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MEMORANDUM

State of Alaska

TO: Rod Mourant
Administrative Assistant
Office of the Governor

DATE: January 28, 1981

FILE NO:

TELEPHONE NO:

FROM: Alaska State Commission for
Human Rights

SUBJECT: Request for FY81 Supple-
mental Appropriation

CONTACT PERSONS:

Diana Snowden, Chairperson	Anchorage	264-7737
Arlene Dilts, Fiscal Commissioner	Juneau	586-1432
Niel Thomas, Executive Director	Anchorage	276-7474

For the first time since 1975 the Commission is requesting a supplemental appropriation to its budget. There are two significant areas to this request as follows:

- \$57.2 2. Rent Increase Adjustment: The Anchorage Commission offices were forced to move on an emergency basis to another location during FY81 due to untenable conditions (i.e. ceiling falling down, roof leaks, uncontrollable heating and ventilation, obnoxious odors). Additional space required for the new (FY81 authorized) positions was negotiated into the new lease.
- \$35.9 2. Reduction of Federal Receipts: The Commission receives federal contracts for reimbursement of case processing costs. The Commission, due to cuts in the FY80 budget, was unable to meet its FY80 federal contract and current contracts have been drastically reduced as a result. The Commission is requesting this additional amount in order to prevent a chain reaction of state underfunding followed by reduction in federal receipts and so on. The supplemental ensures full case production and therefore full realization of federal funds.

Background

The Commission has the responsibility to ensure that the irrelevant factors of race, sex, color, age, religion, national origin, marital status, changes in marital status, pregnancy and parenthood are not factors in employment, housing, public accommodations, credit and government services. The staff is answerable to a seven-member unsalaried Commission which sets overall policy and decides cases brought before them by the

staff at hearings. Legal advice is by the Department of Law. The Commission teaches people their rights under the law and shows people how to avoid complaints by complying with the law.

The Commission screens potential complaints to eliminate those which do not meet filing standards. Complaints accepted are investigated impartially: 85% are dismissed or settled to the satisfaction of the parties. Unresolved Complaints, supported by substantial evidence, are brought before Commissioners by the staff at public due process hearings. Orders issued after hearings may be reviewed in Superior Court.

In the past six years the Commission has processed 3748 cases with 467 of these remaining open on 10/1/80. The total dollar value of benefits received by Complainants during this period is \$4,018,010. The Commission has issued 25 opinions after public hearings. There have been 23 court opinions construing the Human Rights Law. No position of consequence the Commission has taken in court has been rejected by Alaska's Supreme Court or the U.S. Supreme Court.

Complaint Patterns and Projections

Table 1 shows complaint levels at the Commission since 1975. Included are projections based upon the FY82 budget submission. The bulge attributable to Alyeska pipeline impact is evident, as is the gradual reduction in this inventory following a budget increase in FY76. The effect of the FY80 budget reduction appears currently in the form of a more gradual reduction in the case inventory.

Table 1 assumes a continued annual filing rate of 216 cases, based upon the experience of the first nine months of calendar year 1980. (In 1979 the rate was 304; in 1978 it was 406. The projected rate of 216 cases is a conservative figure, reflecting the downward trend in new filings, current strict filing standards and the general population decline.)

Table 2 projects the complete elimination in the field offices of the 10/1/80 backlog of 434 cases. This table reflects: a) anticipated funding under a Backlog Elimination Project requested in the FY82 budget with a supplemental for FY81 b) funding with FY82 project and no FY81 supplemental funding and c) no supplemental or FY82 project funding.

Table 3 shows activity in cases at the hearing stage. (These cases are not included in the field office totals of Table 2: the total 10/1/80 inventory of 467 on Table 1 equals the 434 field office cases shown on Table 2 plus the 33 hearing cases shown on Table 3.)

Table 3 tracks separately the activity of backlog hearing cases (filed before 10/1/80) and "front log" cases (filed after 10/1/80). It assumes, based upon recent patterns, that 15% of cases processed through the field offices reach the hearing stage. The hearing caseload will grow slowly, but will grow indefinitely without the FY82 budget requested. The Equal Employment Opportunity Commission (EEOC), the federal counterpart, averages nine cases for an attorney caseload. The combined effect of the supplemental and the FY82 project budget would make the hearing caseload for the attorney consistent with the federal practices.

The bulge in hearing cases to a peak of 82 on 6/30/82 is caused by the heavy production of the field office backlog team plus normal input from current cases. At that time additional support is transferred to this unit to reduce the caseload.

RENT INCREASE ADJUSTMENT

This supplemental appropriation request provides funds for the Commission's Anchorage offices move due to untenable conditions. The net increase in rent is 47.4. No money was budgeted in the current FY81 budget for the ASHA payment for the Fairbanks regional office 10.1. Without the supplemental the Commission will be forced to pay these costs by transfers from other program budget lines. The total requested supplemental amount for rent and lease increases is: 57.5.

REDUCTION OF FEDERAL RECEIPTS

In the past the Commission, fully staffed, was always able to meet or exceed its federal contracts for processing cases. During FY80 the Commission's budget was cut. The resulting personal services underfunding prevented filling vacant positions. This directly impacted upon the production of the agency in case processing. The agency was unable to meet its federal contract for FY80 and was required to take a downward contract modification of \$26,950 or 23%. This left very little funding for the first quarter of FY81. (See table 4). Additionally, the federal FY81 contracts were reduced drastically, based upon performance under the federal FY80 contract. Instead of the 106.0 originally estimated in federal receipts, in the state FY81 budget, only 70.1 will be realized during state FY81. The Commission is, therefore, requesting an additional \$35.9 to raise production back to the pre-FY80 level and realize the 115.0 projected in the state FY82 budget.

