, Black. The Commission did not find substantial evidence to support complainant's allegations and dismissed the case. On April 27, 2007, complainant filed an appeal of the Commission's decision in superior court.

In **Tiernan v. Pyramid Printing**, complainant alleged that she was sexually harassed and forced to quit her job because respondent's manager subjected her to a hostile work environment. Commission staff found that complainant's claims were supported by substantial evidence. On October 1, 2003, after a public hearing, the Commission issued a decision in favor of complainant and ordered respondent to pay complainant the sum of \$50,972, plus interest, and to train its managers regarding the requirements of the Human Rights Law. On October 27, 2003, respondent appealed the Commission's final order to superior court. The superior court affirmed the Commission's order, and respondent then appealed the decision to the Alaska Supreme Court. On March 16, 2007, the Supreme Court affirmed the Commission's findings of liability in all respects, but remanded the matter to the Commission to recalculate the rate of interest on the award. On remand, the parties entered into a settlement in which respondent agreed to pay complainant the sum of \$60,000.

In **Villaflores v. Alaska State Commission for Human Rights**, complainant alleged that the Anchorage Water and Wastewater Utility refused to hire him as a personnel analyst because of his age, forty-five, and race, Asian. Commission staff found that the allegations were not supported by substantial evidence and closed the case on April 6, 2005. Complainant appealed the Commission's decision to superior court. On April 21, 2006, the court affirmed the Commission's decision, and complainant appealed to the Alaska Supreme Court. The Supreme Court affirmed the Commission's decision on November 16, 2007, and dismissed the case.

#### **NOT REMOTELY RIGHT**

A manager for a remote oil field services camp alleged that her employer discriminated against her because of her sex when it terminated her employment and replaced her with a male employee. The employer stated that it terminated the manager for deficient leadership qualities, and because of complaints about her abilities, performance, and knowledge of the employer's computer programs. The Commission staff investigated the complaint and found that the employer's client was happy with the manager's performance, there were no records of complaints, and other staff had similar problems with the new computer programs. The Commission issued a finding that substantial evidence supported the camp manager's allegations. The parties signed a conciliation agreement in which the employer agreed to pay the camp manager \$100,000 and train its managers and supervisors on laws prohibiting discrimination.

#### **SAY NO, NO, NO TO RETALIATION**

*A personal care attendant alleged that her employer retaliated against her by terminating her one day after she complained about a supervisor's comments to her coworkers regarding her mental disability. The parties mediated the complaint and reached a settlement in which the employer agreed to rehire the complainant as a personal care attendant.*

In **Villaflores v. Alaska State Commission for Human Rights**, complainant alleged that ConocoPhillips refused to hire him as a human resources representative because of his age, forty-five, and race, Asian. Commission staff found that the allegations were not supported by substantial evidence and closed the case on September 21, 2005. Complainant appealed the Commission's decision to superior court. The superior court affirmed the Commission's decision on November 23, 2006, and complainant then appealed to the Alaska Supreme Court. At the end of 2007, a decision from the court was pending.

In **Warren v. State of Alaska, Department of Public Safety, Alaska State Troopers**, complainant filed a complaint with the Commission alleging that his application for a position as a state trooper was rejected because of his race, Black. When complainant filed a similar complaint in superior court, the court action was stayed pending the outcome of the Commission's investigation. Commission staff found that complainant's allegations were not supported by substantial evidence and closed the case. Complainant did not appeal the Commission staff's decision, but instead elected to continue with his court complaint. The superior court then converted complainant's civil action against the Department of Public Safety to an appeal of the Commission's decision. Complainant and the Commission filed briefs in the case, and at the end of 2007, a decision from the superior court was pending.

