

ALASKA LEGISLATURE COMMITTEE FILES 1983-1986 80/2

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SHEP

SB 168

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RECORDS CERTIFICATION



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James O. Smith
Signature of Camera Operator

10/31/89
Date

S B

1 6 8

Paula Smith

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 168

Sponsor:

Date referred to committee:

Synopsis completed:

Fiscal note:

Further referrals:

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Paula Smith - DOE-2814 will testify

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John Katcher, PADD 274-3656

Dot Turvan, Gov's Council 479-6940

COMMITTEE REPORT
SENATE

JUDICIARY

FURTHER:

2/20/85

Date 4/1/85

Mr. President

The Committee on NESS considered SB 168
rights of deaf, blind, and disabled persons.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

Chairman

[Handwritten Signature]

Chairman recommendation

Original sponsors: Duncan, Collins
and Gruenberg

1
2 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

3 SENATE CS FOR CS FOR HOUSE BILL NO. 172 (Judiciary)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

For an Act entitled: "An Act relating to the rights of physically and
mentally disabled persons."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 09.20.010 is amended by adding new subsections to read:

11 (b) A person is not disqualified to act as a juror solely
12 because of the loss of hearing or sight in any degree or a disability
13 that substantially impairs or interferes with the person's mobility.

14 (c) The court shall provide, and pay the cost of services of, an
15 interpreter or reader when necessary to enable a person with impaired
16 hearing or sight to act as a juror.

17 * Sec. 2. AS 18.06.020 is amended to read:

18 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-
19 CAPPED, AND THE OTHERWISE] physically or mentally disabled have the
20 same right as the able-bodied to the full and free pedestrian use of
21 the streets, highways, sidewalks, walkways, public buildings, public
22 facilities, and other public places.

23 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]
24 physically or mentally disabled are entitled to full and equal accom-
25 modations, advantages, facilities, and privileges of all common
26 carriers, airplanes, motor vehicles, railroad trains, motor buses,
27 street cars, boats or any other public conveyances or modes of trans-
28 portation, hotels, lodging places, places of public accommodation,
29 amusement or resort, and other places to which the general public is
invited, subject only to the conditions and limitations established by

1 law and applicable alike to all persons.

2 (c) Persons who are physically or mentally disabled [TOTALLY OR
3 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted
4 by a service animal that is certified by a training facility for
5 service animals as being able to function in a public setting [GUIDE
6 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed
7 in (b) of this section without being required to pay an extra charge
8 for the service animal [GUIDE DOG]; however, the person with the
9 animal [GUIDE DOG] is liable for any damage done to the premises or
10 facilities by the animal [DOG].

11 * Sec. 3. AS 18.06.030 is amended to read:

12 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor
13 vehicle approaching a physically or mentally disabled [TOTALLY OR
14 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white
15 or metallic in color, with or without a red tip, using special equip-
16 ment for mobility, or using a service animal [GUIDE DOG] shall take
17 all necessary precautions to avoid injury to the pedestrian, and a
18 driver who fails to take all necessary precautions and causes injury
19 to the pedestrian is liable in damages for the injury caused. A
20 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]
21 pedestrian not carrying a cane as described in this section or using a
22 service animal [GUIDE DOG] in any of the places, accommodations or
23 conveyances set out under AS 18.06.020 has all of the rights and
24 privileges conferred by law upon other persons, and the failure of a
25 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-
26 an to carry a cane as described in this section or to use a service
27 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-
28 gence.
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* Sec. 4. AS 18.06.040 is amended to read:

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Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who denies or interferes with admittance to or enjoyment of the public facilities set out in AS 18.06.020 or otherwise interferes with the rights of a physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled person is guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR ~~BY~~ BOTH].

* Sec. 5. AS 18.06.040 is amended to read:

Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS]. Enforcement of this chapter shall be by the state Human Rights Commission under AS 18.80.010 - 18.80.145. A person who denies or interferes with admittance to or enjoyment of the public facilities set out in AS 18.06.020 or otherwise interferes with the rights of a physical-ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled person is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than 60 days, or by both.

* Sec. 6. AS 18.06.050 is amended to read:

Sec. 18.06.050. DEFINITIONS. In this chapter "physically or mentally disabled" has the meaning given in AS 18.80.300 [TOTALLY BLIND" OR "PARTIALLY BLIND" MEANS A PERSON WHOSE VISUAL ACUITY DOES NOT EXCEED 20/200 IN THE BETTER EYE WITH CORRECTING LENSES OR WHOSE WIDEST DIAMETER OF VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20 DEGREES].

* Sec. 7. AS 18.80.060(a) is amended to read:

(a) In addition to the other powers and duties prescribed by this chapter the commission shall

(1) appoint an executive director approved by the governor;

(2) hire other administrative staff as may be necessary to

1 the commission's function;

2 (3) exercise general supervision and direct the activities
3 of the executive director and other administrative staff;

4 (4) accept complaints under AS 18.80.100;

5 (5) study the problems of discrimination in all or specific
6 fields of human relationships, and foster through community effort or
7 goodwill, cooperation and conciliation among the groups and elements
8 of the population of the state, and publish results of investigations
9 and research as in its judgment will tend to eliminate discrimination
10 because of race, religion, color, national ancestry, physical or
11 mental disability [HANDICAP], age, sex, marital status, changes in
12 marital status, pregnancy or parenthood;

13 (6) make an overall assessment, at least once every three
14 years, of the progress made toward equal employment opportunity by
15 every department of state government; results of the assessment shall
16 be included in the annual report made under AS 18.80.150;

17 (7) enforce AS 18.06.

18 * Sec. 8. AS 18.80.200 is amended to read:

19 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as
20 a matter of legislative finding that discrimination against an inhabi-
21 tant of the state because of race, religion, color, national origin,
22 age, sex, physical or mental disability, marital status, changes in
23 marital status, pregnancy or parenthood is a matter of public concern
24 and that such discrimination not only threatens the rights and privi-
25 leges of the inhabitants of the state but also menaces the institu-
26 tions of the state and threatens peace, order, health, safety and
27 general welfare of the state and its inhabitants.

28 (b) Therefore, it is the policy of the state and the purpose of
29 this chapter to eliminate and prevent discrimination in employment, in

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2 credit and financing practices, in places of public accommodation, in
3 the sale, lease, or rental of real property because of race, religion,
4 color, national origin, sex, age, physical or mental disability,
5 marital status, changes in marital status, pregnancy or parenthood.
6 It is not the purpose of this chapter to supersede laws pertaining to
7 child labor, the age of majority or other age restrictions or require-
8 ments.

9 * Sec. 9. AS 18.80.210 is amended to read:

10 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain em-
11 ployment, credit and financing, public accommodations, housing accom-
12 modations and other property without discrimination because of sex,
13 physical or mental disability, marital status, changes in marital
14 status, pregnancy, parenthood, race, religion, color or national
15 origin is a civil right.

16 * Sec. 10. AS 18.80.220(a) is amended to read:

17 (a) It is unlawful for

18 (1) an employer to refuse employment to a person, or to bar
19 the person [HIM] from employment, or to discriminate against the
20 person [HIM] in compensation or in a term, condition, or privilege of
21 employment because of [HIS] race, religion, color or national origin,
22 or because of [HIS] age, physical or mental disability [HANDICAP],
23 sex, marital status, changes in marital status, pregnancy or parent-
24 hood when the reasonable demands of the position do not require dis-
25 tinction on the basis of age, physical or mental disability [HANDI-
26 CAP], sex, marital status, changes in marital status, pregnancy or
27 parenthood;

28 (2) a labor organization, because of a person's sex, mari-
29 tal status, changes in marital status, pregnancy, parenthood, age,
race, religion, physical or mental disability, color or national

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origin, to exclude or to expel the person [HIM] from its membership,
or to discriminate in any way against one of its members or an
employer or an employee;

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

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(4) an employer, labor organization or employment agency to
discharge, expel or otherwise discriminate against a person because
the person [HE] has opposed any practices forbidden under AS 18.80.-
200 - 18.80.280 or because the person [HE] has filed a complaint,
testified or assisted in a proceeding under this chapter;

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

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

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2 * Sec. 11. AS 18.80.230 is amended to read:

3 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-
4 DATION. It is unlawful for the owner, lessee, manager, agent or
5 employee of a public accommodation

6 (1) to refuse, withhold from or deny to a person any of its
7 services, goods, facilities, advantages or privileges because of sex,
8 physical or mental disability, marital status, changes in marital
9 status, pregnancy, parenthood, race, religion, color or national
10 origin;

11 (2) to publish, circulate, issue, display, post or mail a
12 written or printed communication, notice or advertisement that [WHICH]
13 states or implies

14 (A) that any of the services, goods, facilities,
15 advantages or privileges of the public accommodation will be
16 refused, withheld from or denied to a person of a certain race,
17 religion, sex, physical or mental disability, marital status,
18 color or national origin or because of pregnancy, parenthood, or
19 a change in marital status, or

20 (B) that the patronage of a person belonging to a
21 particular race, creed, sex, marital status, color or national
22 origin or who, because of pregnancy, parenthood, physical or
23 mental disability, or a change in marital status, is unwelcome,
24 not desired or solicited.

