Alaska State Commission for Human Rights

2011 Annual Report

STATE OF ALASKA
HUMAN RIGHTS COMMISSION

March 1, 2012

The Honorable Sean Parnell, Governor of Alaska
The Honorable Gary Stevens, President, Alaska Senate
The Honorable Mike Chenault, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 2011 Annual Report of the Alaska State Commission for Human Rights. The Commission is entering its 49th year as Alaska's civil rights enforcement agency.

During 2011, over 2,000 Alaskans contacted the Commission for assistance. The types of complaints they filed and issues they raised were largely similar to those in the prior year. Of note, cases based on sexual harassment and retaliation increased by more than five percent. Also, the number of Alaskans under the age of forty years old filing complaints increased by six percent.

Last year, Commission staff resolved thirteen percent more complaints than in 2010, and thus the overall inventory of cases decreased. The Commissioners continue to acknowledge the dedication and commitment of staff to the work of the Commission. Staff, however, continued to carry high caseloads, and without additional resources the Commissioners remain concerned that Alaskans, both those filing complaints of discrimination, and the businesses against whom complaints are filed, are discouraged by the length of time it takes to investigate complaints.

The voluntary mediation program continues to be extremely successful. Those who participate in the program praise it and express appreciation for the chance to informally resolve their concerns even when settlement is not reached. The mediation program settled seventy-five percent of the cases that went through it in 2011.

Last year also saw the development and implementation of a vastly improved Commission website, *www.humanrights.alaska.gov*, which now includes case summaries, more detailed information on public hearing cases, and Annual Reports for the previous four years. The website has had over 26,000 visitors to date. Limited resources, however, restricted the Commission's other educational, outreach, and prevention programs. Instead, Commission staff focused almost exclusively on investigating complaints of discrimination.

The Commission maintains its commitment to the mission of Alaska's Human Rights Law and fair and impartial enforcement of the law. The Commissioners ask for your support so that the Law's promise to prevent and eliminate discrimination might be more fully realized.

Lester C. Lunceford
Chairperson

COMMISSIONERS

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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

In the following cases, unless otherwise noted, the Commission staff found that substantial evidence existed to support the complainants' allegations. Informal conciliation efforts were unsuccessful, and the staff forwarded the cases to the Commission for public hearing.

In ***Jessie Brinkley v. Alaska Communications Systems Holdings, Inc.,*** complainant, a thirty-year employee of respondent, alleged that respondent terminated her employment because of her race, Black. Complainant asserted that after being transferred to the position of recruiting manager she was fired for failing to meet the expectations of the position, but other non-Black employees who failed to meet expectations were assigned to other positions within the company without being terminated. The parties reached a settlement in which respondent agreed to pay complainant $100,000, to provide her a favorable letter of reference, and to obtain training for its managers in the laws prohibiting discrimination in employment. After all terms of the settlement agreement were satisfied, the Commission dismissed the case on April 14, 2011.

In ***Marcellin Brooks v. Wal-Mart Stores, Inc.,*** complainant alleged that respondent discriminated against him because of his race, Black, when it refused to allow him to return an item he had purchased or to offer him in-store credit because he did not have a receipt. He further alleged that later the same day respondent allowed complainant's wife, who is not of complainant's race, to return the item for in-store credit without a receipt. Commission staff found the complaint was supported by substantial evidence. Efforts to conciliate the case failed and a public hearing was held before the Office of Administrative Hearings (OAH) on November 8–9, 2011. On November 29, 2011, the Administrative Law Judge (ALJ) issued a recommended decision finding that respondent's action was not due to complainant's race but rather a nondiscriminatory application of respondent's return policy. At the end of 2011, a final decision of the Commission was pending.

Costly Threats

An administrative manager alleged that her employer discriminated against her on the basis of her race, Alaska Native. She alleged that the president of a subsidiary company showed her a knife, asked if she was afraid and told her she should be. The president yelled and cursed at her when she told him that she could not order him a new computer outside of the normal procedures. She complained to her employer, but no corrective action was taken. The mediation program facilitated a settlement between the parties in which the employer agreed to pay the manager $40,000, assist her in applying for jobs with the employer's companies that fit her skills, and bar the president of the subsidiary from interacting with her in the future. The employer also provided anti-discrimination training to all of its managers, supervisors and employees.

Cooking Up A Settlement

A camp cook in a seasonal position alleged his employer discriminated against him on the basis of his age, sixty-seven, when it terminated him. He claimed his employer told him he was terminated because of his age and health. The mediation program facilitated a settlement between the parties in which the employer agreed to pay the cook $8,944 in back pay and made him eligible for rehire in any cooking position for which he was qualified.

In ***Ghulam Bushra v. Davis Management, Inc., d/b/a Palmer Chevron,*** complainant alleged that respondent discriminated against her on the basis of her national origin, Pakistani, by subjecting her to different terms and conditions of employment. Complainant also alleged that respondent retaliated against her when it terminated her employment after she complained of discrimination. Commission staff found there was substantial evidence to support her claim. After efforts to conciliate the case failed, a public hearing before the OAH was scheduled for January 12-13, 2012, but was vacated and a new hearing date had not yet been set as of December 31, 2011.

In ***Nina Davidson v. Mat-Su Valley Medical Center, LLC, d/b/a Mat-Su Regional Medical Center, Hospice,*** complainant alleged that respondent discriminated against her on the basis of her disability when it refused to provide her a reasonable accommodation for her disability. Complainant also alleged that respondent retaliated against her when it terminated her employment after she complained of discrimination. Commission staff found there was substantial evidence to support her allegations. After efforts to conciliate the case failed, a public hearing before the OAH was scheduled for March 6-9, 2012.

In ***Lynn Dowler v. Paul Kopf d/b/a Goldstream Store,*** complainant alleged that respondent's owner subjected her to a hostile work environment by making derogatory comments about her religion and proselytizing about his own religious beliefs. Complainant alleged that respondent made her working conditions so intolerable that she was forced to resign. After a public hearing, the ALJ issued a recommended decision on November 5, 2010, finding that respondent created a hostile work environment and constructively discharged complainant. On April 8, 2011, the Commission adopted the recommended decision. The Commission awarded complainant $76,853 in damages, plus post-judgment interest, and ordered respondent's owner and managers to undergo anti-discrimination training and that respondent adopt a nondiscrimination policy.

In ***Stephanie Dryden v. Municipality of Anchorage, Anchorage Police Department,*** complainant alleged that respondent discriminated against her on the basis of her disability when it refused to allow her service dog to accompany her when respondent transported her to Providence Medical Center. Commission staff found substantial evidence to support complainant's allegations. Efforts to conciliate the case failed and a public hearing was scheduled for September 23, 2011. After repeated efforts to locate complainant failed, Commission staff filed a motion to dismiss the case. On September

THE LANGUAGE OF MEDIATION

A fueler alleged that his employer discriminated against him on the basis of his race, Asian, and national origin, Filipino. He alleged that his trainer made disparaging remarks regarding the employee's computer skills, his English language skills, and yelled and insulted him, yet did not treat the employees not of his race or national origin in the same belittling manner. He said conditions became so intolerable that he was forced to take leave. The parties agreed to mediation and reached a settlement. The employer agreed to pay the fueler $2,000 and credit him with 96 hours sick leave and 80 hours vacation leave. He had already returned to work just prior to the mediation.

DRIVING A TRUCK THROUGH DISCRIMINATION

A truck driver complained that after she was diagnosed with a neurological disorder, her employer disqualified her from driving and terminated her. She alleged that her employer discriminated against her because it perceived her to have a disability that made her unqualified to drive. Staff found substantial evidence to support her complaint of discrimination. In conciliation, the employer agreed to provide anti-discrimination training for its employees, disseminate a statement of a corporate nondiscrimination policy to all employees, expunge the driver's personnel file, and pay her $12,716 in back pay.

7, 2011, the ALJ issued a decision recommending dismissal. At the end of 2011, a final decision of the Commission was pending.

In ***Ashley Garver v. Red Robin Alaska, Inc.,*** complainant alleged that respondent discriminated against her because of her sex when one of its managers subjected complainant and her female coworkers to offensive comments and conduct of a sexual nature. Complainant alleged that she complained to respondent but it failed to take corrective action and her working conditions became so intolerable that she was forced to resign. The parties reached a settlement in which respondent agreed to pay complainant $5,000, provide training to its managers, supervisors, and employees in the laws prohibiting discrimination in employment, and adopt and disseminate to all employees a nondiscrimination policy. After all conditions of the settlement were met, the Commission dismissed the case on September 23, 2011.

In ***Laura Gossman v. Fred Meyer Stores, Inc.,*** complainant alleged that respondent discriminated against her on the basis of her physical disability when it refused to provide a reasonable accommodation for her disability. Commission staff found substantial evidence to support her claim. After efforts to conciliate the case failed, an accusation was filed on December 23, 2011. At the end of 2011, a public hearing had not yet been scheduled.

