Alaska State Commission for Human Rights

2013 Annual Report

STATE OF ALASKA
HUMAN RIGHTS COMMISSION

March 26, 2014

The Honorable Sean Parnell, Governor of Alaska
The Honorable Charlie Huggins, President, Alaska Senate
The Honorable Mike Chenault, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 2013 Annual Report of the Alaska State Commission for Human Rights.

In October 2013, the Commission celebrated its 50th Anniversary as Alaska's civil rights enforcement agency. The celebration held in Fairbanks included remarks via video from U.S. Senator Lisa Murkowski commending Alaska's efforts to advance equality and a congratulatory letter from Governor Sean Parnell. John Schmelzer, U.S. Equal Employment Opportunity Commission Attorney Adviser, traveled to Alaska to attend the event and gave the keynote speech on the history of civil rights in Alaska and the United States. The Lathrop High School Show Choir opened the celebration.

In 1963, the Commission's first year, 24 Alaskans filed complaints of discrimination with the agency, compared to 391 Alaskans who filed complaints in 2013. As was true 50 years ago, most Alaskans who contact the Commission are concerned that they have experienced employment discrimination. In 2013, more than 86 percent of the complaints alleged employment discrimination.

In 2013, Commission staff resolved fourteen percent more complaints than the prior year and the agency's inventory of cases decreased by nearly as much. The Commission is grateful for the additional resources the Governor and Legislature provided in 2012, which has allowed for more manageable caseloads and shorter case processing time.

Last year staff issued forty-two determinations finding that the complaints of discrimination were supported by substantial evidence, an increase from sixteen the prior year. At year's end, the parties had reached conciliation agreements in eleven of those cases. The remaining cases were either still in conciliation or had been forwarded to the hearing unit.

The Commission's voluntary mediation program continues to be extremely successful. Participants in the program praise it and express appreciation for the chance to informally resolve their concerns. The mediation program settled approximately 70 percent of the cases that went to mediation in 2013.

The Commission maintains its commitment to fair enforcement of Alaska's Human Rights Law. The Commissioners ask for your continued support of Alaska's promise made 50 years ago to prevent and eliminate discrimination.

Lester C. Lunceford
Chairperson

COMMISSIONERS

CHRISTA BRUCE, Ketchikan
JASON B. HART, Anchorage
JOANN HOLMES, Kodiak
LESTER C. LUNCEFORD, Whittier
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FAITH M. PETERS, Tanana
JOYCE SKAFLESTAD, Hoonah

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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.

Alaska State Commission for Human Rights

Remember, Reflect & Celebrate

PUBLIC HEARING CASES

In the following cases, unless otherwise noted, the Commission staff found 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 ***Edward Ackerman v. Accurate Import Center, LLC,*** complainant alleged that respondent discriminated against him on the basis of his age and treated him as a person with a disability when it terminated his employment as an automobile technician. A public hearing was held on complainant's disability claim on October 4, 2012, and the administrative law judge thereafter recommended that the Commission find the termination of complainant's employment violated the Human Rights Law. While the recommended decision was pending, the parties reached a settlement in which respondent agreed to pay complainant $15,000 and obtain training on the disability provisions of the Human Rights Law. After respondent had fully complied with the terms of the settlement agreement, Commission staff moved to dismiss the case. On May 23, 2013, the Commission issued an order granting the motion.

In ***James Breland v. Sears Roebuck & Company,*** complainant alleged that respondent terminated his employment as a loss prevention associate because of his sex and race, Black. Commission staff found that complainant's allegations were not supported by substantial evidence and closed the case. Complainant appealed the decision to superior court and on May 17, 2012, the court remanded the case to the Commission, finding that substantial evidence supported complainant's allegations. Conciliation efforts did not succeed, and a public hearing was scheduled for April 23-25, 2013. Prior to the hearing, the parties reached a settlement in which respondent agreed to pay Mr. Breland $14,000 and conduct training on the provisions of the Human Rights Law. After respondent satisfied all of the terms of the settlement agreement, Commission staff filed an unopposed motion to dismiss on November 5, 2013. The Commission granted the motion and dismissed the case on November 7, 2013.

CAN'T OUTSOURCE DISCRIMINATION

A 62-year-old accounting clerk alleged her employer discriminated against her because of her age. The employer told the long-time employee that her job was being outsourced and provided her a severance package upon her termination. The employer did not terminate her coworkers who were 30 to 40 years younger. The parties mediated the case and reached a settlement. The employer agreed to pay the former clerk $10,000, pay her attorney $2,500, and provide three months of health insurance coverage, outplacement services, and letters of recommendation. The employer agreed that she could apply for future job openings.