25 * Sec. 12. AS 18.80.240 is amended to read:

26 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL
27 PROPERTY. It is unlawful for the owner, lessee, manager or other
28 person having the right to sell, lease or rent real property

29 (1) to refuse to sell, lease or rent the real property to a
person because of sex, marital status, changes n marital status,

1 pregnancy, race, religion, physical or mental disability, color or
2 national origin; however, nothing in this paragraph prohibits the
3 sale, lease or rental of classes of real property commonly known as
4 housing for "singles" or "married couples" only;

5 (2) to discriminate against a person because of sex, mari-
6 tal status, changes in marital status, pregnancy, race, religion,
7 physical or mental disability, color or national origin in a term,
8 condition or privilege relating to the use, sale, lease or rental of
9 real property; however, nothing in this paragraph prohibits the sale,
10 lease or rental of classes of real property commonly known as housing
11 for "singles" or "married couples" only;

12 (3) to make a written or oral inquiry or record of the sex,
13 marital status, changes in marital status, race, religion, physical or
14 mental disability, color or national origin of a person seeking to
15 buy, lease or rent real property;

16 (4) to offer, solicit, accept, use or retain a listing of
17 real property with the understanding that a person may be
18 discriminated against in a real estate transaction or in the furnish-
19 ing of facilities or sources in connection therewith because of a
20 person's sex, marital status, changes in marital status, pregnancy,
21 race, religion, physical or mental disability, color, national origin
22 or age;

23 (5) to represent to a person that real property is not
24 available for inspection, sale, rental, or lease when in fact it is
25 available, or to refuse a person to inspect real property because of
26 the race, religion, physical or mental disability, color, national
27 origin, age, sex, marital status, change in marital status or preg-
28 nancy of that person or of any person associated with that person;

29 (6) to engage in blockbusting;

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2 (7) to make, print or publish, or cause to be made, printed
3 or published, any notice, statement or advertisement, with respect to
4 the sale or rental of real property that indicates any preference,
5 limitation, or discrimination based on race, color, religion, physical
6 or mental disability, sex, or national origin, or an intention to make
7 the preference, limitation or discrimination.

8 * Sec. 13. AS 18.80.250(a) is amended to read:

9 (a) It is unlawful for a financial institution or other commer-
10 cial institution extending secured or unsecured credit, upon receiving
11 an application for financial assistance or credit for the acquisition,
12 construction rehabilitation, repair or maintenance of a housing
13 accommodation or other property or services, or the acquisition or
14 improvement of unimproved property, or upon receiving an application
15 for any sort of loan of money, to permit one of its officials or
16 employees during the execution of the official's or the employee's
17 [HIS] duties

18 (1) to discriminate against the applicant because of sex,
19 physical or mental disability, marital status, changes in marital
20 status, pregnancy, parenthood, race, religion, color or national
21 origin in a term, condition or privilege relating to the obtainment or
22 use of the institution's financial assistance or credit, except to the
23 extent of a federal statute or regulation applicable to a transaction
24 of the same character;

25 (2) to make or cause to be made a written or oral inquiry
26 or record of the sex, physical or mental disability, marital status,
27 changes in marital status, pregnancy, parenthood, race, religion,
28 color or national origin of a person seeking the institution's finan-
29 cial assistance or credit, unless the inquiry is for the purpose of
ascertaining the creditor's rights and remedies applicable to the

1 particular extension of credit and is not made or used in order to
2 discriminate in a determination of creditworthiness;

3 (3) to refuse to extend credit, issue a credit card or make
4 a loan to a married person, who is otherwise creditworthy, if so
5 requested by the person;

6 (4) to refuse to issue a credit card to a married person in
7 that person's name, if so requested by the person, provided, however,
8 that the person so requesting a card may be required to open an ac-
9 count in that name.

10 * Sec. 14. AS 18.80.255 is amended to read:

11 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
12 SUBDIVISIONS. It is unlawful for the state or any of its political
13 subdivisions

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

17 (2) to publish, circulate, issue, display, post or mail a
18 written or printed communication, notice or advertisement which states
19 or implies that any local, state or federal funds, services, goods,
20 facilities, advantages or privileges of the office or agency will be
21 refused, withheld from or denied to a physically or mentally disabled
22 person or a person of a certain race, religion, sex, color or national
23 origin or that the patronage of a physically or mentally disabled
24 person or a person belonging to a particular race, creed, sex, color
25 or national origin is unwelcome, not desired or solicited; it is not
26 unlawful to post notice that facilities to accommodate the physically
27 or mentally disabled are not available;

28 (3) to refuse or deny to a person any local, state, or
29 federal funds, services, goods, facilities, advantages or privileges

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2 because of physical or mental disability; however, this paragraph may
3 not be construed to require alteration or remodeling of buildings or
4 facilities owned or operated by the state or its political subdi-
5 visions to any extent not required by other law.

6 * Sec. 15. AS 18.80.300 is amended by adding new paragraphs to read:

7 (15) "major life activities" means functions such as caring
8 for one's self, performing manual tasks, walking, seeing, hearing,
9 speaking, breathing, learning, and working;

10 (16) "physical or mental disability" means

11 (A) a physical or mental impairment that substantially
12 limits one or more major life activities,

13 (B) a history of, or a misclassification as having, a
14 mental or physical impairment that substantially limits one or
15 more major life activities; or

16 (C) having

17 (i) a physical or mental impairment that does not
18 substantially limit a person's major life activities but
19 that is treated by the person as constituting such a limita-
20 tion;

21 (ii) a physical or mental impairment that sub-
22 stantially limits a person's major life activities only as a
23 result of the attitudes of others toward the impairment; or

24 (iii) none of the impairments defined in this
25 paragraph but being treated by others as having such an
26 impairment;

27 (D) a condition that may require the use of a prosthe-
28 sis, special equipment for mobility or service animal;

29 (17) "physical or mental impairment" means

(A) physiological disorder or condition, cosmetic

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disfigurement, or anatomical loss affecting one or more of the
following body systems: neurological, musculoskeletal, special
sense organs, respiratory including speech organs, cardiovascu-
lar, reproductive, digestive, genito-urinary, hemic and lymph-
atic, skin, and endocrine; or

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(B) mental or psychological disorder, including mental
retardation, organic brain syndrome, emotional or mental illness,
and specific learning disabilities.

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* Sec. 16. AS 18.80.300(13) is repealed.

SB 113

ITB 287

SB 21

ITB 88

Sec. 09.20.010. Qualification of jurors. A person is qualified to act as a juror if the person is

- (1) a citizen of the United States;
- (2) a resident of the state;
- (3) at least 18 years of age;
- (4) of sound mind;
- (5) in possession of the person's natural faculties; and
- (6) able to read or speak the English language. (§ 2.01 ch 101 SLA 1962; am § 3 ch 245 SLA 1970; am § 1 ch 66 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "18" for "19" in paragraph (3).

NOTES TO DECISIONS

Qualifications subject for legislation. — To define the qualification of jurors and prescribe the mode of their selection is a rightful subject of legislation. *Tynan v. United States*, 297 F. 177 (9th Cir.), cert. denied, 266 U.S. 604, 45 S. Ct. 91, 69 L. Ed. 463 (1924).

Exclusionary method of jury selection held invalid. — Any method of jury selection which is in reality a subterfuge to exclude from juries systematically and in-

entionally some cognizable group or class of citizens in the community must be held invalid. *Hampton v. State*, Sup. Ct. Op. No. 1487 (File No. 2741), 569 P.2d 138 (1977), cert. denied, 434 U.S. 1056, 98 S. Ct. 1225, 55 L. Ed. 2d 757, rehearing denied, 435 U.S. 981, 98 S. Ct. 1634, 56 L. Ed. 2d 75 (1978).

Quoted in *City of Kotzebue v. Ipalook*, Sup. Ct. Op. No. 588 (File No. 1033), 462 P.2d 75 (1969).

