

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

790 SCOM124: SENATE SPEC. COMM. ON MINORITY RELATIONS 1979

Sec. 18.80.230. Unlawful practices in places of public accommodation. It is unlawful for the owner, lessee, manager, agent or employee of a public accommodation

(1) to refuse, withhold from or deny to a person any of its services, goods, facilities, advantages or privileges because of sex, race, religion, color or national origin;

(2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any of the services, goods, facilities, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, religion, sex, color or national origin or that the patronage of a person belonging to a particular race, creed, sex, color or national origin is unwelcome, not desired or solicited. (§ 6 ch 117 SLA 1965; am § 7 ch 42 SLA 1972)

Effect of amendment. — The 1972 amendment inserted "sex" once in paragraph (1) and twice in paragraph (2).

Sec. 18.80.240. Unlawful practices in the sale or rental of property or housing accommodations. It is unlawful for the owner, lessee, manager or other person having the right to sell, lease or rent a housing accommodation or unimproved property

(1) to refuse to sell, lease or rent the housing accommodation or unimproved property to a person because of sex, race, religion, color or national origin;

(2) to discriminate against a person because of sex, race, religion, color or national origin in a term, condition or privilege relating to the use, sale, lease or rental of a housing accommodation or unimproved property; or

(3) to make a written or oral inquiry or record of the sex, race, religion, color or national origin of a person seeking to buy, lease or rent a housing accommodation or unimproved property. (§ 6 ch 117 SLA 1965; am § 8 ch 42 SLA 1972)

Effect of amendment. — The 1972 amendment inserted "sex" in paragraphs (1), (2), and (3).

Sec. 18.80.250. Unlawful financing practice. It is unlawful for a financial institution, upon receiving an application for financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or the acquisition or improvement of unimproved property, to permit one of its officials or employees during the execution of his duties

(1) to discriminate against the applicant because of sex, race, religion, color or national origin in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance; or

(2) to make or cause to be made a written or oral inquiry or record of the sex, race, religion, color or national origin of a person seeking the

institution's financial assistance. (§ 6 ch 117 SLA 1965; am § 9 ch 42 SLA 1972)

Effect of amendment. — The 1972 amendment inserted "sex" in paragraphs (1) and (2).

Sec. 18.80.253. Unlawful practices by the state or its political subdivisions. It is unlawful for the state or any of its political subdivisions

(1) to refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color or national origin;

(2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any local, state or federal funds, services, goods, facilities, advantages or privileges of the office or agency will be refused, withheld from or denied to a person of a certain race, religion, sex, color or national origin or that the patronage of a person belonging to a particular race, creed, sex, color or national origin is unwelcome, not desired or solicited. (§ 1 ch 79 SLA 1966; am § 10 ch 42 SLA 1972)

Effect of amendment. — The 1972 amendment inserted "sex" once in paragraph (1) and twice in paragraph (2).

Legislative committee report. — For report on ch. 79, SLA 1966, see 1966 House Journal, p. 333.

Sec. 18.80.260. Coercion. It is unlawful for a person to aid, abet, incite, compel or coerce the doing of an act forbidden under this chapter or to attempt to do so. (§ 6 ch 117 SLA 1965)

Sec. 18.80.270. Penalty. A person, employer, labor organization or employment agency, who or which wilfully engages in an unlawful discriminatory conduct prohibited by this chapter, or wilfully resists, prevents, impedes or interferes with the commission or any of its authorized representatives in the performance of duty under this chapter, or who or which wilfully violates an order of the commission, is guilty of a misdemeanor and upon conviction by a court of competent jurisdiction is punishable by a fine of not more than \$500, or by imprisonment in a jail for not more than 30 days, or by both. (§ 6 ch 117 SLA 1965)

Sec. 18.80.280. Acquittal bars other actions. The acquittal of a person by the commission or a court of competent jurisdiction of any alleged violation of this chapter is a bar to any other action, civil or criminal, based on the same act or omission. (§ 6 ch 117 SLA 1965)

Article 5. General Provisions.

Section 300. Definitions

Sec. 18.80.300. Definitions. In this chapter

(1) "person" means one or more individuals, labor unions,

partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies or labor organizations;

(2) "employee" means an individual employed by an employer but does not include an individual employed in the domestic service of any person;

(3) "employer" means an employer of one or more persons in the state but does not include a club that is exclusively social, or a fraternal, charitable, educational, or religious association or corporation, if the club, association or corporation is not organized for private profit;

(4) "employment agency" means a person undertaking to procure employees or opportunities to work;

(5) "labor organization" means an organization and an agent of the organization, for the purpose, in whole or in part, of collective bargaining, dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection of employees;

(6) "national origin" includes ancestry;

(7) "public accommodation" means a place which caters or offers its services, goods or facilities to the general public and includes a public inn, restaurant, eating house, hotel, motel, soda fountain, soft drink parlor, tavern, night club, roadhouse, place where food or spiritous or malt liquors are sold for consumption, trailer park, resort, campground, barber shop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons;

(8) "housing accommodations" means a building or portion of a building whether constructed or to be constructed, which is or will be used as the sleeping quarters of its occupants;

(9) "financial institution" means a commercial bank, trust company, mutual savings bank, cooperative bank, homestead association, mutual savings and loan association or an insurance company. (S. Ch 117 SLA 1965)

institution's financial assistance. (§ 6 ch 117 SLA 1965; am § 9 ch 42 SLA 1972)

Effect of amendment. — The 1972 amendment inserted "sex" in paragraphs (1) and (2).

Sec. 18.80.255. Unlawful practices by the state or its political subdivisions. It is unlawful for the state or any of its political subdivisions

(1) to refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color or national origin;

(2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any local, state or federal funds, services, goods, facilities, advantages or privileges of the office or agency will be refused, withheld from or denied to a person of a certain race, religion, sex, color or national origin or that the patronage of a person belonging to a particular race, creed, sex, color or national origin is unwelcome, not desired or solicited. (§ 1 ch 79 SLA 1966; am § 10 ch 42 SLA 1972)

Effect of amendment. — The 1972 amendment inserted "sex" once in paragraph (1) and twice in paragraph (2).

Legislative committee report. — For report on ch. 79, SLA 1966, see 1966 House Journal, p. 433.

Sec. 18.80.260. Coercion. It is unlawful for a person to aid, abet, incite, compel or coerce the doing of an act forbidden under this chapter or to attempt to do so. (§ 6 ch 117 SLA 1965)

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VII. Complainant/Respondent Survey

How do people feel about the processing of their case by the Commission? Do complainants feel they received good service? Do persons charged with discrimination find that the Commission representatives were fair and impartial? Was the Commission thorough? Efficient?

These are the kinds of questions almost every public service agency should be asking itself. Indeed, it is common in the private sector for companies to conduct market research to get feedback about how their products are being received. Too often the public sector fails to make reasonable efforts to find out what people think. Worse still, public agencies (and those to whom they are accountable, such as legislators) tend to react to complaints when these points of view may not fairly represent dominant public opinions.

For these reasons the Commission undertook a survey of all persons whose filed complaints were resolved in 1978. Those who were filed against were asked the same questions, and the results were tabulated separately. The response was much higher than expected. Following are the complete results, reduced to percentages. (The difference between 100% and the sum of "Agree" and "Disagree" represents those expressing no opinion.)

RESULTS OF COMPLAINANT/RESPONDENT SURVEY

1. The investigation of the complaint was fair and impartial.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	49%	42%
Respondent	54%	34%

2. I had confidence in the Commission staff.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	47%	47%
Respondent	45%	30%

3. Commission representatives were courteous and professional.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	62%	21%
Respondent	78%	9%

4. It was generally clear to me what was happening on the case.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	55%	33%
Respondent	70%	24%

5. To represent my interests, I needed to obtain legal advice.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	31%	37%
Respondent	46%	22%

7. Processing the case took too long.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	58%	27%
Respondent	64%	27%

8. What the Commission decided to do about the case was reasonable.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	34%	49%
Respondent	61%	24%

9. As a result of the case, I learned something of value about the Human Rights Law.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	61%	21%
Respondent	56%	28%

10. Other government agencies should conduct surveys to see how they are being received.

	<u>AGREE</u>	<u>DISAGREE</u>
Complainant	84%	7%
Respondent	76%	6%

There was a significant correlation between opinions expressed by both groups. The greatest difference occurred in question 8, in which the complainant group expressed more dissatisfaction with the outcome of their cases while the respondent group was generally satisfied with the reasonableness of the results.

VIII. Rural Project

In these pages each year we have described human rights problems in rural areas. Chief among them are the patterns of employment which work to the disadvantage of rural-based Alaska natives. There is also a general lack of availability of state services in rural Alaska, and public schools programs may be discriminatory toward native children. These issues have been adopted among the top priorities of the Commission's systemic program.

State government commonly offers its services in rural Alaska by two methods. It maintains very costly offices there with highly paid staff, many of whom are non-native. It also, if it does not maintain offices, tries to serve rural Alaska by touring the area with urban-based staff, few of whom are native. There may be a less costly, more effective alternative.

Having experimented with both options in recent years and finding them unsatisfactory, the Commission embarked on an innovative method of making the human rights law familiar to rural Alaskans by contracting with institutions which are themselves tied to rural Alaska. Funding for the project was freed up by closing the Commission's Barrow office and abolishing the staff position after the incumbent resigned. Then the Commission sought proposals, considered 11, and made three awards to total \$60,000 for the first six months of 1979.

The three successful bidders are the Upper Tanana Development Corporation, Bristol Bay Native Corporation, and the Aleutian Pribilof Islands Association. Each organization showed how it could use its existing staff and, with the limited funding available, provide its region with information about the human rights law, counsel persons who raise issues of discrimination, and assist the Commission's staff in gathering facts from rural Alaska in connection with state-wide cases.

The Commission expects to report to the legislature on the results of this demonstration project during the legislative session. With this information the legislature can decide at what level to continue funding this contracting activity.

Media Session

Media coverage of the 1977 murders of two non-native campers in Barrow drew considerable criticism from rural Alaska when racial motives were suggested for the killings by an investigative official. This isolated speculation by a trooper received national prominence. More than one paper painted images of a "race war" in Barrow. Reporting of the incident

demonstrated strikingly how distortions can result: both from the media's lack of reliable sources in rural Alaska (and possible anti-native bias), and how unfamiliar rural people are with the workings and needs of the urban press.

The U.S. Department of Justice's Community Relations Service responded to the tense aftermath of this coverage by convening a conference in 1978 at which rural people and the working press could express these concerns to each other. The Human Rights Commission became a co-sponsor, as did several other groups. The Commission prepared a role-playing model for the group which demonstrated how such distortions get started. The remainder of the session consisted of presentations by both press and rural people about their needs and expectations. The session concluded with formation of a committee whose task will be to carry the dialogue forward.

IX. Discrimination in State Government

The state's own record as an equal opportunity employer came in for strong criticism from the Commission, the Legislature, and even from some leaders in the Administration during 1978. This is particularly disconcerting when private employers are looking to the state for leadership in this area.

The process may have begun when amendment of the language in the human rights law which requires the writing of this report was proposed. The bill, which was enacted, proposed adding to the report, "once every three years", an analysis of the state's progress in meeting equal employment obligations. The Commission had suggested that the state's own internal EEO office should be able to supply this type of information, but the legislature quickly discovered that the necessary data was inaccurate or unavailable.

The Commission had analyzed the state's EEO program and had detailed the program's deficiencies in a letter to the Governor. Then the state advisory committee to the U.S. Civil Rights Commission entered the picture and announced hearings into the state's employment practices.

These independent events persuaded the legislature that EEO was only one part of a much larger problem with the state's employment system. As the Human Rights Commission's Director later told the Civil Rights Commission:

"...The apparent unresponsiveness of Alaska's antique merit system...is a system of rules in which there are no rules, to paraphrase Ogden Nash, because the exceptions so often swallow them up. A system which is founded on principles of merit too often permits favoritism and non-job-related criteria to predominate."

A "Blue Ribbon" commission to study and refine the State Personnel Act was legislated by resolution and specifically charged with addressing EEO issues in its broad examination of the personnel system. The Human Rights Commission is represented, together with legislators, representatives of the Administration, labor unions, and the Ombudsman.

This flurry of concern during the last legislative session resulted in an announcement by the Administration that a highly skilled former staff member of the Human Rights Commission had been hired to put together a new direction for the state's EEO program. These new directions were announced by Department of Administration Commissioner Allen (to whom the EEO officer reports) in a speech to the Governor's EEO Advisory Committee. The speech, and much of the new program design, was developed in close cooperation with

the Human Rights Commission. By the end of 1978 what had loomed earlier as a confrontation of sorts between the Commission and the Administration had matured into a relationship of significantly greater cooperation.

While the Administration has taken all the correct initial steps in putting together a rational EEO program, observers should not expect overnight miracles. Major employers who have effective programs put a lot of time into them. Proper EEO planning is an arduous task: much of it involves data collection and analysis. The state's ability to retrieve the facts it will require is still very limited; it will take time to design a responsive system. The state is far behind many other major employers because of its late start.

In preparing for the Civil Rights Commission hearings the Human Rights Commission analyzed its complaint filings involving the state through the fall of 1978. Following are the relevant findings from the testimony of the Commission's Director:

We have received 200 employment cases against the state during this time frame, including those which were on file as of January 1, 1975, when our recordkeeping system was put in place. The comparable figure for our total employment caseload during this period is 2162. (Employment discrimination is alleged in four out of five cases.) Thus, the state accounts for approximately 9.3% of our employment discrimination complaints. The proportion of the Alaska non-farm workforce employed by the state has fluctuated between eight and nine percent during this time, indicating that the state is probably getting about its fair share of complaints.

We can analyze these 200 cases as to the basis for the alleged discrimination and compare it with statewide filings:

<u>Basis</u>	<u>% of total allegations</u>	
	<u>State</u>	<u>Total Cases</u>
Race	36%	39%
Sex	34%	29%
Handicap	8%	5%
Marital Status	3%	3%
National Origin	6%	7%
Age	9%	5%
Other (Parenthood, Retaliation, Religion)	4%	12%

This indicates to me that the types of complaints we receive involving the state follow the general pattern of all complaints.

We can also share with you the issues alleged in this group of state cases:

	<u>State</u>
Failure to hire	34%
Discharge	14%
Promotion	6%
Terms & Conditions	8%
Unequal Pay	3%
Demotion	5%
Other & not listed	37%

We do not track this data separately for all employment complaints, although it could be retrieved from the computer if necessary. We have reason to believe that the state's pattern is not strikingly different from the statewide pattern.

Turning to cases which have been closed since January, 1975 we can show you what the final actions were, compared with state-wide data:

	<u>% of Total Closings</u>	
<u>Closing Action</u>	<u>State</u>	<u>Total Closings</u>
Failure of Complainant to cooperate/proceed	13%	25%
Conciliation/Settlement	17%	23%
No probable Cause	25%	17%
Administrative Dismissal	10%	9%
Complainant Unavailable	10%	9%
Other (Withdrawals, not timely, lack of jurisdiction, filed in court)	25%	9%

Here the state's pattern differs somewhat from state-wide totals indicating a higher rate of withdrawals balanced against a lower rate of people failing to stay in touch with us. Our no cause finding rate against the state is slightly higher, but I would hesitate to attach statistical significance to the difference.

Here is a breakout of the filing rates against major departments during this three and a half year time frame:

Transportation:	31	=	15%
(includes Highways & Marine Transportation)			
Labor:	13	=	6%
Education:	12	=	6%
Public Safety:	14	=	7%
Public Works:	17	=	8%
Health & Social Services:	51	=	24%
Corrections:	25		
API:	8		
Social Services:	4		
Public Assistance:	6		
Other:	8		
Fish & Game:	10	=	5%
Other Departments:	52	=	30%
(less than 10 complaints each)			

200

These figures do not necessarily indicate where the most discrimination is present. A department with many minorities is more likely to get complaints, particularly about upgrading, terms and conditions and discharge and demotion than a department with none.

The filing rate against Transportation is explained in part by a number of complaints by women seeking equal work opportunities on the ferry system. That issue [has been decided by] the Supreme Court and will dispose of our cases.

I do attach some significance to the filings against Corrections. That division does have a high proportion of minority people and complaints from these and from women have been well-founded. The Muldrow case is still pending an appeal from the Commission's order after some initial sparring in the Superior Court. The State failed in its claim that it had the right to depose a member of the Commission on whether she read the hearing transcript before reaching her decision.

The Superior Court will have an important question of statewide application before it in this case. Muldrow established a prima facie case of race discrimination in her failure to become a correctional officer. The state agreed. The state then argued that her case would be explained away by a showing that the officials involved followed the

personnel rules. The Commission held that such a showing, even if it were true, could not rebut a prima facie case. The crucial question, then, which all employers must face, is what evidence it takes to overturn a prima facie case of discrimination.

The only other case we have had against the state involving hearing action is McClinton. To me, in supervising the presentation of the case at hearing, this case symbolizes how the personnel rules can be used and abused to the disadvantage of minority people. [The Commission ruled that McClinton was entitled to damages for not being considered for other jobs when her job was abolished; that she was not forced to quit, but that she is due back pay in connection with a later job which was denied her because she had filed a complaint with the Commission.]

