

HB 23: Applicability of Human Rights Commission

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Alaska State Commission on Human Rights

- State agency that enforces the Alaska civil rights law in [AS 18.80](#)
- [Seven commissioners](#) appointed by the Governor and confirmed by the Legislature
- Small staff and office in Anchorage
- Statewide powers to accept and investigate [complaints](#) from individuals across all regions of the state

Mission Statement:

To eliminate and prevent discrimination for all Alaskans

In Alaska, it is illegal 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:

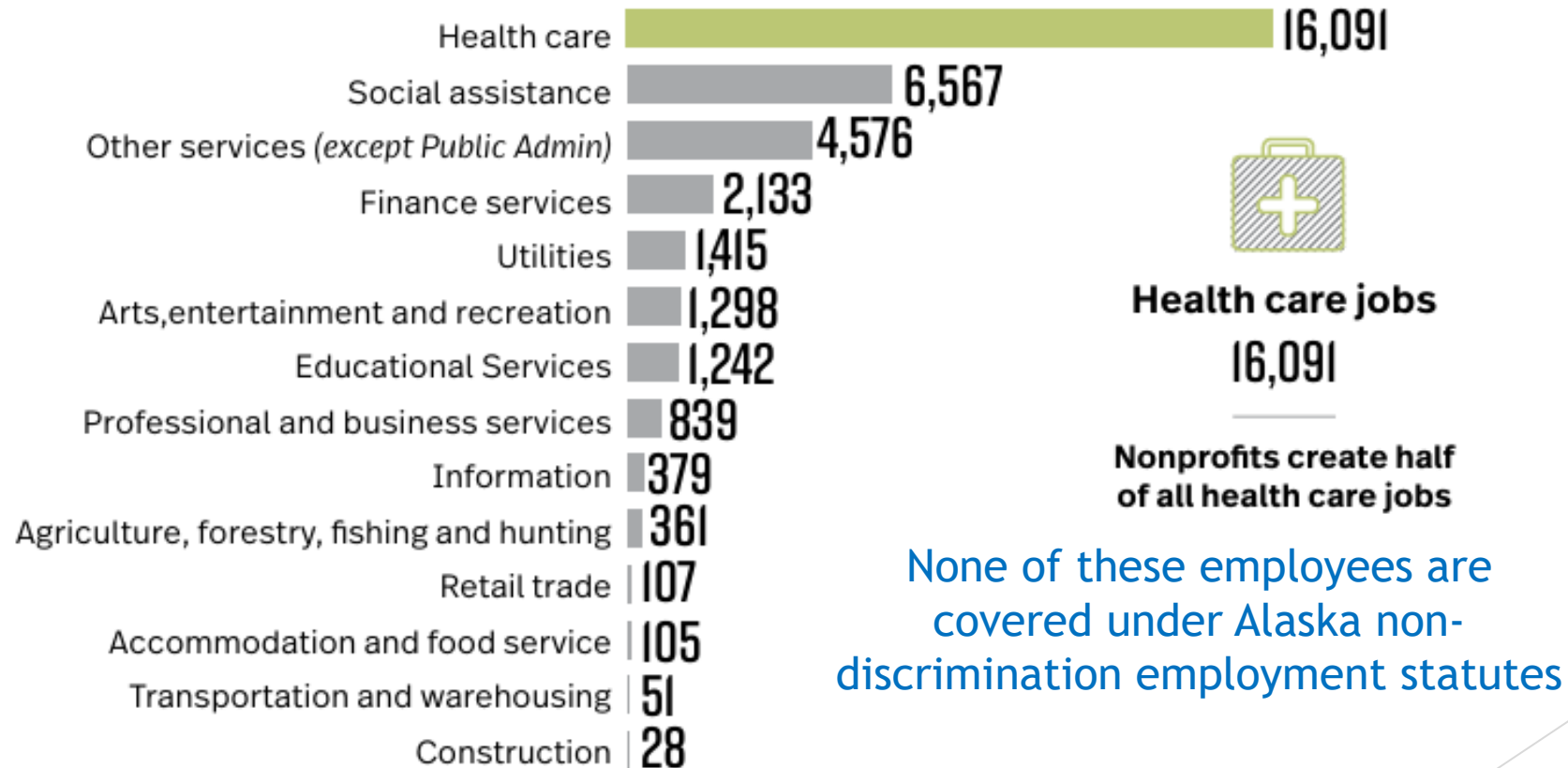
- Race
- Color
- Religion
- Sex
- National Origin
- Disability

Background: Current Jurisdiction

- ▶ U.S. Equal Employment Opportunity Commission (EEOC) protects non-profit employees from discrimination if the employer has at least 15 employees
- ▶ Municipal commissions, like the Anchorage Equal Rights Commission (AERC) and the Juneau Human Rights Commission (JHRC), cover non-profit employees in those communities
- ▶ The State commission has no jurisdiction to accept or pursue discrimination cases brought to them by non-profit employees
 - ▶ (This is due to language in the definition of “employer” in the ASHRC statutes, AS 18.80.300(5))

Nonprofit Workforce and Coverage

- 5,688 non-profits in Alaska
- 35,302 direct jobs, about 12% of state workforce



Source: Foraker Group

ASCHR: Annual Report

For at least the past five years, the Alaska State Commission for Human Rights (ASCHR) has stated that one of their main legislative priorities is to:

“Work with the State Legislature to add non-profits to ASCHR’s jurisdiction in an effort to include protections for 44,000 currently unprotected workers”



Alaska State Commission for Human Rights

2020-2023 Strategic Plan

GOAL 1

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

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

GOAL 2

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

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

GOAL 3

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

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

MISSION

To eliminate and prevent discrimination for all Alaskans

VISION

An Alaska free of discrimination

GUIDING PRINCIPLES

- Integrity in all we do
- An organization built on mutual respect
- Data-driven and accountable
- Promoters of equality for all Alaskans
- Meaningful application of resources
- Continuous improvement
- Respectful representation of the constituents we serve
- Enforcement as a tool, not a goal
- Integrate education into all aspects of our work

PURPOSE STATEMENT

“Discrimination not only threatens the rights and privileges of the inhabitants of the state, but also menaces the institutions of the state and threatens peace, order, health, safety, and general welfare of the state and its inhabitants. Therefore, it is the policy of the state and the purpose of this chapter to eliminate and prevent discrimination. It is also the policy of the state to encourage and enable physically and mentally disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.” AS 18.80

What does the bill do?

- ▶ Exactly what the commission asked for in their resolution
- ▶ Changes definition of “employer” to include non-profit organizations
- ▶ The change in HB23 only applies to the State Commission for Human Rights [AS 18.80.300(5)]
- ▶ Retains the exceptions for religious and fraternal organizations

What Else Does the ASCHR Want?

1. Additional / alternative clarifying language in the definition of “employer”
2. Change name of the commission to the Alaska State Commission for Civil Rights
3. New statute saying that the governor can only remove a commissioner for cause (incompetence, neglect, misconduct, etc.)
4. Change the timing of their annual report to November 15, and allow for it to be provided electronically

All these changes were incorporated into a previous version of this bill by the House Judiciary Committee on 5/8/23, as work draft CSHB181(JUD)\U

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Questions?