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Introduced: 2/1/84  
Referred: State Affairs

1 IN THE HOUSE

BY WARD, LINDAUER AND MALONE

2

HOUSE BILL NO. 556

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to complaints alleging retaliation  
7 before the State Commission for Human Rights; and  
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 18.80.110 is amended by adding a new subsection to  
11 read:

12 (b) The commission shall grant priority status to cases that  
13 allege that retaliation has occurred for having filed a complaint  
14 alleging a violation of AS 18.80.220 and shall complete its inves-  
15 tigation of that complaint within 90 days from the date that the com-  
16 plaint was filed with the commission. The commission shall file a  
17 petition for appropriate temporary relief against a respondent in  
18 cases where it is necessary to protect the employment rights of the  
19 complainant.

20 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

DATE: May 3, 1984

RE: HB 556 complaints before the Human Rights Commission

HB 556 requires the commission to grant priority status certain cases, and to complete the investigation on these cases within 90 days after the complaint was filed. The cases to receive priority status are those where an employee may have been retaliated against for filing a complaint with the Human Rights Commission alleging that the employer discriminated against them illegally.

Fiscal Information

The bill has a zero fiscal note.

*- now in chrono order  
- why need law?*

*AK BAR ASSN - JUD*

*1983-9 complaints*

BILL SHEFFIELD, GOVERNOR

## HUMAN RIGHTS COMMISSION

May 14, 1984

The Honorable Vic Fischer, Chair  
Senate Committee on State Affairs  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

- AGENCY HEADQUARTERS  
431 W. 7th AVENUE, SUITE 105  
ANCHORAGE, ALASKA 99501  
(907) 276-7474
- NORTHERN REGION  
675 SEVENTH AVENUE, STA H  
FAIRBANKS, ALASKA 99701  
(907) 452-1561
- SOUTHCENTRAL REGION  
431 W. 7th AVENUE, SUITE 101  
ANCHORAGE, ALASKA 99501  
(907) 274-4692
- SOUTHEASTERN REGION  
POUCH AH  
314 GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811  
(907) 465-3560

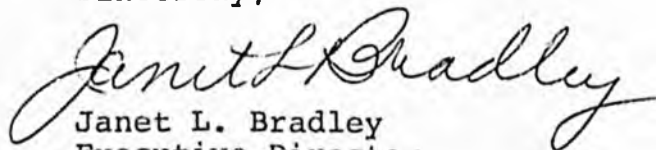
Dear Senator Fischer:

The Human Rights Commission has taken notice of the Legislature's interest in the establishment of specific time frames for investigation of retaliation complaints as proposed in HB 556 sponsored by Representatives Ward, Lindauer, and Malone.

We intend to incorporate these time frames into our case processing standards which provide for specific actions on each case in process in our regional investigative units. The significant dates of these actions, which include date of assignment, date of completed analysis and closure date, are being captured on our new internal docket system permitting easy management review of case activities. Completed investigations of retaliation cases as defined in HB 556 will be set as an additional case processing standard. A copy of our revised case processing standards will be forwarded to you for your committee files.

We appreciate your committee's interest in the work of our agency and in our efforts to improve our service to the people of Alaska.

Sincerely,



Janet L. Bradley  
Executive Director

JLB/jab

CC: James H. Chase, Chairperson  
Arlene G. Dilts-Standiford, Commissioner  
John C. Gonzales, Commissioner  
Bienvenido E. Holganza, Personnel Commissioner  
Virgie King, Vice-Chairperson  
Jacqueline Lindauer, Fiscal Commissioner  
Morgan P. Solomon, Commissioner

*Ltr from Janet Bradley, Exec. Director / 5/14/84*

May 15, 1984

Senator Vic Fischer  
Pouch V  
Juneau, Ak. 99811

Dear Mr. Fischer:

I am again disappointed that HB556 relating to the Human Rights Commission has not been passed out of the Senate State Affairs.

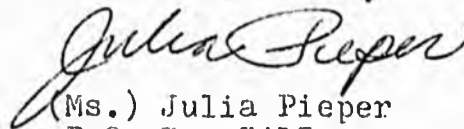
I understand the Ms. Janet Bradley, Executive Director of the Human Rights Commission has agreed to put the substance of HB556 into the regulations of the Commission.

But I refer you to the attached letters that I have from Janet Bradley which may relay to you why I feel so strongly that some things should not be left to the interpretation or implementation of "personalities" I refer specifically to the sentence of March 9th: "For the record, retaliation complaints have always been viewed as priority cases; this does not necessarily mean, however, we can guarantee a resolution of the case" The letter of July 5th states that she cannot support the adoption of such a policy.

I realize that the letters were written under varying circumstances and that is the whole point, there should be no varying circumstances to delay processing of a retaliation complaint when a complaintant has been fired!

I ask you to again consider HB556!

Sincerely,



(Ms.) Julia Pieper  
P.O. Box 3415  
Anchorage, Ak. 99501

P.S. The management audit report of the Alaska State Commission for Human Rights also supports this view!

xc: Jerry Ward, Alaska State House of Representatives

*Lt. Gov Julia Pieper 15-15-84*

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

431 WEST 7TH AVENUE  
SUITE 105  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-7474

July 5, 1983

Ms. Julia Pieper  
P.O. Box 3415  
Anchorage, AK 99501

Dear Ms. Pieper:

At the request of Commissioner James Chase, Acting Chairperson, I have reviewed and considered your letter of June 13, 1983 calling attention to AS 18.60.089, the Department of Labor statute providing for a mandatory 90 day determination of complaints of retaliation.

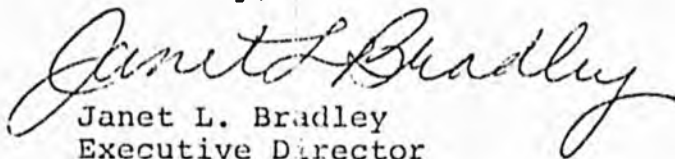
Given the Commission's present level of funding and the growing number of new complaints being filed in our offices, I cannot support the adoption of such a policy. Our present practice of attempting early resolution of cases on all newly filed charges and completing extended investigations on a first come, first serve basis spreads our limited resources to benefit the greatest number of persons.

I do share, however, your concern for the prompt resolution of discrimination complaints and want to assure you that staff and Commissioners are continuing efforts toward that goal. Unfortunately, like other state government services, our agency faces a decrease in funding in FY 84 which may result in a greater delay in case processing.

I would like to point out that once having filed a complaint with the Commission, you have protected your rights to the administrative processing of your case. Under Alaska statute, you may also file directly in court within two years of the date of the alleged discrimination.

Thank you for taking time to explore alternatives to our present system of case processing.

Sincerely,

  
Janet L. Bradley  
Executive Director

JLB:rs  
cc: Commissioners

*Copy ltr to Julia Pieper from Janet Bradley 7/5/83*

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

431 WEST 7TH AVENUE  
SUITE 105  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-7474

March 9, 1983

Julia Pieper  
P.O. Box 3415  
Anchorage, AK 99501

Dear Ms. Pieper:

Governor Sheffield has referred your letter of February 15 to him for my reply.

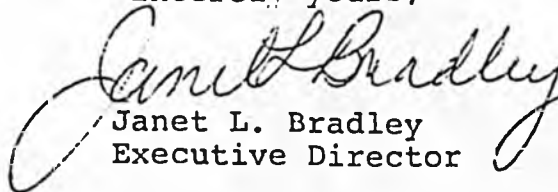
I have reviewed the processing of your cases and find that you originally filed a complaint with our agency in April of 1982 and filed a second charge of retaliation against the same respondent in August 1982. I also found that an attempted resolution of both complaints took place at a conference scheduled in September of 1982. Recent vacancies on the Southcentral Region staff have called my attention to the growing number of cases which, like yours, will be unassigned until new persons can be hired. It is unclear at this time if funding will permit us to fill the existing investigator position.

I do regret the problems experienced by both complainants and respondents when the Human Rights Commission staff is delayed in processing complaints. As Executive Director I have undertaken a review with my headquarters staff of all cases which are over 180 days in process and will be formulating a plan of action to deal with these cases including prioritizing retaliation complaints. For the record, retaliation complaints have always been viewed as priority cases; this does not necessarily mean, however, that we can guarantee a resolution of the case, only immediate attention within limitations imposed by staffing.

*Ltr to Julia Pieper from Janet Bradley 3/9/83*

Should you wish to discuss the specifics of your case, the Southcentral Director can assist you. Please be assured that we are committed to improving our service to persons like you who turn to the Commission in times of crisis.

Sincerely yours,

  
Janet L. Bradley  
Executive Director

JLB:lv

cc: The Honorable Bill Sheffield,  
Governor of Alaska

Allen Blume, Special Assistant to  
the Governor

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

<p><u>REQUEST</u>                  Bill/Resolution No.: <u>HB 556</u>                  Title: <u>Relating to complaints</u>                  alleging retaliation before HRC                  Sponsor: <u>Ward, Lindauer, Malone</u>                  Requestor: _____                  Date of Request: <u>2/21/84</u></p>	<p><u>FISCAL DETAIL</u>                  Agency Affected: <u>Office of the Governor</u>                  Program Category Affected: _____  <u>Due Process</u>                  BRU, Program or Subprogram(s) Affected:  <u>Human Rights Commission</u></p>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
900 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-		
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None - no fiscal impact.