***BELIEVE THIS***

*An administrative assistant filed a complaint alleging that her employer failed to accommodate her disability and instead terminated her. The employer refused to consider the assistant's requests for accommodation because it did not believe she had a disability. The Commission staff found that the assistant's condition qualified as a disability and that the requested accommodations were reasonable and would have allowed her to successfully perform the functions of her job. The parties conciliated the case. The employer agreed to pay the assistant \$25,000 in back pay, disseminate a statement reflecting its nondiscriminatory policies and train its managers on the laws regarding disability discrimination.*

***STEREOTYPES STING***

*An experienced electrician who had a profound hearing loss since childhood filed a complaint with the Commission after an oil field services company refused to hire him because of his disability. The company asserted that the electrician would have been a safety risk to himself and others since he would have been unable to hear fire and other emergency alarms at remote North Slope locations where he would be working. The Commission's investigation showed, however, that visual alarms were present in all of the electrician's potential work areas and that all of the company's electricians worked in teams of at least two. The investigation also found that other reasonable accommodations were available and would have allowed the electrician to perform his job. Not long after the company rejected his application, the electrician found work with another North Slope company, and testimony from the electrician's former supervisor at another company revealed that he had an excellent work record. The electrician declined to sign a settlement agreement. The company agreed to conciliate the case with the Commission and agreed to consider future applicants with hearing impairments for employment.*

# 2007 CASE PROCESSING STATISTICS

## Analysis of Filings By Complainant's Sex

Female	199
Male	179
<b>Total Filings</b>	<b>378</b>

## ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

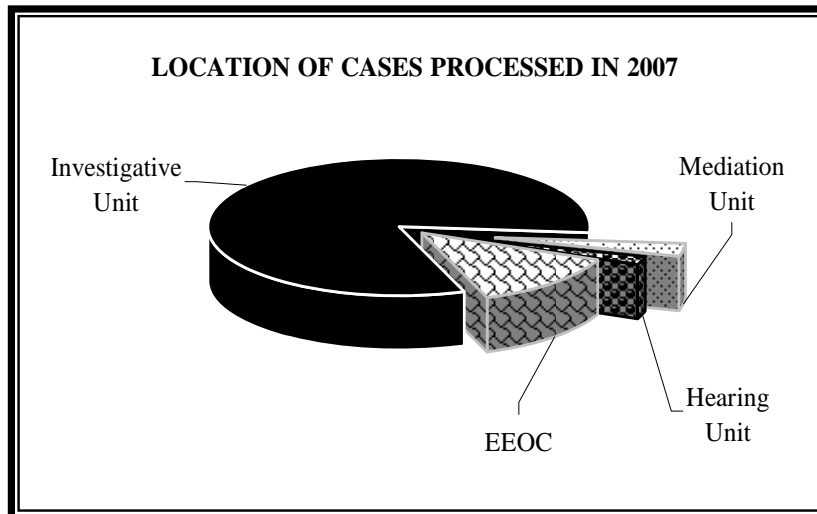
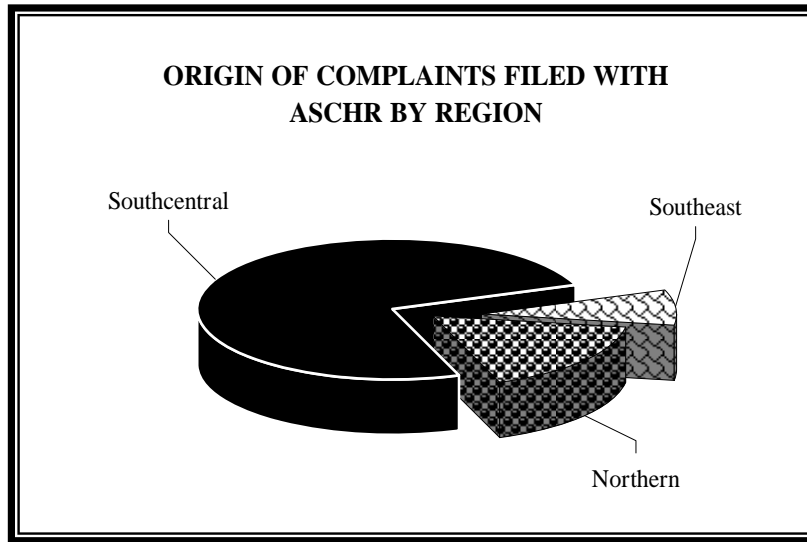
Caucasian	172
Alaska Native	59
Black	57
Asian	30
Unknown	28
Hispanic	17
Other	9
American Indian	6
<b>Total Filings</b>	<b>378</b>