UNHEALTHY TREATMENT

A Hispanic medical assistant alleged that her employer discriminated against her because of her race and national origin. She said the medical clinic's office manager treated her less favorably than her Caucasian co-workers and that the owner told her to find another job or be terminated because the office manager had "issues" with her. Commission staff found substantial evidence of discrimination and the parties agreed to conciliate the case. The employer paid the medical assistant $950, adopted a nondiscrimination policy, and provided training on the laws prohibiting discrimination in employment.

In ***Jose Manuel Calleros, Francisco J. Quintana-Lozoya, Cesar Burgueño, Ramiro Solis, and Abel Burgueño v. Baltazar Enterprises, Inc.***, complainants alleged that respondent discriminated against them on the basis of their race, Hispanic, and national origin, Mexican, by subjecting them to a hostile work environment and forcing them to resign from their jobs as seasonal tire technicians. Complainants alleged that after respondent recruited them from California to work at its tire shop in Anchorage, respondent's owner refused to allow them to take regular bathroom and lunch breaks and repeatedly subjected them to racial epithets. A hearing was scheduled for June 23-27, 2014.

In ***Deanna Gilman v. Kendall Ford Alaska, LLC,*** complainant alleged that she was discriminated against because of her sex when respondent terminated her employment as an automobile salesperson after she took approved leave, and that a male coworker was allowed to take leave for an equivalent period of time. A hearing was scheduled for April 8-10, 2014.

In ***Evanjelina Gonzalez v. Duke Investments, LLC,*** complainant alleged that she was discriminated against because of her disability when respondent, which owned and operated two Chili's restaurants in Alaska, failed to provide her with a reasonable accommodation and terminated her employment. A public hearing was scheduled for October 23, 2013; however, after respondent failed to answer the accusation or respond to discovery requests, the administrative law judge recommended that a default judgment be entered against respondent in the amount of $101,293.86. The executive director thereafter sought and obtained a share of the proceeds from the sale of one of respondent's liquor licenses in the amount of $28,695. As of December 31, 2013, this amount was being held in escrow, payable to Ms. Gonzalez upon the Commission's adoption of the recommended decision.

In ***Joanna Hansen v. Matanuska-Borough, Department of Finance, Revenue & Budget Division,*** complainant alleged that she was discriminated against because her employer failed to provide a reasonable accommodation for her disability. Complainant alleged that respondent granted her leave to undergo and recover from surgery and that respondent terminated her employment while she was still on approved leave. At the end of 2013, a public hearing was scheduled for March 18-19, 2014.

HASTE MADE WASTE

A financial services officer alleged that her employer discriminated against her because of her mental disability. She said that after she was diagnosed as bipolar, she provided a doctor's note saying she could not do work requiring high levels of concentration for three months. The employer approved a leave of absence. While on leave, her manager requested her return to work date and she said she would consult with her doctor. However, the next day the employer wrote her a termination letter. The parties agreed to mediation and reached a settlement in which the employer paid her $6,600 and provided her a neutral reference.

SCHOOLED IN FAIRNESS

A Caucasian school principal alleged his employer discriminated against him because of his race. He alleged that a school board member of another race advocated his termination, and had pressed for termination of prior Caucasian administrators. When the board member complained because the principal brought a moose rifle to school, the principal was suspended although other non-Caucasian employees were not suspended for similar conduct. While the school district superintendent gave the principal a good performance review, his employment contract was not renewed. The parties mediated the case and reached a settlement in which the employer paid the principal $4,744 for his job search expenses.

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 with a reasonable accommodation and instead terminated her employment. A public hearing scheduled for August 23–25, 2011 was vacated after the parties agreed to settle the case. Respondent agreed to pay complainant $8,114.34 in back pay and to obtain training for its managers and human resources personnel on the Human Rights Law, with a focus on the law's disability provisions. After respondent complied with all settlement provisions, Commission staff filed a motion to dismiss the case on September 4, 2013. As of December 31, 2013, a final decision of the Commission was pending.

In ***Denise Kichura v. Wasilla Health System, LLC,*** complainant alleged that she was subjected to unwelcome sexual advances by her supervisor and that her supervisor denied her a promotion after she rejected the advances. Complainant also alleged that she was forced to resign after she complained to respondent about her supervisor's conduct and nothing was done. At the end of 2013, a hearing was scheduled for March 4-6, 2014.

In ***Babette Kramp v. State of Alaska, Department of Transportation and Public Facilities,*** complainant alleged that respondent discriminated against her on the basis of her sex when it subjected her to different terms and conditions of employment. A public hearing scheduled for January 8-11, 2013 was continued pending the parties' efforts to reach a settlement. After the executive director amended the accusation, the parties conciliated the amended charges, obviating the need for a hearing. The executive director filed an unopposed motion to dismiss and on March 28, 2013, the administrative law judge submitted a recommendation for dismissal to the Commission. The Commission issued an order dismissing the case on December 16, 2013.