ANALYSIS: Attach a separate page for analysis

Prepared By: Janet Bradley, Exec. Dir. Phone: 276-7474  
 Division: Human Rights Commission Date: 2/21/84  
 Approved by Commissioner: Laura J. Herman Date: 2/21/84  
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

12/1/83

2/21/84 Fiscal Note - Office of the Governor

Narrative:

In 1983, the Human Rights Commission accepted nine (9) complaints of discrimination on the basis of retaliation. This small number of complaints can be given legal review and priority processing by excepting them from the regular complaint processing system.

No fiscal impact is anticipated.

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

431 WEST 7TH AVENUE  
SUITE 105  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-7474

August 24, 1983

Representative Jerry Ward  
P.O. Box 2716  
Anchorage, AK 99510

42556

Dear Representative Ward:

This is in reply to your request for information from our agency on March 10, 1983. Mark Ertischek, the Hearing Advocate and Acting Executive Director at the time of your request, assigned this response to a staff member who left the Commission in April. Quite frankly, Mr. Ward, it appears that your information request was lost in the transition between staff members. Please accept my apology for this oversight. I will attempt to answer your questions at this time as best I can.

1. You asked about the average time delay between the time a complaint is filed and the time an investigator is assigned. In general, at the time a complaint is filed, it is reviewed by the Regional Director of the investigative unit and where appropriate a resolution conference is scheduled and an investigator assigned to the case. Therefore, there should be approximately two weeks between the complaint filing and the scheduling of the conference on most cases. Due to limited staffing, there is however a delay of one to two months between the filing of the complaint and the date of the resolution.
2. You asked about the average length of time before an investigation is completed. I cannot give you an average time on all open cases before the Commission at this time; however, the Equal Employment Opportunity Commission (EEOC) keeps records on the Alaska Commission's average processing time of EEOC case resolutions in federal FY 83. The average processing time recorded by EEOC in June, 1983 was 295 days.
3. In general cases are assigned on a first come, first serve basis. This means that an early resolution of cases is attempted soon after filing (unless the case is inappropriate for a resolution conference). Your question whether priority is given to cases where complainant shows "irreparable harm" as in the instance of a case of firing in retaliation for filing a complaint. In some respects, irreparable harm exists whenever a person is discriminated

ltr 8/24/83 from Human Rights Commission

against. Under our statutes, the Alaska Commission cannot award compensation for suffering the humiliation of discrimination. However, the Commission is able to award "make whole" relief which in a discharge case would include backpay from the date of discrimination to the time when the agreement is signed or even in some instances frontpay until the complainant is awarded a job of equal value either by the discrimination or other employers. In all cases in which jobs are lost or denied, the complainant has an obligation to mitigate damages by seeking other jobs for which they are qualified.

To respond to your question directly, we do not give priority to cases of irreparable harm such as you have described.

4. These year end statistics are compiled from our annual report for the years 1975-1982 inclusive:

Calendar Year	Complaints Filed	Complaints Closed	Complaints Unassigned for Investigation
1975	646	434	322
1976	777	589	488
1977	603	638	422
1978	406	534	241
1979	305	417	104
1980	278	377	122
1981	233	261	97
1982	292	319	128

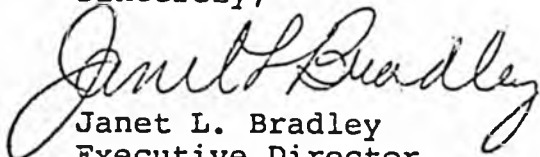
I am also including for your information the latest case processing statistics from our quarterly meeting in Kodiak on July 28 and 29th. I feel certain that if you look carefully at the report you will note the growing number of cases over 180 days in process. I previously communicated to you our concern about the age of our cases and expressed to you in that letter our goal of completing most cases within 180 days. It seems likely that under the present staffing pattern we will be unable to reach that goal.

The Human Rights Commission has experienced underfunding in personal services over the last five years and in fact, in FY 83, was forced to leave one position vacant during the entire fiscal year. In FY 84, our staff has been reduced to 25 employees. The forecast for FY 85 is even more gloomy since our programs is personal services intensive and a decrease in funding is being predicted. Our FY 85 Budget Submission will include proposals to eliminate 1 - 3½ positions at the 95% - 85% service levels. When faced with decreased funding, we have no alternative but to cut positions.

8/24/83

I hope that this reply is responsive to your inquiry. I would be pleased to schedule a time to discuss your concerns in person at your convenience.

Sincerely,



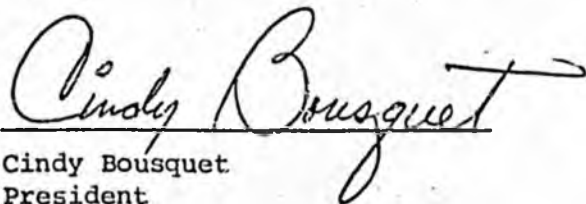
Janet L. Bradley  
Executive Director

JLB:lv  
Enclosure

WHEREAS, the National Organization for Women is dedicated to supporting laws mandating equality in the workplace; and

WHEREAS, a bill is to introduced into the THIRTEENTH LEGISLATURE of the State of Alaska to amend Section of Alaska Statute 18.80 by adding a new paragraph to prohibit retribution by an employer against an employee who files a complaint or testifies in behalf of a complainant who has filed a complaint with the Human Rights Commission;

NOW THEREFORE, be it resolved that Alaska NOW, acting at its annual statewide convention, endorse and support the above bill's intent to assist in its passage by the Legislature



Cindy Bousquet  
President  
National Organization for Women  
State of Alaska

*Resolution / National Organization for Women*



Elizabeth I. Johnson  
Counsellor and Attorney at Law

540 "L" Street Suite 304  
Anchorage, Alaska 99501  
(907) 277-3025

February 29, 1984

Representative Abood  
Capital Room 102  
Pouch V  
Juneau, Alaska 99811

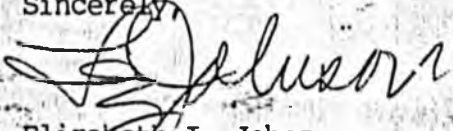
Re: House Bill 555

Dear Rep. Abood:

Enclosed please find a resolution from the Employment Law Section of the Alaska Bar Association concerning the substance and proposed amendments to HB 556. We would ask that these comments be inserted in the public record as written testimony on this bill.

Please contact me if you have further questions.

Sincerely,

  
Elizabeth I. Johnson  
Member  
Employment Law Section  
Alaska Bar Association

2/29/84 Ltr. from AK Bar Assoc. Resolution and Comments

ALASKA BAR ASSOCIATION

EMPLOYMENT LAW SECTION

RESOLUTION & COMMENTS ON H.B. 556

Resolved: That the Employment Law Section of the Alaska Bar Association supports the intention of HB 556 but recommends that the first sentence of the bill be amended in the following manner:

1. That the word "cases" in line 12 be changed to "complaints".
2. That the word "prior" be inserted before the word "complaint" in line 13.
3. That the word "retaliation" be inserted before both words "complaint" in line 15.

Some members of the employment law section had a serious concern that the second sentence of the proposed amendment -- stating that the commission shall file a petition for appropriate temporary relief -- is inconsistent with the powers of the commission as presently granted by statute. Some members also felt that the phrase "in cases where it is necessary" might pose a problem for the Commission by implying that there be some sort of preliminary finding of "necessity" prior to taking court action.

Therefore, the employment law section recommends that if the second sentence is left in the bill it be amended to read as follows:

4. That the word "shall" in line 16 be changed to "may".
5. That the word "retaliation" be inserted before the word "complaint" in line 19.

MAKING IT / KEEPING IT

LEGAL BRIEF



Retaliation Complaints to Human Rights Commission

It's against Alaska state law to fire an employee for making a complaint of discrimination to the State Human Rights Commission. But, according to Rep. Jerry Ward of Mountain View, it might take a year or more before that Commission could do anything about such a firing. HB558, introduced by Ward, would require that the Commission give priority to retaliation complaints (investigation of such cases to be completed within 90 days) and would also require that the Commission petition the court for a temporary restraining order where necessary to protect the employment rights of the complainant.

"The problem is that retaliation complaints are treated the same as any other complaint to the Commission and have to take their turn," Ward explained. "Attorneys representing employers use delaying tactics to freeze out a complaining employee who can't afford to be very long without a job. I just don't think that it's fair that an employee could be intimidated into dropping a complaint because an employer knows they can get away with firing them if they complain of discrimination. I know of one retaliation complaint that has been dragging along for almost two years now. By the time the Commission has made a determination, the employee could be forced to move away to find employment, or drop the complaint because of the stress and financial burden."

With the Human Rights Commission handling retaliation complaints in 90 days it is most unlikely that employers will fire employees who file complaints. But even more importantly, if they do, the employee will know within a reasonable period of time if he/she will indeed return to work and maintain benefits such as medical insurance and vacation seniority or if he/she must start a career in new directions.

This bill is now in the House Rules Committee for consideration. Your support with a Public Opinion Message is greatly needed. Please call the Legislative Information Office at 278-3668 and have them send a telegram of support to all representatives and senators in the Alaska State Legislature.