Collateral references. — Unfamiliarity with English as affecting competency of juror, 34 ALR 194.

Effect of exclusion of women from jury list, 52 ALR 922.

Intelligence or character test of qualifications of juror, 126 ALR 507.

Religious test of qualifications of juror, 126 ALR 526.

Loyalty test of qualifications of juror, 126 ALR 529.

Women as jurors, 157 ALR 561.

Deafness of juror as ground for impeaching verdict; waiver of objection thereto, 15 ALR2d 534, 537.

Validity of requirement of oath of allegiance, 18 ALR2d 294.

Proper procedure upon illness or other disability of civil case juror, 99 ALR2d 684.

Claustrophobia or other neurosis of juror as subject of inquiry on voir dire or of disqualification of juror, 20 ALR3d 1420.

Validity of enactment requiring juror to be an elector or voter or have qualifications thereof, 78 ALR3d 1147.

Validity of requirement of practice of selecting prospective jurors exclusively from list of registered voters, 80 ALR3d 869.

Sec. 09.20.020. Disqualification of jurors. A person is disqualified to act as a juror if the person

(1) has served as a juror in the state within one year of the time of examination for service;

(2) has been convicted of a felony and the civil rights of the person have not been restored. (§ 2.02 ch 101 SLA 1962)

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3600

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

December 7, 1984

SUBJECT: Rights of the disabled
(Work Order No. 14-0015)

TO: Senator Patrick M. Rodey

FROM: Edward H. Hein *EHA*
Legislative Counsel

Enclosed is the draft bill requested by your assistant, Pat Corbett. I drafted this after discussing the matter with John Katcher, an attorney with PADD in Anchorage, who replaced Jeff Jesse. Please note that in section 1 of the bill we have required the court system to provide and pay the costs of interpreters. Article IV, section 15 of the Alaska Constitution gives the state supreme court authority to set its own rules of administration. Since providing for interpreters is an administrative matter, the provision in the bill may run afoul of the separation of powers doctrine. If you want me to research this question further, let me know.

EHH:ojb
J10/C02

**ALASKA STATE COMMISSION
FOR HUMAN RIGHTS**



1984 ANNUAL REPORT

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COMMISSION OFFICE LOCATIONS

HEADQUARTERS OFFICE

431 West 7th Avenue, Suite 105
Anchorage, Alaska 99501
(907) 276-7474

HEARING UNIT

431 West 7th Avenue, Suite 107
Anchorage, Alaska 99501
(907) 272-5541

SOUTHCENTRAL REGIONAL OFFICE

431 West 7th Avenue, Suite 101
Anchorage, Alaska 99501
(907) 274-4692

NORTHERN REGIONAL OFFICE

675 Seventh Avenue, Station H
Fairbanks, Alaska 99701
(907) 456-8306

SOUTHEASTERN REGIONAL OFFICE

Pouch AH
314 Goldstein Building
Juneau, Alaska 99811
(907) 465-3561



COMMISSIONERS:

James H. Chase, Chairperson

Virgie King, Vice-Chairperson

Arlene Dilts-Standiford

John C. Gonzales

Bienvenido E. Holganza

Jacqueline Lindauer

Morgan P. Solomon

February 7, 1985

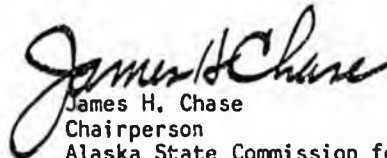
The Honorable Bill Sheffield, Governor, State of Alaska;
The Honorable Don Bennett, President, Alaska Senate; and
The Honorable Ben F. Grussendorf, Speaker, Alaska House of Representatives
Juneau, Alaska

It is with mixed emotions that the Alaska Human Rights Commission transmits to you the report of our activities in 1984. We on the one hand are pleased with what has been accomplished and at the same time are frustrated because our goals were not achieved to the degree to which we had aspired.

This report summarizes our efforts to respond to the declared needs of the growing number of Alaskans. They still hear the promise of the Alaska Legislature, when 20 years ago it declared via its policy and the Alaska Human Rights Law, that unlawful discrimination would be eliminated and prevented. These Alaskans demand, expect and deserve the fulfillment of that promise. Alaskans suffering from unlawful discrimination are, in increasing numbers, demanding the promised service from the Human Rights Commission. In the early years of my term as Commissioner, I found the resources of the Commission to be thoroughly taxed in the effort to keep the promise. This was so even as other agencies of State Government were expanding their capability to do their mandated tasks. More recently I find the resources of the Human Rights Commission being reduced. In other words, we were not included during the expansion phase of State Government, but have shared in the loss of resources during the reduction and reallocation phase. Our response has been to do more and better with less. We are proud of what has been accomplished, but we nevertheless understand that we are fast approaching the point of diminishing returns.

What has been accomplished is reflected in the staff narrative reports, the case processing statistics and perhaps most realistically in the sanitized case histories drawn from the investigative files of the Commission. We have made progress, but even these 20 years of progress cannot be portrayed as eliminating discrimination.

The Commission is dismayed that the general Alaskan public would accept with amusement the formation of the Alaska Association of White Men. We shudder as we recall that the Ku Klux Klan was also perceived as humorous by many people who were disbelieving of the bigotry of its purpose. We hope that this is not an omen for Alaska's future. Many parts of this nation are suffering the ills of discriminatory harassment. Many local and state governments have enacted legislation prohibiting this type of harassment. Alaska's needs are no different as the seeds of such illegal behavior have been sown here and could prosper if not thwarted. We implore you to react favorably to the enactment of legislation prohibiting discriminatory harassment. Additionally, we Commissioners call upon the Sheffield Administration and the members of the Fourteenth Legislature to signal your continued support for the promise made to Alaskans that unlawful discrimination be eliminated and prevented. We have the motivation and the mechanism. We, the Alaska State Commission for Human Rights, need the resources.


James H. Chase
Chairperson
Alaska State Commission for Human Rights

AGENCY OVERVIEW

Janet L. Bradley

HUMAN RIGHTS COMMISSION
HEADQUARTERS OFFICE

Janet L. Bradley Executive Director
Katherine Goodell Administrative Assistant
Shirlee Clarke
C. Briley Williams Commission Secretary
Frances Rabago Docket Clerk

Program activities of the Human Rights Commission during 1984 were characterized by growth: growth in number of Alaskans served; growth in the agency's capability in providing its services; and growth in the staff's public education efforts to prevent unlawful discrimination. In 1984, more cases were filed, more cases were resolved and more settlements were negotiated through the Commission. The number of complaints filed in 1984 increased by 29 percent over 1983; the number of closures rose by 17 percent and the settlement benefits awarded to Complainants totaled \$1,574,275 - an increase of 12 percent over the previous year.

In response to the continuing trend of increased filing of new complaints in the face of reduced staff resources, the Human Rights Commission embarked on a course of major program improvements and expanded public education efforts in 1984.

Foremost among the array of management innovations during the past twelve months was the adoption of a new case processing strategy implemented in April 1984. This new approach to investigation and resolution of complaints utilizes goal setting, timeframes for investigations, resource shifting, and other management tools to increase the number of case resolutions per investigator resulting in higher staff productivity. The previous approach to case processing provided for an early resolution attempt on all incoming cases with those cases failing early settlement becoming a backlog to be assigned for further investigation as staffing resources permitted. In contrast, the new strategy sets a goal of 180 days for completion of each case filed after April 1, 1984. The new standards for processing these cases mandate that on individual complaints:

- 1) either a resolution conference be held to

ANALYSIS OF 1984 FILINGS ALL REGIONS

By Sex:	Female	226
	Male	222
		—
	TOTAL FILINGS	448
By Race:	Caucasian	208
	Black	108
	Alaska Native	76
	Hispanic	22
	Asian	14
	American Indian	5
	Other	15
		—
	TOTAL FILINGS	448
By Basis:	Race	161
	Sex	89
	Multiple Bases	68
	Marital Status	28
	Physical Handicap	26
	Retaliation	22
	Age	22
	National Origin	11
	Pregnancy	9
	Religion	7
	Parenthood	4
	Change/Marital Status	1
		—
	TOTAL FILINGS	448

- attempt settlement or that discovery be issued and responses analyzed within 45 days of assignment
- 2) a case analysis memorandum be completed by the investigator and approved by the supervisor within 90 days of assignment
 - 3) investigation of cases alleging retaliation for filing a complaint be completed within 90 days of filing and
 - 4) cases over 180 days in process be identified for special management review.