In ***Paula M. Haley v. Harbor Crown Seafoods***, complainant alleged that respondent retaliated against him for complaining that his Filipino coworkers had been discriminated against. Commission staff did not find substantial evidence to support the retaliation allegation, but did find that respondent had discriminated against Filipino employees by subjecting them to a hostile work environment. After an Accusation was filed, Commission staff filed a motion for a default judgment because respondent failed to participate in the hearing process. On September 24, 2010, the ALJ granted the motion and issued a recommended decision requiring respondent to refrain from discriminating against Filipino employees and to obtain training for its managers and employees. On April 7, 2011, the Commission adopted the recommended decision in a final order.

In ***Michael Hansen v. The New Printer's Workshop***, complainant alleged that respondent terminated his employment in retaliation for his filing a discrimination complaint with the Commission. A public hearing before OAH was held on November 4-5, 2009. On June

SETTLEMENT OVER STEREOTYPES

A bank employee alleged that her employer discriminated against her because of her race, Caucasian, and retaliated against her. She said her manager would say, "White Power," and give her a Nazi salute to mock her Caucasian-German heritage. She was denied leave when she needed medical attention but non-Caucasian workers received medical leave. After she complained about discrimination, her employer said Asians are quiet but "you people" are loud and obnoxious. She was written up for insubordination when she asked for the name of her manager's supervisor and was told she could resign with severance pay or endure a long investigation just to return to the same work environment. She felt she had no choice but to resign. In mediation the employer agreed to pay her $1,500.

COMING OR GOING

A clerk alleged that her employer discriminated against her on the basis of her age and sex. When she left for maternity leave a month early because of complications, her employer hired a younger male employee to replace her. She had told her employer she would return after her approved maternity leave. Her employer denied that she said she intended to return to work. The mediation program facilitated a settlement in which the employer paid the clerk $12,197, rehired her, and removed all negative statements from her personnel file.

9, 2010, the ALJ issued a recommended decision finding that respondent retaliated against complainant by firing him and recommending that respondent pay complainant $1,440 in back pay and obtain anti-discrimination training for its managers and employees. On June 20, 2011, the Commission adopted the recommended decision in a final order.

In ***Michele Jacketta v. Home Depot,*** complainant alleged that respondent discriminated against her because of her disability when it failed to engage in the interactive process and provide her a reasonable accommodation and instead terminated her employment. Commission staff found substantial evidence to support the claim. A public hearing scheduled for August 23-25, 2011 was vacated after the parties agreed to settle the case. At the end of 2011, the settlement was pending.

In ***Martha Kerr v. Fairbanks North Star Borough School District,*** complainant, a substitute teacher's aide, alleged that respondent discriminated against her because of her disability by subjecting her to different terms and conditions of employment including limiting the schools in which she could work. The parties reached a settlement in which respondent agreed to pay complainant $2,940 and provide training to all employees in its human resources department and Equal Employment Office in the laws prohibiting discrimination in employment, with an emphasis on disability discrimination. Respondent also agreed that if complainant seeks to resume working as a substitute aide, respondent will engage her in an interactive process to determine what accommodations may be needed. After the settlement terms were satisfied, the Commission dismissed the case on September 27, 2011.

In ***Tomorrow Kosal v. Paul Kopf d/b/a Goldstream Store,*** complainant alleged that respondent retaliated against her by barring her from entering the Goldstream Store to obtain its goods and services after she testified against respondent in Commission proceedings on a discrimination complaint filed by an employee with whom complainant worked while both were employed by respondent. Commission staff found substantial evidence to support her claim. A public hearing before the OAH was scheduled for May 24, 2011. After respondent failed to appear for the hearing, Commission staff filed a motion for a default judgment, which respondent opposed. On August 10, 2011, the ALJ issued a recommended decision finding respondent liable for banning complainant from his store in retaliation for her prior testimony and recommending certain relief, including

TWO CAN BE BETTER THAN ONE

A cashier alleged that his employer discriminated against him on the basis of his race, Black, by treating him differently and then terminating him. He said his employer normally staffed graveyard shifts with two employees, but he had to work the shift alone and was required to do as much work as two. The parties mediated the matter and reached a settlement in which the employer paid him $1,500.

YOUR KIND CAN'T WORK HERE

A factory worker filed a complaint alleging that her employer discriminated against her because of her sex and religion, Mormon, and terminated her for opposing discrimination. The complainant alleged that her coworker continually subjected her to unwelcome, offensive remarks of a sexual nature, and that though she complained, her employer did not take corrective action. She alleged that an owner stated they wanted to fire all the Mormon employees and not hire any more. The employer fired her within hours after she told the owners that she intended to cooperate in an investigation of discrimination at the Commission. Staff found substantial evidence to support her claims. The employer conciliated the case by providing anti-discrimination training to its managers and supervisors, and developing, disseminating, and posting an anti-discrimination policy.

that respondent be ordered to permit complainant to shop in the store. At the end of 2011, a final decision of the Commission was pending.

In ***Michele LaVine v. SCSL, Inc., d/b/a Pioneer Lodge,*** complainant alleged that respondent discriminated against her when it terminated her employment as a waitress and bartender because of her pregnancy. A public hearing before the OAH was held on October 13-14, 2011. At the end of 2011, the ALJ had not yet issued a recommended decision.

In ***Zachary Liszka v. Hook Line & Sinker d/b/a SubZero and Humpy's Great Alaskan Alehouse,*** complainant alleged that respondent discriminated against him when it terminated his employment because it perceived him to have a disability. Complainant further alleged that respondent retaliated against him for filing a complaint with the Commission when respondent subsequently refused him service at its restaurant and forced him to leave the premises. The parties reached a pre-hearing settlement in which respondent agreed to pay complainant $5,000, provide training to its managers and supervisors, create a new corporate nondiscrimination policy, and refrain from making disability-related inquiries of employees and applicants. After all conditions of the settlement were satisfied, the Commission dismissed the case on March 11, 2011.

In ***Roger McAlear v. NANA Management Services,*** complainant alleged that respondent discriminated against him based on his race, Alaska Native, when respondent suspended his employment as a security officer. Commission staff found there was a genuine dispute regarding the reason for respondent's action. Efforts to conciliate the case failed. On April 6, 2011, the Commission's executive director exercised her statutory discretion to dismiss the case without filing an accusation, finding that a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.200.

In ***Kenya Miller v. D. of Alaska, Inc., d/b/a Denny's,*** complainant alleged that respondent discriminated against him because of his race, Black, and disability. Complainant alleged that he was held to a higher standard of performance than his coworker, that a server refused to share tips with him, and that respondent terminated his employment when he complained of discrimination. Commission staff did not find substantial evidence to support complainant's allegations, except the allegation that respondent failed to investigate his complaint about tip-sharing. Investigation also revealed substantial

Bias Bars Entry

A patron alleged that he was refused admission to a lounge because of his race, Pacific Islander, when he and his wife sought to meet a group of friends. During investigation the lounge owner stated that she refused to admit complainant because a group of Pacific Islanders had been involved in a fight in the lounge several weeks earlier. Commission staff found substantial evidence that the lounge discriminated against complainant because of race and national origin. The lounge agreed to post a nondiscrimination policy in a prominent location and to provide anti-discrimination training to its owners, managers, and service employees.

Time To Go

A consultant alleged that her employer discriminated against her on the basis of her physical disability, asthma. Her condition was aggravated by environmental factors in remote locations where she worked. She completed her duties in these locations and requested an accommodation to return home to complete the remaining paperwork requirements of her contract. The employer granted her request to return home, but reduced her pay. The mediation program facilitated a settlement between the parties in which the employer agreed to pay her $5,400 and release her from claims it had against her.

evidence that respondent violated the Human Rights Law by requiring employees to complete a health questionnaire that revealed confidential medical- and disability-related information. The parties reached a settlement in which respondent agreed to alter the questionnaire and its procedures and to advise employees of the new procedures. After all terms of the settlement were satisfied, the Commission dismissed the case on April 7, 2011.

In ***Damon Oates v. Norcon, Inc.,*** complainant alleged that respondent discriminated against him because of his race, Black. Complainant, who worked on the North Slope, alleged that he was terminated for using profanity on the job when many non-Black employees who used similar language were not disciplined. Commission staff found substantial evidence to support his allegations. The parties reached a pre-hearing settlement in which respondent agreed to pay complainant $70,000, remove certain information from his personnel file and convert his discharge to show it resulted from a reduction in force, and to provide training to its employees in the laws prohibiting discrimination in employment. After respondent satisfied all conditions of the settlement, the Commission dismissed the case on September 27, 2011.

In ***Melissa Parrish v. AB&M Enterprises, Inc., d/b/a Rumrunners Old Towne Bar & Grill,*** complainant alleged that respondent discriminated against her because of her sex after she reported that she was physically and sexually assaulted by a coworker at her home and respondent failed to reschedule the coworker to another shift or take other corrective action. Complainant alleged that she was forced to resign her position due to the hostile work environment created because respondent allowed the coworker's continued presence in the workplace. Complainant alleged that respondent then retaliated against her for complaining of discrimination by banning her from its premises. Commission staff found substantial evidence to support complainant's allegations. A public hearing before the OAH was held on November 14-17, 2011. At the end of 2011, the ALJ had not yet issued a recommended decision.