HOUSE BILL NO. 558 IN THE LEGISLATURE OF THE STATE OF ALASKA THIRTEENTH LEGISLATURE, SECOND SESSION

For an Act entitled "An Act relating to complaints alleging retaliation before the State Commission for Human Rights; and providing for an effective date." BE ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\*Section 1. AS 18.80.110 is amended by adding a new subsection to read: (b) The commission shall grant priority status to cases that allege that retaliation has occurred for having filed a complaint alleging a violation of AS 18.80.220 and shall complete its investigation of that complaint within 90 days from the date that the complaint was filed with the commission. The commission shall file a petition for appropriate temporary relief against a respondent in cases where it is necessary to protect the employment rights of the complainant. \*Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

ALASKA STATE LEGISLATURE THIRTEENTH LEGISLATURE - FIRST SESSION 1983 HOUSE OF REPRESENTATIVES

- Aboud, Mitchell E.
Adams, Albert F.
Bamas, Ramona L.
Battisworth, Robert H.
Bussell, Charlie
Cato, Betty M.
Clockain, Donald E.
Cowdery, John
Davis, Mike
Duncan, Jim
Flood, Joe
Fritz, Mike H.
Fuller, John G. "Jack"
Furuse, Walt
Go, Peter
Grossenfort, Ben F.
Hayes, Joe L. SPEAKER
Herrmann, Adolph
Hurlbert, Vernon L.
Koponen, Niilo
Lacher, Barbara
Larson, Ronald L.
Lindsew, John
Liika, John J.
Malone, Hugh
Martin, Terry
McBride, Jack
Miller, Mike M.
Miller, Mike W.
Peelinger, Sam
Phillips, Randy E.
Ringstad, John
Shurtz, Richard
Szymanski, Mike
Tischer, Mia
Ushling, Rick
Vaska, Anthony N.
Walt, Jerry
Wentz, Ron
Zharoff, Fred F.

- Bennett, Don
Elrason, Richard L.
Fahrenkamp, Bettya
Falks, Jan
Ferguson, Frank R.
Fischer, Paul
Fischer, Vic
Gilmer, Donald E.
Hallford, Rick
Josephson, Joe
Kelly, Tim
Korttila, Jalmar
Moss, Pappy
Mullechy, Bob
Pettijohn, Fritz
Ray, Bill
Rodey, Patrick
Seckell, John C.
Sturgulewski, Arliss
Ziegler, Robert H., Sr.

- 4504 Spensard Rd, Anchorage AK 99503
P.O. Box 333, Kotzebue 99714
P.O. Box 3382, Dowdland Sta, Anchorage 99510
121 Kallum, Fairbanks 99701
P.O. Box 4-1325, Anchorage 99506
P.O. Box 774, Valdez 99686
1537 "H" Street, Anchorage 99501
P.O. Box 10-1822, Anchorage 99511
P.O. Box 81426, College 99708
P.O. Box 690, Juneau 99802
3423 W. 79th, Anchorage 99502
P.O. Box 158, Anchor Point 99688
P.O. Box 888, Nome 99762
P.O. Box 1442, Anchorage 99511
P.O. Box 981, Halasa 99527
P.O. Box 228, Siltka 99639
P.O. Box 191827, Anchorage 99510
P.O. Box 83, Naknek 99633
General Delivery, Sleetmute 99666
P.O. Box 252, Fairbanks 99707
P.O. Box 478, Palmer 99645
Box 83, Palmer 99645
2833 Generals Place, Anchorage 99508
S.R. Box 421, Eagle River 99577
P.O. Box 6, Kenai 99611
2980 Reka Dr., B-6, Anchorage 99504
P.O. Box 7543, Ketchikan 99901
P.O. Box 1494, Juneau 99802
P.O. Box 55094, North Pole 99708
630 "I" Street, Anchorage 99501
P.O. Box 142, Eagle River 99577
P.O. Box 1846, Fairbanks 99707
RR 790, Mile 81, Tok 99700
P.O. Box 130418, Anchorage 99502
2305 Oregon Drive, Anchorage 99503
1834 Juneau Drive, Anchorage 99501
P.O. Box 1485, Bethel 99559
Box 2718, Anchorage 99518
2855 Evergreen Ave., Ketchikan 99901
P.O. Box 405, Kodiak 99618

- SENATE
P.O. Box 2801, Fairbanks 99707
P.O. Box 143, Siltka 99635
4018 Evergreen, Fairbanks 99701
SRA Box 627, Anchorage 99507
Box 131, Kotzebue 99712
Box 784, Soldotina 99689
1024 W. 8th, Anchorage 99501
P.O. Box 830, Kenai 99611
Box 190, Chugiak 99587
1526 "F" Street, Anchorage 99501
283 Muldoon Rd., Station Box 78, Anchorage 99504
Box 2, Palmer 99645
P.O. Box 182, Delta Junction 99727
P.O. Box 246, Kodiak 99618
SRA 2345-M Anchorage 99507
Pouch V, Juneau 99811
2325 Lord Baranof, Anchorage 99603
Box 11, Ruby 99784
2257 Sheldon Jackson Street, Anchorage 99504
307 Camden Street, Ketchikan 99901



When in session, members of the Legislature receive mail at Pouch V, Juneau, AK 99811 (Mail Stop 3100). When not in session, mail may be sent to their home addresses.

Article - 3/84 New Horizons

MAKING IT / KEEPING IT  
**LEGAL BRIEF**



● Retaliation Complaints to  
 Human Rights Commission

It's against Alaska state law to fire an employee for making a complaint of discrimination to the State Human Rights Commission. But, according to Rep. Jerry Ward of Mountain View, it might take a year or more before that Commission could do anything about such a firing. HB556, introduced by Ward, would require that the

away with firing them if they complain of discrimination. I know of one retaliation complaint that has been dragging along for almost two years now. By the time the Commission has made a determination, the employee could be forced to move away to find employment, or drop the complaint because of the stress and financial

HOUSE BILL NO. 556  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 THIRTEENTH LEGISLATURE - SECOND SESSION  
 A BILL

For an Act entitled: "An Act relating to complaints alleging retaliation before the State Commission for Human Rights; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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\*Sec. 2. This Act takes effect immediately in accordance with AS 01.10.07 (c).

ALASKA STATE LEGISLATURE  
 THIRTEENTH LEGISLATURE - FIRST SESSION  
 1983  
 HOUSE OF REPRESENTATIVES

Abood, Mitchell E., Jr.	(R)	4504 Spenard Rd, Anchorage AK 99503	465-4947
Adams, Albert P.	(D)	P.O. Box 333, Kotzebue 99752	465-3708
Barnes, Ramona L.	(R)	P.O. Box 3302, Downtown Sta., Anchorage 99510	461-3718
Bettsworth, Robert H.	(R)	924 Kellum, Fairbanks 99701	467-4967
Bussell, Charlie	(R)	P.O. Box 4-1325, Anchorage 99509	465-4990
Cato, Belle M.	(D)	P.O. Box 775, Valdez 99688	465-4858
Clocksln, Donald E.	(D)	1527 'H' Street, Anchorage 99501	465-3704
Cowdery, John	(R)	P.O. Box 10-1823, Anchorage 99511	465-4905
Davis, Mike	(D)	P.O. Box 81435, College 99708	465-4930
Duncan, Jim	(D)	P.O. Box 890, Juneau 99802	465-4766
Flood, Joe	(R)	3423 W. 79th, Anchorage 99502	467-4937
Fritz, Milo H.	(R)	P.O. Box 158, Anchor Point 99558	475-4833
Fuller, John G. "Jack"	(D)	P.O. Box 489, Nome 99762	465-3789
Furnace, Walt	(R)	P.O. Box 1542, Anchorage 99510	465-3692
Goll, Peter	(D)	P.O. Box 681, Haines 99827	465-4925
Grusendorf, Ben F.	(D)	P.O. Box 928, Sitka 99835	465-3824
Hayes, Joe L. SPEAKER	(R)	P.O. Box 101821, Anchorage 99510	465-3721
Herrmann, Adelheid	(D)	P.O. Box 63, Naknek 99633	465-4942
Hurlbert, Vernon L.	(D)	General Delivery, Sleetmute 99668	465-3709
Koponen, Nillo	(D)	P.O. Box 252, Fairbanks 99707	465-4992
Lacher, Barbara	(R)	P.O. Box 478, Palmer 99645	465-4894
Laraon, Ronald L.	(D)	Box 53, Palmer 99645	465-3727
Lindauer, John	(R)	3933 Geneva Place, Anchorage 99508	465-3709
Liska, John J.	(R)	S.R. Box 421, Eagle River 99577	465-3732
Malone, Hugh	(D)	P.O. Box 9, Kenai 99611	465-4843
Martin, Terry	(R)	3980 Reka Dr., B-8, Anchorage 99504	465-3783
McBride, Jack	(D)	P.O. Box 7583, Ketchikan 99901	465-4919

# Human Rights Commission

It's against Alaska state law to fire an employee for making a complaint of discrimination to the State Human Rights Commission. But, according to Rep. Jerry Ward of Mountain View, it might take a year or more before that Commission could do anything about such a firing. HB556, introduced by Ward, would require that the Commission give priority to retaliation complaints (investigation of such cases to be completed within 60 days) and would also require that the Commission petition the court for a temporary restraining order where necessary to protect the employment rights of the complainant.

"The problem is that retaliation complaints are treated the same as any other complaint to the Commission and have to take their turn," Ward explained. "Attorneys representing employers use delaying tactics to freeze out a complaining employee who can't afford to be very long without a job. I just don't think that it's fair that an employee could be intimidated into dropping a complaint because an employer knows they can get

away with firing them if they complain of discrimination. I know of one retaliation complaint that has been dragging along for almost two years now. By the time the Commission has made a determination, the employee could be forced to move away to find employment, or drop the complaint because of the stress and financial burden."

With the Human Rights Commission handling retaliation complaints in 90 days it is most unlikely that employers will fire employees who file complaints. But even more importantly, if they do, the employee will know within a reasonable period of time if he/she will indeed return to work and maintain benefits such as medical insurance and vacation seniority or if he/she must start a career in new directions.

This bill is now in the House Rules Committee for consideration. Your support with a Public Opinion Message is greatly needed. Please call the Legislative Information Office at 276-3668 and have them send a telegram of support to all representatives and senators in the Alaska State Legislature.