In ***Amormio Lapan v. Pegasus Aircraft Maintenance, LLC,*** complainant alleged that he was discriminated against when his employer refused to provide a reasonable accommodation for his disability. At the end of 2013, a pending hearing had not yet been scheduled.

In ***Kelly Lemon v. Antonio Anderson and North Star Security Agency, LLC,*** complainant alleged that she was discriminated against because of her sex when respondent subjected her to unwanted sexual advances to the point she felt her only alternative was resignation. A public hearing scheduled for October 8-9, 2013, was continued to February 20-21, 2014. At the end of 2013, a settlement between the parties had been reached and a request to vacate the hearing was pending.

MESSY KITCHEN

A server alleged that her employer discriminated against her on the basis of her sex and retaliated against her after she complained. She told her manager about abusive treatment by the kitchen manager, including shoving a plate of food on her, and by another coworker who mimicked her. The server said her manager told her to "suck it up" and then made vulgar and offensive comments regarding a female medical condition, which caused her to cry. A few days later the restaurant removed her from the work schedule without explanation. The parties mediated the case. The employer agreed to rehire her, apologized to her, and encouraged use of the chain of command to address any future concerns.

PAWS AND THINK

A blind patron who had reserved a room in a hotel's main lodge alleged he was discriminated against because of his disability when he and his service dog were not allowed to stay in the main lodge. The hotel owner said that he could only stay in a higher-priced uncarpeted room, due to concern about other guests' allergies. Commission staff found substantial evidence of disability discrimination and conciliated the case. The hotel agreed to refund the difference between the higher price the guest paid for his room elsewhere and what he would have paid at their establishment. The hotel management also attended training on the laws prohibiting discrimination against individuals with disabilities.

In ***Kenneth Probst v. Evergreen Helicopters of Alaska, Inc.,*** complainant alleged that he was discriminated against based on his age when he was fired and replaced by a younger, less qualified employee. At the end of 2013, a public hearing was scheduled for February 24-26, 2014.

In ***Lyla Propps v. Alaskan Wood Products, LLC,*** complainant alleged that she was discriminated against because of her sex when respondent's owner subjected her to unwanted sexual advances and when he falsely accused her of theft after her employment was terminated. A public hearing was scheduled for January 24-25, 2013. After learning that respondent had been involuntarily dissolved during the pendency of the Commission's action, the executive director moved to dismiss the case. On July 3, 2013, the Commission granted the motion and dismissed the case.

In ***Mellissa Rosga on behalf of her minor sons Dakota, Chase, and Timothy v. Walker Properties,*** complainant, who with her family was a tenant in one of respondent's rental units, alleged that respondent discriminated against her because of her sons' disabilities by refusing to allow her sons' companion animals to reside with them as a reasonable accommodation. A public hearing was held over several days in June and July 2012. On March 11, 2013, the administrative law judge issued a recommended decision finding that respondent discriminated against the complainant by refusing to provide an accommodation. The Commission adopted the recommended decision on September 26, 2013, and ordered respondent to refrain from taking any action to evict complainant and her family based solely on the presence of the boys' companion animals.

In ***Harry Ross v. Alaska Railroad Corporation,*** complainant alleged that respondent failed to promote him because of his race, Black. After a public hearing, the Commission dismissed the case. Complainant appealed the decision to superior court, and on March 30, 2012, the court reversed the Commission's decision and remanded the case to the Commission. The Commission referred the matter to the Office of Administrative Hearings, and the parties briefed the issues on remand to an administrative law judge. As of December 31, 2013, a recommended decision was pending.

LOTS TO LEARN

An adult student/employee alleged that his male school advisor subjected him to unwelcome and offensive comments and behavior of a sexual nature. Although he complained and asked his advisor to stop, the behavior continued. He also complained to his employer's EEO officer who failed to take corrective action. He said his advisor retaliated against him by withdrawing support for his continued participation in a school program. The mediation program facilitated a settlement between the parties in which the employer agreed to pay him $16,000.

WOUNDS HEALED

A 56-year-old nurse alleged that one of the five doctors she worked for discriminated against her because of her age and treated her so badly that she had to resign. Commission staff investigated and found the nurse was an excellent employee, that the doctor falsely accused her of wrongdoing, and that he treated her younger coworkers better. Investigation also showed that the nurse complained to the office manager and other doctors in the medical practice, but they failed to stop the disparate treatment. Commission staff found substantial evidence of discrimination and conciliated the case. The medical practice paid the nurse $30,000 in back and front pay and obtained anti-discrimination training for its doctors and other employees.

In ***Stacey Singleton v. Halliburton Energy Services,*** complainant alleged that he was subjected to a hostile work environment because of his sex and that his employer retaliated against him for complaining about discrimination when it terminated his employment. On September 11, 2013, the executive director dismissed the case without referring it to hearing because a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.200, and the probability of success on the merits of the case was low.