I think it is significant that only these two cases reached the hearing stage. Out of the 163 state cases closed since January, 1975, 17 were settled after filing with little or no involvement by us, seven were settled before we entered a finding, four were settled after we found cause, and one was settled just before a hearing was to be held. This indicates to me that the state is not opposed to amicably settling meritorious cases, even before we complete investigation. That McClinton and Muldrow are both being hotly contested may indicate the need to have the law construed on certain issues of general public importance and not necessarily hostility to the law itself.

People have suggested to me that there may be more to the state's fighting us on these two cases than meets the eye. What people suggest goes partly to the internal dynamics between the Department of Law and the people, even Commissioners, in the affected departments. That's attorney-client stuff and we have nothing specific to tell you about it. What might make more sense is the theory that the state is fighting us because these cases represent headlong attacks on some fundamental philosophies and practices of the merit system which the state feels must be protected. It is risky to characterize the state as a monolith in this fashion, however, because we see indications from the leadership level that some of them believe change is needed. From our point of view we are less interested in doing frontal lobotomies on state officials to see what their attitudes are than we are in seeking solid accomplishment of EEO goals.

Many of these settlements might not have occurred without the active participation and cooperation of the Department of Law. Seven cases settled for a total value of \$80,485. There were 10 lesser settlements totalling \$20,040, for a grand total of \$100,525. (In settling each of these the state does not have to admit liability.)

Our pattern has often been to deal initially with a defensive and even hostile department, division chief, or departmental personnel officer. As the facts develop, however, that department's attorney which handles all its routine business steps in and often persuades the department to settle rather than litigate a losing case. We have seen considerable growth in understanding this complex law among these attorneys, few if any of whom had any experience with civil rights law before coming in contact with our complaints.

The most dramatic example of this type of settlement dynamic was a major effort we launched two years ago against discrimination in the troopers job class, which includes fish and wildlife protection officers. We were expecting to go to hearing, with a collateral attack in federal court on the state's federal Revenue-Sharing and LEAA money, when the Attorney General himself personally reversed his subordinates and informed the offending department that the case was to be settled on our terms. That agreement, which we [have monitored] for compliance, required a complete rewriting of a written exam which had not been validated but was excluding a high proportion of minorities. The department was also required to write a comprehensive affirmative action plan and to hire one minority person or female for every two white males it hired. Natives and blacks were to be specifically included. Since such a ratio remedy sometimes required dipping below the top five, the Attorney General, in a written opinion, authorized the procedure as a remedy for past discrimination.

I should also mention that the staff of the Division of Personnel, unlike many of the departments, has been uniformly cooperative with us in supplying data relevant to complaint investigations. We have seldom had to issue subpoenas or default notices in state cases and we have never been forced to move in court to enforce them. We have far more troubles of this type in the private sector.

The Civil Rights Commission heard this testimony and that of dozens of other witnesses in Juneau and in Anchorage. Preliminary drafts of their report and recommendations are to be circulated for comment to affected agencies early in 1979, with final publication set for later in the spring.

X. Legislative recommendations

We began this report with a discussion of the "body of law" which defines human rights in Alaska. We characterized it as among the strongest in the nation. Nevertheless, even this strong law contains deficiencies which the Legislature should correct.

Sexual Preference: Although the protection of the laws is granted to a variety of groups, gay people are virtually without rights in Alaska. After extensive hearings into the problems of discrimination which gay people face, the Commission adopted the following resolution:

The Alaska State Commission for Human Rights hereby acknowledges the fundamental human rights of all persons, including those with a sexual preference which may differ from the majority population. Therefore, the Alaska State Commission for Human Rights urges and supports the Alaska State Legislature to extend the statutory jurisdiction of the Commission by incorporating the words "sexual preference" as a protected right under A.S. 18.80, "Laws Against Discrimination".

It is with deep regret that we must record the Governor's refusal to support this legislation as part of the Administration's package.

Age in Apprenticeship: There is only the barest handful of exceptions to Alaska's broad protections against age discrimination. Certain teacher retirement programs, the minimum age requirement for troopers and mandatory retirement of judges (but of no other officials, public or private) were the only exceptions before 1976. Suddenly, perhaps in response to union pressure over a handful of cases then pending before the Commission, the Legislature created a broad and curious exemption: all union apprenticeship programs registered with the federal government. (It has been traditional for such programs to carry relatively low upper age limits for admission; age 27 is common.) In no other form of employment is everyone barred from applying before even turning 30. Arguments that unions should favor the young who are chronically unemployed would apply with equal force to any employer, so it is curious indeed that labor has been granted special permission in this area. The legislature should re-think its enactment of A.S. 18.80.295 and repeal it so that apprenticeship opportunities are not denied solely on the basis of age. This action would also have a beneficial effect in opening work for Natives arriving in Alaska's urban areas in their late 20's, as well as women who desire to re-enter the workforce after completing their most intensive child-raising responsibilities.

Mini Title IX - There is a federal law which requires equality between the sexes in most aspects of the public education process. The general provisions of A.S. 18.80.255, prohibiting governmental discrimination, reach the same issues, but not with the explicit detail of the federal law. State law contains no provision to permit the Commissioner of Education to carry on these activities independent of enforcement actions by the Human Rights Commission or the federal government. The 1978 legislature saw such legislation introduced: it should be re-introduced and given full consideration.

Contract Compliance/Minority Contractors - This issue was fully discussed in Section IV of this report. The Governor has the authority -- and, we believe, a Constitutional obligation -- to guard against discrimination by government contractors, and to encourage fairness toward minority-controlled firms. The Legislature equally can require such action by passing a law. The 1978 legislature began consideration of the issue: this work should be renewed in 1979.

Ex-offenders - As this report was being prepared the Commission was considering testimony it received in hearings about discrimination against ex-offenders and others who come in contact with the criminal justice system. Legislative recommendations may become available during the 1979 session.

APPENDIX A

CASE PROCESSING STATISTICS 1978

A. Analysis of new cases filed in 1978

RACE OF PERSONS FILING CHARGES

	Race	Number	Percentage
1.	Caucasian	173	47%
2.	Black	101	27%
3.	Alaska Native	65	17%
4.	Hispanic	14	4%
5.	Asian	11	3%
6.	Other/Unknown	7	2%
TOTALS		371	100%

SEX OF PERSONS FILING CHARGES

	Definitions	Amount of Cases	Percentages
1.	Female	198	53%
2.	Male	169	46%
3.	Director's Charges and Multiple Charging Parties	4	1%
TOTAL		371	100%

REASONS ALLEGED BY COMPLAINANT

	Definition	Amount of Cases	Percentages
1.	Race	149	41%
2.	Sex	93	25%
3.	Multiple Reasons	52	14%
4.	Other (Religion, Pregnancy, Parenthood)	22	6%
5.	National Origin	12	3%
6.	Age	11	3%
7.	Physical Handicap	16	4%
8.	Marital Status/Changes in Marital Status	16	4%
TOTAL		371	100%

TYPE OF UNLAWFUL PRACTICE ALLEGED

	Total Number of Cases	Percent of Total Cases
1. Employment A.S. 18.80.220	314	84%
2. Government Practices A.S. 18.80.255	13	4%
3. Retaliation/Coercion A.S. 18.80.200/A.S. 18.80.260	18	5%
4. Public Accommodations A.S. 18.80.230	7	2%
5. Housing A.S. 18.80.240	10	3%
6. Finance A.S. 18.80.250	9	2%
TOTALS	371	100%

B. Closing Actions

REASONS CASES WERE CLOSED JANUARY - DECEMBER 1978

Definitions	Number of Cases	Percentages
1. No Probable Cause	155	29%
2. Conciliation/Settlement	114	22%
3. Failure of Complainant to Cooperate/Proceed	84	16%
4. Withdrawals	62	12%
5. Other*	59	11%
6. Administrative Dismissal	24	5%
7. Complainant Unavailable	27	5%
TOTAL	525	100%

* Includes: withdrawals, failure to complete filing process, lack of jurisdiction, and cases closed after hearings.

C. Analysis of unresolved cases as of December 31, 1978.

STATUS OF UNRESOLVED CASES

Status	Number	Percentage 12/31/78	Percentage 12/31/77
1. Not Yet Assigned for Investigation	241	40%	57%*
2. Under Investigation	300	50%	32%*
3. Settlement/concilia- tion Being Negotiated	26	4%	5%
4. Conciliation Failed/ Awaiting Hearing	25	4%	3%
5. Appeal Pending	4	1%	2%
6. Hearing Held/Awaiting Order.	4	1%	1%
TOTAL 600		100%	100%

* Note the increase in proportion of cases being investi-
gated as compared with last year at this time, and propor-
tionate reduction in cases awaiting assignment to an
investigator.

AGE OF UNRESOLVED CASES

Filing Time Period	Total	Percent
1974	5	1%
January-December 1975*	30	5%
January-June 1976	55	9%
July-December 1976	77	13%
January-June 1977	98	16%
July-December 1977	110	18%
January-June 1978	106	18%
July-December 1978	120	20%
TOTAL	600	100%

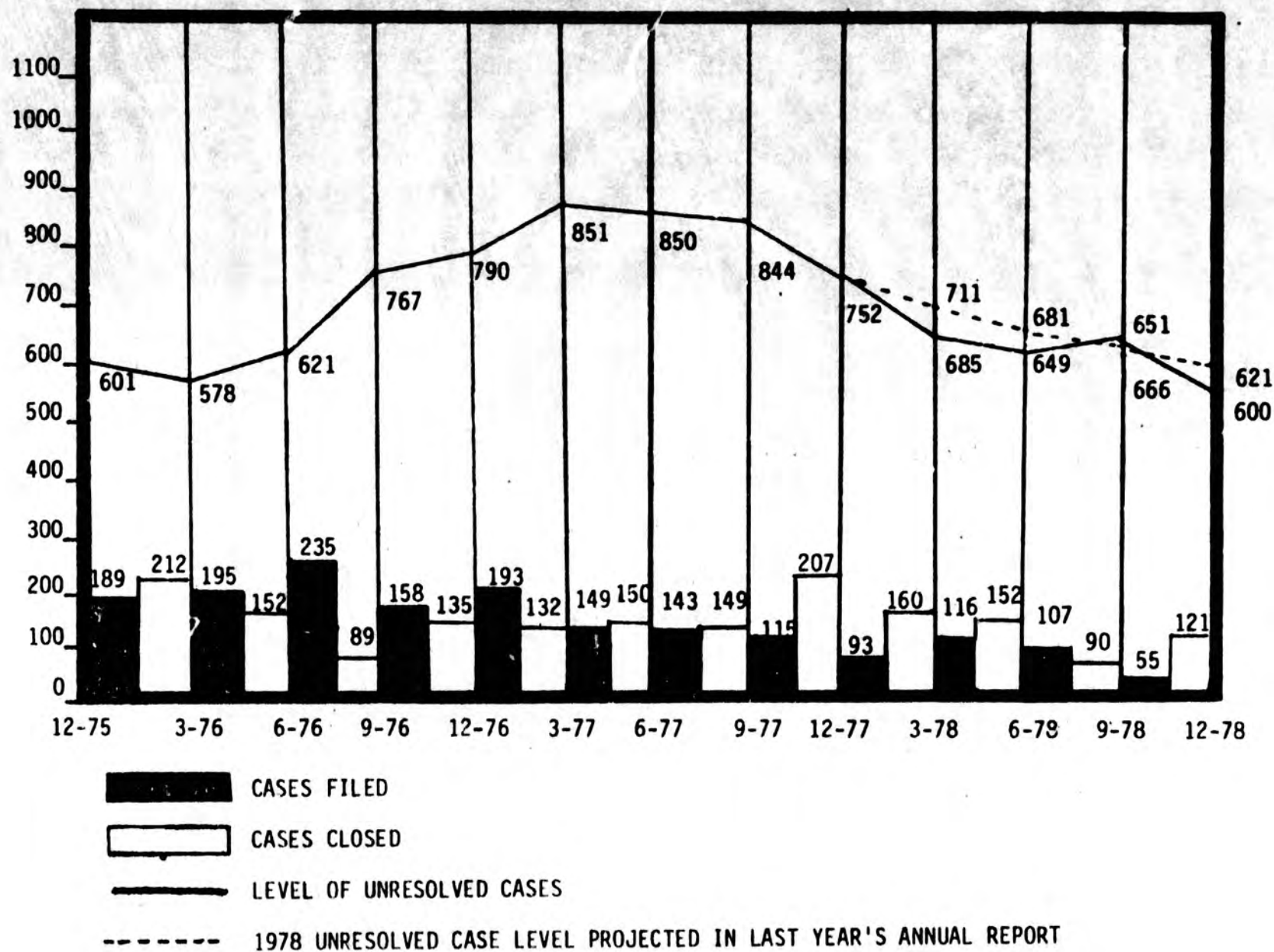
* Cases filed in 1976 and earlier are mostly in court or at hearing.

D. SUMMARY OF CASES PROCESSED BY REGION

January - December 1978

<u>Region</u>	<u>Cases Unresolved on 1/1/78</u>	<u>New Filings 1978 (1977)</u>	<u>Cases Resolved 1978 (1977)</u>	<u>Cases Unresolved on 12/31/78</u>
Southcentral	324	222 (329)	253 (329)	293
Systemic Office	20	13 (2)	7 (0)	26
Northern	330	83 (186)	180 (183)	233
Souteastern	78	53 (83)	83 (127)	48
TOTAL	752	371 (600)	523 (638)	600

E. QUARTERLY CASE PRODUCTION ANALYSIS 1975-1978



STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

HUMAN RIGHTS COMMISSION

204 East 5th Avenue
Room 213
Anchorage, Alaska 99501
Phone: 276-7474

Remarks to the Anchorage Personnel Association
by Daveed Schwartz, Assistant Director
in charge of the Systemic Program for the
Alaska State Commission for Human Rights:
October 25, 1979, Anchorage, Alaska

Good afternoon everyone. It is indeed a pleasure to be here today, because I am sure that, given the topic of my speech, I wouldn't be able to find a more captive audience in town. As the agenda indicates, I plan to discuss the functions of the Commission's Systemic Program. But first, by way of background, I would like to spend some time explaining a little bit about the concept of systemic discrimination in employment and some of the legal obligations of Alaskan employers as they relate to that concept.

There are essentially three types or stages of discrimination, one of which is systemic discrimination. The term "systemic discrimination" can be succinctly defined as follows: practices which operate to exclude on a prohibited ground are illegal and discriminatory unless justified by a business necessity. This is the most sophisticated type of discrimination and must be distinguished from the intentional and differential treatment theories which came into play more frequently in the 1960's but are still seen today in varying degrees. The systemic definition of discrimination was embodied in EEOC's first set of Guidelines on Testing issued in 1966. It appeared again in EEOC's 1970 Testing Guidelines, and in the U. S. Department of Labor Guidelines in 1968 and 1971. Significantly, the U. S. Supreme Court adopted this definition of systemic discrimination in its 1971 decision of Griggs v. Duke Power Company. As many of you are aware, that case involved a company plant in North Carolina with a work force of just 95 employees. The company maintained high school diploma and intelligence test requirements for initial job assignment and transfer to all company departments, except the Labor and Coal Handling departments; and Blacks were absent from all departments except for those two. The Court of Appeals had earlier ruled that the company did not intentionally discriminate by imposing the diploma and test requirements. Therefore, despite the adverse impact of those requirements on Black applicants and employees, the Court of Appeals ruled that the company had not violated Title VII. In reversing that decision, the Supreme Court ruled that Congress intended Title VII to address not simply the intent but also the consequences of

employment practices. Further, in the Court's words, "Congress has placed on the employer the burden of showing that any given requirement must have a manifest relationship to the employment in question".

Congress recognized this landmark civil rights decision when it strengthened Title VII in 1972 by giving EEOC enforcement powers. As Peter C. Robertson, a former EEOC official has written, the Congressional record on the 1972 amendments reveals that "Congress specifically stated that it was granting enforcement powers to EEOC because the average employer, his lawyers, and his personnel officials lacked the technical perception to understand systemic discrimination and would not eliminate it voluntarily". Today, almost eight years later, there is strong evidence that employers and the government are now talking the same language when they attempt to identify, eliminate, and prevent systemic discrimination in employment.

I'm sure that most of you have had plenty of experience dealing with employer obligations under Title VII, Alaska Statute 18.80, and Executive Order 11246. I am sure that most of you have also read or at least heard about the Uniform Guidelines on Employee Selection Procedures published in August of 1978 and EEOC's Affirmative Action Guidelines published in January 1979. Many of you were also in attendance when the Commission and the Anchorage Personnel Association jointly sponsored a workshop this July on the U. S. Supreme Court's Weber decision. The Commission has already adopted by reference the Employee Selection Guidelines, that reference being included in the Commission's regulations at 6 AAC 30.010 (m)(1). The Commission is also in the process of drafting an almost identical version of the Affirmative Action Guidelines. The Employee Selection Guidelines, the Affirmative Action Guidelines, and the Weber decision are relevant to every employer in Alaska. If you understand the concept of systemic discrimination, you will be able to understand both sets of guidelines and the Weber decision.