Barnes, Ramona L. (R)  
 Bettisworth, Robert H. (R)  
 Bussell, Charlie (R)  
 Cato, Bettie M. (D)  
 Clocksin, Donald E. (D)  
 Cowdery, John (R)  
 Davis, Mike (D)  
 Duncan, Jim (D)  
 Flood, Joe (R)  
 Fritz, Milo H. (R)  
 Fuller, John G. "Jack" (D)  
 Furnace, Walt (R)  
 Goll, Peter (D)  
 Grussendorf, Ben F. (D)  
 Hayes, Joe L. SPEAKER (R)  
 Hennmann, Adelheid (D)  
 Hurlbert, Vernon L. (D)  
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 Larson, Ronald L. (D)  
 Lindauer, John (R)  
 Liska, John J. (R)  
 Malone, Hugh (D)  
 Martin, Terry (R)  
 McBride, Jack (D)

Miller, Mike M. (D)  
 Miller, Mike W. (R)  
 Pestinger, Sam (R)  
 Phillips, Randy E. (R)  
 Ringstar, John (R)  
 Shultz, Richard (R)  
 Szymanski, Mike (D)  
 Tischer, Mae (R)  
 Uehling, Rick (R)  
 Vasya, Anthony N. (D)  
 Weis, Jerry (R)  
 Wendig, Ron (D)  
 Zaroff, Fred F. (D)

Bennett, Don (R)  
 Ellason, Richard I. (R)  
 Fahrenkamp, Bettye (D)  
 Falke, Jan (R)  
 Ferguson, Frank R. (D)  
 Fischer, Paul (R)  
 Fischer, Vic (D)  
 Gilman, Donald E. (R)  
 Halford, Rick (R)  
 Josephson, Joe (D)  
 Kelly, Tim (R)  
 Kerttula, Jalmar (D)  
 Moss, Pappy (D)  
 Mulcahy, Bob (R)  
 Pettyjohn, Fritz (R)  
 Ray, Bill (D)  
 Roddy, Patrick (D)  
 Sackell, John C. (R)  
 Sturgulewski, Arles (R)  
 Ziegler, Robert H., Sr. (D)

P.O. Box 3382, Downtown Sta., Anchorage 99510 (R)  
 924 Kellum, Fairbanks 99701 (R)  
 P.O. Box 4-1325, Anchorage 99509 (R)  
 P.O. Box 775, Valdez 99686 (D)  
 1527 'H' Street, Anchorage 99501 (D)  
 P.O. Box 10-1623, Anchorage 99511 (R)  
 P.O. Box 81435, College 99708 (D)  
 P.O. Box 690, Juneau 99802 (D)  
 3423 W. 79th, Anchorage 99502 (R)  
 P.O. Box 758, Anchor Point 99556 (R)  
 P.O. Box 689, Nome 99762 (D)  
 P.O. Box 1542, Anchorage 99510 (R)  
 P.O. Box 581, Haines 99827 (D)  
 P.O. Box 928, Sitka 99835 (D)  
 P.O. Box 101821, Anchorage 99510 (R)  
 P.O. Box 63, Haines 99833 (D)  
 General Delivery, Sleetmute 99368 (D)  
 P.O. Box 252, Fairbanks 99707 (D)  
 P.O. Box 478, Palmer 99645 (R)  
 Box 53, Palmer 99645 (D)  
 3933 Geneva Place, Anchorage 99508 (R)  
 S.R. Box 421, Eagle River 99577 (R)  
 P.O. Box 9, Kenai 99611 (D)  
 3960 Reka Dr., B-6, Anchorage 99504 (R)  
 P.O. Box 7563, Ketchikan 99901 (D)

P.O. Box 1494, Juneau 99802 (D)  
 P.O. Box 55094, North Pole 99705 (R)  
 630 "I" Street, Anchorage 99501 (R)  
 P.O. Box 142, Eagle River 99577 (R)  
 P.O. Box 1848, Fairbanks 99707 (R)  
 SR 790, Mile 91, Tok 99781 (R)  
 SRA Box 13048, Anchorage 99502 (D)  
 3305 Oregon Drive, Anchorage 99503 (R)  
 1634 Juneau Drive, Anchorage 99501 (R)  
 P.O. Box 1495, Bethel 99559 (D)  
 Box 2716, Anchorage 99510 (R)  
 3855 Evergreen Ave., Ketchikan 99901 (D)  
 P.O. Box 405, Kodiak 99815 (D)

## SENATE

P.O. Box 2801, Fairbanks 99707 (R)  
 P.O. Box 143, Sitka 99835 (R)  
 4016 Evergreen, Fairbanks 99701 (D)  
 SRA Box 62F, Anchorage 99507 (R)  
 Box 131, Kotzebue 99752 (D)  
 Box 784, Soldotna 99669 (R)  
 1024 W. 6th, Anchorage 99501 (D)  
 P.O. Box 630, Kenai 99611 (R)  
 Box 190, Chugiak 99567 (R)  
 1526 "F" Street, Anchorage 99501 (D)  
 283 Muldoon Rd., Station Box 76, Anchorage 99504 (R)  
 Box 2, Palmer 99645 (D)  
 P.O. Box 182, Delta Junction 99737 (D)  
 P.O. Box 249, Kodiak 99615 (R)  
 SRA 2385-A, Anchorage 99507 (R)  
 Pouch V, Juneau 99811 (D)  
 2335 Lord Baranof, Anchorage 99503 (D)  
 Box 11, Ruby 99768 (R)  
 2057 Sheldon Jackson Street, Anchorage 99504 (R)  
 307 Baydon Street, Ketchikan 99901 (D)

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When in session, members of the Legislature receive mail at Pouch V, Juneau, AK 99811 (Mail Stop 3100).

When not in session, mail may be sent to their home addresses

## Worker's right to non-retaliation

By Julia Pieper

**H**B 558 recently passed the Alaska State House of Representatives. Introduced by Jerry Ward, Representative from Mt. View, the bill requires that priority status be granted to Human Rights cases that allege retaliation has occurred as a result of an employee filing a discrimination/harassment complaint with the State Human Rights Commission. HB 558 requires the Commission to complete its investigation of such cases within 90 days.

Alaska law currently prohibits the firing of an employee who has filed a complaint. Once a person is fired, though, under the existing procedures the Human Rights Commission may take as long as two years before acting. This delaying tactic can cause considerable financial difficulty to the complainant, as well as emotional and physical stress.

A frequent result is a decision to drop the complaint.

With the Human Rights Commission handling retaliation complaints within 90 days, it is less likely that an employer will fire an employee who files a complaint. But more importantly, if she is fired, the employee will know within a reasonable period of time if she will indeed return to work or if she must start her career in a new direction.

This bill is now in the Senate for its consideration. Your support with a Public Opinion Message is greatly needed. Please call the Legislative Information Office at 278-3888 and have them send a telegram of support to all Senators in the Alaska State Senate.

*Julia Pieper previously worked for an oil company on the North Slope. Currently she is employed at Great Earth Vitamins in the Diamond Mall.*

This goes in my  
"in" Basket

HB 556

- 1983-9 complaints
- Do it internally rather than enact law.
- write it in regulations
- purpose
- make sure minutes are *included* very complete.
- Janet,  
the filing of bill
- Get letter from Janet  
Bradley. Taking care of problem  
in house.

Elizabeth Johnson

Employment Law Section of the Bar  
Assoc.

540 E. Suite 804 99501

①

②

Issue of last sentence:

\*What kind of impact "shall"

Does human rights commission have  
right to issue restraining order.

Bill passed out of house before then

VF,

please call Joyce Rivers.  
(Hughes,

274-7522

ELIZABETH JOHNSON / RESOLUTION.

To: Suzanne, Vic  
From: Steve  
Re: HB 556 - Human Rights Commission  
Date: 2/24/84

This bill would give priority status to those cases before the Human Rights Commission that deal with employment retaliation. Apparently, a more and more commonly used tactic by employers to get rid of unwanted employees is to fire them knowing that the current backlog at the Human Rights Commission is over two years long. The companies figure correctly that over the course of two years, either the person has left the state or has found other work and does not want to continue the case. The companies are doing this knowing that their action is probably illegal.

The measure is sponsored by Rep. Ward and cosponsored by Lindauer, Malone.  
It is now before HOuse Rules, and will likely pass and be referred to Senate State Affairs.

The Human Rights Commission supports this measure. It is likely to act as a preventive measure reducing or eliminating this current corporate practice.

If you have any questions, please let me know. This matter was brought to my attention by Julia Pieper, PO Box 3415, Anch 99501, 349-7410 (h) or 344-6531 (message)

ALASKA BAR ASSOCIATION

EMPLOYMENT LAW SECTION

RESOLUTION & COMMENTS ON H.B. 556

Resolved: That the Employment Law Section of the Alaska Bar Association supports the intention of HB 556 but recommends that the first sentence of the bill be amended in the following manner:

1. That the word "cases" in line 12 be changed to "complaints".
2. That the word "prior" be inserted before the word "complaint" in line 13.
3. That the word "retaliation" be inserted before both words "complaint" in line 15.

Some members of the employment law section had a serious concern that the second sentence of the proposed amendment -- stating that the commission shall file a petition for appropriate temporary relief -- is inconsistent with the powers of the commission as presently granted by statute. Some members also felt that the phrase "in cases where it is necessary" might pose a problem for the Commission by implying that there be some sort of preliminary finding of "necessity" prior to taking court action.

Therefore, the employment law section recommends that if the second sentence is left in the bill it be amended to read as follows:

4. That the word "shall" in line 16 be changed to "may".
5. That the word "retaliation" be inserted before the word "complaint" in line 19.