Because these new standards apply only to newly filed cases, a special Inventory Reduction Project was commenced simultaneously shifting existing staff resources throughout the agency to resolve cases already in process over 180 days. Based on the success of this project- -more than two-thirds of the original pool of 74 cases have been resolved resulting in over \$35,416 in benefits to Complainants- -the Commission assigned new duties at year end to Southeastern Region Director and leader of the Inventory Reduction Project, Patsy Fletcher. Fletcher, as Case Processing Coordinator, will monitor cases in the investigative units and serve as agency liaison with worksharing agencies.

Compliance monitoring of the new case processing standards was facilitated by the implementation of a computerized docket of cases. This management information system (MIS), developed by an agency task force headed by Administrative Assistant Katherine Goodell, utilizes new wordprocessing equipment purchased in 1983. The MIS not only logs cases but also captures milestones in the processing of each case, computes elapsed days in process, and tabulates other case characteristics. These technological capabilities enable regional managers and the executive director to audit compliance with the case processing standards, to correct imbalances in the unit workloads, to evaluate the overall effectiveness of the program, and to provide other special assessments of the inventory of cases as needed.

Case production in 1984 was further boosted by the professional staffs' growth in technical knowledge and in investiga-

ANALYSIS OF 1984 FILINGS BY TYPE

TYPE	REGION	NUMBER
EMPLOYMENT	Southcentral	252
	Northern	88
	Southeastern	<u>70</u>
TOTAL EMPLOYMENT		410
GOVERNMENT PRACTICES	Southcentral	9
	Northern	4
	Southeastern	3
	Systemic	<u>1</u>
TOTAL GOV'T PRACTICES		17
HOUSING	Southcentral	9
	Northern	1
	Southeastern	<u>1</u>
TOTAL HOUSING		11
FINANCE	Southcentral	<u>2</u>
TOTAL FINANCE		2
PUBLIC ACCOM.	Southcentral	2
	Northern	<u>5</u>
TOTAL PUBLIC ACCOMODATIONS		7
COERCION	southeastern	<u>1</u>
TOTAL COERCION		1
TOTAL 1984 FILINGS		448

tive skills. Five investigators completed on-the-job training modules and were promoted through the flexible staffing system in the Human Rights Field Representative series.

Several professional growth activities took place throughout the year. During the second week in April an in-house training session coordinated by Northern Regional Director Cathi Carr-Lundfelt brought investigators and managers together for intensive classroom training on case law, Commission Decisions and Orders, legal theories of discrimination, and investigative and conciliation techniques. Commission Attorney Nancy Gordon, Hearing Advocate Mark Ertischek and senior staff members served as trainers in addition to Chairperson James Chase who presented his unique approach to understanding affirmative action, Commissioner of Administration and former Human Rights Commissioner Lisa Rudd who recounted the historical events leading to the creation of the Commission in 1963, and Anchorage Equal Rights Commission Executive Director Paul Connerty who shared his special expertise in crisis intervention. Other training opportunities afforded staff during 1984 were attendance at federally funded conferences on housing discrimination and case management. Senior staff attended the Employment Discrimination Law Workshop sponsored by the Alaska Chapter of the American Association for Affirmative Action held in Anchorage in late May. Legal training for Commissioners is a regular part of each Commission meeting and legal advice and updates on court decisions are routine agenda items at senior staff meetings.

As part of management's continuing search for efficiency in case processing, agency procedures have been streamlined and new regulations adopted in 1984. Standardization of the plan of investigation and case analysis memorandum, elimination of cover letters and the routinization of case actions were streamlining measures developed during the past year. Agency regulations were amended to simplify reconsideration procedures, eliminate most certified mail requirements, and clarify record-keeping requirements. Revisions to the agency procedures manual reflecting these changes are now in

SEXUAL HARASSMENT ON THE JOB

An Alaska Native female alleged that she had been denied a job as a kitchen helper because she refused the sexual advancements of the project manager. Although the project manager denied making any sexual advances, the staff found there was substantial evidence to credit the allegation. As a result of conciliation, Complainant received \$4,000 in backpay.

BIAS AGAINST MALE APPLICANTS

A male job applicant was told at the time of his application that the owner of the business did not like to hire males. The Commission staff found that sex was not a factor in the decision not to hire the Complainant, but the business owner agreed to maintain a work atmosphere free of bias and to guard overt expressions of bias by her employees.

progress. This revised manual will provide a handy reference for staff on standard operating procedures and will contain new forms and formats for agency documents adapted for word-processing equipment.

Finally, another essential component of the new case processing strategy was the strengthened commitment to work-sharing with other civil rights enforcement agencies whose enabling legislation and case processing provides comparable rights and remedies for Complainants. The Alaska Commission which has participated in worksharing with the U.S. Equal Employment Opportunity Commission (EEOC) since 1973 and with the U.S. Department of Housing and Urban Development (HUD) since 1982 was pleased to support the Anchorage Equal Rights Commission (ERC) in efforts to obtain federal funding for complaint resolutions. In July, the ERC was awarded a contract from the EEOC bolstering the municipal agency's capacity to investigate cases. Through worksharing agreements with ERC and the EEOC, the Commission is able to provide the broadest protection for Complainants by dual-filing complaints with these agencies. While the case is in process at the worksharing agency, the Commission refrains from investigation. When the worksharing agency has entered its final action on the case, the Commission adopts the determination on the case when the requirements of state law have been met, avoiding duplication of effort. The MIS serves this relationship by generating reports on cases in process throughout the worksharing system. The EEOC, which is now moving toward a telecommunications linkage with Fair Employment Practice Agencies across the nation, recently surveyed its contracted agencies to determine the status of case data retrieval systems in use throughout the nation. The Alaska Commission is in the vanguard of agencies now using computer-based case management systems.

Informing the public about the Alaska Human Rights law is a daily educational activity in all the offices of the Commission as staff respond to inquiries by telephone, by mail or personal contact. Over 2,538 such inquiries were handled in 1984. Because the Commission's three offices are located in urban centers, collect calls are accepted from rural

NON-DISCRIMINATORY DISCHARGE

An Alaska Native female complained of race and parenthood discrimination after she was discharged from her housekeeping position. The investigation showed that neither her race nor the fact that she had two children was a factor in Respondent's decision. Commission staff found no substantial evidence of discrimination and the case was closed.

UNLAWFUL RACIAL STEREOTYPING

A Black maintenance worker alleged that he was disciplined and ultimately discharged because his appearance and lifestyle suggested the stereotype of a drug dealer. Investigation revealed that, while the Black workers' performance was marginal, a White worker with similar behavior and poor performance was not disciplined and continued to be employed until he abandoned the job. The Black employee received a monetary settlement of \$4,000.

Alaskans seeking the advice on matters pertaining to discrimination or referral to other sources of assistance.

A major public education effort took place in February 1984 when the Commission responded to the invitation of the Seafood Advisory Committee to conduct a two-day workshop on equal employment opportunity and affirmative action. The Seafood Advisory Committee is part of the Alaska Job Service Employer Committee formed under the Alaska Department of Labor Job Service Improvement Program. The Commission enlisted the services of the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Programs, the Washington State Human Rights Commission, the Seattle Human Rights Department and the Tacoma Human Relations Commission to provide a comprehensive picture of the federal, state and local civil rights enforcement agencies with jurisdiction over the employment practices of the Washington and Alaska based seafood processors. This joint public education effort was well attended and enthusiastically received by the industry.

Another example of the cooperative efforts of federal and state civil rights agencies was the Equal Employment Opportunity Commission's Voluntary Technical Assistance Program for Alaskan employers held in August 1984 in Anchorage. Both Commission Attorney Nancy Gordon and the Executive Director were featured speakers together with top civil rights staff from the EEOC District X, Seattle and the EEOC headquarters in Washington, D.C. including EEOC Commissioner William Webb.

The Commission's educational efforts in the area of housing discrimination were closely allied with the Anchorage Equal Rights Commission. The Commission co-sponsored with ERC the a Fair Housing Seminar in Anchorage on September 11, 1984. Aimed at landlords, realtors, and property owners who must comply with state, federal and municipal fair housing laws, the seminar featured speakers of national and local renown and was videotaped for replay to other audiences.

The Commission's other outreach effort in the housing sector

DISCHARGE BEFORE RETIREMENT

A 64 year-old-man filed a complaint of age discrimination alleging that his employer discharged him from his auto mechanic position after four years of employment and one year before he could be vested in the company's retirement plan. During the resolution conference, the parties agreed to a pre-determination settlement giving Complainant a total of \$16,383.