SUMMARY

Funding shortfalls are creating unacceptable delays for Complainants and Respondents. These delays cost Respondents more in backpay and attorney fees. Complainants withdraw legitimate complaints. These closures do not serve justice.

Without a supplemental, the Commission will cut services. The Commission' budget is over 77% personal services, including the Department of Law attorney contract. Short of layoffs there is no budget line to cut by \$93.1. Re-staffing and re-training in July after layoffs would compound the problem by slowing services until the staff is fully productive.

Table 4

	EEOC CONTRACT PERFORMANCE ^(a)				
	<u>FY77</u>	<u>FY78</u>	<u>FY79</u>	<u>FY80</u>	<u>FY81</u>
Federal receipt per contract	50,830	121,230	117,250	(b) 125,000/98,050	66,938
# cases contracted	109	335	335	(b) 335/258	170
# cases completed	337	343	338	228	(c) 32

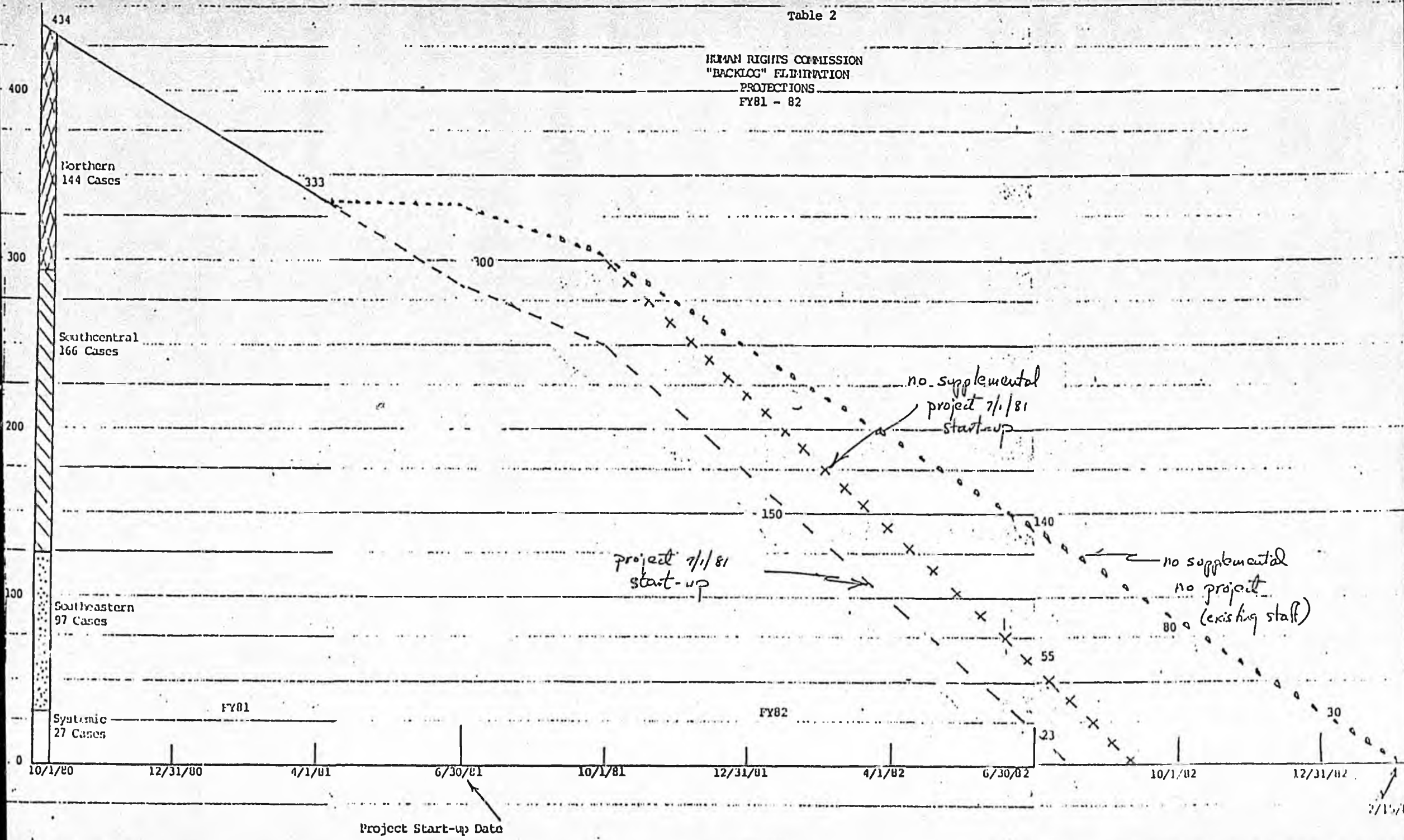
(a) EEOC contracts are by federal fiscal year, October - September.

(b) Left figure is original contract amount/right figure is modified contract amount.

(c) Cases completed through 12/31/80, one quarter contract production.

Table 2

HUMAN RIGHTS COMMISSION
"BACKLOG" ELIMINATION
PROJECTIONS
FY81 - 82



Project Start-up Data

no supplemental project 7/1/81 start-up

project 7/1/81 start-up

no supplemental no project (existing staff)

FY81

FY82

Table 3

HUMAN RIGHTS COMMISSION
HEARING CASELOAD
PROJECTIONS
Oct., 1990 - June 1984.