Having said all this, I will now discuss the background and relevance of the Commission's Systemic Program. The Human Rights Commissioners created the Program in August of 1978 as a result of several factors: 1) a 1974 policy shift of the Commission toward vigorous enforcement of A.S. 18.80; 2) the 1976 Alaska Supreme Court decision of Thomas v. Hotel, Motel, etc. Local 879 in which the Court ruled that the Commission had the authority, indeed the obligation, to pursue large scale cases of discrimination in a vigorous manner. In that decision, the Court said, "Aggressive, large scale enforcement will be of critical importance if systemic and continued discrimination is to be eradicated."; 3) a need to reach the fundamental roots and institutional patterns of discrimination with class action cases rather than only processing one on one cases which slowly pick away at employment discrimination; and

4) a need for a central function at Commission Headquarters which plans and directs class action complaints in a rational and comprehensive manner. Although the Commission had processed several class action complaints prior to the creation of the Systemic Program, there is now an ongoing and organized effort in this area.

From a program manager's point of view, systemic enforcement efforts represent a cost efficient method of increasing compliance with Alaska's Human Rights Law. The Systemic Program essentially has two main functions: one is case processing, in which large scale cases of discrimination, primarily in the areas of employment and government practices, are initiated through the Executive Director complaint mechanism. These cases follow the same route as individual claims of discrimination, with service of a complaint being followed by an impartial investigation, a determination as to probable cause, dismissal for no cause, conciliation attempts for cause findings, and public hearings where conciliation is unsuccessful. An example of this is the Thomas v. Pipeliners Union Local 798 class action complaint which concluded at the public hearing stage just yesterday. The hearing for that case lasted a full four weeks, with a three and a half thousand page transcript expected. As you can see, hearings on systemic cases are lengthy and expensive enterprises for all parties concerned. Currently, the Commission is investigating three class action complaints, of which two are close to resolution.

The other function of the Systemic Program is technical assistance. Most of you have come in contact with the Systemic Program through the Employer Survey which was published in September and which received a lot of attention in the news media. You are no doubt wondering what the Commission's plans are with respect to the results of the survey. In anticipating this question, let me answer it in the context of both technical assistance and case processing. The original purpose of the survey was to enable the Commission to plan its enforcement program with respect to systemic cases. However, after the Weber decision which allows employers to voluntarily enter into agreements to enhance their affirmation action programs and to correct conspicuous racial and sexual imbalances in their work forces, the survey took on the added purpose of serving as a vehicle to encourage voluntary compliance among survey participants. I will be more specific in just a moment.

With respect to case processing, we will generally operate on a worst-first priority basis when initiating class action charges against employers. With regard to technical assistance, the Systemic Program's position is this: voluntary compliance is preferable to class action litigation. We want to encourage good faith efforts on a part of employers. That is why the Commission has already begun contacting selected companies in order to arrive at written affirmative action agreements

between the Commission and the individual employers, agreements which are tailored to fit the special needs of each employer involved.

We will not be contacting every employer in the survey, but we will be continuing in this effort; and so if you have not been contacted yet, that doesn't necessarily mean we won't get to you eventually. In fact, we won't object if those of you who are interested decide to initiate contact yourselves. This effort is not necessarily limited to those employers who participated in the survey either. There are distinct advantages to employers who enter into an affirmative action agreement with the Commission. I won't go into those at this time, but I'll instead wait until we have a chance to meet separately.

In the mean time, I would like to read to you a portion of an article which appeared in The Anchorage Times on October 5th of this year; and then I will issue a challenge to all personnel and EEO Officers here today. The article is entitled, "Chamber Official Says People Look to Business", and it reads as follows:

(See attached article.)

And now here's the challenge: you, as personnel and EEO Officers, can take the lead voluntarily by making sure that your company adheres strictly to the Employee Selection Guidelines and the Affirmative Action Guidelines. If you do all of that in good faith, you can reduce government interference and keep the Commission, the EEOC, the OFCCP, and other civil rights enforcement agencies off your back systemically. However, if you don't do it voluntarily, you are opening up a Pandora's Box which can include costly litigation, class back pay, and a government-imposed personnel system. The Pipeliners Union 798 is facing these possibilities right now. But if you do your jobs right, you can help your company avoid sharing their experience. Thank you.

Chamber Official Says People Look To Business

By JOHN KNOWLTON
Times Staff Writer

The American public is getting fed up with too much government influence in their lives and is looking toward private enterprise to solve some of the nation's problems, an official of the National Chamber of Commerce said here Thursday.

"We feel the public mood is ripe now for a return to private enterprise as a solution to our problems," said David Welch, Western regional representative of the national chamber.

"The public is tired of the solutions which have been tried by the government."

Welch is in Alaska for a convention of the state's chambers of commerce and member of those chambers. He spent Wednesday and Thursday in Anchorage meeting with local chamber officials and is in Fairbanks today and Saturday for the state convention.

Welch, 27, said in an interview Thursday the chambers of commerce throughout the country can capitalize on the changing public mood to develop a more business-oriented government.

Likening the "business movement" to the black movement and student movement of the 60s and early 70s, Welch said, "As the leaders of the business community, we should take the lead in the business movement."

The national chamber has established a five-year goal of achieving a pro-business Congress by 1985, Welch said, and it intends to use its much-touted lobbying and political muscle to do it.

Using its nationwide network of more than 2,000 congressional action committees, the chamber will attempt to change the attitudes of congressional representatives with anti-business sentiments, Welch said.

Those who don't support business causes, will be targeted for replacement during the next election, he said.

As a part of the increased emphasis on the business point of view, the national chamber is spending about \$1.5 million on enlarging its broadcasting center in Washington D.C.

The organization already has a syndicated radio broadcast on the Mutual Broadcasting Network and has developed a weekly television program called "It's Your Business" to focus on economic issues of importance to chamber members.

That television program also is syndicated and covers about 85 percent of the market area in the Lower 48, Welch said. Last week's program concentrated on energy and included Sen. Ted Stevens, R-Alaska, as a panelist.

Welch said the national chamber considers the proposed Alaska Lands Bill "too restrictive" and has supported legislation which allows limited development in the Arctic National Wildlife Range.

He said it sent an 11-point energy proposal to Congress which urged the freeing of more federal lands for oil exploration.

Although the national chamber hasn't taken an active stand in the so-called Sagebrush Rebellion, Welch said, "Overall we favor the concept of states having more control over their land. That, hopefully, will lead to more private development of the land."

The chamber representative also said the national organization views inflation as the number one economic problem of the country. Halting inflation, he said, will lead to a more stable dollar and more faith in the American economy.

Anchorage Daily News

Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Katherine Fanning
Editor and Publisher

Stan Abbott
Executive Editor



Gerald E. Grilly
General Manager

Clay Haswell
Managing Editor

Lawrence Fanning, Editor and Publisher, 1967 to 1971

Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

Breaking the monopoly of 'male and pale'

Results of an Alaska Human Rights Commission into minority hiring practices in the state show few surprises — and that's too bad. Instead, the report drawn from information provided by 66 major employers shows old patterns of de facto discrimination still much at play in the Alaska job market.

There were bright spots — by comparison — in the survey, but the basic conclusion is just another chapter in the long story of inequity. The ranks of top management in the private sector here remain, in the words of the Rev. Jesse Jackson, almost totally "male and pale."

Here are some of the most dramatic findings:

- Of 13 banks surveyed, 10 had no blacks as officials or managers; eight had no Natives in any of those jobs; and five have no ethnic minorities at any top post;
- Natives comprise less than 1.5 percent of restaurant employees, and blacks represent only 2.5 percent;
- Natives — who represent 17 percent of the state population — hold five percent of oil industry jobs, and one percent of the higher positions;
- Three of four airlines in the study have no Natives in top categories; 64 percent of the blacks working for an airline are in service occupations;
- and clerk positions, in every industry surveyed, are overwhelmingly female.

Native workers, especially, were represented at far below their relative share of the population. Certainly there are numerous factors — the fairly recent emergence of Natives into the private market economy, significant "importing" of top management by many major employers, and the like. For all that, the numbers point dramatically to the necessity of continued commitment to affirmative action programs designed to break the cycle of discriminatory hiring.

And they point to the continued need for the work of the Human Rights Commission, as well. For all the progress made against prejudice and unfair practices in recent years, the residual effect of years of second-class citizenship is much with us. The pattern of history has sadly proved the inequality won't cure itself; so positive, aggressive action is required.

Report shows lack of minority hiring

By JEANNE ABBOTT
Daily News reporter

A just-released survey on hiring practices by Alaska's private businesses shows a disappointing lack of minority employment, particularly in the upper levels of management.

The survey has just been published by the state Human Rights Commission on the basis of information from 68 Alaskan employers ranging from banks and restaurants to department stores and oil companies. It is the first such survey to be conducted in the state.

The survey demonstrates that ethnic minorities are noticeably lacking in higher management positions within private industry, while more are clustered at the semi-skilled and unskilled levels.

In very few cases are blacks, Natives, Hispanics or Asians hired in balance to their proportion among the total population.

Women fare better in some businesses, but are poorly represented in others. They are still widely placed at the clerical level and as sales personnel, but rarely find their way to the top in great numbers.

"The survey points to some definite areas that need improvement," says David Swartz, assistant director of the class actions unit with the Human Rights Commission.

"Some employers in the industry do better than others, and some do far worse. What is shown are aggregate statistics."

The results will be used to initiate class action complaints against those employers who appear to be discriminating against minorities, and thus failing to live up to federal affirmative action guidelines.

Although specific employers are not mentioned in the survey, comparisons are made among various segments of private industry. Specifically, the segments are divided into categories of banks, airlines, and miscellaneous.

neous major employers (hospitals, hotels, car dealers, supermarkets).

Statistics show, for instance, that there are no blacks at the professional level working for airlines or department stores.

At the level of officials and managers, less than 2 percent of the work force is black in every category of private business. But at the level of service workers, employment of blacks ranges from 3.2 percent (in department stores) to 14.6 percent (in oil service companies).

The survey figures also demonstrate that no Natives are employed as professionals in department stores or oil service companies, but fare the best with oil companies, where 1.7 percent of the work force is at the professional level.

At the top management step, oil service companies have hired 10 percent Natives but oil companies only 1 percent. In between are other employers, with between 1.4 and 3.1 percent Natives employed as officials and managers.

Women do best with department stores, where 45 percent are working as officials and managers. At banks and the miscellaneous categories, between 30 and 40 percent are key officials.

But with airlines (15 percent), oil companies (3.9 percent) and oil service companies (4.3 percent), women don't do as well.

The vast majority of all businesses have women in clerical positions. At oil service companies, 100 percent of the clerk staff is made up of women; at banks it is 93 percent, and with the airlines, it is 97 percent.

If it is determined that the statistics warrant allegations of discrimination, the rights commission will initiate the complaints, investigate them and finally attempt to conciliate with the companies involved.

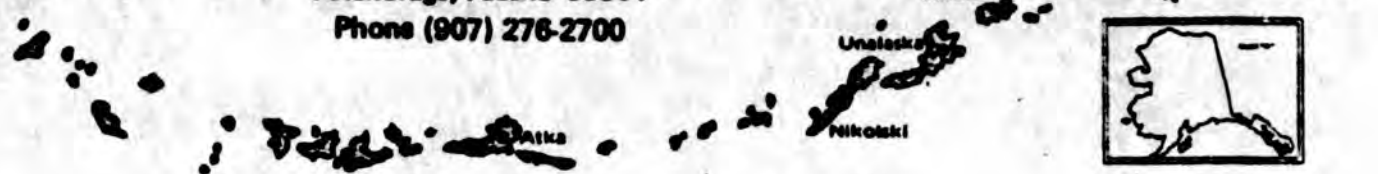
The commission is charged with insuring that minorities are represented in balanced numbers among the work force.

Other statistics show:

- Ten of 13 banks have no blacks employed as officials and managers (yet the state's black population is 3 percent and 4 percent in Anchorage);
- Eight of 13 banks have no Natives employed as officials and managers (yet the state's population is 17 percent Native);
- Five of 13 banks have no ethnic minorities at all at that level;
- Ninety percent of all black Alaskan bank employees are concentrated in office and clerical work;
- Banks hire blacks at a rate of 7.3 percent a year, but terminate them at a rate of 13.3 percent a year;
- Natives comprise less than 1.5 percent of persons hired by restaurants, and blacks only 2.5 percent of those hired;
- Most Natives with airlines are in semi-skilled and sales worker categories;
- Three of four airlines surveyed employ no Natives in the top categories;
- Sixty-four percent of all black airline employees are in the service occupations;
- No airline in the state employs a black male as an official and manager, although one has a black female in a top post;
- Fifty-eight percent of all black department store employees are sales workers, and another 26 percent are in office positions;
- Two of five participating department stores employ no blacks as officials and managers;
- Although Natives account for more than 5 percent of employees in the oil industry, they occupy only 1 percent of the top positions.

Aleutian/Pribilof Islands Association, Inc.

1689 C Street
Anchorage, Alaska 99501
Phone (907) 276-2700



November 5, 1979

Neil Thomas
Executive Director
Alaska State Commission for Human Rights
204 E. 5th Avenue, Room 213
Anchorage, Alaska 99501

Dear Mr. Thomas:

Please accept the enclosed as our final report on contract #ASCHR-R-1 for FY79.

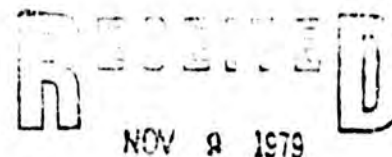
We were very fortunate to have had the Alaska Legal Services work for us in carrying out this project. They did a very good job.

It is unfortunate that the State chose not to fund the project further as I feel that we need to continue what has been started.

Sincerely yours,

Ralph L. Eluska
Deputy Director

RLE:alp
Enclosure



Human Rights Commission
Anchorage

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
POST OFFICE BOX 304
KODIAK, ALASKA 99618
TELEPHONE (907) 486-4178

MEMORANDUM

TO: Ralph Eluska, Aleutian/Pribilof Islands Association Inc.

FROM: Matthew Jamin, Supervising Attorney, Alaska Legal Services Corporation

DATE: October 29, 1979

RE: Final Report under Human Rights Contract

On April 30, 1979, Alaska Legal Services Corporation and Aleutian Pribilof Islands Association entered into a contract by which ALSC would conduct a program of public education about the Alaska Human Rights law in certain villages of the Aleutian/Pribilof region, would provide identification and counselling to individuals within the Aleutian/Pribilof region who sought information about the Human Rights Commission, and would gather data for the Commission within the region.

ALSC's plan as outlined in an early letter dated February 14 from myself to you envisioned two trips each to the villages of St. Paul, Akutan, King Cove, Sand Point and Unalaska. The first trip to each location was to be primarily informational. Meetings were to be had with interested groups about the nature of Human Rights and available remedies for their protection. Followup visits were to permit the processing of complaints which might have been generated by the first visit.

We also planned to develop posters for advance publicity pertaining to the project and the visits, and also to provide permanent information regarding Human Rights Commission availability.

Pursuant to our original understanding, we contacted Mr. Ray Hudson of Unalaska to develop posters which would provide advertising for our visits. We were instructed to hold costs within \$1000.00, and Mr. Hudson did in fact do approximately 50 each of two posters. The cost was \$868.10. Mr. Hudson's posters have been disseminated in the Aleutian/Pribilof Islands area and have generally been well received.

The first poster invited the public to attend educational meetings on Human Rights and was intended to publicize our presence in each village. The second poster informed the public to contact the Southcentral Regional office of the Human Rights Commission for complaints and information concerning discrimination. The second posters were intended to be permanently placed in each village.

RECEIVED

OCT 31 1979

Aleutian/Pribilof Islands
Assn., Inc.

Page 2

Other pre-trip activities included a substantial training session held in March of 1979 at the offices of the Human Rights Commission in Anchorage. The two persons who worked most extensively on the project for Alaska Legal Services Corporation, Michael Parise and Irene McGlashan met with Niel Thomas, Executive Director of the Human Rights Commission, Robert Kemp, Assistant Director, and Evelyn Ramos, Intake Officer. The training discussed the history of the civil rights law in the United States, outlined the scope of present anti-discrimination statutes in the state of Alaska, set out the structure of the Human Rights Commission and gave a detailed explanation of procedures for filing and processing of complaints. A large portion of the training effort was devoted to determining how the Human Rights Commission wanted ALSC to disseminate information in the Aleutian/Pribilof area.

The first village visited was Sand Point. The visit included discussion with school classes, adult groups, a newspaper interview, and office hours to receive inquiries and requests for information from members of the public about Human Rights.

In King Cove, informational meetings and office hours provided the vehicle for information dissemination and receipt of individual inquiries.

In May of 1979, ALSC visited Unalaska and again held informational meetings for the adult public and lectures for students enrolled in the public school.