REFERENCES REASON FOR REJECTION

A female filed a sex complaint alleging that a gas station owner refused to hire her as a station attendant. At the resolution conference, the owner showed that only two people applied, the Complainant who had bad references and a male with good references who was hired. The owner also showed that females were employed as station attendants at this station and others that he owned. The staff found no substantial evidence to support the allegations.

has been through membership on the Community Housing Resource Board (CHRB). As a group of community representative, the CHRB monitors compliance with the Voluntary Affirmative Marketing Agreement concluded between the Alaska Board of Realtors and the U.S. Department of Housing and Urban Development in 1982.

During the past two years, the Commission in conjunction with the U.S. Department of Justice, Community Relations Service and the Anchorage Equal Rights Commission, has worked extensively with a Task Force composed of Anchorage based community groups to determine the need for legislation prohibiting discriminatory harassment. In September 1983, a community forum on Malicious Harassment was sponsored by the Anti-Defamation League of B'nai B'rith, the Alaska Black Caucus, Alaska-Korean Human Rights Commission, the Anchorage Native Caucus, Congregation Beth Shalom, the National Association for the Advancement of Colored People, and the League of United Latin American Citizens. A large audience gathered to hear Washington State Senator George Fleming speak on the Washington statute prohibiting acts of discriminatory harassment. That same evening, pledges were made by Senator Joe Josephson and Representative Joe Hayes to introduce such legislation in Alaska in the 1984 session. SB 406, prohibiting acts of discriminatory harassment was introduced by Senator Josephson in February 1984 with a much amended version passing the Senate at the end of the session. The Legislature adjourned before Josephson's bill was calendared in the House.

The Task Force, undaunted, approached the Commissioners seeking assistance in August 1984. Long-standing advocates of the concept of such legislation, the Commissioners responded by asking Governor Sheffield to include a bill prohibiting discriminatory harassment in the Administration's legislative package. At year's end, the Task Force received word that the Governor had responded favorably to the Commission's request and that working with the Commission Attorney, new legislation would be drafted for introduction in the Fourteenth Legislature in 1985.

NO REASONABLE ACCOMMODATION

A physically-handicapped male complained that he had been terminated for an allegedly poor work performance. The Commission staff found that the employer had made no meaningful attempt to reasonably accommodate his handicap. The employee was reinstated into his former position with 3 years' back pay.

FLEX TIME ON FRIDAYS

A member of the Worldwide Church of God complained that his employer refused to accommodate his need for Sabbath observances required by his religion. During the resolution conference, the staff negotiated a pre-determination settlement whereby the employer agreed to allow Complainant to start work on Fridays 30 minutes prior to the normal 8:00 a.m. reporting time so that Complainant could complete a full work day prior to sunset on Fridays.

SOUTHCENTRAL REGION

Evelyn A. Ramos

The Southcentral Region covers the most densely populated areas of the state. Its boundaries extend from Unalakleet to Delta Junction on the north, the Copper River Basin on the east, from Kodiak Island to the Aleutian Chain on the south, including the populous Municipality of Anchorage and the Matanuska-Susitna Borough, and from Bristol Bay to the Kuskukwim and Lower Yukon rivers to the west. Because it serves almost three-quarters of the state's population, the Southcentral Regional Office is responsible for more than half the total number of cases filed in all three Commission offices.

In 1984, a dramatic surge in the population of the City of Anchorage, the neighboring Matanuska-Susitna Borough, and in other parts of the region brought about a fierce competition for jobs in a region whose economy is dependent primarily on government, and on fishing, service and construction industries. As more and more people competed for limited employment opportunities, an increasing number of Alaskans suffered economic hardships and many of them, who felt that their difficulties were caused in whole or in part by discriminatory practices, turned to us for help. Such requests for assistance were manifested by the large increase in the number of inquiries received from the public and, more significantly, in the increased number of new complaints filed in our office.

Thus, the staff in the Southcentral Regional Office was challenged more than ever during 1984 to manage a much larger case inventory. To meet this challenge, we expended most of our time and effort in case processing. At the beginning of the year, we continued the practice begun in mid-year of 1983 of dividing investigative resources, half on the processing of incoming complaints and the other half on the processing of earlier-filed cases. As the volume of inquiries and new complaint-filings increased, in mid 1984

SOUTHCENTRAL REGIONAL OFFICE

Evelyn Ramos	Regional Director
Robert Bacolas	Investigator
Kimberly Martus	Investigator
Charles Turner	Investigator
Lisa Waters	Secretary
Renee Sakurada	Clerk

ANALYSIS OF 1984 FILINGS SOUTHCENTRAL REGION

<u>By Sex:</u>	Female	139
	Male	<u>135</u>
	TOTAL FILINGS	274

<u>By Race:</u>	Caucasian	127
	Black	84
	Alaska Native	29
	Hispanic	11
	Asian	7
	Unknown Race	11
	American Indian	3
	Other	<u>2</u>
	TOTAL FILINGS	274

<u>By Basis:</u>	Race	102
	Sex	50
	*Multiple	35
	Marital Status	26
	Physical Handicap	18
	Retaliation	15
	Age	12
	Religion	6
	Pregnancy	5
	National Origin	5
	Parenthood	1
	Change/Marital Status	1
	TOTAL FILINGS	<u>274</u>

three of the four Southcentral investigators were assigned to incoming cases.

In 1984, careful planning of staff travel throughout the region facilitated and expedited case processing resulting not only in the rise in the number of new complaint-filings from rural Alaskans, but also in the expedited filings and investigation of complaints filed by some Alaska Native construction workers before construction season ended.

Other factors which also helped us manage our burgeoning inventory included worksharing with the Anchorage Equal Rights Commission and the transfer of a large number of our cases to the Inventory Reduction Project. Finally, the transfer of cases where the State is Respondent to the Southeast Regional office for processing allowed us to focus our energies on the remaining cases in the Southcentral inventory.

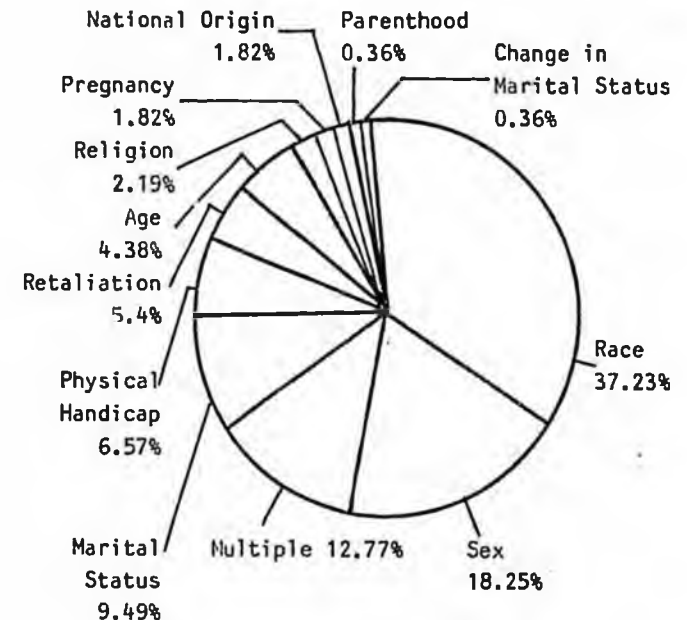
During 1984 we have sensed a need by the communities under our jurisdiction for a better understanding of the Commission's purpose and mission. More and more employers call on us for assistance on how they may comply with the law and an increasing number of persons seek our help in resolving situations which, however unfair they may appear, do not fall within the scope of the Alaska Human Rights Law. Our regional public education activities had been largely limited to those conducted by staff during investigative travels. In 1985 our challenge will be to create better ways and means to fill our public education needs in the face of our case processing priorities.

*ANALYSIS OF MULTIPLE BASES
FILINGS
SOUTHCENTRAL REGION 1984

Race and Sex	8
Sex and Age	5
Race and Age	4
Physical Handicap and Age	3
Race, Sex and Age	2
Race and Retaliation	2
Race and Religion	2
Race and Marital Status	2
Race and Pregnancy	1
Race and National Origin	1
Race and Physical Handicap	1
Sex and Marital	1
Sex and Physical Handicap	1
Sex, Marital Status and Change in Marital Status	1
Sex and Change in Marital Status	<u>1</u>

TOTAL MULTIPLE BASES FILINGS 35

BASES OF 1984 FILINGS
SOUTHCENTRAL REGION



NORTHERN REGION

Cathi Carr-Lundfelt

For the most part, it has been a productive year in the Northern Region. The agency has been able to improve its level of services to northern constituents, even when faced with greater funding restrictions than in previous years.