In ***Dennis Phillips v. Tew's Excavation, Inc.,*** complainant alleged that respondent discriminated against him because of his sex when respondent's owner subjected him to unwelcome, degrading comments and offensive conduct of a sexual nature. Complainant alleged that the owner's behavior made his working conditions so intolerable that he was forced to resign from his position as a shop mechanic. A public hearing was held on

GUARDING HIS RIGHTS

A security guard alleged that his employer discriminated against him on the basis of his race, Hispanic, and national origin, Mexican. He said that his employer gave him written warnings for being late or absent, but did not discipline coworkers of different races/national origins for similar infractions. His employer terminated him after he called in to let his employer know that he could not work a particular Sunday. Other employees who also called in that same day were not terminated. The parties settled the complaint for $5,000, a job reference, and changed the guard's termination to a resignation. The employer also agreed to investigate and take prompt corrective action on any racial harassment claims in the workplace.

DISPARAGED DRIVER

A pizza delivery driver complained that his employer's regional manager subjected him to disparaging comments about his race and religion, Jewish. He also alleged he was fired for not securing the employer's advertisement to the roof of his car, but others were not fired for the same conduct. Staff found substantial evidence to support his claim. During conciliation, the employer agreed to provide anti-discrimination training for its managers and supervisors, disseminate and post an anti-discrimination policy in each of its Alaska restaurants, expunge the driver's personnel file, and pay him $5,643 in back pay.

December 9-11, 2009. On May 27, 2011, the ALJ issued a recommended decision finding that respondent's crude language and gestures were insufficient to create a hostile work environment and that complainant was not constructively discharged. On November 9, 2011, the Commission adopted the ALJ's recommended decision and dismissed the case.

In ***Merlyn K. Schaugaard v. Valley Dairy, Inc., d/b/a Matanuska Creamery,*** complainant alleged that respondent discriminated against her because of her religion, Mormon, and retaliated against her by terminating her employment after she complained about discrimination. Complainant alleged that one of respondent's owners made disparaging remarks about Mormons in her presence. Complainant alleged that she complained to another owner about the conduct, but no corrective action was taken and complainant's employment was terminated a short time later. The parties reached a pre-hearing settlement in which respondent agreed to pay complainant $15,000, to adopt and disseminate to all employees a nondiscrimination policy, and to provide training to its managers and supervisors. After all conditions of the settlement were satisfied, the Commission dismissed the case on October 12, 2011.

In ***David Whedon v. David Loutrel d/b/a Wild Salmon Direct,*** complainant alleged that respondent subjected him to unwelcome, racially derogatory comments during his employment. Complainant alleged that after he objected to respondent's discriminatory behavior and stated his intent to bring legal action, respondent retaliated by terminating complainant's employment as a deckhand on respondent's fishing tender. Efforts to conciliate the case failed and a public hearing before the OAH was scheduled for January 24-25, 2012.

LITIGATION

In ***Alaska State Commission for Human Rights v. Shane Crowson f/d/b/a Alaska Heavy Haul Transport***, the Commission filed an action in the Superior Court seeking to enforce an order requiring respondent to pay $1,500 in back pay to complainant Sarah Love. Complainant alleged that respondent subjected her to unwelcome sexual advances

SMACKS OF HARASSMENT

A woman employed by a housing management service filed a complaint alleging that her employer discriminated against her on the basis of her sex when its executive director subjected her to offensive comments and conduct of a sexual nature, including making comments to her about his anatomy, about why women are attracted to him, and about complainant's body, and by swatting her buttocks with a book. The woman alleged that she complained to respondent's board of directors, but that respondent did not take corrective action, but instead fired her. Staff found substantial evidence to support her claim of sexual harassment, but did not find substantial evidence that the employer fired her in retaliation for making a claim of discrimination. During conciliation, the employer agreed to provide anti-discrimination training to its board members, managers, supervisors, and employees, and to develop an anti-discrimination policy.

TOO QUICK TO ANGER

A woman working as a hotel maid filed a retaliation complaint alleging that her employer terminated her employment only hours after learning that she had filed a discrimination complaint with the Commission. Staff found substantial evidence to support her claim. During conciliation, the employer agreed to anti-discrimination training and policies, to expunge the maid's personnel file, reinstate her, and pay her $1,200 in back pay.

and comments of a sexual nature throughout her employment as a pilot car driver, and that her working conditions became so intolerable that she was forced to resign. During a public hearing before the OAH respondent stipulated to a judgment finding that he violated the Human Rights Law and ordering him to pay complainant $1,500 in back pay. On March 10, 2010, the Commission adopted the recommended judgment in a final order. After respondent failed to make payment, the Commission filed an action in the Superior Court on March 2, 2011 to enforce its order.

In ***Alaska State Commission for Human Rights v. The New Printer's Workshop***, the Commission filed an action in the Superior Court to enforce a Commission order requiring respondent to pay $1,440 in back pay to complainant Michael Hansen. After a public hearing, the Commission found that respondent violated the Human Rights Law when it terminated complainant in retaliation for filing a discrimination complaint. In an order entered June 20, 2011, the Commission required respondent to obtain anti-discrimination training for its managers and employees and pay complainant $1,440 in back pay. After respondent failed to make payment, the Commission filed an action in the Superior Court on October 11, 2011 seeking to enforce its order.

In ***Anchorage School District v. Alaska State Commission for Human Rights***, respondent appealed to the Superior Court a hearing decision by the Commission that found respondent discriminated against an employee on the basis of her physical disability, retinitis pigmentosa, which caused tunnel vision and blindness. Complainant alleged that respondent refused to accommodate her by not allowing her to bring her service dog to work and terminated her employment as a substitute teacher because it wrongly believed she could not safely and effectively do her job. After a public hearing, the Commission found that respondent violated the Human Rights Law and ordered it to pay complainant back pay of $43,000, plus interest, and to obtain training for its managers and supervisors. On October 12, 2011, the Superior Court affirmed the Commission's decision. On November 14, 2011, respondent appealed to the Alaska Supreme Court. At the end of 2011, briefing in the appeal had not yet commenced.

In ***Ruby Becker v. Alaska State Commission for Human Rights***, complainant alleged she was subjected to offensive comments and conduct of a sexual nature by a supervisor and that her employer, Best Western Barratt Inn, failed to take any corrective action and retaliated against her by terminating her employment. Commission staff did not find

RETRIBUTION IS WRONG

A department manager alleged that in the year after she filed a sexual harassment complaint against her former manager, her employer retaliated against her by trying to demote her and treating her differently than others. She filed a second complaint after her employer ordered her to resign or face discharge, and then demoted her and cut her pay when she refused. The parties mediated the case and reached a settlement in which the employer paid her $3,582, and agreed to provide anti-discrimination training to its managers and institute procedures for filing discrimination complaints with no retaliation.

DISCRIMINATION ISN'T PRETTY

A beauty salon employee filed a complaint alleging that her employer discriminated against her because of her national origin, Mexican, and sex. The complainant alleged that the boss gave higher paid jobs to her male, non-Mexican coworker. Staff found substantial evidence to support her allegations. During conciliation, the employer agreed to provide anti-discrimination training for its owners and managers, an anti-discrimination policy, and to pay the complainant $1,000 in back pay.

substantial evidence to support complainant's allegation of retaliatory termination, but did find substantial evidence that she was sexually harassed and that her employer took no corrective action. The Commission dismissed both cases after determining that the respondent was no longer in business and that there was no entity against which to proceed. Complainant appealed the Commission's decisions to the Superior Court. On June 24, 2011, the court affirmed the Commission's decisions.

In ***James L. Breland v. Alaska State Commission for Human Rights***, complainant alleged that Sears Roebuck terminated his employment because of his race, Black, and sex. He alleged that he was terminated when he failed to immediately report a violation of the company's loss prevention policy by another associate, but that a Caucasian female coworker was not terminated for similar conduct. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to the Superior Court, but at the end of 2011 the court's decision was pending.

In ***Gregg Conitz v. Alaska State Commission for Human Rights***, complainant alleged that Teck Cominco Alaska, Inc., discriminated against him because of his race, Caucasian, when it selected Alaska Natives he alleged were less qualified for the supervisory positions for which he applied. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to the Superior Court, but the court dismissed the appeal on February 17, 2011. Complainant filed a notice of appeal to the Alaska Supreme Court on June 20, 2011. As of December 31, 2011, a motion to dismiss the appeal as untimely was pending.

In ***Jackie Cowen v. Alaska State Commission for Human Rights,*** complainant alleged that Wal-Mart discriminated against her on the basis of her disability when it placed her on unpaid leave pending the results of a psychological examination. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed the decision to the Superior Court on January 14, 2011. After the Commission filed a motion to remand the case to allow further investigation, the court dismissed the appeal and remanded the case to the Commission on March 7, 2011. During the subsequent investigation, complainant and respondent entered into a settlement agreement and the Commission dismissed the case on November 7, 2011.

LOADING UP DAMAGES

A truck driver/loader alleged his employer discriminated against him on the basis of a perceived disability and retaliated against him. After an injury the driver was released to work on light duty and approved to operate forklifts, a significant portion of his job. The employer would not let him operate forklifts and changed his hours. In mediation the employer agreed to pay the driver $10,152 plus contribute $1,440 to his pension and to remove negative information from his personnel file. The driver and the employer agreed they would both sign each other's separate releases.