In ***Sherri Thomas v. Udelhoven Oilfield Systems Services, Inc.,*** complainant alleged that she was discriminated against because of her sex when her supervisor threatened her after she ended a consensual sexual relationship with him. Complainant also alleged that respondent retaliated against her for reporting the threat by firing her. The executive director dismissed the matter on May 21, 2013, without referring the case to hearing because a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.200, and the probability of success on the merits of the case was low.

In ***Janet Wass v. Ace Delivery and Moving, Inc.,*** complainant alleged that respondent subjected her to a hostile working environment when respondent's owner made repeated derogatory comments about Jews, Arabs, Muslims, and other nationalities. A public hearing was held on June 4, 2013. After the hearing, the administrative law judge issued a recommended decision to dismiss the case. The administrative law judge found that although Ms. Wass was subjected to offensive comments, and although respondent's owner testified that he openly discriminates against people of certain national origins, the executive director could not prove her case because Ms. Wass was not in any of the protected classes targeted by respondent. On December 27, 2013, the Commission adopted the recommended decision and dismissed the case.

In ***Heather Yoder v. Karlene Muller d/b/a Karlene's Acupuncture and Day Spa,*** complainant alleged that respondent discriminated against her by reducing her workload and terminating her employment after she told respondent that she was pregnant. At the end of 2013 a hearing had not yet been scheduled.

INJUSTICE DRIVEN AWAY

An Alaska Native truck driver alleged that his employer discriminated against him because of his race. He complained that his supervisor belittled him and called him derogatory names like "dumb native" and "lazy gimp." Commission staff found substantial evidence that the supervisor subjected the truck driver to a hostile work environment because of his race. The employer entered into a conciliation agreement that required it to provide anti-discrimination training to its employees and to give all employees, including new hires, a copy of its policy prohibiting discrimination and retaliation.

BARGAIN FIXES MISSTEP

A union member alleged that her union discriminated against her when it failed to adequately represent her in a dispute with her employer and counseled her to resign due to her physical disability. She stated that her union did not adequately represent her in meetings with her employer regarding her accommodation request for flexible food and bathroom breaks and in her complaint of hostile treatment by coworkers. In mediation the union agreed to meet with the employer regarding use of bathroom sign-in/out sheets, request employer mediation with coworkers and complainant regarding workplace treatment, and assist her in filing a reasonable accommodation request and hostile work environment complaint.

LITIGATION

In ***Alaska State Commission for Human Rights v. AB&M Enterprises, Inc.,*** the Commission filed an action in superior court to enforce its order in the matter of ***Melissa Parrish v. AB&M Enterprises, Inc., d/b/a Rumrunner's Old Towne Bar and Grill***. In that matter, complainant alleged that respondent discriminated against her because of her sex after she reported that she was physically and sexually assaulted by a male coworker at her home. Complainant asserted that when she returned to work she told respondent that she was intimidated and frightened by her coworker's presence but respondent took no action to address the problem. Complainant alleged that her coworker's presence created an intolerable working condition and she was forced to resign, and that respondent then retaliated against her for complaining of discrimination by banning her from its premises. After a public hearing the Commission issued an order on November 6, 2012, finding that respondent discriminated against and retaliated against complainant, and ordering respondent to pay her $4,531 and obtain six hours of training for its owners and managers on the provisions of the Alaska Human Rights Law. The Commission also ordered respondent to pay the Commission $6,200 in sanctions for failing to comply with discovery requests and orders in good faith. The Commission filed the enforcement action on September 17, 2013, after respondent failed to comply with the Commission's order. The Commission moved for a default judgment after defendant failed to respond to the court complaint. At the end of 2013 the Commission's motion was still pending.

In ***Alaska State Commission for Human Rights v. The New Printers Workshop,*** the Commission filed suit to enforce its order in ***Michael Hansen v. The New Printers Workshop.*** In that case, the Commission found after a public hearing 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 the payment, the Commission filed an action in superior court to enforce its order. The respondent failed to respond to the complaint, and on May 13, 2013, the court entered a default judgment in favor of the Commission.

MADE ME LOOK

A health and safety trainer alleged that her male supervisor subjected her to unwelcome and offensive comments as well as images of a sexual nature on his cell phone. She said that her work environment became so intolerable that she was forced to resign. The mediation program facilitated a settlement between the parties in which the employer paid her $5,000, provided her with a positive reference, and provided training to the supervisor regarding sexual harassment.

BANNED NO MORE

A customer of a recreational facility alleged he was discriminated against because of his mental disability when the owner banned him from the facility. The business asserted it banned the customer after he became belligerent with a manager. Commission staff's investigation found that other customers involved in more serious infractions were only banned temporarily, while complainant was banned indefinitely. Staff found substantial evidence of discrimination and the parties conciliated the case. The business agreed to permit the complainant access to the facility and to provide training to its staff on the laws prohibiting discrimination in places of public accommodation.

