

## **NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS**

Brief description: The proposed changes relate to procedures for investigation, determinations, conciliations, and hearings before Alaska State Commission for Human Rights and propose new regulations to establish categories of service animals and the rules regarding them.

The Alaska State Commission for Human Rights (Commission) proposes to adopt regulation changes in Title 6 of the Alaska Administrative Code including the following:

- (1) 6 AAC 30.210, providing how complaints may be filed, is proposed to be changed to provide for complaints by “persons” rather than “individuals.”
- (2) The proposed changes to 6 AAC 30.220, dealing with complaints filed by the executive director, clarifies that the executive director may file complaints when she learns of a violation of AS 18.80.220 - .260.
- (3) The proposed changes to 6 AAC 30.230, dealing with the complaint filing date, limits the filing deadline to complaints filed by a “person,” consistent with the proposed amendments to 6 AAC 30.210. In addition, it increases the timeline for filing a case to 300 days from the date of harm to be consistent with the EEOC’s statute of limitations.
- (4) 6 AAC 30.320, dealing with investigation methods, is proposed to be changed so that the Commission’s longstanding practice of conducting interviews without the participation of third parties is codified in the regulation.
- (5) 6 AAC 30.330, dealing with determinations, is proposed to be changed by clarifying the procedural steps that Commission staff must take when making a determination of substantial evidence or no substantial evidence, changing the reference to “findings of fact” to simply “findings,” and deleting the reference to a closing order, as the regulatory scheme for closing a case is addressed in the proposed changes to 6 AAC 30.375. In addition, the proposed inclusion of a new subsection (b) provides a regulatory provision for the existing Commission practice of closing a case administratively in certain circumstances.
- (6) 6 AAC 30.340, dealing with conciliation procedures, clarifies that the Commission has the authority to reach a two-party agreement with respondent if complainant does not agree to settle the case.
- (7) 6 AAC 30.375, dealing with finality of staff decisions, is proposed to be changed to give the Executive Director the authority to reopen a case within 30 days of closure in certain circumstances.
- (8) The proposed changes to 6 AAC 30.410, dealing with the beginning of the hearing process, provides that the default location for a hearing will be Anchorage and provides that a party wishing to hold the hearing in another location will need file a motion with the Commission showing good cause.

- (9) 6 AAC 30.905, dealing with access to investigative files, clarifies that the conciliation file is confidential and may not be disclosed.
- (10) 6 AAC 30.915, a proposed new regulatory provision dealing with service animals, would allow for the recognition of animals that alert a person with a disability to the present impairment of a vital function as “service animals,” in addition to dogs and miniature horses. Other provisions of this proposed regulation are adapted from federal regulations and guidance on service animals.
- (11) The proposed changes to 6 AAC 30.990, providing definitions for the regulations of the Alaska State Commission for Human Rights, include clarifying and corrective changes. In addition, the proposed changes include the definition of “control group,” “medical provider” and “impairment of a vital function” relating to the proposed service animal regulation, 6 AAC 30.915.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alaska State Commission for Human Rights at 800 A Street, Suite 204, Anchorage, Alaska 99501, Attn: Marti Buscaglia or via email to [marti.buscaglia@alaska.gov](mailto:marti.buscaglia@alaska.gov). The comments must be received no later than 5:00 p.m. on November 28, 2018.

You may submit written questions relevant to the proposed action to the Alaska State Commission for Human Rights at 800 A Street, Suite 204, Anchorage, Alaska 99501, Attn: Marti Buscaglia or via email to [marti.buscaglia@alaska.gov](mailto:marti.buscaglia@alaska.gov). The questions must be received at least 10 days before the end of the public comment period. ASCHR will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at <https://humanrights.alaska.gov/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Shari Ketchum at 792-7239, no later than November 20, 2018, to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Shari Ketchum at 800 A Street, Suite 204, Anchorage, Alaska 99501, call 792-7239, or go to <https://humanrights.alaska.gov/>.

After the public comment period ends, the Commission will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

**Statutory Authority:** AS 18.80.050; AS 18.80.060; AS 18.80.075; AS 18.80.100; AS 18.80.110; AS 18.80.112; AS 18.80.115; AS 18.80.120; AS 18.80.135; AS 18.80.220; AS 18.80.230; AS 18.80.240; AS 18.80.255; AS 18.80.260; AS 18.80.300.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 18.80.050; AS 18.80.100; AS 18.80.110; AS 18.80.112; AS 18.80.115; AS 18.80.120; AS 18.80.220; AS 18.80.230; AS 18.80.240; AS 18.80.255; AS 18.80.260; AS 18.80.300.

**Fiscal Information:** The proposed regulation change will not require an increased appropriation.

DATE: October 3, 2018

Marti Buscaglia  
Executive Director