CAN'T TAKE IT ANYMORE

A factory worker filed a complaint alleging that her employer subjected her to unwelcome comments and touching of a sexual nature. The complainant further alleged that she informed respondent's owner that his conduct was offensive, and complained to other managers, but the offensive conduct continued. The complainant stopped reporting for work because of the conduct. Staff found substantial evidence to support a finding of hostile work environment and constructive discharge. The employer agreed to provide training to its owners, managers, and employees, post in a conspicuous location, and disseminate to all employees an approved statement of respondent's nondiscriminatory posture, expunge the complainant's personnel file, and pay the complainant $5,135 in back pay.

In ***Antonette Cuanzon v. Alaska State Commission for Human Rights***, complainant alleged that the State of Alaska, Department of Administration, Division of Finance, discriminated against her because of her race, Filipino, national origin, and age, sixty-two, when it reclassified her position and demoted her to an accounting clerk, and when it failed to hire her for an accounting technician position. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed the decision to the Superior Court. At the end of 2011 briefing in the appeal had not been completed.

In ***James Fayette v. Alaska State Commission for Human Rights***, complainant alleged that the State of Alaska, Department of Law, retaliated against him for engaging in protected activity by transferring him from his supervisory position to a non-supervisory position and not considering him for another supervisory position. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to the Superior Court, and on February 8, 2011 the court dismissed the appeal for failure to prosecute.

In ***Sue Grundberg v. Alaska State Commission for Human Rights***, complainant alleged that the State of Alaska, Department of Transportation and Public Facilities, discriminated against her because of her sex, age, fifty-eight, and race, Asian, when it promoted a younger, less qualified male to an Engineer II position for which she applied. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to the Superior Court, and on April 21, 2010, the court affirmed the Commission's decision. Complainant then appealed to the Alaska Supreme Court. At the end of 2011 briefing was complete and the court's decision was pending.

In ***Paul Kopf d/b/a Goldstream Store v. Alaska State Commission for Human Rights,*** respondent appealed a hearing decision by the Commission finding that respondent subjected an employee, Lynn Dowler, to a hostile work environment by making derogatory comments about her religion and proselytizing about his own religious beliefs. The Commission also found that respondent made her working conditions so intolerable that she was forced to resign, and ordered respondent to pay Ms. Dowler $76,853, plus interest. As of December 31, 2011, respondent had not filed pleadings required for his appeal to proceed.

FOLLOW YOUR INSTINCTS

A long-time power plant operator alleged that his employer discriminated against him on the basis of his race, Black. He said that the plant operations manager requested his termination, but his employer and employer's Utility Board chose not to terminate him, expressed concern that racial overtones prompted the termination request, and instead placed him on unpaid leave. The parties mediated this matter and settlement for $3,900 was reached.

WHO'S IMMATURE?

A thirty-seven-year-old receptionist alleged that her employer discriminated against her on the basis of her age. She said that her office manager treated her in a rude, condescending manner, but did not treat her younger coworkers in the same manner. She said her manager made negative comments about her age and implied that her age prevented her from getting along with younger coworkers. In mediation the employer agreed that in the future the owner and office manager would meet with her regarding any work performance or disciplinary issues, provide her with specific examples of conduct for correction and suggestions for corrections, and allow her 48 hours to respond to any performance review or discipline.

In ***Yelena Lobanova v. Alaska State Commission for Human Rights,*** complainant alleged that BP Exploration discriminated against her on the basis of her sex and national origin, Russian, when it refused to promote her and that her supervisor retaliated against her after she complained of discrimination. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed the decision to the Superior Court. After the complainant and respondent reached a settlement agreement, the appeal was dismissed on May 31, 2011.

In ***Cheryl Nichols v. Alaska State Commission for Human Rights,*** complainant alleged that BAE Systems subjected her to a hostile work environment and terminated her employment in retaliation for her participation in an internal investigation of sexual harassment by a manager. Commission staff found that complainant's allegations were not supported by substantial evidence and complainant appealed the decision to the Superior Court. At the end of 2011 briefing in the appeal had not been completed.

In ***Maria Offer v. Alaska State Commission for Human Rights,*** complainant alleged that the Lower Kuskokwim School District discriminated against her because of her disability when it failed to renew her teaching contract. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to the Superior Court and on July 12, 2011, the court dismissed the appeal for failure to prosecute.

In ***Charles Parello d/b/a Pulse Publications v. Alaska State Commission for Human Rights,*** respondent appealed a hearing decision by the Commission that found respondent discriminated against an employee, an above-knee amputee, when respondent refused to reasonably accommodate her by allowing her to have a designated parking space next to respondent's business and when it terminated her employment after she complained about the lack of accommodation. The Commission awarded the employee $2,279 in back pay, plus interest. The Superior Court affirmed the Commission's decision on August 5, 2011, and awarded the Commission $2,892 in attorney's fees.

TEACH TOLERANCE

A secretary employed by a school district alleged that she was discriminated against because of her race, Alaska Native, sex, and association with an African American. She alleged that she was forced to resign her position because the principal subjected her to a hostile work environment and retaliated against her after she complained of discrimination. Commission staff found substantial evidence that respondent's principal treated complainant in a demeaning manner, made derogatory comments about Alaska Natives, African Americans, and women, and that respondent took no corrective action after the secretary complained. In a conciliation agreement the school district agreed to pay the secretary $20,000 and provide anti-discrimination training to all employees.

CAN'T SIT THIS ONE OUT

A cashier alleged that her employer discriminated against her because of her pregnancy. When she was eight months pregnant, her doctor recommended that she be allowed to sit for part of her work shift. Although her employer allowed non-pregnant employees to sit during part of their shifts, her employer refused her request and instead placed her on unpaid leave. The mediation program facilitated a settlement between the parties in which the employer agreed to pay the cashier $1,500, provide her with a reference, accept her voluntary resignation, and withdraw its appeal of her unemployment benefits.

In ***Luis R. Rodriguez v. Delta Airlines,*** complainant alleged that Delta Airlines discriminated against him because of his race, Hispanic, when it eliminated his position and subsequently selected a non-Hispanic employee who had less seniority than complainant for a temporary position. Commission staff did not find substantial evidence to support complainant's allegations. On October 19, 2011, complainant appealed the Commission's decision to the Superior Court. As of December 31, 2011, complainant had not filed a cost bond required for his appeal to proceed.

In ***Harry Ross v. Alaska State Commission for Human Rights***, complainant appealed to the Superior Court a hearing decision by the Commission that found the Alaska Railroad Corporation did not discriminate against complainant because of his race, Black, when it failed to promote him from his position as a conductor to a trainmaster position. At the end of 2011 the court's decision was pending.

In ***James Schaap v. Alaska State Commission for Human Rights,*** complainant alleged that the University of Alaska, Southeast, discriminated against him because of age, sixty-two, sex, and disability when it failed to hire him for a professor position and instead hired a younger female whom complainant alleged was less qualified. Commission staff did not find substantial evidence to support complainant's allegations and he appealed the decision to the Superior Court. As of December 31, 2011, complainant was seeking a waiver of the cost bond required for his appeal to proceed.

In ***William Toliver v. Alaska State Commission for Human Rights***, complainant alleged that Brown Jug, Inc. discriminated against him because of his race, African American, when it barred him from purchasing alcohol at one of its stores. Commission staff did not find substantial evidence to support complainant's allegations. Complainant appealed the Commission's decision to the Superior Court. On February 1, 2011, the Superior Court affirmed the Commission's decision. Complainant then filed an appeal to the Alaska Supreme Court. At the end of 2011 briefing on the appeal was complete and oral argument was scheduled for January 12, 2012.

CLEANING UP A PROBLEM

An African-American housekeeper alleged that her employer discriminated against her on the basis on her race. She said that she was the only housekeeper of her race at her camp location and that coworkers made false reports regarding her conduct. She said the employer acted on the false reports without proper investigation and she received a written warning. In mediation the employer agreed to remove her written warning, provide anti-discrimination training to all employees, correct errors in her current evaluation, and create a review procedure if she has any future problems. They also agreed to have the Director of Operations conduct periodic visits to the camp to assist in ongoing work relationships.

DRIVING A SETTLEMENT

A supervisor alleged that his employer discriminated against him by refusing to accommodate his disability. He said through an employee assistance program, he voluntarily completed an alcohol treatment program. His employer, however, refused to allow his return and terminated his employment. The parties mediated the case and reached a settlement in which the employer paid him $16,722 and rehired him in a non-driving position.

Alaska Human Rights Law

The Alaska Human Rights Law is codified as Alaska Statutes 18.80.010 – 18.80.300. The Human Rights Law makes it unlawful to

DISCRIMINATE IN

- Employment
- Places of Public Accommodation
- Sale or Rental of Real Property
- Financing and Credit
- Practices by the State or its Political Subdivisions

BECAUSE OF

- Race
- Religion
- Color
- National Origin
- Sex
- Physical/Mental Disability

AND IN SOME INSTANCES BECAUSE OF

- Age
- Marital Status
- Changes in Marital Status
- Pregnancy
- Parenthood

What is the Human Rights Commission?

The Alaska State Commission for Human Rights is the State agency that enforces the Alaska Human Rights Law. The Commission consists of seven Commissioners appointed by the Governor and confirmed by the Legislature. The Commission employs a staff and maintains an office in Anchorage. The Commission has statewide jurisdiction. The Commission answers inquiries and accepts complaints from all regions of the state. The Commission also offers a free mediation program.