Regional staff members increased their technical knowledge and improved their ability to conduct investigations by participating in agency-wide training activities. This meant in real terms that, as investigators gained technical knowledge and experience, they approached their work with greater confidence and less time was required to move cases toward resolution. At the same time, administrative staff improved their ability to manage the regional case loads.

Acknowledging that processing cases is an agency-wide, rather than a regional responsibility, the staff participated in two separate reviews of cases in process over 180 days pulled from Southcentral and Northern inventories. As a consequence, a number of these were assigned for special attention to the Inventory Reduction Project or to other units for processing. This has meant that during 1984 none of the regional offices has had to suffer unduly from constraints of increases in complaint intake and/or decreases in staffing.

The staff also worked very hard to implement the agency's new case processing standards. Establishment of time lines for preparing the investigative plan and serving the complaint on the appropriate party, for holding investigative conference or obtaining responses to discovery, for submitting case analysis memos, and for completion of casework put everyone on short period. Completion of the required 90-day case analysis memo made our investigators "bite the bullet" on evidentiary questions because it takes as much analytical work to complete that memo as it does to do the pre-determination memo recommending closure or conciliation. As

NORTHERN REGIONAL OFFICE

Cathi Carr-Lundfelt Regional Director
Penny Forsmo Investigator
Eleanor Gutierrez Investigator
Jerry Woods Investigator
Sharon Jaeke Secretary

ANALYSIS OF 1984 FILINGS NORTHERN REGION

<u>By Sex:</u>	Female	50
	Male	48
		<hr/>
	TOTAL FILINGS	98
<u>By Race:</u>	Caucasian	45
	Black	21
	Alaska Native	19
	Hispanic	7
	Asian	3
	Unknown Race	1
	American Indian	1
	Other	1
		<hr/>
	TOTAL FILINGS	98
<u>By Basis:</u>	Race	37
	Sex	26
	*Multiple Bases	12
	Marital Status	2
	Physical Handicap	3
	Retaliation	3
	Age	7
	Religion	1
	Pregnancy	2
	National Origin	3
	Parenthood	2
	Change/Marital Status	0
		<hr/>
	TOTAL FILINGS	98

a consequence, only cases needing significant additional investigation were being held in process much longer than 90 days.

The Commission has also improved its accessibility to northern constituents in a number of ways. The Commissioners held two of their quarterly meetings within Northern Regional boundaries: the first in Fairbanks in February and the second in Kotzebue at the end of May. When Commission meetings are held in such areas, local residents have a better chance to establish lines of communication, to present their views or their questions for agency consideration. These meetings were the first held in several years in the region and were well received.

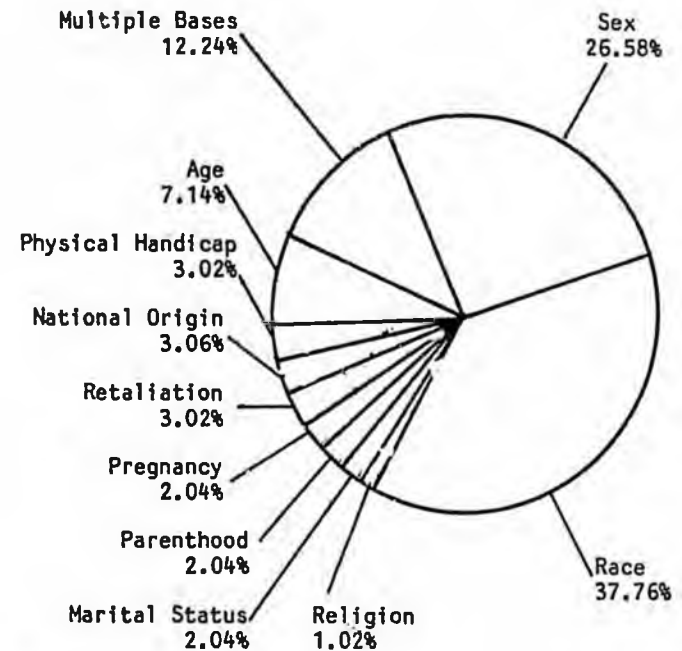
In addition, staff members continued to meet with the Fairbanks City Human Rights Commission and with members of other groups who have expressed interest in the implications of state laws against discrimination. Although the staff did not seek out opportunities to make presentations, they took advantage of those which did not conflict with their investigative duties. They also handled a variety of constituent inquiries concerning rights and responsibilities under the provisions of the Alaska Human Rights Law. Such inquiries represented approximately 15 times the number of actual complaints. Many were from employers who requested information on how to implement policies and procedures which would not violate employees' rights. Such inquiries are encouraging because they represent a more positive view of our agency's functions.

Finally, thanks chiefly to the efforts of Trudy Cain, the Governor's Special Assistant in Fairbanks, parties to complaints and persons making inquiries may meet with staff in greater privacy.

*ANALYSIS OF MULTIPLE BASES
FILINGS
NORTHERN REGION 1984

Race and Sex	3
Race and Age	2
Race, Sex and Age	1
Race, Age and Other	1
Race and Parenthood	1
Sex and National Origin	1
Sex and Pregnancy	1
Sex and Age	1
Age and Physical Handicap	1
TOTAL	<u>12</u>

BASIS OF 1984 FILINGS
NORTHERN REGION



SOUTHEASTERN REGION

Patsy M. Fletcher

SOUTHEASTERN REGIONAL OFFICE

Patsy M. Fletcher Regional Director
Shirley Dean Investigator
Rebecca Pixler Investigator
Ella St. Clair Secretary

The past year in the Southeastern Region has been one of change and increased productivity. Starting off 1984 with an extremely low case inventory, our workload has gradually increased not only through cases transferred from the Northern and Southcentral regions but also through an almost doubling of new complaints filed by Southeast residents.

A tremendous amount of energy has been expended to get the new case processing system instituted in April working and serviceable; however, it is paying off. Of the complaints filed after April 1, 1984, and being processed by the Southeast staff, over half have been closed with an average processing time of less than three months. The average age of those still open is just over four months old.

Another management decision effective in April has alleviated some of the case processing problems of all the regions. That decision proposed that all complaints filed against the State of Alaska after April be processed in the Juneau office regardless of origin. At first, the idea was met with some resistance, primarily from outside the agency. However, it has contributed to the equalization of the regional workloads. Southeast has established a productive relationship with the Division of Equal Employment Opportunity (which represents the State on all Human Rights complaints against the State of Alaska) resulting in resolution of over forty percent of State cases filed in other regions. Additionally, work on those transferred State complaints was completed in less than four months from the date of filing.

Because of the agency's case processing priority, Southeast efforts in the area of public education have been limited. We have served a record number of inquirers but have been unable to actively seek interaction with the public. Intercourse of that sort frequently has a broader impact on the elimination of discrimination than investigations of

ANALYSIS OF 1984 FILINGS SOUTHEASTERN REGION

<u>By Sex:</u>	Female	38
	Male	37
	TOTAL FILINGS	75
<u>By Race:</u>	Caucasian	36
	Black	3
	Alaska Native	26
	Hispanic	5
	Asian	4
	American Indian	1
	TOTAL FILINGS	75
<u>By Basis:</u>	Race	22
	Sex	13
	*Multiple	21
	Physical Handicap	5
	Retaliation	6
	Age	3
	National Origin	3
	Pregnancy	2
	Parenthood	0
	Marital Status	0
	Religion	0
	Change/Marital Status	0
	TOTAL FILINGS	75

complaints filed by individuals.

While many of our new complaints are still generated by Juneau citizens, the majority of our increasing numbers of inquiries and filings are from smaller Southeast communities like Petersburg, Hydaburg, and Klawock. For example, one resident of a tiny Southeast village claimed that her son of mixed ethnic heritage was being denied library privileges at the small school he attends because of his race and because she had filed a previous complaint against the school. Another small town resident has alleged that a company failed to rehire her for a seasonal heavy equipment job because of her sex. She claims that the company owner told her he only hired her the previous year because of the EEO requirements of the federal contract he held but this year the contract was let through the State of Alaska and female hiring was not a specific requirement. Many of the complaints from the communities like Ketchikan, Wrangell and Hoonah reflect the depressed economic conditions and the tight competition for the few jobs which exist.