During June of 1979, ALSC made its first trip to St. Paul in the Pribilof Islands. ALSC spoke with local public and private officials regarding the purpose of the visit; public meetings were had and office hours were held for individual problems.

During the months of July, August and September, ALSC made its first visit to Akutan and due to the smallness of the village, an attempt was made to contact each person on a door to door basis to explain the role of the Human Rights Commission and the nature of discrimination. ALSC feels that this effort was very successful to explain the Commission and its workings. Second visits were had to each of the five listed villages: Unalaska from July 11 through July 29; St. Paul from July 31 through August 4; Sand Point from August 6 through August 8; King Cove from August 9 through August 12; and Akutan from September 6 through September 8.

These second visits had two purposes. The first was to receive complaints about discrimination which had been generated in between the first and second visits. A large number of persons spoke with the ALSC representative about what they thought was discrimination during these second visits, although only one claim actually turned out to be a cognizable claim under Human Rights Commission law. It is important to emphasize however that a vehicle was available through which people who thought they had a discrimination claim could have that claim analyzed.

A second purpose for the latter visit was to emphasize to the people in the villages that the Human Rights Commission effort was not limited to one visit to the villages without followup. We have found it important in our dealings with rural villages to express agency interest so that persons do not forget their substantive and procedural rights.

As a result of the activities undertaken pursuant to the contract, ALSC feels that there has been a significant program of public education about the Human Rights law in the five villages. ALSC also feels that clients who had discrimination problems or who thought they had discrimination problems were adequately counseled on an individual basis both to service their individual concerns and to emphasize the commitment of the Human Rights Commission within the region. Finally, ALSC feels that it has through its monthly reports gathered data for the Human Rights Commission in further outreach both within the region and in other remote areas of Alaska.

We are happy to have had the opportunity to participate in this important program. At the very least, for an entire generation of school children, the word "Human Rights" will have meaning.

**EQUAL
EMPLOYMENT
OPPORTUNITY**

• • • • •

EEO

for

MANAGERS and SUPERVISORS
a one-day workshop



12-19-79

STATE OF ALASKA

AFFIRMATIVE ACTION POLICY STATEMENT

By policy and preference, the State reaffirms its continuing commitment to afford all individuals who have the necessary qualifications, an equal opportunity to compete for employment and advancement with the State. To assure equal employment opportunity there shall be no illegal discriminatory treatment concerning any individual or group because of race, religion; color or national origin, or because of the individual's 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. This philosophy is affirmed in the State's Nondiscrimination and Equal Employment Opportunity Policy which is attached to and made a mandatory part of this Affirmative Action Plan.

This Affirmative Action Plan was developed and is reaffirmed to ensure the effective application of the State's Nondiscrimination and Equal Employment Opportunity Policy: to ensure compliance with applicable government regulations and to serve as a guide for the development, revision and/or meaningful administration of Affirmative Action Programs in each department.

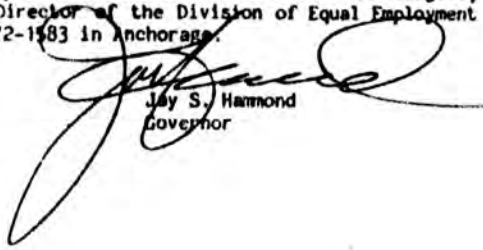
This Program includes mandatory steps to be taken in all departments to ensure equal employment opportunity and the eradication of discrimination throughout the executive branch of State government. Also included are steps which must be taken to encourage members of minority groups and women to seek employment with the State.

In reaffirming my support of this Affirmative Action Plan I am directing all employees to assure that equal opportunity will be an integral part of every aspect of Personnel policy and practice in employment, training, promotion, termination, and treatment of employees at all department levels.

I shall maintain overall responsibility and authority for the implementation of this Affirmative Action Program.

Specific responsibility for providing the necessary guidance and coordination in implementing and administering this Affirmative Action Program is assigned to the Director of Equal Employment Opportunity through the Commissioner of Administration with the full cooperation of each department commissioner.

If any applicants for employment or employees of the executive branch of Alaska State government request further explanation or information on this subject, they should contact Karen W. Cory, Director of the Division of Equal Employment Opportunity at 465-3571 in Juneau, 272-1583 in Anchorage.


Jay S. Hammond
Governor

The Division of Equal Employment Opportunity is requesting your continued support of the Affirmative Action Program of the State of Alaska by encouraging participants to attend "EEO - for Managers and Supervisors." All managers and supervisors regardless of salary range or bargaining unit are required to attend. A manager/supervisor is any employee responsible for the supervision of other employees or any employee who has a role in making employment decisions.

The workshop is designed to provide the participants with knowledge and understanding of EEO/AA. From this workshop, each participant will:

- o Understand his/her role with the Equal Employment Opportunity Division and the Program Objectives;
- o Know why EEO/AA are a necessary and an integral part of management;
- o Know how to conduct a discrimination-free interview;
- o Develop skills necessary to provide a healthy work environment;
- o Develop skills in resolving cultural work value differences as they relate to State employment.

In Juneau

All training sessions will be in the State Office Building Fifth Floor Conference Room from 8:30 a.m. to 4:30 p.m. Please contact your Personnel Officer if you are interested in attending on one of the following dates or for information pertaining to the subject matter.

February 1979	14th, 27th, 28th
March 1979	7th, 12th, 23rd, 27th
April 1979	13th, 23rd, 27th
May 1979	1st, 7th, 21st
June 1979	15th, 22nd, 25th
July 1979	9th, 16th, 23rd
August 1979	6th, 13th, 20th
September 1979	4th, 10th, 17th
October 1979	1st, 8th, 15th
November 1979	5th, 13th, 19th
December 1979	3rd, 10th, 17th

In Anchorage

All training sessions will be from 8:15 a.m. to 4:30 p.m. at the locations indicated. Please contact your Personnel Officer if you are interested in attending on one of the following dates or for information pertaining to the subject matter.

February 16, 1979	UAA, College of Arts & Sciences Building Room 223
February 27, 1979	Alaska Court Building
March 21, 1979	Alaska Court Building
March 23, 1979	UAA, College of Arts & Sciences Building Room 221
March 30, 1979	UAA, Building K, Room 217
April 27, 1979	UAA, College of Arts & Sciences Building Room 221
May 24, 1979	UAA, College of Arts & Sciences Building Room 221
June 11, 1979	UAA, College of Arts & Sciences Building Room 221
July 12, 1979	UAA, College of Arts & Sciences Building Room 221
han. per August 17, 1979	UAA Conference Room
September 21, 1979	UAA Conference Room
October 19, 1979	UAA Conference Room
November 16, 1979	UAA Conference Room
December 7, 1979	UAA Conference Room

In Fairbanks

Training sessions in Fairbanks will begin at 8:15 a.m. on the following dates at the locations indicated:

March 14, 1979	DOT/PF Regional Office, 2301 Peger Road
May 10, 1979	DOT/PF Regional Office, 2301 Peger Road
July 27, 1979	DOT/PF Regional Office, 2301 Peger Road
September 28, 1979	Alaska State Library
November 9, 1979	Alaska State Library

In Ketchikan

April 3, 1979	Training location to be announced
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In Kotzebue

April 18, 1979	Training location to be announced
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In Sitka

May 16, 1979	Training location to be announced
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Spe.
1m Total enrollment in each workshop will be limited to thirty (30) participants. Please coordinate the nomination of the candidates through your department Personnel Officers, or contact:

Camilleann Nelson, EEO Officer
272-1583 Anchorage
For the Anchorage, Fairbanks, & Kotzebue Workshops

Dave Stout, EEO Officer
465-3570 Juneau
For the Juneau, Sitka & Ketchikan Workshops

Karen W. Cory, Director
Division of E.E.O.

THE STATE OF ALASKA IS AN EQUAL OPPORTUNITY EMPLOYER

A BRIEF SYNOPSIS DIFFERENTIATING THE DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY - -
THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Director, Karen W. Cory - Appointed by the Governor (partially exempt) - serves at the pleasure of the Governor.

Authority

AS 15, 18, 24, 35
Governor's Code of Fair Practices
Proposed Legislation - pending
Commitment of the Governor

Responsibility

To coordinate all executive branch activities involving equal employment opportunity affairs in State government (recruitment and upward mobility; EEO training; Affirmative Action Plans; EEO statistical data; investigation/counsel complaints of discrimination only in State government; contract compliance; monitor EEO/AA program).

Objective

Resolve problem/issue internally through persuasion, counseling - in a manner consistent with the law.

Resource of Comparable Nature

EEO offices within other State governments.

Location

Division is within the Department of Administration.
Offices: Juneau and Anchorage. Covers State Government - executive branch only.

Executive Director, Niel Thomas - Appointed by Commissioners with approval of Governor - serves at the pleasure of Commissioners.

Authority

Federal and State Civil Rights Laws Title 18. Alaska Statutes Chapter 80 Human Rights Law

Responsibility

To initiate, receive and resolve allegations of illegal discrimination in the State of Alaska (employment, public accommodation; sale or rental of property; financing practice; State and political subdivisions).

Objective

Identify and correct problem/issue through interpreting laws against discrimination.

Resource of Comparable Nature

Federal: EEOC, OFCCP, HEW, HUD, DOL, etc. Commissions of other States that serve to enforce law; Other State FEP agencies.

Location

HRC created in Office of the Governor. Offices: Juneau, Anchorage, Fairbanks. Covers State of Alaska including State Government.

Role

Helpmate To State government to provide a work environment free of illegal discrimination and to limit the State's exposure to settlements generated by discrimination charges.

Educator Civil Rights Law - State-wide in State government employment and Human Relations aspects to create a healthy, productive work environment.

Departments have two types of Advisors:

1. EEO Division - technical expertise in EEO/AA
2. Legal Advisor - Department of Law represents State government in cases against HRC and provides general legal advice.
EEO Division and Law will work together to provide consistent advice to departments.

Governor's EEO Advisory Committee (7 members) - Unsalairied committee members who advise the Governor through the Commissioner of Administration on EEO activities. Chairperson:

Karen W. Cory, Director

Role

Enforcer of Human Rights Law (policing agent)
Educator - Civil Rights Law (State-wide); study problems of discrimination in all or specific fields of human relationships.

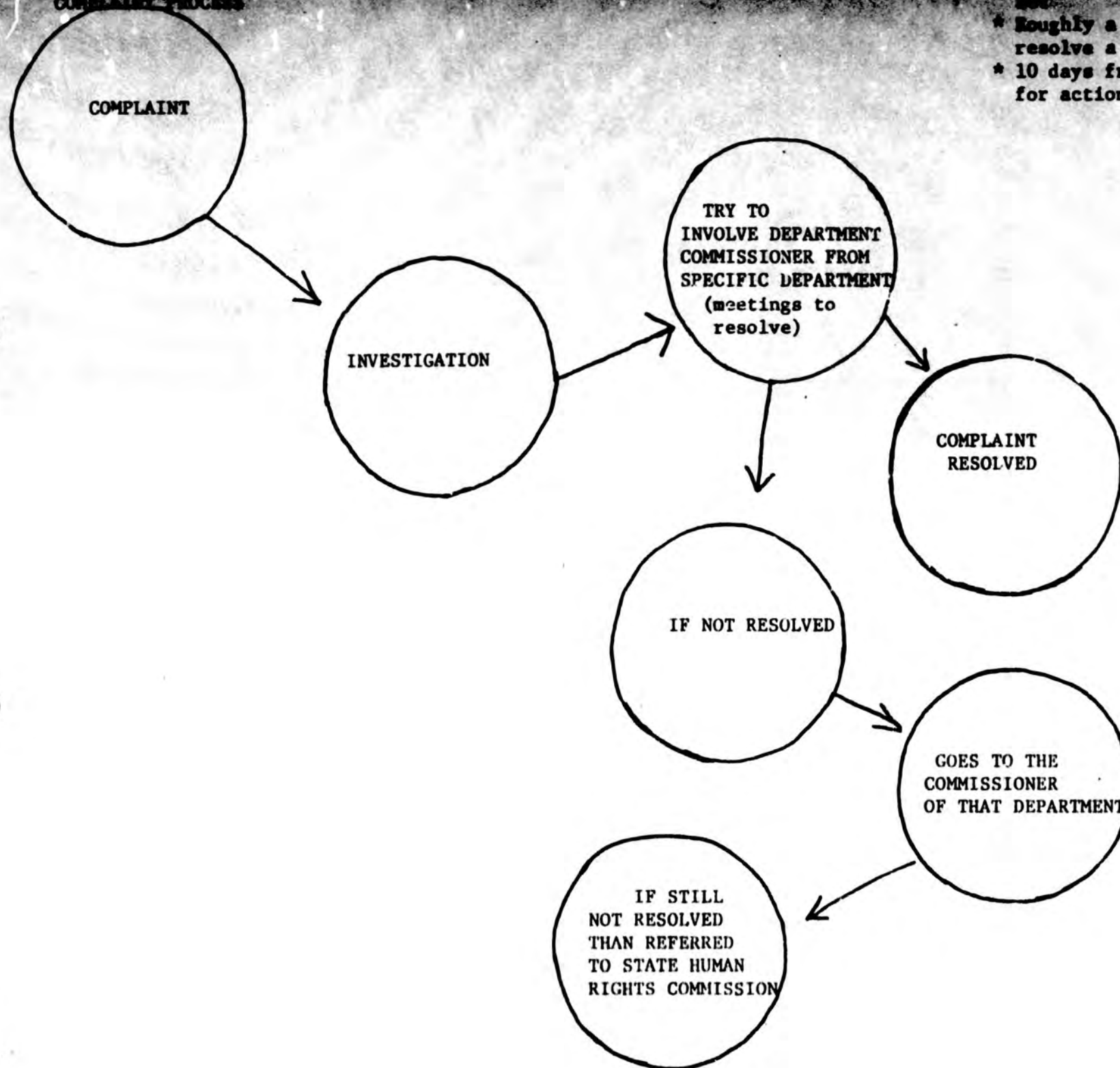
The Human Rights Commission Attorney in the Department of Law does not represent the Commission against any State agency when Department of Law is advising that agency; the Human Rights Commission has the authority to hire its own lawyer. (AS 18.80.075(b))

Commissioners (7 members) - Unsalairied commissioners who set agency policy (including personnel) and decide cases after public hearings (private lawyers are often hired as hearing examiners.) Chairperson: Diana Snowden.

Niel Thomas, Executive Durector

November 15, 1978

- * Roughly a month to completely resolve a complaint
- * 10 days from initial complaint for action



**DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY
Procedure for Conciliation to Resolve Complaints
Alleging Discrimination**

DEFINITIONS

1. Allegation of illegal discrimination: A statement by a State employee or applicant attesting to his or her BELIEF that some personnel action (proposed action) or policy has treated (or will treat) him or her differently or unequally because of his or her race, religion, color or national origin, 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.

2. Complainant: A State employee or applicant who makes an allegation of illegal discrimination against the State or a representative of the State.

3. Compliance agency: NOT THE DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY, but all other State or Federal agencies which have statutory authority for legal resolution of discrimination charges, for example, the Alaska Commissioner for Human Rights or the United States Equal Employment Opportunity Commission.

4. The Division of Equal Employment Opportunity (EEO): Within the Department of Administration with the responsibility to centrally plan, coordinate, and administer a state-wide equal employment and affirmative action program. The Division serves all departments within the executive branch of State Government in an advisory capacity to ensure that discrimination is reduced or eliminated. Each department has an EEO representative who works closely with the Division to plan and implement department programs. Some departments have agency EEO offices to coordinate department activities.

5. Conciliation/resolution: An agreement mutually acceptable to both the complainant and the respondent which addresses the circumstances on which the allegation is based and resolves the issue. The executed agreement is not an admission that illegal discrimination has occurred, but only that the matter has been resolved to the satisfaction of both parties.

6. Respondent: The State and any representative of the State who has been charged with discriminating against an employee or an applicant.

7. State agency: Any department, division, section or office within the executive branch of the State of Alaska.

PROCEDURE

The sole purpose of this procedure is to CONCILIATE allegations of illegal discrimination <not to prove cause> This is a RESULT-oriented process. Both the complainant and the respondent must be willing to resolve the issue through conciliation efforts. Failure by either party to cooperate throughout this process will preclude further involvement

of the Division of Equal Employment Opportunity. All steps in the process will be documented and will become part of the complaint file.

Each department within the executive branch is encouraged first to attempt resolution of equal employment complaints using internal administrative procedures but should notify the Director of EEO of all discrimination complaints, the current status of the complaints, and the disposition of each complaint.

Complaints are received by the Division in several ways: 1) directly from a complainant; 2) from State agencies (respondents); or 3) from the State Human Rights Commission. On receipt of a complaint, the Director of EEO will be immediately advised and briefed with as many facts relative to the allegation as possible. The Director will assign the complaint to a member of the staff. Generally, complaints from the Anchorage area (central and northern Alaska) will be the responsibility of the Anchorage staff and complaints in Southeastern Alaska will be the responsibility of the Juneau staff.