What does the Human Rights Commission Do?

The Commissioners

Establish policy and adopt regulations necessary to implement the Human Rights Law;

Hold public hearings to consider cases where conciliation efforts have failed;

Issue decisions applying the Human Rights Law to complaints;

Order back pay, reinstatement, or other appropriate relief to complainants;

Order the elimination of discriminatory practices; and

Enforce Commission decisions and orders in the Alaska courts.

The Commission staff

Accepts complaints of discrimination from persons alleging violations of the Alaska Human Rights Law;

Investigates complaints in a fair and impartial manner;

Attempts early settlement of complaints whenever possible;

Dismisses complaints when no violation of the Alaska Human Rights Law has occurred;

Conciliates complaints when the Alaska Human Rights Law has been violated;

Presents cases at public hearing before the Commission where investigation has found substantial evidence that discrimination occurred; and

Provides technical assistance and advice on the Alaska Human Rights Law and public outreach.

How Can The Commission Help You?

If you believe that you have experienced discrimination, you may contact the Commission. The Commission may assist you in filing a complaint.

If you need advice about your responsibilities under the Alaska Human Rights Law, the Commission staff can provide information.

2011 Case Processing Statistics

Analysis of Filings By Complainant's Sex

Female	216
Male	162
Director's Charge	1
Total Filings	379

Analysis of Filings By Complainant's Race

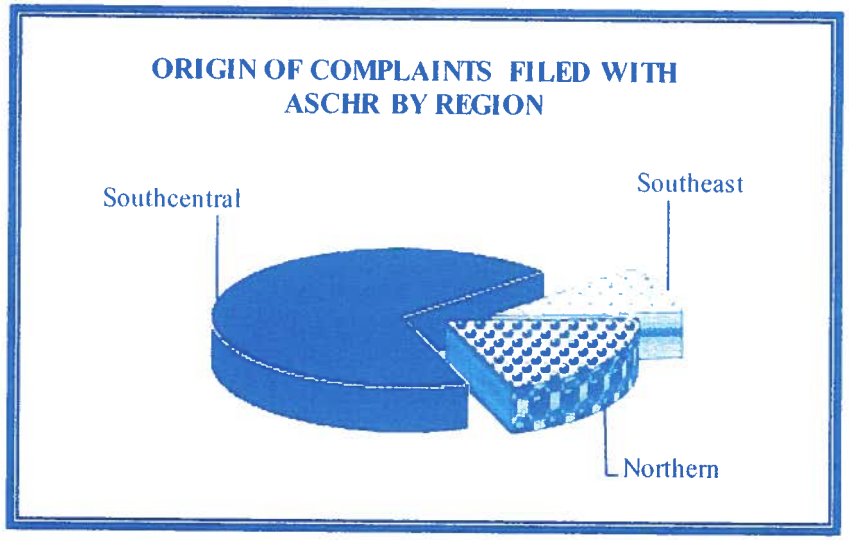
Caucasian	176
Black	55
Alaska Native	41
Asian	30
Hispanic	30
Unknown	30
American Indian	8
Other	8
Director's Charge	1
Total Filings	379

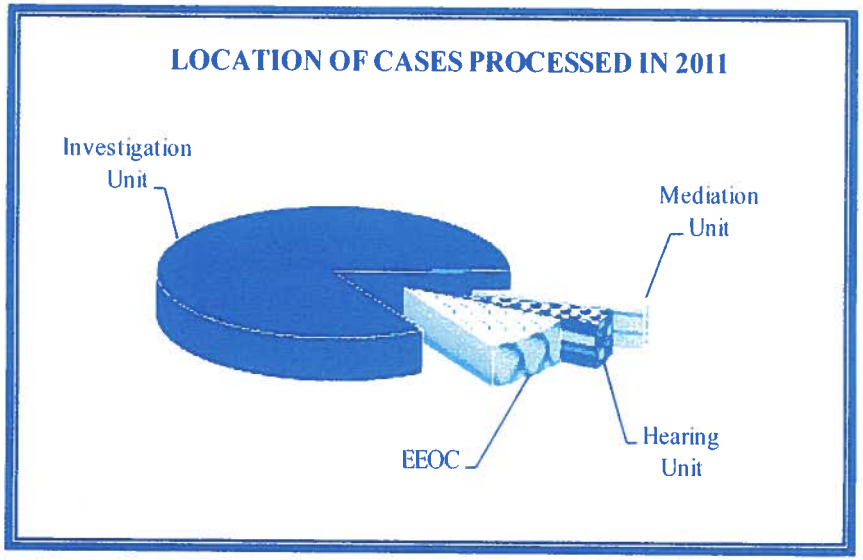
Analysis of Filings By Complainant's Age

20 years and under	13
21 – 40 years	147
41 – 60 years	182
61 years and over	36
Director's Charge	1
Total Filings	379

Analysis of Filings By Type

Employment	347
Housing	14
Public Accommodation	14
Government Practices	4
Total Filings	379





Analysis of Filings by Basis

Basis	Single Basis Complaint	Multiple Basis Complaint
Physical Disability	50	42
Race/Color	41	80
Sex	35	64
Age	35	53
Mental Disability	14	15
Retaliation	8	68
Retaliation for Filing	8	22
National Origin	7	40
Pregnancy	5	6
Religion	1	7
Marital Status	1	1
Parenthood	0	2
Multiple Basis*	174	---
Total Filings	379	

Analysis of Filings by Issue

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	88	121
Terms & Conditions	61	134
Failure to Hire	22	5
Sexual Harassment	7	38
Failure to Accommodate	7	26
Denied Service	7	5
Other	4	12
Eviction	4	6
Harassment	2	28
Failure to Rent	1	0
Failure to Promote	0	8
Pay Equity	0	4
Demotion	0	9
Failure to Dispatch	0	3
Multiple Issue*	176	---
Total Filings	379	

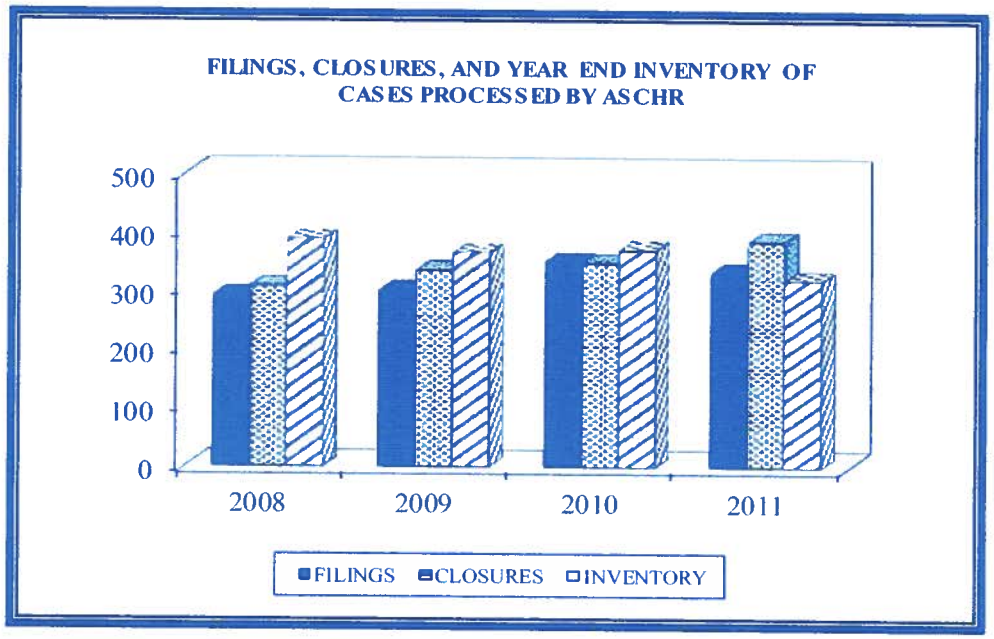
*Some complaints alleged more than one basis and/or issue.

Analysis of 2011 Closures

Reason For Closure	Number of Closures
Mediation:	**30**
Mediation – Successfully Settled	29
Mediation – Complaint Withdrawn	1
Administrative:	**62**
Complaint Withdrawn	27
Complaint Untimely or Lack of Jurisdiction	8
Complainant Not Available	12
Complainant to Court	11
Administrative Dismissal	2
Tribal Sovereign Immunity	2
Not Substantial Evidence	**307**
Conciliation and Settlement:	**22**
Pre-Determination Settlement (PDS)	9
Substantial Evidence / Conciliation Agreement	13
Hearing:	**13**
Decision for Complainant	3
Decision for Respondent	1
Pre-Hearing Settlement	8
Other	1
Total 2011 Closures	**434**

Determinations Finding Substantial Evidence of Discrimination

Substantial Evidence Findings:	17
Successfully Conciliated	3
Conciliation Failed	3
Pending	11



Summary of Closures

Category of Closure	2009	2010	Detail of 2011 Closures	
			ASCHR	EEOC
Mediation	24	17	30	0
Administrative	32	42	51	11
Not Substantial Evidence	295	283	274	33
Conciliation and Settlement	24	27	19	3
Hearing	10	15	13	0
			387[1]	**47**
Total Closures	**385**	**384**	**434**	

[1]The number of closures does not include completed investigations of 14 cases which are still in conciliation or were transferred to the Hearing Unit in 2011.