# Alaska State Legislature House of Representatives

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WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99801  
(907) 465-4939

REPRESENTATIVE JERRY WARD  
DISTRICT 13

MEMBER FINANCE COMMITTEE  
CHAIRMAN OF SUBCOMMITTEE ON  
COMMERCE & ECONOMIC DEVELOPMENT  
CHAIRMAN OF SUBCOMMITTEE ON LABOR  
MEMBER OF SUBCOMMITTEE ON STATE LOANS

FOR IMMEDIATE RELEASE  
January 31, 1984

Contact: Rep. Jerry Ward  
465-4939

A handwritten signature in dark ink, appearing to be "JW", written over the contact information.

## WARD INTRODUCES BILL TO SPEED UP HANDLING OF RETALIATION COMPLAINTS TO HUMAN RIGHTS COMMISSION

It's against Alaska state law to fire an employee for making a complaint of discrimination to the State Human Rights Commission. But, according to Rep. Jerry Ward, it might take a year or more before that Commission could do anything about such a firing. HB 556, introduced today by Ward, would require that the Commission give priority to retaliation complaints and would also require that the Commission petition the court for a temporary restraining order where necessary to protect the employment rights of the complainant.

"The problem is that retaliation complaints are treated the same as any other complaint to the Commission and have to take their turn," Ward explained. "Attorneys representing employers use delaying tactics to freeze out a complaining employee who can't afford to be very long without a job. I just don't think that it's fair that an employee could be intimidated into dropping a complaint because an employer knows they can get away with firing them if they complain of discrimination. I know of one retaliation complaint that has been dragging along for almost two years now. By the time the Commission has made a determination, the employee could be forced to move away to find employment, or drop the complaint because of the stress and financial burden."

Quoted in *Hotel & Restaurant Union Local 878 v. Alaska State Comm'n for Human Rights*, Sup. Ct. Op. No. 1653 (File No. 4248), 595 P.2d 653 (1979).

**Sec. 18.80.210. Civil rights.** The opportunity to obtain employment, credit and financing, public accommodations, housing accommodations and other property without discrimination because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin is a civil right. (§ 6 ch 117 SLA 1965; am § 4 ch 42 SLA 1972; am § 8 ch 104 SLA 1975)

NOTES TO DECISIONS

Cited in *Loomis Electronic Protection, Inc. v. Schaefer*, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Collateral references. — Actionability under state statutes of discrimination because of complaining party's association with persons of different race, color, or the like. 35 ALR3d 859.

Recovery of damages for emotional distress resulting from racial, ethnic, or religious abuse or discrimination. 40 ALR3d 1290.

Racial or religious discrimination in furnishing of public utilities, services, or facilities. 53 ALR3d 1027.

Recovery of damages for emotional distress resulting from discrimination

because of sex or marital status. 61 ALR3d 944.

Trailer park as place of public accommodation within meaning of state civil rights statutes. 70 ALR3d 1142.

Recovery of damages as remedy for wrongful discrimination under state or local civil rights provisions. 85 ALR3d 351.

Identification of job seeker by race, religion, national origin, sex, or age, in "situation wanted" employment advertising as violation of state civil rights laws. 99 ALR3d 154.

**Sec. 18.80.215. Activities in aid of housing for minority groups.** The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation of AS 08.88.161. (§ 3 ch 119 SLA 1969)

**Sec. 18.80.220. Unlawful employment practices.** (a) It is unlawful for

(1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood;

§ 18.80.220

HEALTH AND SAFETY

§ 18.80.220

(2) a labor organization, because of a person's sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;

(3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has opposed any practices forbidden under AS 18.80.200 — 18.80.280 or because he has filed a complaint, testified or assisted in a proceeding under this chapter;

(5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality; or

(6) a person to print, publish, broadcast or otherwise circulate a statement, inquiry or advertisement in connection with prospective employment which expresses directly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, unless based upon a bona fide occupational qualification.

(b) The state, employers, labor organizations, and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall be made available to the general public. (§ 6 ch 117 SLA 1965; am § 4 ch 119 SLA 1969; am § 1 ch 237 SLA 1970; am §§ 5, 6 ch 42 SLA 1972; am § 1 ch 119 SLA 1974; am § 9 ch 104 SLA 1975)

**Cross references.** — As to original jurisdiction of the superior court over suits arising under this chapter, see AS 22.10.020.

**Opinions of attorney general.** — Subsection (b) should be interpreted to require the commission to keep confidential infor-

mation from a survey for records maintained to administer civil rights laws and regulations until it is presented at public hearing unless the information is released in a format which does not identify individual responding employers or unions. May 14, 1979, Op. Att'y Gen.

Highways and Ferries

Title 19

Infants and Incapacitated

Title 20

granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in discriminatory practices. (§ 2 ch 119 SLA 1969)

**Sec. 18.80.110. Investigation and conciliation.** The executive director or a member of the commission's staff designated by the executive director shall informally investigate the matters set out in a filed complaint, promptly and impartially. If the investigator determines that the allegations are supported by substantial evidence, he shall immediately try to eliminate the discrimination complained of, by conference, conciliation, and persuasion. (§ 1 ch 15 SLA 1963)

#### NOTES TO DECISIONS

The legislature intended the commission to be more than a simple complaint-taking bureau; the statutory scheme constitutes a mandate to the agency to seek out and eradicate discrimination in employment, in credit and financing practices, in places of public accommodations and in the sale, lease or rental of real property. *Hotel Employees Local 879 v. Thomas*, Sup. Ct. Op. No. 1280

(File No. 2703), 551 P.2d 942 (1976).

Authority to dismiss complaints insufficient on face. — By implication, this section gives the executive director authority to dismiss complaints which are insufficient on their face. *Hotel & Restaurant Union Local 878 v. Alaska State Comm'n for Human Rights*, Sup. Ct. Op. No. 1853 (File No. 4248), 595 P.2d 653 (1979).

**Sec. 18.80.115. Confidential information.** Except as provided in AS 18.80.105, the commission may not make public the name of a person initiating a complaint or a person alleged to have committed an act or practice declared unlawful in this chapter during an investigation conducted by the commission under AS 18.80.110. The records of investigation and information obtained by the commission during an investigation under AS 18.80.110 are confidential and may not be made available by the commission for inspection by the public. However, the records and information compiled by the commission during an investigation shall be available to the complainant or respondent (1) at least 10 days before a hearing is held under AS 18.80.120 or upon receipt by the complainant or respondent under AS 18.80.120 of a notice of failure of conciliation under AS 18.80.110, whichever occurs earlier; and (2) in accordance with the rules of discovery if an action relating to the charge is commenced in court. In addition, the commission may issue public statements describing or warning of a course of conduct which constitutes or will constitute an unlawful practice under this chapter, and the commission may also make information public if necessary to perform its duties or exercise its powers under AS 18.80.105 and 18.80.120 — 18.80.145. (§ 1 ch 125 SLA 1980)

**Sec. 18.80.120. Hearing.** If the informal efforts to eliminate the alleged discrimination are unsuccessful, the executive director shall



# Alaska State Legislature House of Representatives

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REPRESENTATIVE JERRY WARD  
DISTRICT 13

MEMBER FINANCE COMMITTEE  
CHAIRMAN OF SUBCOMMITTEE ON  
COMMERCE & ECONOMIC DEVELOPMENT  
CHAIRMAN OF SUBCOMMITTEE ON LABOR  
MEMBER OF SUBCOMMITTEE ON STATE LOANS

## MEMORANDUM

DATE: February 29, 1984

TO: Cheryl Roeser  
Senate Advisory Council

FROM: Representative Jerry Ward *JW*

I attach the following materials supporting HB 556:

1. News release explaining effect of bill.
2. Letter dated 8-24-83 from Janet L. Bradley, Executive Director of State Human Rights Commission, stating that retaliation cases are not given any priority.
3. Resolution from National Organization for Women supporting passage of bill.
4. Petitions signed by 120 persons supporting passage of bill.
5. Zero Fiscal Note.

In addition, please review testimony offered at the House State Affairs committee hearings of 2-20 and 2-21.

Thank you.

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

431 WEST 7TH AVENUE  
SUITE 105  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-7474

August 24, 1983

Representative Jerry Ward  
P.O. Box 2716  
Anchorage, AK 99510

Dear Representative Ward:

This is in reply to your request for information from our agency on March 10, 1983. Mark Ertischek, the Hearing Advocate and Acting Executive Director at the time of your request, assigned this response to a staff member who left the Commission in April. Quite frankly, Mr. Ward, it appears that your information request was lost in the transition between staff members. Please accept my apology for this oversight. I will attempt to answer your questions at this time as best I can.

1. You asked about the average time delay between the time a complaint is filed and the time an investigator is assigned. In general, at the time a complaint is filed, it is reviewed by the Regional Director of the investigative unit and where appropriate a resolution conference is scheduled and an investigator assigned to the case. Therefore, there should be approximately two weeks between the complaint filing and the scheduling of the conference on most cases. Due to limited staffing, there is however a delay of one to two months between the filing of the complaint and the date of the resolution.
2. You asked about the average length of time before an investigation is completed. I cannot give you an average time on all open cases before the Commission at this time; however, the Equal Employment Opportunity Commission (EEOC) keeps records on the Alaska Commission's average processing time of EEOC case resolutions in federal FY 83. The average processing time recorded by EEOC in June, 1983 was 295 days.
3. In general cases are assigned on a first come, first serve basis. This means that an early resolution of cases is attempted soon after filing (unless the case is inappropriate for a resolution conference). Your question whether priority is given to cases where complainant shows "irreparable harm" as in the instance of a case of firing in retaliation for filing a complaint. In some respects, irreparable harm exists whenever a person is discriminated

against. Under our statutes, the Alaska Commission cannot award compensation for suffering the humiliation of discrimination. However, the Commission is able to award "make whole" relief which in a discharge case would include backpay from the date of discrimination to the time when the agreement is signed or even in some instances frontpay until the complainant is awarded a job of equal value either by the discrimination or other employers. In all cases in which jobs are lost or denied, the complainant has an obligation to mitigate damages by seeking other jobs for which they are qualified.