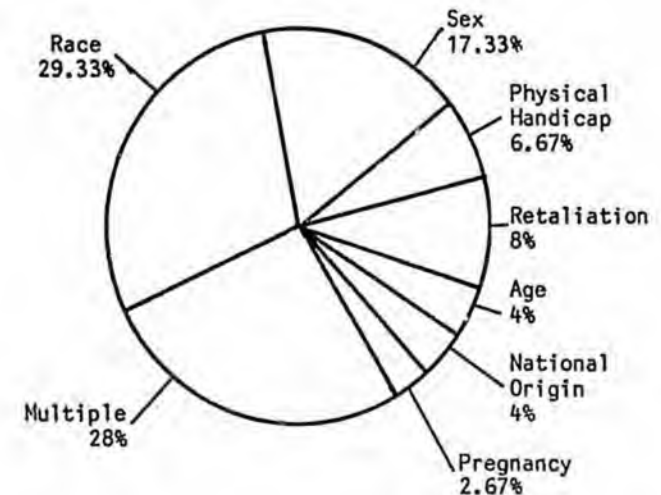
Although many Southeastern complainants list more than one basis of discrimination, almost half of all Southeastern complainants felt discriminated against on the basis of race or national origin while only one in five felt some bias on the basis of sex. Another one in five complainants alleged they suffered discrimination because of their ages or physical handicaps. Again, many of these complainants list age or physical handicap in combination with another basis such as race or sex. These statistics may reflect typical small town prejudices against persons of ethnicities different from the community majority, although a few of the race or national origin complaints were filed by white males.

In summary, 1984 was a productive year both in terms of output of cases as well as progress in maximizing staff resources.

*ANALYSIS OF MULTIPLE BASES
FILINGS
SOUTHEASTERN REGION 1984

Race and National Origin	5
Race and Sex	4
Race and Age	2
Race, Sex and Physical Handicap	1
Race and Physical Handicap	1
Race and Religion	1
Age and National Origin	1
Age and Physical Handicap	1
Retaliation and Physical Handicap	1
Sex, Marital Status and Parenthood	1
Sex and Age	1
National Origin and Retaliation	1
Marital Status and Retaliation	1
<hr/>	
TOTAL MULTIPLE BASIS FILINGS	21

BASES OF 1984 FILINGS
SOUTHEASTERN REGION



HEARING UNIT

Mark A. Ertischek

HEARING UNIT

Mark A. Ertischek	Human Rights Advocate
James K. Nall	Investigator
Diane Barr	Legal Secretary

With a full staff in the Hearing Unit for the second consecutive year, we have made great progress in moving cases through the hearing process. At the beginning of 1984, thirty-seven open cases were listed on the hearing docket with an average age of over five years. By the end of the year, only nine cases remained open with the average age of cases down to two years. This analysis counts cases from certification of conciliation failure by the Executive Director through the proposed decision by the Hearing Examiners, and excludes cases in deliberation by the Commissioners. Also excluded are cases in which the parties have agreed to a settlement and cases remanded to the Commission by an appellate court. Two such remanded cases were in process by the Hearing Unit at the beginning of the year, one of which has been settled. Thus in 1984 the Hearing Unit has been successful in breaking the log jam of cases on the hearing docket by completing work on virtually all cases filed in previous years. Furthermore, due to our commitment to expedite the hearing process, in 1984 as soon as the investigative unit concluded that further attempts to conciliate the case were fruitless, the case was sent to the Hearing Unit for review and certification of conciliation failure. To the extent that funding is available in 1985, the Hearing Unit will further accelerate the progress of cases through the public hearing process.

Williams v. Union Oil - The Complainant alleged that he had been the victim of physical handicap discrimination. The hearing in this case was held during the last fiscal year. The Proposed Decision in favor of the Complainant, awarding him \$38,956.84 plus interest at the rate of \$8.40 per day from November 2, 1984 until paid, has been issued by the Hearing Examiner. We are awaiting Commission action on this case.

Bradley v. Ketchikan Gateway Borough School District - The

Complainant alleged pregnancy discrimination in employment. The hearing was held in June, 1984, and the parties have submitted their post-hearing briefs. We are presently awaiting a proposed decision from the Hearing Examiner.

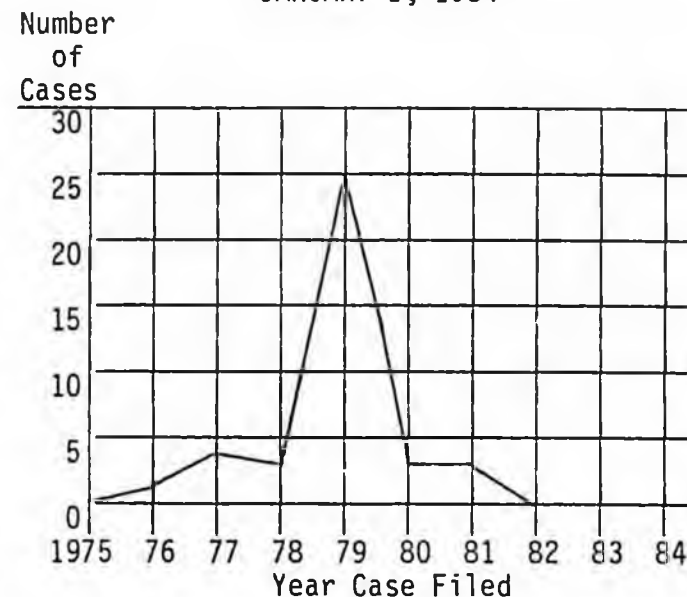
Jordan v. Alascom and Teamsters - The Complainant in this matter alleged religious discrimination due to the Respondent's failure to accommodate the Complainant's religious practices. The hearing was held in June of 1983, and the Proposed Order of the Hearing Examiner, finding in favor of the Complainant and awarding her \$92,275, was entered on November 16, 1983. The Commission adopted the order on March 8, 1984. The Respondents chose not to appeal the case and paid the award.

Willets v. Fluor - The Complainant alleged retaliatory discharge after complaining of sexual harassment. The case was heard in February of 1983. The post-hearing briefing was completed in that year. On February 20, 1984, the Hearing Examiner issued a Proposed Decision finding in favor of the Respondents. The Commission adopted the Proposed Decision on June 15, 1984.

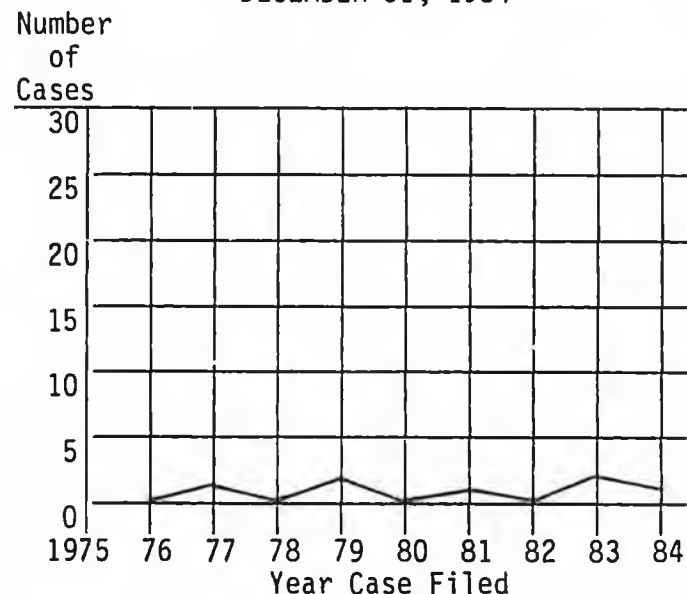
Nicholson v. O'Neill Investigations - The Complainant alleged failure to hire because of sex and age. The hearing was held during the summer of 1983. The Proposed Decision, finding in favor of the Complainant and awarding her \$9,436 plus interest, was entered on June 15, 1984. The Commissioners have not yet entered a decision on the case.

Bradley, et al v. SOA, Dept. of Health and Social Services, and Dept. of Administration - The Complainants alleged sex discrimination in employment because of the failure to pay incumbents of a female-dominated job classification the same as a male-dominated job classification though the incumbents of both job classes performed comparable work. The hearing in this case was held during September and October of 1983 and lasted approximately seven weeks. The parties completed the last of their very extensive post-hearing briefs in June of 1984, and on November 23, 1984, a Proposed Decision, finding in favor of the Respondents, was issued by the

AGE OF OPEN CASES
JANUARY 1, 1984



AGE OF OPEN CASES
DECEMBER 31, 1984



Hearing Examiner. Objections to the Proposed Decision have been filed. The case has not yet been reviewed by the Commissioners.