EEO PROGRESS IN STATE GOVERNMENT

Alaska Statute 18.80.060(6) requires the Commission to "make an overall assessment, at least every three years, of the progress made toward equal employment opportunity by every department of State government; results of the assessment shall be included in the annual report." To obtain relevant data for this assessment, the Commission's staff requested statistics from the Department of Administration, Division of Personnel and Labor Relations, the agency charged with administering and overseeing the State's equal employment opportunity (EEO) program. After review and analysis of these statistics, the Commission's Investigations Directors interviewed selected Department staff as well as Division of Personnel and Labor Relations representatives.

As in the last triennial assessment, the Commission looks in this report at statistics for minorities and women in State government, reviews the role of the Division of Personnel and Labor Relations in the State's EEO program, and profiles selected departments to provide examples of how the State's EEO program is implemented. Overall, the data show that from 2009 to 2011 there were no significant changes in the State's overall EEO profile. There were, however, increases in the number of females and minorities employed at higher salary ranges. Similar to past years, some departments saw greater changes than others. Four departments showed increases in both minority and female participation, while others demonstrated some losses.

MINORITIES AND WOMEN IN STATE GOVERNMENT

In this report, the Commission provides statistics for three calendar years ending in 2011. The data show that in 2011, minorities comprised 20.5 percent of the State's permanent, full-time work force. This is a 0.5 percent gain over 2008. Nevertheless, this number remains 6.2 percent below the percentage of minorities (26.7) in the State's labor force population. The number of minorities in higher paying positions increased over 2008, though not substantially. The number of minorities at the highest salary range increased by 1.4 percent, while the number in the next highest salary range increased by 2.4 percent. In those positions paying less than $4,000 per month, 30.7 percent were held by minorities. Alaska Natives remain the most underrepresented minority in the State's permanent, full-time work force; while more than 14 percent of the Alaska labor force is Alaska Native, just 5.3 percent of the State's permanent, full-time work force is Alaska Native, which represents a slight drop from the 5.4 percent reported in 2008.

During the same three-year period, the percentage of females remained about the same at 50.6 percent. The percentage of women in the highest wage bracket (>$6,999 a month) increased by 2.7 percent. The number of women earning from $6,000 to $6,999 a month increased by 1.4 percent. And in the next lower bracket ($5,000 to $5,999) the number grew by 4.2 percent. On the other hand, women still dominated the lower-paying salary groups. For example, almost 71 percent of those making less than $4,000 a month were female.

THE ROLE OF THE DIVISION OF PERSONNEL AND LABOR RELATIONS

Since December 2002, the Division of Personnel and Labor Relations has been administering and overseeing the State's EEO program. The Division's EEO staff in the agency's Director's Office is charged with this responsibility. The Division of Personnel and Labor Relations also informally investigates EEO complaints filed internally within the departments and coordinates with state and federal civil rights enforcement agencies in the processing of formal complaints filed externally.

As noted above, at the close of 2011, more than 20 percent of the State's 14,212 permanent, full-time workers were minorities, an increase of 0.5 percent over 2008. In 2010 the Division of Personnel and Labor Relations finalized, published, and implemented the State of Alaska Executive Branch 2010 Affirmative Action Plan after several years of review and deliberation. The Division describes the Affirmative Action Plan as "a management tool designed to promote equal employment opportunity and to rectify the effects of any provable discrimination in State government employment." The plan states that its placement goals are not intended to supplant statutory merit principles and that its goals are not inflexible, or rigid quotas. In fact, quotas are specifically prohibited by the plan. The last revision of the State's Affirmative Action Plan occurred in 1998. The 2010 revisions are based on 2000 census data. Compliance with the Affirmative Action Plan is monitored and reported in annual, comprehensive progress reports.

The Division has continued to emphasize providing training to the departments. Training has focused on compliance with EEO principles for current employees and includes "A Respectful Workplace" and "Valuing Diversity" courses, as well as a week-long "Academy for Supervisors" with EEO components. In 2011, the Division completed 78 EEO-related training sessions, including 30 "A Respectful Workplace" classes, 33 "Valuing Diversity" classes, and 15 "Academy for Supervisors" sessions.

The Division has continued to focus on workforce planning within the State's various departments to analyze staffing and fill staffing needs. In 2003, the Department of Administration centralized all human resources functions in the Division of Personnel and Labor Relations. At the end of 2011, however, the Division began returning some personnel functions to the departments for agency-specific workforce management, including recruitment and management services. The director acknowledged that the executive branch departments were generally dissatisfied with the centralization of personnel functions and that the Division was working to remedy that situation. The director said that the positions and employees reintegrating into the various departments will eventually become employees of those departments, though the Division will maintain close ties with those individuals. Some Division responsibilities, such as classification, payroll, statewide services such as collective bargaining, and the management of the EEO program will remain within the Division according to the Division's Equal Employment Opportunity Program Manager. The EEO Program Manager's Office has acquired two additional positions since 2008. The Director indicated that one of those positions was shifted to EEO in 2011.

Workplace Alaska and Use of Expanded Assessment Underutilization Reports

Departments in the executive branch rely on Workplace Alaska, the State's online recruitment system, to fill position vacancies and to identify applicants in underutilized job classes. EEO and veteran status data are collected from applicants who voluntarily self-report such information in the "Applicant Profile" portion of the online application. Pursuant to State policy, hiring managers and supervisors are required to consider these applicants during the recruitment process. The Division uploads underutilization data to Workplace Alaska and provides information to hiring managers about job groups within their departments where minorities and/or females are underutilized.

When interviewed for the 2008 report, the Director of the Division of Personnel and Labor Relations said that the State was in the process of creating a "data warehouse" called "ALDER" (Alaska Data Enterprise Reporting system) that would capture information from both payroll and recruiting and would give the Division the ability to generate any type of report a department might need, both quickly and accurately. The Director indicated, however, that ALDER is still not fully in production.

The Director also noted that maintaining current levels of recruitment of minorities and women is among her goals for the coming years. She indicated that with personnel staff now reintegrated into the departments, agency-specific training needs would be easier to identify and provide.

Selected Department Profiles

The **Department of Environmental Conservation** showed some of the most significant gains of all the executive branch departments in both minority and female participation. At the end of 2011, 16.4 percent of the department's 500 full-time employees were minorities, an increase of nearly 2 percent from 2008. Female employment, too, rose dramatically, as 53.4 percent of the department's full-time employees are now female, representing a 3.1 percent increase since 2008. The Commissioner attributed these results to efforts the department has made to attract and retain the best candidates by providing workplace and career paths that are appealing. The Commissioner noted that in the past the department has been something of a training ground for young scientists and engineers who would eventually leave for higher-paying jobs in the private sector. In recognition of that phenomenon, he said, the department attempts to provide career paths for employees, including the training needed to develop management skills. The Commissioner said the department does everything it can to make employees want to stay, including flexible work schedules. The Commissioner reasoned that these efforts have made the department a more desirable place to work for everyone, including minorities and females. He indicated that he had appointed females to key positions, including the Deputy Commissioner, the Director of the Division of Air Quality, and the Director of the Division of Environmental Health.

The Commissioner said that he supports the recent initiative by the Department of Administration to reintegrate personnel staff into the individual departments. He said that human resource staff working within the departments would better understand the culture of the different agencies, and could more readily assist the departments' realization of their goals. The Commissioner added that the Division of Personnel and Labor Relations has been supportive of his department and has worked hard to help the department meet its goals. As for EEO goals for the coming years, the Commissioner's priority is attracting qualified Alaska Native candidates, perhaps

by expanding the department's intern programs. He noted that there are some challenges in increasing Alaska Native representation, including the absence of department offices in rural areas and the generally higher salaries offered by Native corporations and other private sector employers.

The **Department of Corrections** posted a slight gain in female participation and a small loss in minority participation during the last three years. Still, the Department of Corrections (DOC) is the third highest employer of minorities among the fifteen Executive Branch departments. The Department's Commissioner attributed the relatively high minority representation to the attractiveness of DOC employment to former military personnel who, the Commissioner reasoned, represents a more diverse population than the general Alaska civilian labor force. Similarly, when asked about the Department's relatively low representation by female employees (36.2 percent and 12th among the 15 departments), the Commissioner noted the difficulty of attracting female correctional officers to work in male prisons and detention facilities. The Commissioner pointed out that only 10 percent of the Department's inmate population is female, but that the percentage of female correctional officers is higher than that. The Commissioner said that during the last three years, DOC has been determinedly trying to increase female participation, including recruitment efforts through the University of Alaska and job fairs throughout the state. The real disparity, the Commissioner indicated, is in the low representation of Alaska Natives in the Department. According to the Department's own data, 37 percent of the Department's inmate population is Alaska Native, while only 7 percent of the Department's total staff is Alaska Native. Moreover, the Commissioner indicated that some of the Department's important facilities are located in predominantly Native communities and house mainly Native offenders. Therefore, he said, aggressive efforts to recruit Alaska Native correctional officers have been undertaken in the last three years. These efforts include recruitment drives at the Knik Tribal Council summer picnic, the Great Alaskan Sportsman Show, the Alaska State Fair, the annual Alaska Federation of Natives (AFN) convention, and at job fairs around the State. The Commissioner also said it is desirable, to the extent possible, to hire locally when staffing facilities in Bush communities. The Commissioner indicated that the Department's relationship with the Division of Personnel and Labor Relations has been very good and that the Division has been supportive of the Department's priority recruitment initiatives.