To respond to your question directly, we do not give priority to cases of irreparable harm such as you have described.

4. These year end statistics are compiled from our annual report for the years 1975-1982 inclusive:

Calendar Year	Complaints Filed	Complaints Closed	Complaints Unassigned for Investigation
1975	646	434	322
1976	777	589	488
1977	603	638	422
1978	406	534	241
1979	305	417	104
1980	278	377	123
1981	233	261	97
1982	292	319	128

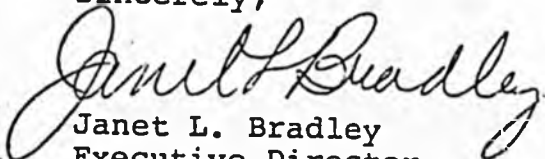
I am also including for your information the latest case processing statistics from our quarterly meeting in Kodiak on July 28 and 29th. I feel certain that if you look carefully at the report you will note the growing number of cases over 180 days in process. I previously communicated to you our concern about the age of our cases and expressed to you in that letter our goal of completing most cases within 180 days. It seems likely that under the present staffing pattern we will be unable to reach that goal.

The Human Rights Commission has experienced underfunding in personal services over the last five years and in fact, in FY 83, was forced to leave one position vacant during the entire fiscal year. In FY 84, our staff has been reduced to 25 employees. The forecast for FY 85 is even more gloomy since our programs is personal services intensive and a decrease in funding is being predicted. Our FY 85 Budget Submission will include proposals to eliminate 1 - 3½ positions at the 95% - 85% service levels. When faced with decreased funding, we have no alternative but to cut positions.

8/24/83

I hope that this reply is responsive to your inquiry. I would be pleased to schedule a time to discuss your concerns in person at your convenience.

Sincerely,



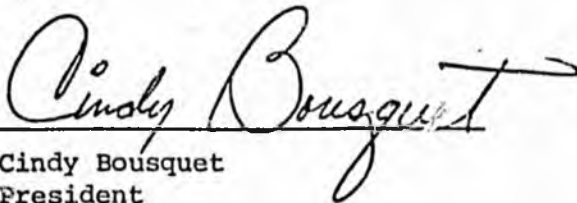
Janet L. Bradley  
Executive Director

JLB:lv  
Enclosure

WHEREAS, the National Organization for Women is dedicated to supporting laws mandating equality in the workplace; and

WHEREAS, a bill is to introduced into the THIRTEENTH LEGISLATURE of the State of Alaska to amend Section 1 of Alaska Statute 18.80 by adding a new paragraph to prohibit retribution by an employer against an employee who files a complaint or testifies in behalf of a complainant who has filed a complaint with the Human Rights Commission;

NOW THEREFORE, be it resolved that Alaska NOW, acting at its annual statewide convention, endorse and support the above bill's intent to assist in its passage by the Legislature

A handwritten signature in cursive script that reads "Cindy Bousquet". The signature is written in dark ink and is positioned above a horizontal line.

Cindy Bousquet  
President  
National Organization for Women  
State of Alaska

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST  
Bill/Resolution No.: HB 556  
Title: Relating to complaints  
alleging retaliation before HRC  
Sponsor: Ward, Lindauer, Malone  
Requestor: \_\_\_\_\_  
Date of Request: 2/21/84

FISCAL DETAIL  
Agency Affected: Office of the Governor  
Program Category Affected: \_\_\_\_\_  
Due Process  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Human Rights Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-		
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None - no fiscal impact.

ANALYSIS: Attach a separate page for analysis

Prepared By: Janet Bradley, Exec. Dir. Phone: 276-7474  
Division: Human Rights Commission Date: 2/21/84  
Approved by Commissioner: Laura J. Herman Date: 2/21/84  
Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

Narrative:

In 1983, the Human Rights Commission accepted nine (9) complaints of discrimination on the basis of retaliation. This small number of complaints can be given legal review and priority processing by excepting them from the regular complaint processing system.

No fiscal impact is anticipated.



P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

<u>NAME</u>	<u>ADDRESS</u>
Sharon Y. Hillman	1941 Rebel Ridge Anch., Ak
Robert O. Jankin	7550 S. Fortitude Way Anch. Ak
Yara Victor	3714 Siskiyew St Anch
Anna B. Baldwin	3127 Cottonwood
Anna Diet. Whit	6736 Lures Dr. Anch Ak 99509
Kilwood H. Hittler	104 Fireweed Drive #3 Anch AK 99502
Don Brimmer	4131 Laurel Anch AK 99505
Eileen B. Brown	52A1302-F Anch. 99505
Marge Campbell	2519 Cottonwood Anch 99508
Donna. Shouse	9599 Blayton Dr. 99507
Anna Egg-Everson	8000 Rovinka Anch AK 99502
Corina Caplan	Box 102856 Anch. AK 99510-2856
Christina	7302 Huntmen Ct - A Anch AK 99502
Elleanor Se. Key	1627 W. 32 #56 Anch AK 99503

P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

NAME

ADDRESS

William A. Buckley

1710 Rosemary St - Anchorage AK 99504

Laura S. Lurie

7132 Peck Ave. - Anchorage AK 99504

BARBARA EDWARDS

6920 E. 17th Ave Anch. AK 99504

Jamie Bowen

19610 Lyngby Dr. Anch AK 99504

CLARA MURPHY

3510 Olympic Circle Anchorage AK 99504

Christina M. Muffy

5015 Fredrick Anchorage AK 99504

Deirdre Deacon

1919 Oliver Place Anch. AK 99504

Nichole Ann Cox

705 Muldoon Rd #25 Anchorage AK 99508

Nelore A. Lambert CPS

413 W. 13th St Anchorage AK 99508

Becky Riosci

P.O. Box 111951, Anchorage, AK 99511

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WEIMEN 112 MIGHT - ACC

P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

NAME

ADDRESS

Shirley Nelson	505 E. 12th Anchorage 99501
Pamela Shiel	8516 Hartwell Rd Anchorage 99507
Pamela Sawitzky	200 E. DIMOND #164 Anchorage AK 99502
Cynthia Spicard	214 PENNAC ST Anchorage Ak 99503
Elizabeth Warren	3601 C ST. SUITE 434 ANCH
Trini E. Fenn	#752 200 W. 34th Avenue
Yvonne Thorsrud	2205 Driskill #13 Anchorage 99504
Vickie Koster	3732 Peterkin St, Anch, AK 99508
Margaret P. ...	1620 George Bell Circle, Anch 99515
Stephanie ...	5820 Yukon, Anchorage 99510
Debra ...	734 E. 78 ANCHORAGE 99507
... ..	6736 LUNAR DR. Anchorage
Kathryn Koide ...	3809 W 76 #6 Anchorage 99502
Barbara ...	3101 Delta Dr., Anch 99502
Margie ...	2221 Muldoon Rd, SP585 Anch.
Laura Doughty-Olson	714 Strawberry Rd Anch AK 99502
Ann ...	1415 W. 16 Anch AK 99501
Vivette D. ...	911 E. 20th Apt B 99501
Kenna ...	3530 W. 84th #3 Anch. 99502
Dr. M. Stewart	8345 JEWEL LAKE #1 Anch 99502
Billica ...	Box 3-422 anchorage 99501
Mary ...	8200 Pioneer 99504
... ..	4238 Claring Cross Cir 99504
Joni ...	8300 Henry Circle Anch AK 99504

P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

NAME

ADDRESS

Maria Usciflis	3214 Usciflis Place Anchorage, AK
Edith Tuler	SPR 131 2-F (Anchorage) 99515
John M. C. C.	PO Box 112647 Anch. 99511
Sicki Sprick	57 Co. 103395 Anch. 99570
Dr. H. M. D. D.	SPR 2-372C Anch. 99507
Marilyn Moreno	3954 Apollo Dr. Anch. 99504
CHRISTINA MAI OLSEN	705 Mildoon Anch. AK. 99508
Edith Tuler	941 E. 20th Apt. B 99501
Edith Tuler	1011 Friendly Ln. Apt. A Anch.
Margaret J. Lorenson	SPR 2 Box 1503A 12910 Jack's Circle Anchorage 99507
Margaret J. Lorenson	8671 Keweenaw Cir. Anchorage 99504
Dr. Rickson	200 W 34th Box 168 Anchorage AK 9950
Margaret J. Lorenson	2805 Wisconsin St Anch. AK
Margaret J. Lorenson	SPR 2 BOX 7E ANCH 99516
Margaret J. Lorenson	24301 NAK Cir ANCH 99508