The person to whom the complaint is assigned will:

- 1) Establish the complainant's perception of facts relative to the allegation. This may include a review of written materials or interviews with individuals having knowledge of the situation.
- 2) Determine what the complainant considers an equitable solution.
- 3) Establish the respondent's perception of facts relative to the allegation. This may include a review of written materials or interviews with individuals having knowledge of the situation.
- 4) Clearly define the issue and plan alternative strategies for resolution.
- 5) Coordinate and facilitate a conciliation conference involving ONLY the complainant and the respondent.
 - A) If a conciliation is negotiated and agreed to, a draft of the agreement will be prepared for signatures. The complaint is closed upon signature of the complainant and the respondent.
 - B) If conciliation efforts are unsuccessful, the complainant and the respondent will be notified of the steps that may be taken by the complainant to pursue the allegation with a compliance agency.

The Director of EEO may request the intervention of a department commissioner during any step of this process by informing that commissioner through the Commissioner of Administration of all facts pertinent to the complaint and the extent of the State's liability or potential liability. The Director may recommend necessary actions or various alternatives.

It is the RIGHT of every employee and applicant to question perceived discriminatory employment practices through the use of this process or other legal remedial processes without fear of retaliation by the State or by any representative of the State. RETALIATION IS ILLEGAL DISCRIMINATION. To insure against retaliation, no changes should be made to the position, duties, assignments, or supervision of a complainant or witness without prior consultation with the Director of EEO and the respective departmental personnel officer.

Original 5-11-79

Revised 6-01-79

DS/ljs

208035

**Division
of
Equal Employment Opportunity**

**REPORT
to the
LEGISLATURE**

As requested by the Legislature, this response addresses major accomplishments of the Division of Equal Employment Opportunity and expresses our planned direction for the Equal Employment Opportunity program (EEO) in the Executive Branch. You are encouraged to review the report and the attachments. The Legislative intent items are restated and italicized followed by a narrative for the convenience of the reader.

Karen W. Cory
Director

Historically, the Equal Employment Opportunity Program has been more than desired. However, several major changes have occurred. On September 7, 1978, the Governor appointed Karen W. Cory the Director of the newly restructured Division of Equal Employment Opportunity. The Division is located in the Department of Administration, with offices in Juneau and Anchorage - - the two areas of highest employee concentration. The goal of the State of Alaska is the achievement of equality in all aspects of employment within the Executive Branch. To attain the goal, a program was designed which includes a systematic plan based on management objectives, organizational analysis, and problem identification. The Division is responsible for developing, coordinating, implementing, revising and monitoring the overall State Equal Employment Opportunity and Affirmative Action Program.

The Division's comprehensive program emphasizes: 1) recruitment and upward mobility (the utilization, development and advancement of employees); 2) EEO training of managers, supervisors and EEO representatives; 3) design and implementation of the State's Affirmative Action Plan and assisting departments with updating their plans; 4) compiling, distribution, analysis, and monitoring of EEO statistical data; 5) counseling, investigation, and resolution of complaints of discrimination; 6) planning and establishment of reasonable affirmative action objectives; and 7) monitoring State and department Equal Employment Opportunity and Affirmative Action Program.

It is the intent of the Legislature that the State Equal Employment Opportunity Office shall: continue to generate the 'State Hiring Statistics' Report which reflects state employment data by race and sex.

The Division of Equal Employment Opportunity is continuing to provide the 'State Hiring [Employment, sic] Statistics' Report on a quarterly basis (Attachment A).

3700 Series

1. Purpose: To summarize state work force currently employed by race, sex and salary range. This data provides information for development of an affirmative action plan. Dissemination - Quarterly.
2. Components: Summaries of the total number of employees by race and sex in each salary range* within the Executive Branch, the Judicial Branch and the Legislative Branch. Reports within 3700 series are:

R01-02W-3700 - Total number of employees by race and sex in each salary range within individual departments.

R02-02W-3700 - Total number of employees by race and sex in each salary range within Executive, Judicial and Legislative Branches.

R02-02W-3700 - Lists total number of employees by race and sex in each department within the Executive, Judicial and Legislative Branches.

R01-02W-3700 - Lists total exempt and/or elected officials within the Executive, Judicial and Legislative Branches.

R01-02W-3710 - Same as the previous reports within the 3700 series but only lists permanent employees.

R01-02W-3720 - Temporary employees only.

3. How it is intended for use: In reviewing the data, it will be readily seen where there are concentrations of minorities and females by salary range and by department in the State work force.

* Range 98 - Exempt and/or elected persons

Range 90 - Persons belonging to the Inlandboatmen's Union who are working State ferries

- * Position titles not shown for exempt, partially exempt employees not in salary range structure and elected officials and/or employees.

(REVIEW STATISTICS - Attachment A.)

In addition to the 3700, we generate the

B. 3590

1. Purposes: To provide detailed information summarized in the 3700 series. To aid departments in affirmative action plans in areas of: promotion, career ladders, salary ranges, etc. Dissemination - Quarterly.
2. Components: Lists all employees within each department of the Executive, Judicial, Legislative by location, position title*, salary range, step, and salary, EEO-4 category, race and sex.
3. How it is intended for use: In reviewing the data, each department will be able to identify and to analyze specific problem areas which need corrective action as inferred by 3700 series.

Generate data on the availability of minority and female workers in different occupational classification;

The source for the number of minorities and females available for employment is the latest census which was conducted in 1970. Although the Alaska Department of Labor, Employment Security Division, has attempted to update this information in the publication "Labor Market Information for Affirmative Action Programs 1976," the results are based on 1975 data and 1970 census information. The 1970 Census of Population Information used white, black, hispanic and "other" races to collect and compile census race data. The U. S. Office of Federal Contract Compliance and the U. S. Equal Employment Opportunity Commission require employers to furnish work force statistics using white, not of Hispanic origin; black, not of Hispanic origin; Hispanic; American Indian/Alaska Native; and Asian/Pacific Islander. These differences in Federal requirements are a major concern to all employers mainly because there are no standard methods for comparison of labor force and work force statistics.

We plan to provide the number of minorities and females actually applying for State employment by various job classes.

Until the Division is able to generate available labor force statistics by occupation classification, we are providing detailed information by salary range categories, Ranges 5-10; 11-15; 16-21; and 22-30.

ALASKA LABOR FORCE

STATE-WIDE

	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>OTHER*</u>	<u>TOTAL MIN.</u>
Labor Force	158,948	137,265	3,465	2,638	18,218	24,321
Percentage		86.4%	2.2%	1.7%	11.5%	15.3%
Female	38.6%					

-ANCHORAGE-

Labor Force	69,631	64,704	2,217	1,434	2,800	6,451
Percentage		92.9%	3.1%	2.1%	4.0%	9.3%
Female	41.6%					

-JUNEAU-

Labor Force	8,434	7,451	60	121	923	1,104
Percentage		88.3%	.7%	1.4%	10.9%	13.1%

-FAIRBANKS-

Labor Force	24,121	22,149	862	513	1,110	2,485
Percentage		91.8%	3.6%	2.1%	4.6%	10.3%

STATISTICAL SOURCE: Department of Labor
Employment Security Division

* NOTE: Alaska Natives were included in the "other" category when the 1970 Census was taken.

Increase State EEO Office efforts in affirmative recruitment.

The top priority of the Anchorage office is the Talent Bank, initiated by Governor Hammond in May, 1978 which is established to provide a current list of women and minorities who are qualified for appointment to exempt and partially exempt positions, boards and commissions, and to facilitate referral of qualified applicants for State classified positions.

For example, the Anchorage EEO office assisted the Department of Fish and Game (Subsistence Division) in their recruitment efforts to secure qualified applicants. The following contacts were made:

ORGANIZATION

CINA

Anchorage School District
Bristol Bay Native Association - Dillingham
Alaska Federation of Natives - Anchorage
Alaska Legal Services - Kotzebue
Alaska Legal Services - Nome
KDLG - Dillingham
Dillingham Job Service
Calista Corp. - Anchorage
Anchorage School District
RurRAL CAP - Anchorage
Alaska Legal Services - Bethel
Alaska Legal Services - Barrow
Alaska Legal Services - Fairbanks

This area was served because of the locations of the vacancies. Contacts are projected for other regions as positions become vacant in those locations.

A memorandum entitled "New Direction of the Division of EEO" was sent to representatives of the twenty various departments, agencies and offices in the Anchorage area. Also, an introduction letter was sent from the Division Director to minority and women's organizations to establish ongoing communication. Several personal visits have been made to these organizations.

As of January, 1979, all known minority, women's and handicapped individuals' organizations have been contacted (in Anchorage area) regarding the Talent Bank, contributing to over 150 referrals/applicants for State classified, exempt and partially exempt positions. These individuals are being encouraged to get on State registers (Attachment B). We have also received seven (7) resumes from individuals interested in serving on State boards and commissions. Twenty-one (21) individuals have been placed in professional positions through the Talent Bank recruitment.

The need for disseminating information on equal employment opportunity to residents of rural Alaska is an essential part of affirmative recruitment. Major obstacles do, however, exist: limited bilingual staffing; the logistics of effectively reaching outlying villages and communities; and the scarcity of bilingual literature on State employment have all had an adverse impact. The Division is currently using investigator methods to reduce these obstacles and enhance recruitment of minorities and women in these areas.

The State EEO Office shall: Train its staff in the technical understanding of equal employment laws and regulations;

On September 21-22, the Director held the first joint staff meeting of the Juneau and Anchorage offices. At this meeting, staff were trained in the technical understanding of EEO laws and complaints. On separate occasions, the Anchorage and Juneau staff received training with the Alaska State Commission for Human Rights regarding the Human Rights Law, complaint procedure and regulations. Also, Anchorage staff received training from Division of Personnel and Labor Relations on application analysis and personnel regulations pertaining to hiring.

To explore methods of delivering workshop information to managers and supervisors, Ms. Anita Robinson, Human Relations Officer, Anchorage School District, conducted training with Anchorage Division of Equal Employment Opportunity staff. On February 9th, the Division of Vocational Rehabilitation will train the staff in techniques for interviewing handicapped persons.

Require all State agencies to prepare affirmative action plans;

All State agencies have been informed that they are to prepare an Affirmative Action Plan. The Division has provided uniform Guidelines and will continue technical assistance (Attachment C). The deadline for completion of the plans is June 30, 1979 for each Department. The approved Department Affirmative Action Plan will be transmitted to the Governor's Office by July 31, 1979.

On December 14, 1978, the Director facilitated a one-day workshop session for all department Equal Employment Opportunity representatives (one person from each Department). Governor Hammond presented the opening remarks. A major item on the agenda was the discussion of the Guidelines for updating/writing the Affirmative Action Plans for departments and the State's overall plan. These Guidelines resulted from considerable work by the Division of Equal Employment Opportunity Advisory Committee (Attachment D).

To date, eight (8) workshops have been conducted by the Division of Equal Employment Opportunity (158 managers and supervisors have participated). By December 31, 1979, sixty-four (64) workshops will have been conducted in Anchorage, Juneau, Fairbanks, Sitka, Kotzebue, and Ketchikan. Each participant receives a training workbook for their future reference. The workbooks were prepared by the Division (Attachments E1, E2).

The State EEO office shall prepare detailed program measures and objectives, training plans and methods for program managers, and shall present this information in written report form to the first session of the Eleventh Legislature on or before February 1, 1979.

Division Goal: The achievement of equality in all aspects of employment within the Executive Branch of State government.

OBJECTIVES OF THE DIVISION OF EEO

FOR THE CALENDAR YEAR 1979

- | | |
|-------------------|--|
| <u>Time</u> | (1) <u>All fifteen (15) departments will have a written Affirmative Action Plan consistent with the Affirmative Action Plan Guidelines by June 30, 1979.</u> |
| February 28, 1979 | (a) Final printing and distribution to department of Affirmative Action Plan Guidelines |
| March 30, 1979 | (b) Train Department EEO Representatives |
| May 31, 1979 | (c) Provide technical assistance through visits by Division of EEO staff (5 Departments per month) |
| June 30, 1979 | (d) Monitor progress toward completion of plans |
| | (2) <u>Complete overall State of Alaska Affirmative Action Plan consistent with Guidelines by September 1, 1979.</u> |
| July 13, 1979 | (a) Review Department Affirmative Action Plans |
| July 31, 1979 | (b) Extract pertinent Department Affirmative Action Plan information for use in State Plan |
| August 31, 1979 | (c) Compile information from Department Affirmative Action Plans and write State's AAP |

(3) Plan and implement a recruitment program for minorities and women by December 31, 1979.

- | | |
|----------------|--|
| April 30, 1979 | (a) Develop procedure for Departments' use to notify Division of EEO of anticipated vacancies in a timely manner |
| May 31, 1979 | (b) Develop cooperative (Division of EEO and Departments) program and procedures for minority and female recruitment |
| Continuous | (c) Contact minority and female organizations and maintain communication |
| Continuous | (d) Advertise through media regarding State employment opportunities |
| Continuous | (e) Refer skilled/qualified individuals through Talent Bank (encourage applicants to get on registers) |

(4) Plan and develop a career development and upward mobility program for use by fifteen (15) departments of the Executive Branch by December 31, 1979.

- | | |
|-------------------|--|
| May 31, 1979 | (a) Obtain and research for adaption to Alaska policies, programs, plans, practices, efforts, and progress in career development and upward mobility from other States and private industry through correspondence and/or visits |
| August 31, 1979 | (b) Visit Department Personnel Officers, Managers and Division of Personnel for purposes of discussion and to obtain specific recommendations/suggestions regarding career development/upward mobility |
| December 31, 1979 | (c) Write career development and upward mobility program |

(5) Conduct fifty-six (56) remaining Equal Employment Opportunity and Affirmative Action training workshops on a statewide basis for Managers and Supervisors by December 31, 1979.

- | | |
|-------------------|--|
| December 17, 1979 | (a) Conduct thirty-four (34) Equal Employment Opportunity and Affirmative Action Workshops in Juneau |
| July 30, 1979 | (b) Conduct fourteen (14) EEO and AA workshops in Anchorage |
| July 31, 1979 | (c) Conduct five (5) EEO and AA Workshops in Fairbanks |
| May 30, 1979 | (d) Conduct three (3) EEO and AA Workshops in other Alaskan cities (Sitka, Ketchikan, Kotzebue) |

(6) Finalize written Complaint Procedure by March 1, 1979.

- | | |
|---------------|------------------------------|
| March 1, 1979 | Complete complaint procedure |
|---------------|------------------------------|

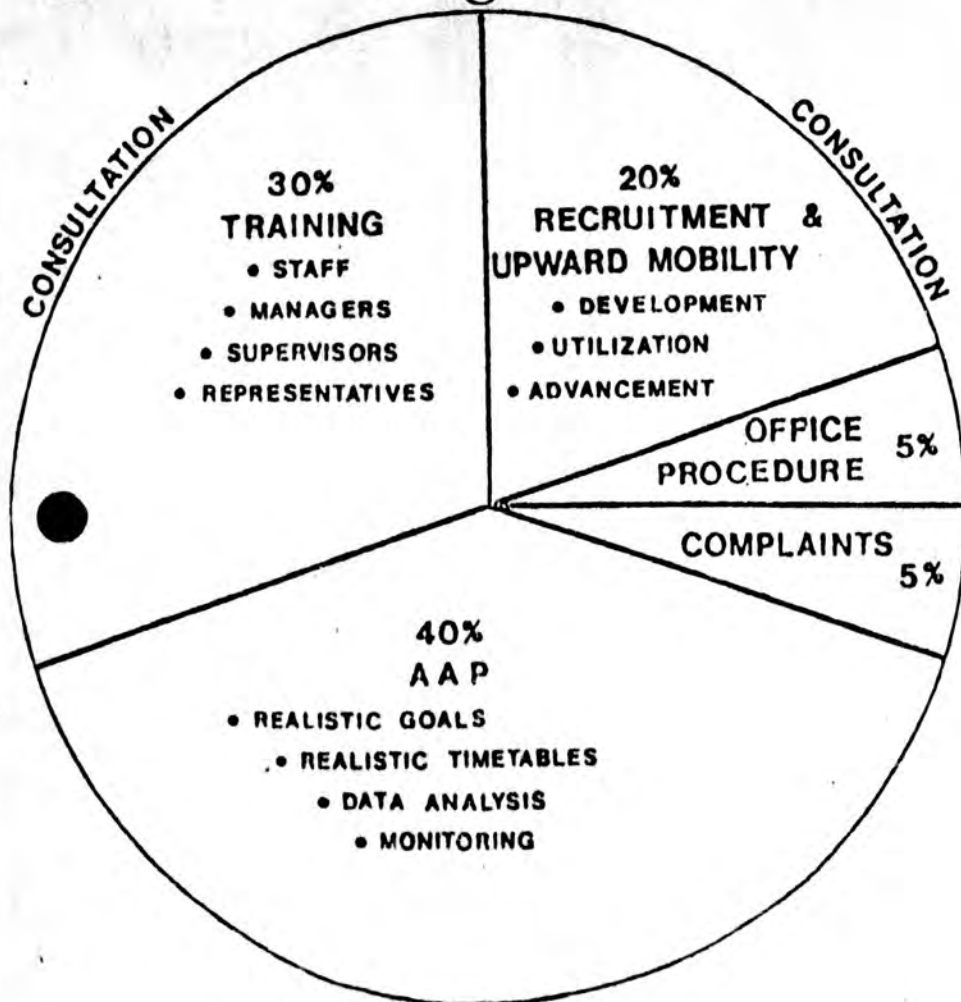
The Director will present to the First Session of the Wisconsin Legislature detailed program measures and objectives and a written report on plans and methods for training of program managers.