The **Department of Administration** posted small losses in both minority and female participation since the end of 2008. Minorities decreased from 20.3 percent to 19.6 percent, while female participation decreased from 61.8 percent to 60.6 percent. The Department's Commissioner said she would not speculate as to why the Department's minority representation does not more closely mirror the state's minority population (26.7 percent based on 2000 data). As for the Department's relatively high female representation, the Commissioner noted that the State's 37.5 hour work week and 7.5 hour work day provide a better life balance than many jobs in the private sector.

When asked about accomplishments during the last three years, the Commissioner said that the Department has fully implemented the Executive Branch 2010 Affirmative Action Plan and that the Department is on track to meet the plan's goals. She said that before the plan was implemented, the Department had no method in place to update affirmative action goals and that the plan has brought

awareness to areas the Department needs to address. The Commissioner said that the Department is implementing a learning management system involving online training to reach employees in rural areas who otherwise, because of budget constraints and other factors, may not have the same access to training that employees in urban areas receive. That system, she said, would enable the Department to make certain courses mandatory Department-wide and provide better tracking of training received by employees. When asked about the pronounced underrepresentation of Alaska Natives throughout the Executive Branch, the Commissioner noted the commendable recruitment efforts of the Department of Corrections, stating that the recruitment of Alaska Natives is "mission critical" to DOC.

The **Department of Revenue** continues to rank quite high in the employment of females. Nearly 65 percent of the Department's employees are female, essentially the same percentage reported in the Commission's 2008 study. Although minority participation dropped slightly from 26 percent in 2008 to 24.3 percent at the end of 2011, the Department still ranks second within the Executive Branch in its percentage of minority employees, behind only the Department of Health and Social Services at 30.6 percent. The Commissioner attributed the Department's relatively high rate of minority employment to the working environment, saying the Department is well known as a nice place to work. The Department's Administrative Services Director added that the Department is also open to recruiting family members of current employees and celebrating the Department's ethnic diversity with potluck luncheons and other events. The Department's workforce is nearly 65 percent female and the Commissioner noted that many of the Department's top management positions are held by females. The Department has ten more employees than it did at the close of 2008. The Commissioner stated that the positions were added as a result of a 2007 oil tax bill, and that the jobs added were largely highly-specialized positions, such as commercial analysts, audit masters, and investment officers. The Commissioner said that in some cases, particularly with regard to the highly-specialized positions, Workplace Alaska "doesn't work for us." The Commissioner said that he favors the Division's recent reintegration of human resources staff back into the departments. He noted this would obviate occasional inconsistencies in priorities between his

2011 State of Alaska Workforce
Permanent Full-time Employees

Race	Female	Male	Total
Alaska Native	429	331	760
American Indian	101	84	185
Asian	657	383	1040
Black	282	240	522
Hispanic	233	172	405
White	5483	5817	11300
Grand Totals	**7185**	**7027**	**14212**

2011 State of Alaska Workforce
Permanent Part-time Employees

Race	Female	Male	Total
Alaska Native	11	1	12
American Indian	2	0	2
Asian	11	5	16
Black	1	2	3
Hispanic	1	1	2
White	28	13	41
Grand Totals	**54**	**22**	**76**

2011 State of Alaska Workforce
Permanent Seasonal Employees

Race	Female	Male	Total
Alaska Native	51	80	131
American Indian	8	12	20
Asian	21	38	59
Black	3	13	16
Hispanic	17	18	35
White	391	795	1186
Grand Totals	**491**	**956**	**1447**

Department and the Department of Administration. The Commissioner said that a diverse work force is something the Department strives for and celebrates.

The **Department of Military and Veterans Affairs** posted losses in both minority and female participation during the last three years. Minorities decreased slightly from 21.2 to 20.1 percent, and women decreased from 33.3 to 29.4 percent. The Department's Commissioner and Deputy Commissioner noted that the Department would likely rank as the most diverse if the statistics included long-term, non-permanent personnel and 1,800 National Guard positions. The Commissioner and Deputy Commissioner both expressed their belief that while the Department gained 15 permanent, full-time positions during this assessment period, all of the individuals filling those positions were already employees of the Department in long-term, non-permanent positions, and thus there was no increase in minority or female employment. The Commissioner stressed that the Department made a substantive change to its workforce to include military police personnel as a way to increase female participation. The Commissioner and Deputy Commissioner stated that while it is always important to recruit the best qualified candidates, it is as important to draw from the broadest possible pool of applicants. The Commissioner and Deputy Commissioner indicated that the Division of Personnel and Labor Relation's "underutilization reports" are just one tool used by hiring managers to select the best candidates. The Commissioner commented that the Department receives a lot of guidance from the Division of Personnel and Labor Relations about being sensitive to the different cultures the Department serves at the Alaska Military Youth Academy and working with a diverse workforce. The Department has been one of the test departments for the Division's initiative to decentralize its human resources staff, and the Department has had onsite human resource services for a while. The Commissioner and Deputy Commissioner said that they were going to continue pursuing the goals they now have in place. Because they feel that they are the most diverse department, they hope to maintain and improve upon that diversity during the next three years. With respect to the Department's placement goals, both the Commissioner and Deputy Commissioner felt that they have met their hiring goals for females, and they will continue their many efforts to recruit more Alaska Natives into their workforce.

Minorities and Females Employed in the Executive Branch of Alaska State Government
Permanent Full-time, Permanent Part-time, and Seasonal
2002 - 2011

Year	Minorities	Percentage	Females	Percentage
2002	2624	18.0	6964	47.7
2003	2664	18.3	6902	47.4
2004	2630	18.2	6852	47.5
2005	2708	18.4	7044	47.9
2006	2807	18.7	7230	48.3
2007	2953	19.5	7338	48.5
2008	3056	19.8	7591	49.2
2009	3128	19.9	7760	49.3
2010	3198	20.2	7819	49.4
2011	3208	20.4	7730	49.1

Alaska Natives Employed in the Executive Branch of Alaska State Government
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2002 - 2011

Year	Number of Alaska Natives Employed	Percentage of Total Workforce
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

During this three-year assessment period, the **Department of Natural Resources** showed slight losses in both minority and female employment as it did during the previous assessment period. In 2011, minorities comprised 10.0 percent of the Department's permanent, full-time employees, as compared to 10.8 percent in 2008, a loss of 0.8 percent. Female participation fell slightly from 50.4 percent to 50.3 percent. The Commissioner stated that affirmative action is high on his radar and has been for a long time. The Commissioner stated that on his first day he held a meeting with his directors and stressed that he wanted them to be very sensitive to employment issues, particularly hostile work environment based on sex and race discrimination. The Commissioner stated that he made it clear that he would not tolerate discrimination in the workplace. The Commissioner further stated that he is very sensitive to these issues because of his personal background, and he focuses on minority and female hiring, with a special emphasis on hiring Alaska Natives. The Commissioner stated that he is proud that his first three important appointments for the Department were females, including the director of the Division of Oil and Gas. The Commissioner stressed that his emphasis is not only on hiring minorities and females, but also on placing highly qualified people in senior positions. The State's EEO Program Manager, who was present during the Commission's interview with the Commissioner, stated that the Department has implemented hiring policies that are in line with the State's Affirmative Action Plan. The Commissioner said that the Department is considering the possibility of a new internship program within the Department to help improve minority hiring. The Commissioner indicated that the Workplace Alaska's "underutilization reports" were helpful to his hiring managers in meeting placement goals. The Commissioner applauded the Division of Personnel and Labor Relations' decision to begin to move human resources staff back to the departments. He felt personnel specialists within each department would be more familiar with the needs of the departments and in a better position to provide direction on personnel issues. As for the Department's placement goals as established in the State's 2010 Affirmative Action Plan, the Commissioner stated that the Department was planning to continue to increase the numbers while focusing on the quality of individuals hired. The Commissioner asserted that the Department has met at least three of its placement goals. The Department, he said, will continue training current employees and operating its current intern programs. He said there is currently an intern program with the Alaska Native Science and Engineering

Alaska Native/Native Americans Employed by the State of Alaska
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2002 - 2011

Year	Number Employed	Percentage of Workforce
2002	1014	6.9
2003	1011	6.9
2004	1001	6.9
2005	1005	6.8
2006	1038	6.9
2007	1087	7.2
2008	1108	7.2
2009	1099	7.0
2010	1122	7.1
2011	1110	7.1

African Americans Employed by the State of Alaska
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2002 - 2011

Year	Number Employed	Percentage of Workforce
2002	505	3.5
2003	504	3.5
2004	486	3.4
2005	499	3.4
2006	490	3.3
2007	505	3.3
2008	517	3.3
2009	528	3.4
2010	550	3.5
2011	541	3.4

Program at the University of Alaska, Anchorage, and the Department has a Wild Fire Academy. Both of those programs focus on Alaska Native hires for both the present and the future. The Commissioner stated he continues to be a speaker at the AFN convention every year, and that the Department has a booth at the AFN job fair every year.