## ANALYSIS OF FILINGS BY COMPLAINANT'S AGE

20 years and under	14
21 – 40 years	137
41 – 60 years	190
61 years and over	30
Unknown	7
<b>Total Filings</b>	<b>378</b>

## ANALYSIS OF FILINGS BY TYPE

Employment	346
Public Accommodation	12
Housing	12
Government Practices	8
<b>Total Filings</b>	<b>378</b>



## ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	58	68
Physical Disability	47	22
Sex	35	70
Age	31	42
Retaliation for Filing	22	12
Mental Disability	14	6
Pregnancy	14	3
Retaliation	11	68
National Origin	7	22
Religion	4	3
Parenthood	2	4
Marital Status	0	5
Multiple Bases	133	--
<b>Total Filings</b>	<b>378</b>	<b>325</b>

## ANALYSIS OF FILINGS BY ISSUE

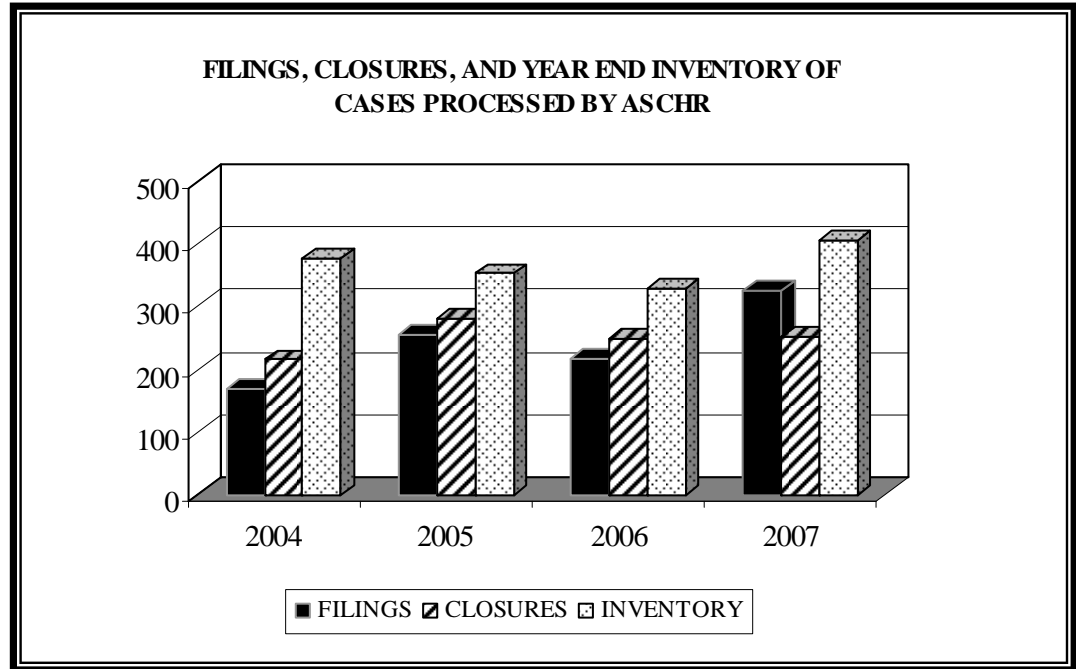
Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	84	139
Terms & Conditions	32	140
Failure to Hire	20	8
Other	15	37
Denied Service	10	2
Failure to Promote	6	13
Sexual Harassment	5	33
Harassment	3	60
Eviction	2	3
Failure to Rent	2	1
Demotion	1	11
Failure to Dispatch	1	1
Failure to Sell	1	0
Pay Equity	0	10
Multiple Issue	196	---
<b>Total Filings</b>	<b>378</b>	<b>458</b>