As the Director of Division of Equal Employment Opportunity, I encourage you to contact me for clarification on any item. I would appreciate your comments and suggestions regarding the Equal Employment Opportunity Program as we work to insure human dignity in all employment affairs of the Executive Branch. Please contact me at 465-3571.

Karen H. Gory

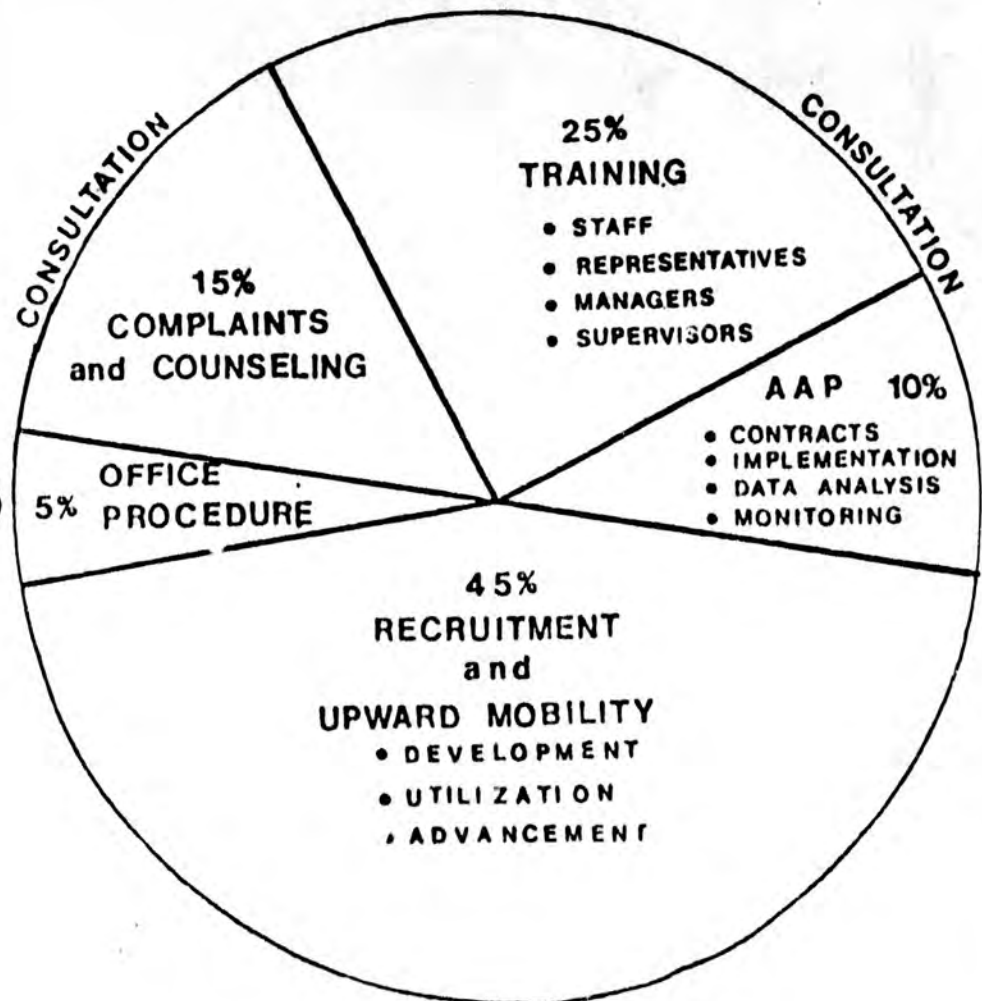
Strategy for an Effective Equal Employment Opportunity Program

Present Program



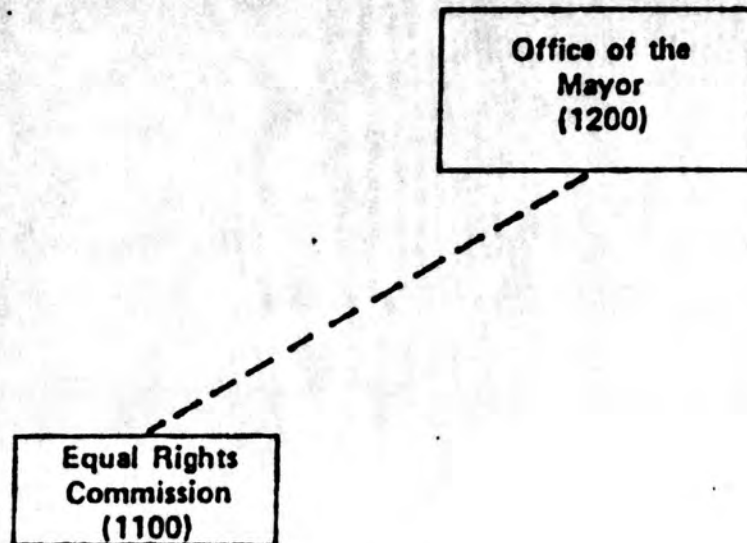
September 1978 to July 1979

Effective Program



July 1979 to January 1981

EQUAL RIGHTS COMMISSION



ARTICLE XVI MUNICIPAL UTILITIES

Section 16.01 Municipal Utilities

(a) Each municipal utility shall be operated in accordance with the general standards common to utilities providing the same utility service.

(b) Each municipal utility shall have a separate budget within the annual municipal budget. The accounts of the utilities shall be separately kept and classified in accordance with uniform accounting standards generally prescribed for public utilities providing the same utility service.

(c) The Assembly shall prescribe rules and procedures for the operation and management of municipal utilities.

Section 16.02 Disposal of Utilities

The municipality may sell, lease, or otherwise dispose of a municipal utility pursuant to an ordinance or initiative proposition approved by three-fifths (3/5) of the qualified voters voting on the question.

ARTICLE XVII GENERAL PROVISIONS

Section 17.01 Equal Rights

The Assembly shall enact ordinances against invidious discrimination in housing, public accommodations, employment, education, and financing practices on the basis of race, religion, age, sex, color, national origin, marital status, or physical handicap.

Section 17.02 Equal Rights Commission

The Assembly by ordinance shall establish an Equal Rights Commission and prescribe its duties. The commission shall appoint its principal executive officer with the approval of the Mayor. The principal executive officer shall serve at the pleasure of the commission.

Section 17.03 Conflict of Interest

An elected municipal officer may not participate in any official action in which he or a member of his household has a substantial financial interest unless after disclosure of the interest his participation is approved by a majority of the body. This prohibition shall be implemented in the manner provided by law, including provision for public disclosure of substantial financial interests of assemblymen, School Board members, and members of regulatory, appellate and quasi-judicial boards and commissions.

The Assembly by ordinance shall adopt procedures dealing with conflict of interest on the part of municipal employees.

Section 17.04 Prohibitions

(a) Except where authorized by ordinance, an elected official of the municipality may hold no other compensated municipal office or employment or elected position under the state or municipality while in office.

(b) For one (1) year after he leaves office, an assemblyman or School Board member elected under this Charter may hold no compensated municipal office or employment which was created, or the salary or benefits of which were specially increased during his last year in office by the body of which he was a member. This section does not apply to employment by or election to a Charter Commission.

(c) An independent contractor engaged through competitive bidding does not hold municipal employment for purposes of this section.

Section 17.05 Public Meetings

(a) All meetings of the Assembly, the School Board and other boards and commissions shall be public. The Assembly by ordinance shall adopt procedures for maximum reasonable public notice of all meetings. At each such meeting the public shall have reasonable opportunity to be heard. An executive session may be held to discuss pending litigation or any matter the immediate public knowledge of which would tend to affect adversely the finances of the municipality or to defame or prejudice the character or reputation of any person. The general matter for consideration in executive session shall be expressed in the motion calling for the session. No official action may be taken in executive session.

(b) Except in emergency, the Assembly, School Board, and all municipal boards and commissions may take no official action between the hours of twelve midnight and 7:00 o'clock a.m., actual time. Action taken in violation of this paragraph is void.

Section 17.06 Notice of Claims

The municipality shall not be liable in damages for injury to person or property by reason of negligence or gross negligence unless, within four (4) months after the injury occurs, the person damaged, or his representative, serves written notice on an officer upon whom process may be served. The notice shall state that the person intends to hold the municipality liable for damages. It shall set forth with clarity the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of and the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant. The Assembly by ordinance may provide for exceptions to the requirements of this section for the administration of minor and routine claims.

Section 17.07 Oaths of Office

Municipal officers, before taking office, shall take and subscribe to the following oath or affirmation: "I solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska and the Charter of Anchorage, and that I will faithfully perform the duties of _____ to the best of my ability."

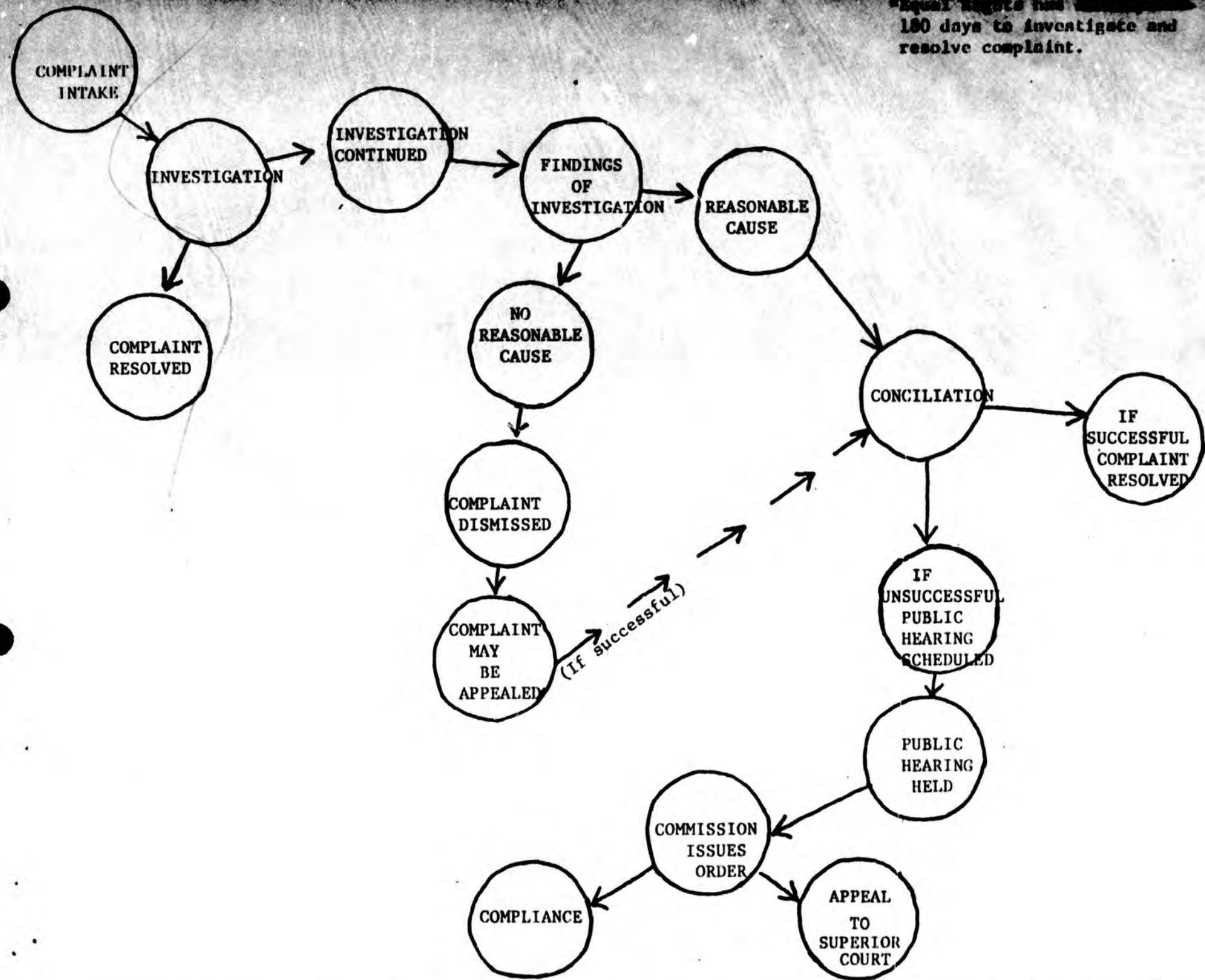
Section 17.08 Continuation in Office

Each elected municipal officer shall continue to serve until his successor qualifies and takes office.

Section 17.09 Provisions Self-Executing

The provisions of this Charter shall be construed as self-executing whenever possible.

*Equal Rights has 180 days to investigate and resolve complaint.



Project Unit	1978-1979	1979-1980	1980-1981
Equal Rights Commission	Reach final disposition of 75% of all complaints within 90 days of filing date. To increase the units of information supplied to the public about the services provided by the Equal Rights Commission. Reach finding decision of all complaints within 75 days and conduct all public hearings within 180 days of filing of complaint.	Reach final disposition of 75% of all complaints within 90 days of filing of complaint. To increase by 50% units of information supplied to the public concerning the services provided by the Equal Rights Commission as compared to the number of units dispensed in 1979. Reach finding decision of all complaints within 75 days and conduct all public hearings within 180 days of date complaint filed.	Publishing of quarterly newsletter—service oriented. Publishing of Annual Report. Extensive media coverage—TV, newspaper. Heavy staff participation and attendance of civic, civil rights groups, and public gatherings.

Equal Rights Commission	1100				
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MISSION

To continue to promote the Municipality's public policy of equal opportunity for all persons through the appropriate internal and external program development and as prescribed under ANC 5.30.030.

SERVICES FOR 1980

1. Conduct investigations of civil rights complaints and resolve them as indicated, according to Title V of ANC.
2. Provide action seminars for citizens and groups concerned with civil rights and equality within the community.
3. Meet with Municipal agencies and civic groups to conduct seminars/film discussions on human relations issues as they relate to Title V of ANC.
4. Act as a resource center for citizens with discrimination complaints not within the jurisdiction of the Anchorage Equal Rights Commission.

CHANGES IN SERVICE FROM 1979 LEVEL

1. Greater efficiency in handling case load, due to expertise and guidance derived from extensive staff training offered by federal EEOC.
2. Increasing quality of work product through development of standardized forms, methods and procedures.
3. Increase efforts to educate employers in the provisions of Title V of the ANC, and to encourage their use of conciliation and voluntary compliance with those provisions.

NEED FOR 1980 LEVEL OF SERVICE

1. Anticipated increase in case load due to increased public exposure of the Equal Rights Commission through the media, by newsletters, and by increased contact with citizens, civic groups, and other organizations.
2. Anticipated increase in case load, due to Anchorage Equal Rights Commission being designated a 706 agency.
3. Our studies show a slow but steady increase in the number of complaints filed, which will increase dramatically as the public becomes more aware of our existence, and the remedies available to them under ANC 5.30.030.
4. Anticipated increase in provision of informational services as indicated by results of recently conducted municipal wide survey requesting Equal Rights information on employment, finance and housing.