In ***Russell Baker v. Alaska State Commission for Human Rights,*** complainant alleged that Federal Express discriminated against him based on his marital status and retaliated against him for filing a discrimination complaint when it terminated his employment. Commission staff closed the case without finding substantial evidence of discrimination and complainant appealed the decision to the superior court on May 29, 2013. The Commission moved for a remand of the case to address issues regarding the record on appeal. The court remanded the case to the Commission on September 17, 2013.

In ***Kimberley Bernhardt v. Alaska State Commission for Human Rights,*** complainant alleged that her employer, Interstate Brands Corporation, discriminated against her because of her physical disability when it refused to provide her with a reasonable accommodation and terminated her employment. On December 23, 2011, the Commission staff closed the case because complainant filed a complaint in superior court alleging the same violations of AS 18.80 as were alleged in her Commission complaint. Complainant appealed the decision to superior court. The appeal was stayed pending resolution of Chapter 11 bankruptcy proceedings filed by Interstate Brands Corporation. At the end of 2013, the stay remained in effect.

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 failed to promote him to a supervisory position. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to the superior court, and the court dismissed the appeal on February 17, 2011. Complainant then appealed to the Alaska Supreme Court. On September 20, 2013, the Supreme Court affirmed the dismissal, finding that Mr. Conitz's claims were barred by res judicata. The Commission filed a petition for rehearing on September 30, 2013, seeking a modification of the opinion as it relates to the executive director's ability to independently pursue a case in the public's interest. At the end of 2013 the petition was pending.

PAYING FOR DISPARITY

An Alaska Native executive alleged her employer discriminated against her on the basis of her race by paying her less than similar executives of different races for five years. She had previously complained to her supervisor about the pay inequity but only a partial adjustment was made. She subsequently retired. The parties agreed to mediate the complaint and reached a settlement in which the employer agreed to pay her $122,611 in wages and contribute $17,390 to her retirement plan.

ACCOUNTING FOR RETALIATION

The husband of a woman who settled a sexual harassment complaint with an employer alleged that the employer refused to hire him in retaliation for his wife's discrimination claim. Investigation showed that even though the husband had the requisite experience, after the decision-makers learned of his wife's discrimination claim they rated the husband lower than applicants with less experience and did not select him for the position. Commission staff found substantial evidence of retaliation. The employer agreed to pay the husband $35,000, advise him of future job openings, fairly consider him for future jobs, and provide training to its staff on the laws prohibiting discrimination and retaliation.

In ***Jeffrey Graham v. Alaska State Commission for Human Rights***, complainant alleged that the Municipality of Anchorage discriminated against him on the basis of his race, Korean, and age, forty-eight. Commission staff determined that complainant's allegations were not supported by substantial evidence and closed the case. Complainant filed an appeal in superior court on September 23, 2013. At the end of 2013, briefing on the appeal had not yet been submitted to the court.

In ***Sue Grundberg v. Alaska State Commission for Human Rights,*** complainant alleged that the State of Alaska, Department of Transportation, discriminated against her because of her age, fifty-eight, and race, Asian, when it failed to promote her to an engineer position. Commission staff found that complainant's allegations were not supported by substantial evidence and closed the case. On appeal, the Alaska Supreme Court reversed the Commission's decision and remanded the case to the Commission with a finding of substantial evidence. Efforts to conciliate the case failed on October 17, 2013. Complainant then filed a civil action in superior court against the Department of Transportation alleging the same facts as she alleged in her Commission complaint. As a result of complainant's civil action, the executive director exercised her discretion not to refer the Commission matter for a hearing and closed the case. Complainant appealed the closure, and the superior court affirmed the Commission's decision on August 21, 2013. Complainant then appealed to the Alaska Supreme Court and as of December 31, 2013, the appeal was still pending.

In ***Walter Kurka v. Alaska State Commission for Human Rights***, plaintiff alleged that he was defamed by the Human Rights Commission when the executive director issued an accusation against his company and the accusation was posted on the Commission's web site. Plaintiff owned and operated the respondent business in ***Lyla Propps v. Alaskan Wood Products, LLC,*** where Ms. Propps alleged that she was discriminated against because of her sex when respondent's owner subjected her to unwanted sexual advances and when respondent falsely accused her of theft after her employment was terminated. The superior court dismissed plaintiff's federal constitutional and section 1983 claims, but allowed plaintiff to proceed with state law tort claims in an amended complaint. The Commission's motion to dismiss the remaining state law claims was pending before the court as of December 31, 2013.

ZONE OF REASONABLENESS

A mother filed a complaint on behalf of her seven-year-old autistic son alleging that his school discriminated against him on the basis of his disability by refusing to provide a reasonable accommodation of school bus service. Since his home was within a few blocks of the school, it was within the school's "walk" rather than "bus" zone and the parent was told to find someone to walk him to school. The mediation program facilitated a settlement in which the school agreed to provide bus service for the student.