P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

<u>NAME</u>	<u>ADDRESS</u>
Ruth Sheridan	4704 Hawaii Anchorage 99504
J. H. Dennis Ka. H. H.	6520 East 9th Ave Anchorage 99512 243-0309
"Emma" E. W.	2034 S 2nd Ave Anchorage 99509 272-1159
Lucille E. Mearns	411-E 10th 99501 277-1369
Elena Lange	3533 Richmond #16 Anch. 99504
Susan Schomberg	4430 Thompson #3 Anch A 99508
Marilyn P. ...	2737 Westminster Anch 99508
Anna ...	P.O. 4-48 Anchorage 99509
Eda M. ...	7512 E. 4th Anch. AK 99504
Lynda ...	716 1/2 N Pine Anch AK 99508
St. ...	3923 Deberch In Anch AK 99504
JISA ...	3923 Schorah Ctn Anch AK 99504
Donna ...	2304 Tunagwa Phm Anchorage AK 99503
Kelly Mann Frank	3006 EUREKA ANCHORAGE AK 99503
Brenda ...	SEA 877 Anch AK 99502
Chal ...	SEA 1050 13741 Iron Rd. Anch. 99507
Jan ...	K... AK 99611
Paul ...	1508 E 27th Ave - Anchorage AK 99508
... P. ...	SEA BOKSING (W. L.) AK 99685
Thos ...	P.O. Box 160302 Anchorage 99510
Mita ...	1040 E 6th Ave. #4 City
John ...	4426 E 5th ANCHORAGE
... ..	3605 Arctic Blvd #1727 Anch AK 503
... ..	310 8TH AVENUE / ANCH / AK
William J. ...	2501 W. 5th St Anch AK 99503
... ..	272-7163 P.O. Box 102112 Anch. 99501
James P. ...	8500 PAGAN ST. Anch. AK. 99502
Robert ...	P.O. Box 3136 Anchorage AK 99510
William ...	Box 102178 ANCHORAGE AK 99510
Mark ...	2301-E-52nd Ave #22 Anch 99501
GLADYS BIAKE	Box 1834-15 Anch ADT - 994051
Francis ...	P.O. Box 101978 - Anchorage AK 99510
Ellen ...	Box 100447 Anchorage AK 99510
Harriet ...	6520 East 9th Ave Anch 99504
Auston ...	P.O. Box 104621 ANCHORAGE AK 99510
Mathew ...	1344 Alameda St. Anch AK 99508
Marie ...	3741 - Anchorage Anch 99508

RETURN TO:

300 ...  
701 6531 ...

Ms. Julia Pieper  
P. O. Box 3415  
Anchorage, AK 99501

GB

To: Suzanne, Vic  
From: Steve  
Re: HR 556 - Human Rights Commission  
Date: 2/24/84

This bill would give priority status to those cases before the Human Rights Commission that deal with employment retaliation. Apparently, a more and more commonly used tactic by employers to get rid of unwanted employees is to fire them knowing that the current backlog at the Human Rights Commission is over two years long. The companies figure correctly that over the course of two years, either the person has left the state or has found other work and does not want to continue the case. The companies are doing this knowing that their action is probably illegal.

The measure is sponsored by Rep. Ward and cosponsored by Lindauer, Malone. It is now before House Rules, and will likely pass and be referred to Senate State Affairs.

The Human Rights Commission supports this measure. It is likely to act as a preventive measure reducing or eliminating this current corporate practice.

If you have any questions, please let me know. This matter was brought to my attention by Julia Pieper, PO Box 3415, Anch 99501, 349-7410 (h) or 344-6531 (message)

# Alaska State Legislature

---

## House of Representatives

---

PO BOX 2716  
ANCHORAGE, ALASKA 99510  
(907) 276-4506

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4939

REPRESENTATIVE JERRY WARD  
DISTRICT 13

MEMBER FINANCE COMMITTEE  
CHAIRMAN OF SUBCOMMITTEE ON  
COMMERCE & ECONOMIC DEVELOPMENT  
CHAIRMAN OF SUBCOMMITTEE ON LABOR  
MEMBER OF SUBCOMMITTEE ON STATE LOANS

### MEMORANDUM

DATE: May 1, 1984

TO: Senator Vic Fischer, Chairman  
Senate State Affairs Committee

FROM: Representative Jerry Ward *JW*

RE: HB 536 - "Relating to complaints alleging retaliation before the  
State Commission for Human Rights": effective date.

HB 578 - "An Act relating to whistleblowing".

---

Thank you for scheduling the above referenced bills for hearing. I  
attach background information on each of these bills for distribution to  
the committee members.

Thank you.

Attachments



P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

NAME

ADDRESS

Sharon L. Pillsbury	1941 Rebel Ridge Anch, Ak
Helen D. Jamlin	7550B Fortitude Way Anch, Ak
Barbara Victoria	7714 Blackberry St Anch
Alma B. Baldwin	3127 Cottonwood
Anna Dietrich	6736 Luman Dr. Anch Ak 99507
Kilwood A. Hittich	104 FIREVEED Drive #5 Anch AK 99508
Donna Brimmer	4151 Laurel Anch AK 99525
Eileen Brimmer	5RA1302-F Anch. 99525
Marge Campbell	2518 Cottonwood Anch. 99508
Donna Shouse	9599 Brighton Dr. 99507
Anna Fagg-Ericson	8000 Rowena Anch AK 99502
Corina Caplano	Box 102856 Anch. AK 99510-2856
Carol Lewis	7302 Kluntmen C - A Anch AK 99502
Delores Seelye	1627 W 32 #56 Anch, 99503



P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

NAME

ADDRESS

<u>Whitley Nelson</u>	<u>505 E. 12th Anchorage 99501</u>
<u>Janet Shiel</u>	<u>8516 Hartwell Rd Cnty 99507</u>
<u>RAMONA SAUVAGE</u>	<u>700 E. DIMON #164 Anchorage AK 99502</u>
<u>Carole Sprinkel</u>	<u>214 Newton St Anchorage Ak 99503</u>
<u>Elizabeth Warner</u>	<u>3601 C. ST. SUITE 434 ANCH.</u>
<u>Kejira E. Fenn</u>	<u>#752 200 W. 34th Avenue</u>
<u>Yvonne Yarnold</u>	<u>2205 Brinkley #13 Anchorage 99504</u>
<u>Vickie Kopper</u>	<u>373 1/2 Peterkin St, Anch, AK 99508</u>
<u>Margaret Anderson</u>	<u>1620 George Ball Circle Anch 99515</u>
<u>Shirley Cooper</u>	<u>5820 Yukon, Anchorage 99510</u>
<u>Norma Parsons</u>	<u>734 E. 78 ANCHORAGE 99507</u>
<u>Marie Dietz</u>	<u>6736 Leonard Dr. Anchorage</u>
<u>Kathryn Keith Barnes</u>	<u>3809 W 76 #6 Anchorage 99502</u>
<u>Barbara Sisker</u>	<u>3101 Delta Dr., Anch, 99502</u>
<u>Margie E. Smith</u>	<u>2221 Muldoon F2A, SPS&amp;S' Anch</u>
<u>Laura Doughty-Olson</u>	<u>714 Strawberry Rd, Anch AK 99502</u>
<u>Ann von Bohmann</u>	<u>1425 W. 16 Anch AK 99501</u>
<u>Edith D. Jule</u>	<u>941 E. 20th Apt. B 99501</u>
<u>Menna M. Williams</u>	<u>3530 W. 84th #2 Anch. 99502</u>
<u>Dr. M. Stewart</u>	<u>8345 JEWEL LAKE #1 Anch 99502</u>
<u>Billie Elvire</u>	<u>Box 3-422 Anchorage 99501</u>
<u>Mona L. Turner</u>	<u>8200 Pioneer 99504</u>
<u>Barbara Cassell</u>	<u>4238 Claring Cross Cir 99504</u>
<u>Jeri Palmer</u>	<u>8300 Henry Circle Anch AK 99504</u>

P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

NAME

ADDRESS

Mary McNeilis	3214 Municipal Plaza Anchorage, AK
Edith Tucker	SRA 1312-F Anchorage, AK 99515
Gene M. Axel	PO Box 11247 Anch. 99511
Jacki Swank	PO Box 103393 Anch. 99510
Christine Dahl	SRA Box 372C Anch 99507
Marilyn Moreno	3954 Apollo Dr Anch 99504
CHRISTINA MAE OLSEN	705 Mildoon Anch AK. 99508
Edith Tucker	941 E. 20th Apt. B 99501
Gith Eicher	1011 Friendly Ln. Apt. A Anch
Margaret Lorenson	SRA Box 1503A 12910 Jack's Circle Anchorage 99507
Margaret Moulton	8671 Keweenaw Cir, Anchorage 99504
Lois Rieken	200 W 34th Box 168 Anchorage AK 99503
Liamona Ballou	2805 Wisconsin St Anch. AK
Margaret Swank	SRA BV B-7E ANC 99516
Clarence J. Lopez	2934 NAK DR ANC 99508