PERFORMANCE OBJECTIVES	PERFORMANCE MEASUREMENTS			
	DESCRIPTION	1979 ACTUAL	1979 ESTIMATE	1980 PLANNED
1. a. Provide assistance to public as needed (walk-ins and phone inquiries). b. Conduct Fact Finding Conferences within 30 days of receipt of complaint, cause decision by 75th day and conduct all public hearings within 180 days of complaint filing.	1. a. Process 100% of informal requests for assistance within 24 to 72 hours after receipt.	Informal: 26 Formal: 86	Informal: 112 Formal: 109	Informal: 168 Formal: 150
	b. Conduct 100% of formal complaints for Fact Finding Conference within 30 days of receipt. Resolve 80% of all formal complaints within a 75 day period and resolve remaining 20% by 180th day from complaint filing date.			
2. a. Inform local government, private industry, and general public of Equal Rights Commission services through radio and television and the provision of brochures, posters, newsletters and other written material. b. Present educational seminars to segments of community requesting assistance on overcoming barriers which hamper their growth both socially and economically and in developing more effective human relationships within their living, learning and working experiences.	2. a. Distribute throughout the Municipality 5,000 pieces of literature to include brochures, posters. Also an Equal Rights Commission newsletter, the newsletter to be published on a quarterly basis. Also provide an information article for each of the daily newspapers on a monthly basis.	100 Posters 10 Newsletters	200 Posters 200 Brochures and cards 12 newspaper articles	500 Posters 500 Brochures & cards 24 newspaper articles
	b. Organize and present 2 seminars for public and private organizations on a monthly basis in the following areas: employment, finance, housing, education, public accommodations.	7	14	24

PERSONNEL SUMMARY

1100 - EQUAL RIGHTS COMMISSION

<u>BUDGET UNIT/DIVISION</u>	<u>1979</u>	<u>1980</u>	INCREASE <u>(DECREASE)</u>
Equal Rights Commission	9	9	0

ORGANIZATIONAL FUNCTION COSTS SUMMARY

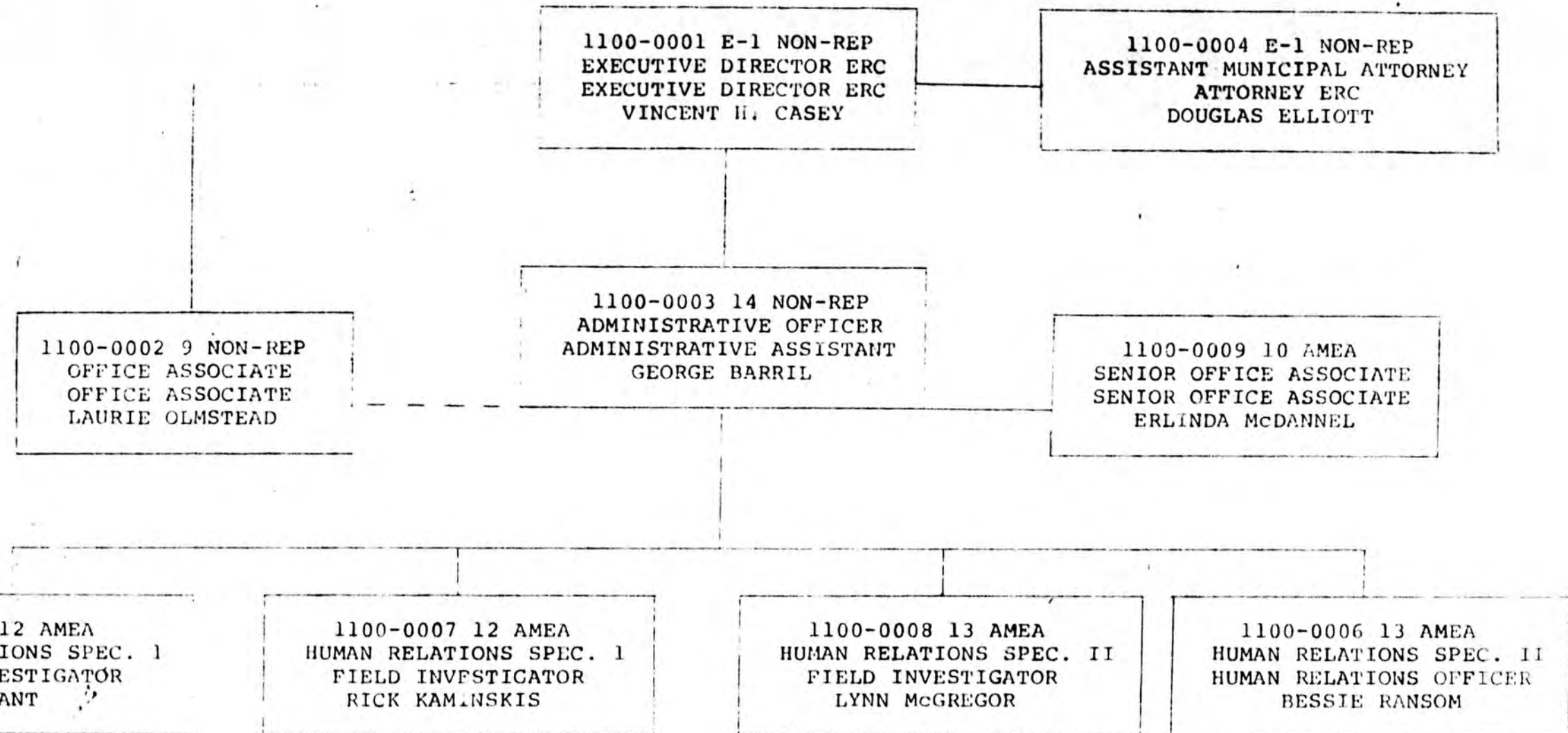
1100 - EQUAL RIGHTS COMMISSION

<u>BUDGET UNIT/DIVISION</u>	<u>1979</u>	<u>1980</u>	<u>INCREASE</u> <u>(DECREASE)</u>
Division Title	383,920	440,590	56,670

DEPARTMENTAL BUDGET SUMMARY
1100 - EQUAL RIGHTS COMMISSION

<u>EXPENDITURE CLASSIFICATION</u>	<u>1979</u>	<u>1980</u>	<u>INCREASE (DECREASE)</u>
Personal Services	292,570	329,600	37,030
Supplies	3,180	3,180	0
Other Services & Charges	30,520	29,430	(1,090)
Capital Outlay	1,770	990	(780)
 SUB-TOTAL	 328,040	 363,220	 35,160
 Debt Service	 0	 0	 0
 DIRECT ORGANIZATIONAL COSTS	 328,040	 363,200	 35,160
 Net Intragovernmental Charges	 55,880	 77,390	 21,510
 FUNCTION COSTS	 383,920	 440,590	 56,670

ANCHORAGE EQUAL RIGHTS COMMISSION
ORGANIZATIONAL STAFFING CHART



ANCHORAGE MUNICIPAL EQUAL RIGHTS COMMISSION

RULES OF ADMINISTRATIVE PROCEDURE

Pursuant to Anchorage Municipal Code Section 5.10.040 (I), the Anchorage Equal Rights Commission, hereinafter referred to as the Commission, hereby adopts the following regulations to govern its practice and procedure:

Section 5.10-1. GENERAL PROVISIONS.

- A. These rules shall be liberally construed to permit the Commission to discharge its statutory functions and to secure just and expeditious determinations of all matters before it. The Commission or its Executive Director may, upon notice of all parties, and in the interest of justice, relax the application of these rules.
- B. In any matter arising under Title 5 of the Anchorage Municipal Code which is not governed by these rules, the Commission or the Executive Director shall exercise discretion as to the course of action to be followed.
- C. All powers conferred upon the Director may be delegated to a duly designated staff member or members, except when otherwise prohibited. In the absence of the Chair, the Vice Chair shall exercise powers conferred upon the chair.
[AMC 3.40, 3.60.045, 4.05.120, 5.10.040]

Section 5.10-2. GENERAL INVESTIGATIONS.

- A. The Executive Director and the Commission may, on their own motion, conduct general investigations to determine the extent to which individuals, groups of individuals, corporations, businesses, industries, agencies, or organizations are complying with the provisions of Chapter 5.20 of the Municipal Code.
- B. All investigatory powers granted by Title 5 of the Municipal Code shall be available to Executive Director and staff to conduct such investigations.
- C. In the course of an investigation pursuant to Title 5, the Executive Director and/or the Commission, may require the submission of information concerning the race, religion, color, national origin, age, sex, physical handicap, or marital status, of any employees or other persons and all other information relevant to the investigation.
- D. Investigations may be as broad in scope as may be necessary to effectuate the purpose of these rules and Title 5 of the Anchorage Municipal Code.
[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.40 (B), (F), (H), (I).]

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

Section 5.10-3. COMPLAINT

A. Who May File

1. Any individual, group of individuals, partnership, educational institution, association, labor organization, corporation, legal representative, trustee, receiver or fiduciary claiming to be aggrieved by an alleged unlawful discriminatory practice may file, or may have an authorized representative file, with the Commission or with any representative of the Commission a verified written complaint. Assistance in filing a complaint shall be available to the complainant at the Commission's office.
2. A complaint may also be filed by the Executive Director pursuant to AMC §5.30.010.

B. Contents of Complaint

The complaint shall contain the following information:

1. The full name and address of the person(s) making the complaint (referred to as the complainant);
2. The full name and address of the person, company, employer, agency, or organization against whom the complaint is made (referred to as the respondent);
3. The section of Title 5 of the Municipal Code allegedly violated;
4. A statement of the facts of the alleged unlawful discriminatory practice;
5. An indication of whether race, religion, color, national origin, age, sex, physical handicap, or marital status of the complainant was believed to have given rise to the alleged discrimination.
6. If known, the date(s) of the alleged unlawful discriminatory practice, and if the practice is of a continuing nature, the dates between which it is alleged to have occurred or is occurring.

C. Time for Filing

1. The complaint may be filed within 120 days after the occurrence of the alleged discriminatory act or practice. If the practice is of a continuing nature, the date of

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

Executive Director shall promptly notify the Chair of the pendency of the purported class action. The Chair shall review the claim and determine whether or not it should be certified as a class action. In making this determination, the Chair shall be guided by principles of fairness and practicality and may rely upon judicial interpretations of Rule 23 of the Federal Rules of Civil Procedure and/or Rule 23 of the Alaska Rules of Civil Procedure when appropriate. It is not contemplated, however, that there need always be strict adherence to the requirements of said civil rules.

3. The Chair shall, upon certification of a class action, order that notice be given to absent class members in the manner deemed most effective and practical of the pendency of the complaint, of a proposed settlement, or entry of an order, or of any proceedings in the complaint, including notice to absent persons that they may appear and present claims and defenses if they so desire.
4. Nothing in this Section shall be construed as limiting the authority conferred by AMC 5.30.010 upon the Executive Director to file complaints in order to vindicate public policy and the rights of aggrieved persons.
[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.010.]

Section 5.10-4. REASONABLE CAUSE DETERMINATION

- A. Upon the filing of a complaint, the Executive Director shall designate a staff member to investigate the allegations made in the complaint. Said staff member shall propose findings of fact upon which the Executive Director shall determine whether or not there is sufficient evidence to constitute reasonable cause to credit said allegations.
- B.
 1. After the complaint has been assigned to a Commission investigator, the investigator may schedule a fact finding conference for purposes of obtaining information necessary to the investigation and pursuing possibilities for voluntary resolution of the dispute. The investigator shall notify the parties of the date, time and place of the fact finding conference, and of the information the parties are requested to furnish.
 2. The fact finding conference shall be informal. The investigator shall permit the parties to bring a reasonable number of witnesses in their behalf, and shall afford the parties the opportunity to present evidence in support of their respective positions. Evidence which is relevant to the issues raised in the complaint shall be used in the reasonable cause determination.

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

the occurrence shall be considered to be any date subsequent to the commencement of the practice up to and including the date on which the practice ceased.

2. The filing date of a complaint shall be the date it is received by the Executive Director or staff member.

D. Service

The Executive Director or a designated representative shall promptly serve a copy of the complaint upon each of the respondents by personal service or by registered or certified mail, return receipt requested.

E. Amendments

A complaint may be fairly and reasonably amended as a matter of right any time before hearing thereon, and thereafter at the discretion of the hearing examiner or hearing commissioners. All amendments shall be in writing and shall be served promptly upon the respondent in the same manner specified for complaints.

F. Withdrawn Complaint

1. A complaint may be withdrawn by written request of the complainant any time prior to notice of hearing and thereafter at the discretion of the hearing examiner or commissioners.
2. The Executive Director may substitute himself/herself as a party in the place of a complainant who wishes to withdraw. The respondent shall be notified promptly of such substitution, and the case shall proceed as if the Executive Director had filed the complaint in the first instance, at the time of filing by the original complainant.

G. Class Action Complaint

1. A class action complaint may be filed by an individual group, or organization if and when:
 - a. There are questions of law or fact common to the class alleged to have been discriminated against; and
 - b. The complainant is able to fairly and adequately represent the interests of the class.
2. Upon the filing of a complaint styled as a class action, a reasonable cause determination shall be made as provided in Section 10-4 below. If reasonable cause is found, the

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

3. Failure of the complainant to attend or to furnish information requested, without good cause, or conduct by the complainant or his/her representative which unreasonably obstructs the fact finding conference may result in administrative dismissal of the complaint by the Executive Director. Failure of the respondent to attend or to furnish information requested, without good cause, or conduct by the respondent or his/her representative which unreasonably obstructs the fact finding conference may be treated as an admission of the allegations in the complaint for purposes of the reasonable cause determination only.
 4. A fact finding conference need not be conducted when, in the judgment of the Executive Director, it would not significantly aid in the investigation and resolution of the complaint.
- C. In making a reasonable cause determination, the Executive Director shall follow appropriate guidelines and precedents of the federal Equal Employment Opportunity Commission, and state and local enforcement agencies, as well as applicable federal and state judicial precedent.
- D. All parties shall be promptly notified of the Executive Director's reasonable cause determination. If there is a finding of insufficient evidence to constitute reasonable cause, the complaint shall be administratively dismissed, and the complainant shall be notified of his/her right to appeal the dismissal pursuant to Section 5.10-17 of these rules.
[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.020.]

Section 5.10-5. INTERROGATORIES AND REQUESTS FOR PRODUCTION.

- A. After the filing of a written verified complaint, the Executive Director may submit written interrogatories and/or requests for production to a respondent. Said interrogatories and requests may cover any matter not privileged which is relevant to the subject matter involved in the pending action. It is not ground for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
- B. The respondent shall complete and return the answers to the Commission within 30 days after the date of receipt of the interrogatories or request for production. Upon written request and a showing of good cause, the Executive Director may extend the time within which the answers may be completed and returned to the Commission.

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

- C. 1. A respondent may file with the Executive Director a written objection to an interrogatory or request for production. Objections shall be submitted on a separate document from that containing answers to other interrogatories, and shall include a statement of reasons for the objection. All objections must be submitted within the time allowed for answers to interrogatories and requests for production.
2. The Executive Director shall submit objections, along with his/her written response, to the Chair, who shall either sustain the objection or order that the interrogatory or request for production be answered within 10 days.
- D. In the event that a respondent fails to respond fully or object to an interrogatory or request for production, or to request an extension of time, within 30 days after being served, the Executive Director shall notify the Chair of this fact. The Chair shall then order the respondent to answer fully the interrogatory or request within 10 days. If the respondent does not answer within 10 days after being served with the order, judicial enforcement may be sought pursuant to AMC 5.30.040.
[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.020, 5.30.040.]

Section 5.10-6. DEPOSITIONS.

The Commission may, either upon its own motion, or upon written request and good cause shown by a party, take depositions of witnesses residing within or outside the state. Depositions shall be taken before a person authorized by law to administer oaths, and the proceedings shall be recorded by tape recorder or similar device. Upon the request of any party, a deposition shall be conducted before a certified court reporter who shall make a stenographic record of the proceedings, provided that said party shall bear the costs of the court reporter's services.

[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.020.]

Section 5.10-7. OTHER DISCOVERY.

The Commission may require or permit any other form of discovery authorized by the Alaska Rules of Civil Procedure, subject to such terms and conditions as it deems reasonable. Such discovery may be enforced in a manner similar to that set forth in subsections 5.10-5 (C) and (D) above.

[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.020.]

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

Section 5.10-8. SUBPOENA POWERS.

- A. The Commission, Chair, or Executive Director may issue subpoenas sua sponte or upon written request and good cause shown by a party to the proceeding whenever necessary to compel the attendance and testimony of witnesses at hearings, depositions, or interviews. The Commission, Chair, or Executive Director likewise may issue subpoenas duces tecum whenever necessary to compel the production of books, records, papers, payroll or personnel records, correspondence, documents, or any other evidence relating to any matter under investigation or in question before the Commission or its staff.
- B. Subpoenas duces tecum shall describe the documents to be produced in sufficient detail to permit ready identification.
- C. Signed and sealed blank subpoenas will not be issued to anyone. The names and addresses of the person subject to the subpoena shall be inserted in the original subpoena, a copy of which shall be filed with the Commission. The subpoenas shall indicate the party or official requesting it.
- D. In the event that a subpoenaed party does not respond, the Director or the Chair of the Commission shall proceed with the civil remedy as set forth in AMC § 5.30.040. [AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.020, 5.30.040.]

Section 5.10-9. PLEADINGS AND MOTIONS.

- A. Pleadings before the Commission shall be entitled: Complaint, Answer, Amended Complaint, and Amended Answer. All pleadings shall be submitted in writing.
- B. All motions shall be submitted in writing, except for those made at public hearings, and copies shall be served by the moving party upon the Executive Director and all other parties.
- C.
 - 1. Motions made prior to the appointment of a hearing examiner or hearing commissioners shall be submitted to the Chair. Such motions shall be decided by the Chair, or by a commissioner designated by the Chair to decide such matters.
 - 2. Motions made after the appointment of a hearing examiner or hearing commissioners shall be submitted to the hearing examiner or hearing commissioners for decision.
- D. The Executive Director and/or any party may file a written response to a motion within one week after being served

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

with the motion. Such responses shall be served on all parties.

E. Motions shall be decided without reply brief by the moving party or oral argument, unless otherwise ordered by the decision-maker.

F. Pleadings and motions should set forth in clear language the contentions of the filing party, but need not strictly adhere to the provisions of the Alaska Rules of Civil Procedure.

[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040.]