WRONG SIDE OF THE ROAD

A seasonal truck driver who had worked for her employer for several years alleged discrimination because of sex when the company refused to rehire her for the 2012 season, citing a non-work-related incident involving the driver and a male coworker. Commission staff investigated and found the employer's "rehire list" had a notation next to the driver's name stating that she and a male coworker were involved in an incident. The company rehired the male even though his name bore the same notation. Commission staff found substantial evidence of discrimination and conciliated the case. The employer paid the driver $20,806 in back pay and provided training to its managers and supervisors on the laws prohibiting discrimination in employment.

In ***Jerzy Kuzniecow v. Alaska State Commission for Human Rights,*** complainant alleged that he was terminated by his employer, Blue North Fisheries, because of his age, fifty-nine. Commission staff found that complainant's allegation was not supported by substantial evidence and complainant appealed to superior court. On March 13, 2013, the superior court affirmed the Commission's decision and dismissed the appeal.

In ***Anthony F. Novak v. Alaska State Commission for Human Rights,*** complainant alleged that Federal Express retaliated against him by terminating his employment because he was a witness during a Commission investigation. Commission staff found that complainant's allegations were not supported by substantial evidence and closed the case, and complainant filed an appeal in superior court. The Commission filed a motion for remand to address issues that were not fully investigated before the case was closed. As of December 31, 2013, the motion was pending.

In ***Ramon Rivero v. Alaska State Commission for Human Rights,*** complainant alleged that the State Division of Workers Compensation discriminated against him based on his race and national origin by conspiring with others to falsify his medical records. Commission staff closed the case for lack of substantial evidence, and complainant appealed to the superior court on August 13, 2013. At the end of 2013 briefing on the appeal was not yet complete.

In ***Gilma Rodas v. Alaska State Commission for Human Rights,*** complainant alleged that her employer, Ocean Beauty Seafoods, LLC, discriminated against her because of her physical disability when it refused to provide her with a reasonable accommodation and terminated her employment. Commission staff did not find substantial evidence to support complainant's allegations and closed the case. On November 30, 2012, complainant filed an appeal with the superior court. At the end of 2013, the court had not yet issued a notice for preparation of the record on appeal.

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 with less seniority 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. The court affirmed the Commission decision on October 30, 2013, and complainant appealed to the Alaska Supreme Court. At the end of 2013 briefs on the appeal had not yet been filed.

KNEE JERK REACTION

A customer service employee alleged that her employer discriminated against her by treating her as if she were disabled. She injured her knee away from the workplace and was told she would need to have the knee replaced in the future. She returned to work but was terminated six months later when her employer told her she was a medical liability and might reinjure her knee at work. She asked if she could return to work when she recovered from knee surgery. The employer refused, while acknowledging she was a good worker. In a mediated settlement the employer paid her $1,352 and provided her with positive references.

WHAT'S GOOD FOR THE GOOSE...

A seasonal service technician alleged that her employer treated her differently than her coworker boyfriend because of her sex and retaliated against her when she complained. Both employees had completed job-related training, but only the male employee was reimbursed for the training. She said that she and her boyfriend were unfairly accused of arguing at work. Her supervisor reduced her hours and changed her schedule but did not reduce her boyfriend's hours or change his shift. In mediation the parties reached a settlement wherein the employer agreed to pay her $675, which represented the balance of her wages for the season.

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 less qualified younger female. Commission staff did not find substantial evidence to support complainant's allegations and complainant appealed the decision to superior court. The court issued a decision on August 21, 2013, affirming the Commission's decision.

In ***Clinton Thomas v. Alaska State Commission for Human Rights,*** complainant alleged that a manager for Park Place Homes, LLC, discriminated against him because of his disabilities and treated him differently than other tenants. Investigation did not find substantial evidence to support his claims and the case was closed on July 22, 2013. Complainant appealed to superior court on August 8, 2013. As of December 31, 2013, briefing on the appeal was not yet complete.

In ***William Toliver v. Alaska State Commission for Human Rights,*** complainant alleged that Brown Jug, Inc., discriminated against 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. On appeal, the Alaska Supreme Court remanded the case to the Commission to conduct further investigation. After further investigation on remand, the Commission reaffirmed its earlier decision that complainant's allegations were not supported by substantial evidence, and complainant again appealed the decision to superior court. At the end of 2013, briefing on the new appeal was not yet complete.

MEN ONLY

A female guide alleged that a company that hired wilderness protection guides from her employer refused to send her on their jobs because she was a woman. Commission staff investigated and found evidence that the company told the guiding company that it did not want women because it was more difficult to provide them with lodging. The hiring company agreed to adopt and post a nondiscrimination policy and train all of its managers and supervisors on the laws prohibiting discrimination in employment.