P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

NAME	ADDRESS
Ruth Sheridan	4704 Kenai, Anchorage 99504
J. H. Smith, Sr.	6520 East D. Anchorage 99512 343-2209
"Eanna" Ellis	2030 S 3rd Ave Anchorage 99509
Russell M. Morsan	411-E 10th 99501 277-1369
Elena Lange	3533 Richmond #16 Anch. 99504
Susan Schromberg	4430 Thompson #3 Anch A 99508
Marilyn Carpenter	3937 Westminster, Anch 99507
Janice Collins	P.O. 14-48 Anchorage 99509
John W. Paul	7512 E. 4th Circle, Anch. 99504
Lincoln Mackie	716 1/2 N Pine Ranch #16 99504
John J. Terenty	3923 Debarch Ln. Anch. Ak 99504
MISA Presenting	3923 Debarch Ln Anch. AK 99504
Donna M. Korman	2304 Turnagain Pt. Anchorage, Ak 99503
Kelly Mann Frank	3006 EUREKA ANCHORAGE AK 99503
Brenda Bulley	SEA 877, Anch, AK 99502
Carol Erick	SEA 1050 13741 Kenai Ave. Anch. 99507
Joe Huff	Kenai AK 99611
John J. Suter	1508 E 27th Ave - Anchorage AK 99508
William P. Lyle	SEA Box 5205 Willow AK 99688
Therese Kauranen	P.O. Box 160302 Anchorage 99510
Mita Sirchise	1040 E 6th Ave. #14 City
John Ross	4426 E 52nd ANCHORAGE
John J. Suter	3605 Arctic Blvd #1727 Anch AK 503
John J. Suter	310 8TH AVENUE / ANCH / AK
Anthony J. Morlica	2001 W. EST 34th Ave Anch. 99503
Maureen Domina	272-7163 P.O. Box 102112 Anch. 99510
James P. Krause	8500 DAGAN ST. ANCH. AK. 99502
Robert Torgerson	P.O. Box 3130 Anchorage Ak. 99510
William Schmuck	Box 102178 ANCHORAGE AK 99510
Mark J. Warner	2301-E-52nd Ave #22 Anch 9950
GLADYS BLAKE	Box 1034-15 Anch ADT - 9940510
Lois Kauranen	P.O. Box 101978 - Anchorage AK 99510
Elle Davis	Box 100447 Anchorage Ak 99510
Harriet Torgerson	6520 East 9th Ave Anch 99504
Auston Devillier	P.O. Box 104621 ANCHORAGE AK 99510
Wathley Dell	1344 Airport Dr. Anchorage 99508
Marie Schloesser	3741 - Richmond Ave #3 - Anchorage 99508

RETURN TO:

309-7410 home  
311 6531 work

Ms. Julia Pieper  
P. O. Box 3415  
Anchorage, AK 99501

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

AGENCY HEADQUARTERS  
431 W. 7th AVENUE, SUITE 105  
ANCHORAGE, ALASKA 99501  
(907) 276-7474

NORTHERN REGION  
675 SEVENTH AVENUE, STA H  
FAIRBANKS, ALASKA 99701  
(907) 452-1561

SOUTHCENTRAL REGION  
431 W. 7th AVENUE, SUITE 101  
ANCHORAGE, ALASKA 99501  
(907) 274-4692

SOUTHEASTERN REGION  
POUCH AH  
314 GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811  
(907) 465-3560

May 14, 1984

The Honorable Vic Fischer, Chair  
Senate Committee on State Affairs  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

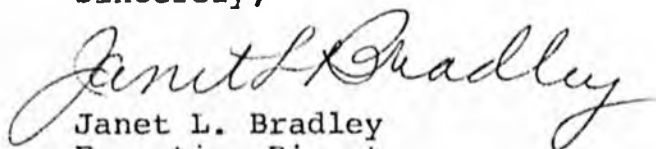
Dear Senator Fischer:

The Human Rights Commission has taken notice of the Legislature's interest in the establishment of specific time frames for investigation of retaliation complaints as proposed in HB 556 sponsored by Representatives Ward, Lindauer, and Malone.

We intend to incorporate these time frames into our case processing standards which provide for specific actions on each case in process in our regional investigative units. The significant dates of these actions, which include date of assignment, date of completed analysis and closure date, are being captured on our new internal docket system permitting easy management review of case activities. Completed investigations of retaliation cases as defined in HF 556 will be set as an additional case processing standard. A copy of our revised case processing standards will be forwarded to you for your committee files.

We appreciate your committee's interest in the work of our agency and in our efforts to improve our service to the people of Alaska.

Sincerely,



Janet L. Bradley  
Executive Director

JLB/jab

CC: James H. Chase, Chairperson  
Arlene G. Dilts-Standiford, Commissioner  
John C. Gonzales, Commissioner  
Bienvenido E. Holganza, Personnel Commissioner  
Virgie King, Vice-Chairperson  
Jacqueline Lindauer, Fiscal Commissioner  
Morgan P. Solomon, Commissioner

*Let from Janet Bradley, Exec. Director / 5/14/84*

May 15, 1984

Senator Vic Fischer  
Pouch V  
Juneau, Ak. 99811

Dear Mr. Fischer:

I am again disappointed that HB556 relating to the Human Rights Commission has not been passed out of the Senate State Affairs.

I understand the Ms. Janet Bradley, Executive Director of the Human Rights Commission has agreed to put the substance of HB<sup>5</sup>56 into the regulations of the Commission.

But I refer you to the attached letters that I have from Janet Bradley which may relay to you why I feel so strongly that some things should not be left to the interpretation or implementation of "personalities" I refer specifically to the sentence of March 9th: "For the record, retaliation complaints have always been viewed as priority cases; this does not necessarily mean, however, we can guarantee a resolution of the case" The letter of July 5th states that she cannot support the adoption of such a policy.

I realize that the letters were written under varying circumstances and that is the whole point, there should be no varying circumstances to delay processing of a retaliation complaint when a complaintant has been fired!

I ask you to again consider FB556!

Sincerely,



(Ms.) Julia Pieper  
P.O. Box 3415  
Anchorage, Ak. 99501

P.S. The management audit report of the Alaska State Commission for Human Rights also supports this view!

xc: Jerry Ward, Alaska State House of Representatives

*Let Ann Julia Pieper 15-15-84*

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

431 WEST 7TH AVENUE  
SUITE 105  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-7474

July 5, 1983

Ms. Julia Pieper  
P.O. Box 3415  
Anchorage, AK 99501

Dear Ms. Pieper:

At the request of Commissioner James Chase, Acting Chairperson, I have reviewed and considered your letter of June 13, 1983 calling attention to AS 18.60.089, the Department of Labor statute providing for a mandatory 90 day determination of complaints of retaliation.

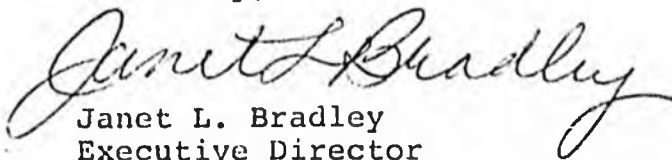
Given the Commission's present level of funding and the growing number of new complaints being filed in our offices, I cannot support the adoption of such a policy. Our present practice of attempting early resolution of cases on all newly filed charges and completing extended investigations on a first come, first serve basis spreads our limited resources to benefit the greatest number of persons.

I do share, however, your concern for the prompt resolution of discrimination complaints and want to assure you that staff and Commissioners are continuing efforts toward that goal. Unfortunately, like other state government services, our agency faces a decrease in funding in FY 84 which may result in a greater delay in case processing.

I would like to point out that once having filed a complaint with the Commission, you have protected your rights to the administrative processing of your case. Under Alaska statute, you may also file directly in court within two years of the date of the alleged discrimination.

Thank you for taking time to explore alternatives to our present system of case processing.

Sincerely,



Janet L. Bradley  
Executive Director

JLB:rs  
cc: Commissioners

*Copy to Julia Pieper from Janet Bradley 7/5/83*

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

431 WEST 7TH AVENUE  
SUITE 105  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-7474

March 9, 1983

Julia Pieper  
P.O. Box 3415  
Anchorage, AK 99501

Dear Ms. Pieper:

Governor Sheffield has referred your letter of February 15 to him for my reply.

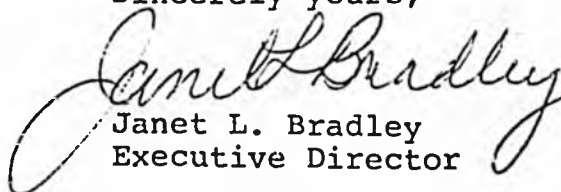
I have reviewed the processing of your cases and find that you originally filed a complaint with our agency in April of 1982 and filed a second charge of retaliation against the same respondent in August 1982. I also found that an attempted resolution of both complaints took place at a conference scheduled in September of 1982. Recent vacancies on the Southcentral Region staff have called my attention to the growing number of cases which, like yours, will be unassigned until new persons can be hired. It is unclear at this time if funding will permit us to fill the existing investigator position.

I do regret the problems experienced by both complainants and respondents when the Human Rights Commission staff is delayed in processing complaints. As Executive Director I have undertaken a review with my headquarters staff of all cases which are over 180 days in process and will be formulating a plan of action to deal with these cases including prioritizing retaliation complaints. For the record, retaliation complaints have always been viewed as priority cases; this does not necessarily mean, however, that we can guarantee a resolution of the case, only immediate attention within limitations imposed by staffing.

*Ltr to Julia Pieper from Janet Bradley 3/9/84*

Should you wish to discuss the specifics of your case, the Southcentral Director can assist you. Please be assured that we are committed to improving our service to persons like you who turn to the Commission in times of crisis.

Sincerely yours,

  
Janet L. Bradley  
Executive Director

JLB:lv

cc: The Honorable Bill Sheffield,  
Governor of Alaska

Allen Blume, Special Assistant to  
the Governor

House and Senate bills currently in the Senate

BILL #	TITLE	STATUS	SPONSOR	NOTES
SB77	Older Alaska employment	Fin	VF	assigned to V.Fischer
SB110	Retirement	Fin	VF	unassigned as of 5/15
SJR38	Nuclear free arctic	Rules	VF	passed rules 5/16/84
SB395	Division/EE0	Fin	St.Aff.	assigned to Faiks*
SCR44	Sand/Gravel inventory	Fin	Res.	assigned to Ferguson
SJR46	Public Corp/ARR	Jud.	St.Aff.	
HB663 664 665	AHFC	Fin	H.Rules	unassigned as of 5/15
HB668	Child support enforce	Rules	H.Rules	passed rules 5/16/84
HB503	Pioneer home allowance	St.Aff.	Uehling	
SB531	Futures Commission	Rules	Gov.	
SB528	Marital rape	Jud	HESS	