Section 5.10-10. INTERVENTION.

A. Any person having a substantial interest in the subject matter of any proceeding may file a motion to intervene no later than 20 days prior to the date of the public hearing. Motions to intervene shall be governed by the procedures set forth in Section 5.10-9 above.

B. A motion to intervene shall be granted if it is found that the prospective intervenor may be bound by an order of the Commission or has a legal interest which may not be adequately represented by existing parties, and that such intervention would not unduly broaden the issues or delay the proceedings.

[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040.]

Section 5.10-11. CONCILIATION/PRE-DECISION SETTLEMENT.

A. If the Executive Director concludes from the staff investigation that the allegations of the complaint are supported by substantial evidence, he/she or his/her representative shall conduct a conciliation conference in accordance with § 5.30.020 of the Municipal Code.

B. The respondent shall be given at least 15 days notice of the time and place of the conciliation conference. Notice of a conciliation conference may be combined with a notice of finding of reasonable cause. This notice shall be served by personal service or by certified or registered mail, return receipt requested.

C. Failure of the respondent to attend a conciliation conference without good cause shown shall be considered an unsuccessful attempt at conciliation.

D. If a Pre-Decision Settlement is made which satisfies all parties involved, the Commission shall mark the case accordingly and notify the parties by certified or registered

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

mail, return receipt requested, or by personal service.
[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.020.]

Section 5.10-12. ANSWER TO COMPLAINT.

- A. The respondent or duly authorized representative shall file a written verified answer to the complaint within 10 days from the date of notice of public hearing. The Commission may extend the time upon written request and with good cause shown.
- B. The answer shall include the following:
 - 1. The full name and address of the respondent;
 - 2. The name and address of the respondent's attorney, if so represented;
 - 3. A denial of each allegation of the complaint controverted by the respondent or a denial of any knowledge or information of them sufficient to form a belief; and a statement of any matter believed to constitute a defense.
- C. Any allegation in the complaint which is not denied or admitted to in the answer shall be deemed an admission, unless the respondent states in the answer that he/she is without sufficient information or knowledge to form a belief.
- D. The answer shall be filed with the Commission either by certified or registered mail, return receipt requested, or by personal service.
- E. The respondent shall have as a matter of right the power reasonably and fairly to amend the answer any time prior to the public hearing and thereafter at the discretion of the hearing examiner or hearing commissioners.
[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.030.]

Section 5.10-13. PUBLIC HEARING.

- A. Notice
 - 1. When conciliation has failed to eliminate the alleged discriminatory act, practice, or policy, the Executive Director shall so inform the Commission and it shall schedule a public hearing.

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

2. The Commission shall serve to all parties written notice of the hearing with an accompanying copy of the complaint. Service shall be by certified or registered mail, return receipt requested, or by personal service, at least 30 days before the date of the hearing.
3. The written notice of hearing shall state the date, time and place of the hearing.

B. Appearance

1. All parties and/or their representatives shall be present at the public hearing.
2. If any party with notice fails to appear, the hearing examiner or hearing commissioners may issue an order to show cause why judgment by default should not be entered against that party. If, within five days after service of such order, the party does not submit evidence demonstrating good cause for the absence, the full Commission may enter a judgment by default, and may issue any order which would be valid if the hearing had been completed.
3. The Executive Director and/or Staff Attorney shall be present at all hearings for the prosecution of complaints. The Staff Attorney shall not serve as legal advisor to the Commission in any administrative adjudication. The Commission may, however, retain an independent legal advisor to assist in such adjudications.

C. Hearing Examiners and Hearing Commissioners, Powers and Duties.

1. The Chair shall designate three members of the Commission, and/or a qualified impartial hearing examiner to conduct the hearing and receive evidence. The hearing examiner shall be experienced in the general practice of law. If no hearing examiner is designated, the Chair shall designate one of the hearing commissioners to act as presiding officer.
2. The hearing examiner or hearing commissioners shall rule on the admissibility of evidence and other procedural matters. On any question which would be determinative of the jurisdiction of the Commission or of the culpability of any party, the hearing examiner or hearing commissioners may only make recommendations to the full Commission.
3. The hearing examiner or hearing commissioners shall, after the close of the hearing, recommend findings of fact, conclusions of law, and a proposed order to the Commission. The Staff Attorney and all parties to the

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

hearing shall be served with copies of such recommendation.

4. All recommendations of the hearing examiner or hearing commissioners shall be consistent with Commission decisions and regulations.
5. When demeanor, inconsistency, or personal credibility is a basis for the recommendations, the hearing examiner or hearing commissioners shall specifically note these observations in the recommendations.

D. Hearing Procedures.

1. The hearing examiner shall have full authority to control the procedure of the hearing, to admit or exclude testimony or other evidence, and to rule upon all motions or objections. In the absence of a hearing examiner, these powers shall be exercised by the presiding commissioner and hearing commissioners.
2. All oral testimony shall be given under oath or affirmation, and a verbatim record of the proceedings shall be made and kept.
3. Hearings shall be conducted in accordance with the provisions of AMC § 3.60.045.
[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.030, 5.30.050.]

Section 5.10-14. WRITTEN TRANSCRIPT OF THE RECORD.

The written transcript of the record of the hearing shall include the notice of hearing; the verified complaint, as amended; the verified answer, as amended; the stenographic transcript of the testimony taken at the hearing; the exhibits and depositions in evidence; written applications; briefs; stipulations; preliminary orders; proposed findings of fact, conclusions of law and order; and the final order.
[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040.]

Section 5.10-15. PROPOSED FINDINGS.

- A. After a party, an intervenor, or the Staff Attorney receives the hearing examiners's or hearing commissioners' proposed findings of fact, conclusions of law and proposed order, that person or his/her representative may, within 10 days or such other time fixed by the Chair, present written objections to the Commission. If no party files an objection within 10 days, the proposal shall become final.

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

- B. When an objection has been timely filed, the Commission shall, within 60 days of the filing of the objection, review the written record, proposed findings, conclusions and objections, and shall issue a final order determining the controversy, making such corrections, amendments, or changes in the proposed findings of fact, conclusions of law and proposed order as they consider necessary; or the Commission may remand the matter to the hearing examiner and/or hearing commissioners with directions to take additional evidence, rewrite the proposed findings, conclusions and order; or take such other actions such as deemed appropriate. At least five concurring votes shall be necessary to support a decision of the Commission. Any commissioner may file a concurring or dissenting opinion. [AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.050.]

Section 5.10-16. ORDERS.

- A. If, upon all evidence at the hearing it is found that a respondent has engaged in any unlawful discriminatory practice, the Commission shall issue an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take affirmative action including but not limited to:
1. hiring, reinstatement or upgrading of employees with or without back pay;
 2. restoration to membership in any respondent labor association or organization or public accommodation;
 3. the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons as in the judgment of the commissioners may effectuate the purpose of the law;
 4. the order shall also require the respondent to submit a report demonstrating compliance within such time as the Commission may allow.
- B. If upon all the evidence it is found that a respondent has not engaged in an unlawful discriminatory practice, the hearing commissioners shall state their findings of fact and shall issue an order dismissing the complaint as to such respondent.
- C. Copies of orders and notice of the statutory right to judicial review shall be sent by certified mail, return receipt requested to the parties and intervenors. Copies of orders shall also be sent to the Municipal Attorney, and other public officers as the Commission considers appropriate.

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

- D. All orders rendered after a hearing shall be filed with the Executive Director. The orders shall be open to public inspection during the Commission's regular office hours.

[AMC 3.40.010, 4.05.120, 5.10.040, 5.30.050.]

Section 5.10-17. ADMINISTRATIVE DISMISSAL AND RECONSIDERATION.

- A. The Executive Director may administratively dismiss a complaint when:

1. It is determined, pursuant to Section 5.10-4 of these rules, that there is insufficient evidence to constitute reasonable cause;
2. The complainant fails to attend or cooperate in the fact finding conference as provided in Subsection 5.10-4(B)(3);
3. The complainant otherwise fails to cooperate in the investigation of the complaint, or cannot be contacted by the staff for a prolonged period of time; or
4. The Commission lacks jurisdiction over the subject matter or one or more of the necessary parties to the action.

- B. When a complaint has been dismissed by the Executive Director pursuant to these rules, the complainant may apply to the Chair for reconsideration. The complainant shall state in writing the specific grounds upon which the application is based. The application must be filed within 10 days after the complainant has received notice of the dismissal.

- C. Upon receiving an application as described in Subsection B above, a panel of three commissioners designated by the Chair shall review the file and may hear the parties in the course of reaching the decision. If the application is granted, the matter shall be remanded to the Executive Director with recommendations for further action. The decision shall be reached within 30 days of receipt of the application.

[AMC 3.40.010, 4.05.120, 5.10.040, 5.30.020.]

Section 5.10-18. REOPENING OF PROCEEDINGS.

After determining whether reasonable cause to credit the allegations of the complaint exists, or after terms of conciliation have been effected or after hearing and the issuance of a final order, the Commission may, on its own motion or on the

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

motion of any party or intervenor, whenever justice so requires, reopen the proceeding upon notice to all parties and intervenors and take such action as it may consider necessary.

[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040, 5.30.050, 5.30.060, 5.30.090.]

Section 5.10-19. ORDERS OF THE CHAIR.

At any time during the course of the proceedings, the Chair may enter such procedural orders as he/she may consider necessary and appropriate to further the intent and purposes of Title 5, except as otherwise prohibited by law.

[AMC 3.40.010, 3.60.045, 4.05.120, 5.10.040.]

Section 5.10-20. PROTECTION OF WITNESSES: REPRISALS PROHIBITED.

A. No person shall discharge, evict, expel, discriminate, or take any other reprisal against any person because he/she has opposed any practices or acts forbidden under Title 5, he/she has filed a complaint, testified, or assisted in any proceeding under Title 5.

B. For purposes of this section, any party in a specific proceeding before the Commission shall be considered to be within the continuing jurisdiction of the Commission with respect to such proceeding and shall be subject to cease and desist orders and any other lawful remedies within the Commission's authority.

[AMC 3.40.010, 4.05.120, 5.10.040, 5.30.050, 5.30.060, 5.30.090.]

Section 5.10-21. INJUNCTIVE RELIEF.

If at any time after the complaint has been filed the Executive Director determines that the interests of a complainant may be irreparably damaged before a final decision on the complaint can be made, or that equitable interests demand preservation of the status quo, he/she may institute a civil action for injunctive relief pursuant to AMC § 5.30.040.

[AMC 3.40.010, 4.05.120, 5.10.040, 5.30.040.]

Section 5.10-22. CONFLICT OF INTEREST, PARTIALITY.

A. A commissioner may not participate in any adjudication if that commissioner is not impartial. A commissioner shall not be deemed impartial if he/she fails to meet the

RULES OF ADMINISTRATIVE PROCEDURE (cont.)

requirements of AMC 1.15, AMC 4.05.010, or any other conflict of interest legislation, or has a relationship, financial or otherwise, with any party which could reasonably be expected to influence the commissioner's judgment concerning the matters to be adjudicated.

- B. No commissioner shall engage in ex parte communications with any party concerning a case pending before the Commission. Any commissioner who engages in such communications shall be ineligible to participate in the adjudication of the matters in question.
- C. Commissioners attending public hearings on matters to be adjudicated should be present for the entire proceeding. A commissioner who attends part of a hearing, but is absent from significant portions of that hearing should not participate in the adjudication.
- D. Commissioners may disqualify themselves from adjudications, or may be declared ineligible by a majority of the remaining members of the Commission. Their eligibility may also be raised to the Chair by any party or member of the Commission staff.
[AMC 1.15, 3.40.010, 4.05.010, 5.10.040.]

Section 5.10-23. AVAILABILITY OF RULES.

Copies of the municipal laws and regulations governing the Commission shall be available to the public at the Office of the Commission.

[AMC 3.40.010, 4.05.120, 5.10.040.]

Section 5.10-24. CONFIDENTIALITY.

The identity of complainants and respondents and the contents of a complaint shall not be disclosed to anyone except the parties and the Commission staff prior to notification of public hearing, except as may be necessary for the proper investigation and adjudication of the complaint. This provision does not prevent such earlier disclosure to federal, state and local agencies as is appropriate or necessary to the execution of the Commission's functions.

[AMC 3.40.010, 3.90.040, 4.05.120, 5.10.040.]

Section 5.10-25. VALIDITY OF REGULATIONS.

If a provision of these rules or its application to any person or circumstance is adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any regulation loses its force and effect, that judgment or action shall not affect the remainder of these rules.

[AMC 3.40.010, 4.05.120, 5.10.040.]

TITLE 5
EQUAL RIGHTS COMMISSION

Chapters:

- | | |
|-------------|-------------------------------|
| 5.10 | Commission Established |
| 5.20 | Unlawful Practices |
| 5.30 | Enforcement |

Chapter 5.10

COMMISSION ESTABLISHED

Sections:

5.10.010	Prohibition.
5.10.020	Establishment.
5.10.030	Appointment.
5.10.040	Powers and duties.

5.10.010 Prohibition.

The public policy of Anchorage is declared to be equal opportunity for all persons. The Assembly finds that invidious discrimination in employment, housing, public accommodations, education and financing practices based upon race, color, sex, religion, national origin, marital status, age, or physical handicap adversely affects the welfare of the community. Accordingly, such discrimination is prohibited. (Charter, §17.01 and new).

5.10.020 Establishment.

Pursuant to the provisions of the Charter, there is established an equal rights commission of nine persons, which shall be known as the Anchorage Equal Rights Commission. (Charter, §17.02).

5.10.030 Appointment.

The mayor shall appoint members of the commission, subject to confirmation by the Assembly, to three-year terms. Of those members first appointed, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. A member chosen to fill a vacancy other than by expiration of a term shall be appointed for the unexpired term of the member whom he/she is to succeed. A member of the commission shall be eligible for reappointment. (Charter, §17.02 and new).

5.10.040 Powers and duties.

The commission may:

- A. Hold public hearings and issue orders under Sections 5.30.030 and .050 of this title;
- B. Administer oaths and affirmations, certify its official acts, issue subpoenas, subpoenas duces tecum, and other legal process to compel the attendance of witnesses and the production of testimony, books, records, papers, accounts, documents or things in any inquiry, investigation, hearing or proceeding before the commission; the commission may petition the superior court of the State of Alaska having jurisdiction to enforce its subpoenas, subpoenas duces tecum, and other legal process;
- C. Intervene in any court proceeding brought under this title;
- D. Enter into agreements with counterpart agencies at all governmental levels to promote effective and efficient enforcement of the law;
- E. Grant relief described in Section 5.30.050 of this title;
- F. Develop programs designed to bring about the prevention and elimination of discrimination;
- G. Hire, subject to approval of the mayor, an executive director who shall serve at the pleasure of the commission;
- H. Delegate to the executive director all powers and duties given it by this title, except the power to hold hearings, issue orders, and hire the executive director; and
- I. Adopt procedural and evidentiary rules necessary to fulfill the intent of this title. (new, CAC 2.64.330, and Charter, §17.02).

UNLAWFUL PRACTICES

Sections:

5.20.010	Definitions.
5.20.020	Unlawful practices in the sale or rental of real property.
5.20.030	Unlawful financing practices.
5.20.040	Unlawful employment practices.
5.20.050	Unlawful practices in places of public accommodation.
5.20.060	Unlawful practices in educational institutions.
5.20.070	Unlawful practices by the Municipality of Anchorage.
5.20.080	Lawful practices.

5.20.010 Definitions.

As used in this chapter:

- A. "Age" is not intended to conflict with the provisions of AS 23.10.325-.370, or any other laws relating to the rights and activities of minors.
- B. "Blockbusting" means any discriminatory practice by real estate brokers, real estate salesmen or employees or agents of a broker or other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or its stockholders or members may benefit financially, to represent directly or indirectly that a change has occurred or will or may occur from a composition with respect to race, religion, color or national origin of the owners or occupants of the block, neighborhood or area in which the real property is located, and to represent directly or indirectly that this change may or will result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities.

- C. "Commission" means the Anchorage Equal Rights Commission.
- D. "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, age, sex, marital status or physical handicap, or the aiding, abetting, inciting, coercing or compelling thereof.
- E. "Educational institution" means any day care center, nursery, kindergarten, elementary or secondary school, academy, college, university, extension course, or nursing, secretarial, business, vocational, technical, trade, or professional school.
- F. "Employee" means an individual employed by an employer, but does not include an individual employed in the domestic service of any person.
- G. "Employer" means an employer, public or private, of one or more persons.
- H. "Employment agency" means any person undertaking to procure employees or to procure for employees opportunities to work.
- I. "Financial institution" means commercial banks, trust companies, mutual savings banks, cooperative banks, homestead associations, credit unions, bonding companies, surety companies, or other commercial institutions which extend secured or unsecured credit or offer insurance.
- J. "Labor organization" means any organization which is constituted for the purpose, in whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.
- K. "Marital status" means any differential treatment because of a person's marital status or change in marital status. This includes differential treatment shown toward a person because he/she is not married, a person because he/she is married, a person because he/she is widowed