LOOK THE OTHER WAY AND PAY

An administrative employee of a local government alleged that a male coworker physically threatened her, said he was going to make her life at work hell, and subjected her to other harassment including derogatory names. She alleged that her employer failed to take corrective action after she complained and the harassment worsened. Commission staff found substantial evidence of a hostile work environment because of her sex, that coworkers called her names like "bobblehead" and "crazy bitch," that she was retaliated against after she reported the harassment, and her working conditions became so intolerable she was forced to resign. The parties conciliated the case. The employer paid her $120,000 and provided training to all of its employees in the laws prohibiting discrimination in employment.

FISHY BUSINESS

A female fish processor filed a discrimination complaint against her employer after her supervisor sexually propositioned her. She alleged that although she complained to management and her employer agreed that the supervisor behaved inappropriately and later fired him, management switched her to a lower-paying shift. Commission staff found substantial evidence of discrimination and the employer agreed to conciliate the case. The employer paid complainant $7,500 and agreed to train its managers and supervisors on the laws prohibiting discrimination in employment.

2013 Case Processing Statistics

Analysis of Filings By Complainant's Sex

Female	214
Male	176
Director's Charge	1
Total Filings	391

Analysis of Filings By Complainant's Race

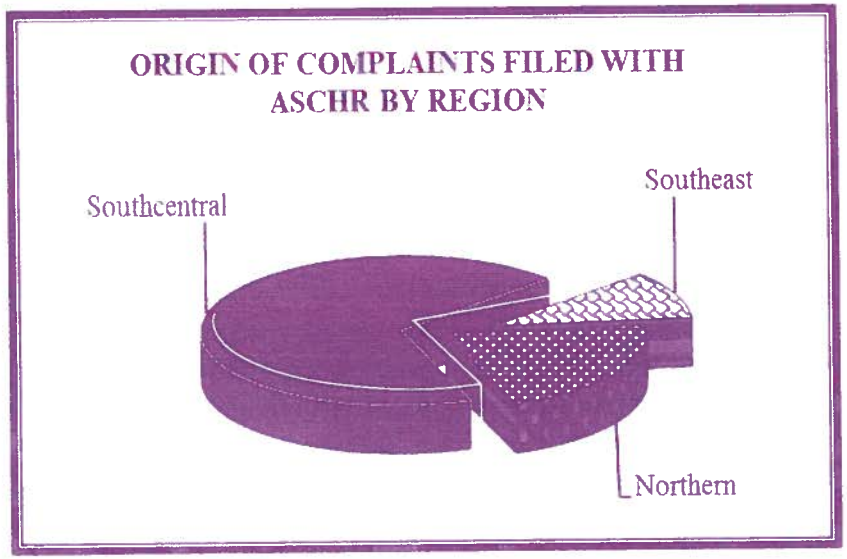
Caucasian	194
Black	53
Alaska Native	50
Asian	30
Hispanic	24
Unknown	17
Other	12
American Indian	10
Director's Charge	1
Total Filings	391

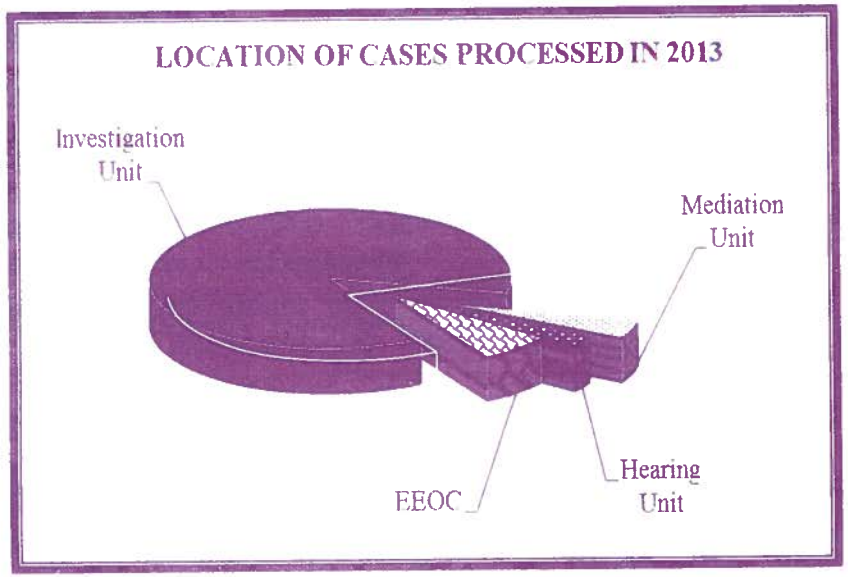
Analysis of Filings By Complainant's Age

20 years and under	18
21 – 40 years	142
41 – 60 years	182
61 years and over	47
Unknown	1
Director's Charge	1
Total Filings	391