During this three-year assessment period, the **Department of Public Safety** showed losses in both minority and female employment as it did during the previous assessment period. In 2005, minorities made up 17.2 percent of the Department's permanent, full-time workforce while 34 percent were females. In 2008, 16.8 percent were minorities and 33.1 percent were females. At the end of this assessment period, minorities comprised 15.2 percent of the Department's permanent, full-time employees, and female participation fell to 32.8 percent. The Commissioner attributed these statistics to turnover within the department. The Commissioner indicated that he was concerned with the decline and surprised that some of the Department's efforts to increase female and minority hires have not been as effective as he had hoped. The Commissioner noted that some qualified Trooper candidates, and particularly female candidates, object to required assignments in Bush communities and therefore opt for similar positions in other law enforcement agencies. The Commissioner stressed that the Department has implemented and will continue to implement several programs to enhance female and minority recruitment as well as special programs to increase Alaska Native participation. The Department has held Women in Law Enforcement conferences and is reaching out to high schools and universities in the hope that students will consider law enforcement as a career. The Commissioner said the Department has held job fairs and had a booth every year at the AFN convention. He added that the Department is currently in the second year of its law enforcement cadet corps program. The Commissioner described that program as similar to Junior ROTC, and it allows 20 participants to learn and focus on law enforcement and justice as careers. The desired goal, he said, is that the youth will become Troopers or Village Public Safety Officers within their communities. The Commissioner also stressed that the Department is considering surveying current state and local law enforcement agencies to determine why more individuals are not interested in becoming Troopers. He indicated that the Department is currently experimenting with a two week on, two week off rotational schedule at rural posts as a way of addressing the issue of relocation to rural communities. The Commissioner said

Asian/Pacific Islanders Employed by the State of Alaska
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2002 - 2011

Year	Number Employed	Percentage of Workforce
2002	772	5.3
2003	818	5.6
2004	820	5.7
2005	872	5.9
2006	919	6.1
2007	958	6.3
2008	1018	6.6
2009	1070	6.8
2010	1086	6.9
2011	1115	7.1

Hispanics Employed by the State of Alaska
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2002 - 2011

Year	Number Employed	Percentage of Workforce
2002	333	2.3
2003	331	2.3
2004	323	2.2
2005	332	2.3
2006	360	2.4
2007	403	2.7
2008	413	2.7
2009	431	2.7
2010	440	2.8
2011	442	2.8

that the Division of Personnel and Labor Relations has been helpful to the Department when questions arose, and the Division offers important training and guidance on EEO-related matters. The Commissioner indicated that he was happy that the Division was decentralizing some functions and that the Department will again have two in-house human resources staff for guidance and advice with hiring and other employment concerns. As for the Department's placement goals as established in the State's 2010 Affirmative Action Plan, the Commissioner was aware of the goals, with an emphasis on recruitment of Alaska Natives into permanent, full-time jobs. He also affirmed that the Department is making every effort to increase employment opportunities for women and minorities.

Several other Departments showed gains in both minority and female participation during the last three years. The **Department of Commerce, Community, and Economic Development** increased representation of minorities from 17.4 percent in 2008 to 18.6 percent in 2011, and female participation from 59.4 percent to 61.8 percent during the same period. The **Department of Fish and Game** posted an increase in minorities from 8.4 percent to 9 percent and in females from 42.5 percent to 42.8 percent. The **Department of Transportation and Public Facilities** showed a slight increase in female participation from 25.9 percent in 2008 to 26.2 percent at the end of 2011 (though it continues to rank last of the 15 departments in female employment) and an increase in minority representation from 17.5 percent to 17.9 percent during the last three years. The **Department of Health and Social Services**, which has had the highest percentage of minority employees since 2003, showed an increase in minority participation from 28.7 percent in 2008 to 30.6 percent at the end of 2011. Female employment in the department remained unchanged.

Minorities Employed in the Executive Branch of Alaska State Government
Permanent Full-time
2011 Monthly Averages

Salary Group	All Employees in Salary Range	Percentage of All Employees in Salary Range	Total Minority Employees in Salary Range	Percentage of Minorities in Salary Range
<2000	872	6.2	214	24.5
2000-2999	1085	7.6	364	33.5
3000-3999	2277	16.0	720	31.6
4000-4999	2838	20.0	631	22.2
5000-5999	2729	19.2	468	17.1
6000-6999	1807	12.7	247	13.7
>6999	2604	18.3	268	10.3
Grand Totals	**14212**	**100.0**	**2912**	**20.5**

Females Employed in the Executive Branch of Alaska State Government
Permanent Full-time
2011 Monthly Averages

Salary Group	All Employees in Salary Range	Percentage of All Employees in Salary Range	Total Female Employees in Salary Range	Percentage of Females in Salary Range
<2000	872	6.2	529	60.7
2000-2999	1085	7.6	823	75.9
3000-3999	2277	16.0	1653	72.6
4000-4999	2838	20.0	1526	53.8
5000-5999	2729	19.2	1148	42.1
6000-6999	1807	12.7	686	38.0
>6999	2604	18.3	820	31.5
Grand Totals	**14212**	**100.0**	**7185**	**50.6**

Minorities Employed in the Executive Branch of Alaska State Government Permanent Full-time 2008 and 2011

Department Name	2008			2011			Minority Percentage Increase/ Decrease
	Total Employees	Minorities	Percentage	Total Employees	Minorities	Percentage	
Administration	992	201	20.3	1001	196	19.6	-0.7
Commerce, Community and Economic Development	448	78	17.4	456	85	18.6	1.2
Corrections	1423	309	21.7	1445	303	21.0	-0.7
Education and Early Development	295	48	16.3	305	55	18.0	1.7
Environmental Conservation	455	66	14.5	500	82	16.4	1.9
Fish and Game	817	69	8.4	821	74	9.0	0.6
Governor's Office	138	23	16.7	142	26	18.3	1.6
Health and Social Services	3089	887	28.7	3168	969	30.6	1.9
Labor and Workforce Development	794	146	18.4	795	166	20.9	2.5
Law	522	84	16.1	535	90	16.8	0.7
Military and Veterans Affairs	264	56	21.2	279	56	20.1	-1.1
Natural Resources	677	73	10.8	690	69	10.0	-0.8
Public Safety	764	128	16.8	807	123	15.2	-1.6
Revenue	504	131	26.0	514	125	24.3	-1.7
Transportation and Public Facilities	2729	477	17.5	2754	493	17.9	0.4
Grand Totals	**13911**	**2776**	**20.0**	**14212**	**2912**	**20.5**	**0.5**

Ranking Departments by Percentage of Minorities

Department Name	Totals 2011
Health and Social Services	30.6
Revenue	24.3
Corrections	21.0
Labor and Workforce Development	20.9
Military and Veterans Affairs	20.1
Administration	19.6
Commerce, Community and Economic Development	18.6
Governor's Office	18.3
Education and Early Development	18.0
Transportation and Public Facilities	17.9
Law	16.8
Environmental Conservation	16.4
Public Safety	15.2
Natural Resources	10.0
Fish and Game	9.0

Females Employed in the Executive Branch of Alaska State Government Permanent Full-time 2008 and 2011

Department Name	2008			2011			Female Percentage Increase/ Decrease
	Total Employees	Females	Percentage	Total Employees	Females	Percentage	
Administration	992	613	61.8	1001	607	60.6	-1.2
Commerce, Community and Economic Development	448	266	59.4	456	282	61.8	2.4
Corrections	1423	509	35.8	1445	523	36.2	0.4
Education and Early Development	295	194	65.8	305	199	65.2	-0.6
Environmental Conservation	455	229	50.3	500	267	53.4	3.1
Fish and Game	817	347	42.5	821	351	42.8	0.3
Governor's Office	138	101	73.2	142	102	71.8	-1.4
Health and Social Services	3089	2194	71.0	3168	2248	71.0	0.0
Labor and Workforce Development	794	506	63.7	795	502	63.1	-0.6
Law	522	355	68.0	535	356	66.5	-1.5
Military and Veterans Affairs	264	88	33.3	279	82	29.4	-3.9
Natural Resources	677	341	50.4	690	347	50.3	-0.1
Public Safety	764	253	33.1	807	265	32.8	-0.3
Revenue	504	326	64.7	514	332	64.6	-0.1
Transportation and Public Facilities	2729	706	25.9	2754	722	26.2	0.3
Grand Totals	**13911**	**7028**	**50.5**	**14212**	**7185**	**50.6**	**0.1**

Ranking Departments by Percentage of Females

Department Name	Totals 2011
Governor's Office	71.8
Health and Social Services	71.0
Law	66.5
Education and Early Development	65.2
Revenue	64.6
Labor and Workforce Development	63.1
Commerce, Community and Economic Development	61.8
Administration	60.6
Environmental Conservation	53.4
Natural Resources	50.3
Fish and Game	42.8
Corrections	36.2
Public Safety	32.8
Military and Veterans Affairs	29.4
Transportation and Public Facilities	26.2

This publication was released by the Office of the Governor, Alaska State Commission for Human Rights, as required by AS 18.80.150. This publication was printed in Anchorage, Alaska at a cost of $6.12 each.