**ANALYSIS OF 2007 CLOSURES**

REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
<b>MEDIATION:</b>	<b>28<sup>1</sup></b>	<b>9.59%</b>
Mediation – Successful Settlement	14	4.79%
Mediation - Complaint Withdrawn with Successful Settlement	5	1.71%
Mediation - Complaint Withdrawn	3	1.03%
Mediation – Predetermination Settlement (PDS)	6	2.06%
<b>ADMINISTRATIVE:</b>	<b>39</b>	<b>13.36%</b>
Complaint Withdrawn	8	2.74%
Lack of Jurisdiction	8	2.74%
Complainant Not Available	16	5.48%
Failure of Complainant to Proceed	4	1.37%
Administrative Dismissal	2	.69%
Tribal Sovereign Immunity	1	.34%
<b>NOT SUBSTANTIAL EVIDENCE</b>	<b>190</b>	<b>65.07%</b>
<b>CONCILIATION/SETTLEMENT:</b>	<b>21</b>	<b>7.19%</b>
Complaint Withdrawn with Successful Settlement	8	2.74%
Predetermination Settlement (PDS)	1	.34%
Substantial Evidence/ Conciliation Agreement	12	4.11%
<b>HEARING:</b>	<b>14</b>	<b>4.79%</b>
Decision for Complainant	6	2.06%
Pre-Hearing Settlement	2	.68%
Administrative Dismissal	1	.34%
Hearing Unit – Other	5	1.71%
<b>TOTAL 2007 CLOSURES</b>	<b>292</b>	<b>100%</b>

<sup>1</sup>This number does not include 3 settlements negotiated in 2007 which closed in early 2008.

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



**Summary of Closures**

CATEGORY OF CLOSURE	2005		2006		Detail of 2007 Closures			
	No.	%	No.	%	ASCHR		EEOC	
					No.	%	No.	%
Mediation	23	7.6	35	12.8	24	8.2	4	1.4
Administrative	52	17.1	50	18.2	34	11.7	5	1.7
Not Substantial Evidence	195	64.4	164	59.9	167	57.2	23	7.8
Conciliation/Settlement	20	6.6	14	5.1	16	5.5	5	1.7
Hearing	13	4.3	11	4.0	10	3.4	4	1.4
<b>TOTAL CLOSURES</b>	<b>303</b>		<b>274</b>		<b>251<sup>2</sup></b>		<b>41</b>	
	<b>292</b>							

<sup>2</sup> This number does not include completed investigations of 13 cases which are still in conciliation or were transferred to the Hearing Unit in 2007.

## REPORT REGARDING CERTAIN INQUIRIES

On September 13, 2006, Chapter 63 of the Alaska Session Laws became effective, making changes to certain Commission procedures and requiring the Commission to report on “inquiries made to the commission after 180 days, but before one year, after the alleged discriminatory practice under AS 18.80 occurred.” The Commission compiled statistical data on the type of discriminatory practice and the basis of the inquiry for all such inquiries received from September 13, 2006 to December 31, 2007.

The following tables illustrate the results of the data collected:

**Type of Discriminatory Practice**

Employment	17
Housing	3
Government Practices	1
Total	21

**Basis of Discriminatory Practice**

Mental or Physical Disability	9
Sex	4
Race	3
Unknown/Non-Jurisdictional	3
Age	1
Religion	1
Retaliation	1
Total	22

Note: Some inquiries allege more than one basis.

### WHAT WERE YOU THINKING?

*An office manager filed a complaint alleging that her company’s CEO subjected her to sexual harassment that became so intolerable she was forced to resign. The manager asserted that the CEO made humiliating sexual remarks and crude jokes to and about her in the office, often stared at her breasts and buttocks, and repeatedly told stories about women being raped, tortured, and mutilated. Commission staff investigated the allegations and found that they were supported by substantial evidence. Staff found that the CEO frequently referred to the office manager as a “hottie” and made comments about how her clothing “showed off” her buttocks. Other company employees also testified that the CEO often made sexual references to his own and others’ anatomy. Investigation also found that the company had been aware of similar behavior by the CEO toward other female employees. When the office manager confronted the CEO about the harassment, he apologized, but then resumed his behavior shortly thereafter. The parties agreed to conciliate the case, and the company paid the office manager \$20,143 in back pay. Although the CEO had been terminated at the time of conciliation, the company also agreed to train its personnel on the laws prohibiting sex discrimination in the workplace.*

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