Analysis of Filings By Type

Employment	339
Public Accommodation	18
Government Practices	17
Housing	16
Multiple	1
Total Filings	391





Analysis of Filings by Basis

Basis	Single Basis Complaint	Multiple Basis Complaint
Physical Disability	61	45
Race/Color	50	73
Sex	37	55
Age	26	50
Mental Disability	23	17
Retaliation for Filing	10	13
Retaliation	9	59
National Origin	8	28
Religion	8	8
Pregnancy	8	0
Parenthood	0	4
Marital Status	0	1
Multiple Basis*	151	---
Total Filings	391	

Analysis of Filings by Issue

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	58	151
Terms & Conditions	38	157
Failure to Hire	22	14
Failure to Accommodate	16	39
Sexual Harassment	11	30
Denied Service	11	6
Other	5	21
Eviction	5	3
Harassment	4	44
Failure to Promote	2	12
Demotion	1	7
Failure to Dispatch	1	4
Pay Equity	0	18
Multiple Issue*	217	---
Total Filings	391	

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

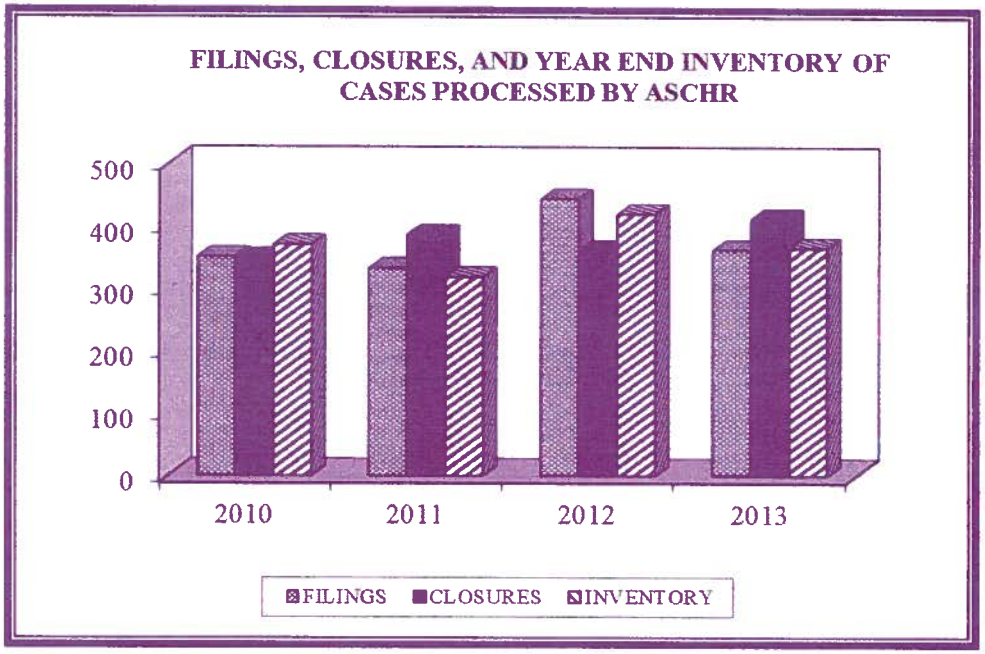
Analysis of 2013 Closures

Reason For Closure	Number of Closures
Mediation:	**18[1]**
Mediation – Successfully Settled	18
Administrative:	**53**
Complaint Withdrawn	21
Complaint Untimely or Lack of Jurisdiction	18
Complainant Not Available	5
Complainant to Court	2
Administrative Dismissal	6
Tribal Sovereign Immunity	1
Not Substantial Evidence	**335**
Conciliation and Settlement:	**24**
Pre-Determination Settlement (PDS)	11
Substantial Evidence / Conciliation Agreement	13
Hearing:	**11**
Decision for Complainant	3
Decision for Respondent	1
Decision – Other	2
Pre-Hearing Settlement	2
Post-Hearing Settlement	1
Administrative Dismissal	2
Total 2013 Closures	**441**

[1]The number of mediation settlements does not include 1 settlement negotiated in 2013 which closed in early 2014.

Determinations Finding Substantial Evidence of Discrimination

Substantial Evidence Findings:	**42**
Successfully Conciliated	11
Conciliation Failed	14
Pending	17



Summary of Closures

Category of Closure	2011	2012	Detail of 2013 Closures	
			ASCHR	EEOC
Mediation	30	27	18	0
Administrative	62	44	52	1
Not Substantial Evidence	307	316	313	22
Conciliation and Settlement	22	24	19	5
Hearing	13	14	11	0
			413[2]	**28**
Total Closures	**434**	**425**	**441**	

[2]The number of closures does not include completed investigations of 31 cases which are still in conciliation or were transferred to the Hearing Unit in 2013.

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.

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