Frank v. SOA-Health and Social Services, Division of Corrections - The Complainant alleged sex discrimination in wages. The case was settled prior to commencement of hearing. The settlement awarded the Complainant \$10,085.
Hawkins v. Alaska International Construction - The Complainant alleged failure to hire because of age discrimination. The case was settled the day before the hearing was to begin. The settlement awarded the Complainant \$15,000.

Wallace v. Fluor Alaska - The Complainant alleged that he had been a victim of discriminatory employment practices and a retaliatory discharge. An Order finding against the Complainant on the discriminatory practices issue and in favor of the Complainant on the retaliatory termination was entered by the Commission. On appeal, the Commission's Order in favor of the Complainant on the retaliation issue was overturned, and the matter was remanded to the Commission for further hearings. The parties have agreed to a settlement, and the paperwork is presently being processed.

Ella Johnson v. International Brotherhood of Painters - The Complainant alleged sex discrimination in the dispatch of painters to union jobs. The parties have agreed to a settlement, and the paperwork is presently being processed.

Walker v. Jean Peters, d.b.a. My Apartments - The Complainant alleged discrimination in the rental of apartments. The parties have agreed to a settlement; the paperwork is being processed.

Laakso v. Southgate Hub - The Complainant alleged wrongful termination because of physical handicap discrimination. We are currently engaged in the discovery process, and we anticipate bringing the case to hearing in February, 1985.

Sullivan v. Black Angus Restaurant - The Complainant alleges that he was terminated because of his race. We anticipate

INDIVIDUAL RELIGIOUS BELIEFS PROTECTED

Three employees who objected to labor union membership because of religious beliefs requested exemption from payment of union dues even though they were not members of an organized church whose tenets prohibited union membership. Their labor union claimed such an accommodation could only be granted to persons who belonged to a church or other organized religious body. The Commission staff concluded that Alaska Human Rights Law covered individuals with sincere beliefs which occupy the place religious beliefs occupy in the life of a believer.

bringing the case to hearing during the spring of 1985.

Perry v. State of Alaska, Dept. of Public Safety, Div. of Fish and Wildlife - The Complainant alleged physical handicap discrimination. The parties are engaged in settlement discussions.

We have certified the failure of conciliation efforts in the following cases: Pease v. Apollo Restaurant; Barletta v. SOA, Dept. of Education, Comm. on Post-Secondary Education; Corpus v. Totem Packing Company; Topacio v. Sheffield Enterprises, Inc. d.b.a. Baranof Hotel; and Myers v. Skagway City Schools. We have requested that the Attorney General's office obtain hearing examiners for each of these cases. We hope that hearings can be scheduled during the spring and summer of 1985. We have not completed our review of one case which was referred to the Hearing Unit. We anticipate completing this process in January 1985.

The mission of the Commission's Systemic Program is to identify major issues of discrimination throughout Alaska and to address such issues by initiating large-scale investigations and enforcing comprehensive settlement agreements. The Systemic Program also provides substantive training and technical assistance to employers, landlords, and others who are subject to Alaska's anti-discrimination statutes. In July of 1984, the Systemic Program's Director, Daveed Schwartz, resigned from the Commission. Subsequently, the Director's position has not been filled permitting management to absorb the loss of one position as required in FY 85 and to avoid layoff of current employees. As a result, the Systemic Program has been handled as an adjunct to the Hearing Unit. Its new role is to identify and initiate the investigation of discrimination with systemic implications and to conduct special investigations assigned by the Executive Director.

During the last calendar year, we continued to monitor compliance with agreements between the Commission and various Respondents and to conduct the investigations assigned to the unit. During the last year, we have conducted six investigations.

DISPUTED BACK PAY CLAIM

A woman filed a complaint alleging that she was forced to resign from her job because her employer sexually harassed her. The employer did not deny Complainant's sexual harassment allegations. The staff and Respondent could not agree on the amount of back pay claim and the case has been forwarded to the hearing unit.

SPOUSAL FRINGE BENEFITS REDUCED

A married couple worked for the same employer and received employee health benefits. Their employer told them that they could not claim each other as dependents even though employees with spouses who did not work for the employer were allowed to claim their spouses as a dependent. The staff concluded they were discriminated against when they received a less valuable fringe benefit because of their marital status.

discretion by dismissing Sheehan's appeal. Submitted for decision on October 8, 1984.

Superior Court, Appeals

Hubbard v. ASCHR: The Commission's decision dismissing a complaint for lack of substantial evidence was reversed. The Superior Court held that substantial evidence did exist to support appellant's sex discrimination claim. Case remanded to ASCHR for further proceedings pursuant to AS 18.80.120.

Superior Court, Civil

Konigsberg v. University of Alaska, et. al.: The Court held AS 18.80.145(d) gives a complainant the right to pursue a civil action in Superior Court if the Commission has not held a hearing or otherwise resolved the case on its merits. A file closure by the Commission prior to hearing for lack of substantial evidence does not constitute an adjudicative ruling on the merits.

ASCHR v. Pipeliners Union 798, United Association: Complaint filed seeking enforcement of Commission's order requiring the Union to submit reports semi-annually detailing the individuals applying for membership, identifying them by race, sex, date of application, and action taken on each application. Case pending in Superior Court.

Other

The Commission has monitored the progress of eight civil actions being litigated by private counsel pursuant to AS 18.80 et seq.

RURAL PROGRAM

Catalino Barril

RURAL PROGRAM

Catalino Barril

Director

The primary activity of the Commission's Rural Program Director in 1984 was the creation of a comprehensive plan to educate Alaskans about the rights and responsibilities of human rights law. Other activities included the updating and publication of the Commission's statute and regulation handbook, conducting or participating in civil rights workshops, and liaison between the Commission and other civil rights agencies and organizations.

The comprehensive plan creates an educational program consisting of (1) a poster that will state the purpose of the Commission, the protected classes, the basis of discrimination, as well as the location of each of the regional offices, and will be printed in English, Yupik and Inupiat, (2) a booklet that will describe in very general terms the bases of discrimination, the procedures for filing a complaint, the investigative process and answer questions commonly asked by the complainant, (3) a series of pamphlets that will address subjects, such as employment, pregnancy in employment, sexual harassment, housing, and other subjects. Also planned as part of the educational program are public service announcements, a newsletter to be printed quarterly and, of course, workshops. Distribution of the posters printed in Yupik and Inupiat will be to local governments, village stores, and native regional and village corporations. All of the printed educational materials will be made available upon request, used as handouts at workshops, and/or mailed to state and local governments, as well as to the private sector.

The public education program will certainly generate more interest in civil rights in rural Alaska and as a direct result more complaints to our regional offices. The question then arises, "Does the Commission have the resources (a travel budget and trained investigators) to service rural Alaskans adequately and effectively? For if we cannot even

PUBLIC EDUCATIONAL ACTIVITIES by Statewide Staff

- Workshop for Seniors, Tanana Valley Community College
- Training Session for Supervisors and Managers, Alaska Court System
- Presentation on Comparable Worth to Graduate Management Class, Alaska Pacific University
- Presentation on Sexual Harassment McDonald's Restuarant, Fairbanks
- Resource Table at Older Alaskans Workshop, Fairbanks
- Presentation on Human Rights Law to Juneau Paralegal Association
- Speech to North to the Future Business and Professional Women's Club
- Appearance on Mid-Week, KAKM-TV
- Workshop on EEO/Affirmative Action, Anchorage Personnel Association
- Presentation to the Fairbanks Chapter, National Association for the Advancement of Colored People
- Session on EEO in "Introduction to Personnel" course, Tanana Valley Community College
- Presentation, Senior Center, Bethel
- Presentation, State Conference on Community Education
- Booth at Older Alaskans Resource Fair, Juneau
- Workshop, fire service officers, Fire Protection Mgt. Course

minimumly service the rural Alaskans' needs, then we are giving false promises of assistance to their basic civil rights. We have in essence a two-edged sword.

Early in 1984, the Commission was invited by the Alaska Seafood Advisory Committee to conduct a workshop on equal employment opportunities and affirmative action. The U.S. Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Program, the Washington State Human Rights Commission, the Seattle Human Rights Department and the Tacoma Human Relations Commission joined with the Alaska Commission staff in producing a two day program for managers and front line supervisors employed by seafood processing companies doing business in Washington and Alaska.

The Rural Program Director also served as the Commission's liaison with the Anchorage Equal Rights Commission in producing two workshops. The first was a workshop on contract compliance for unions, and the second was a fair housing workshop directed primarily at realtors, project managers and developers in the Anchorage area. The Rural Director also conducted a workshop on civil rights in Barrow. Attending were members of the North Slope Personnel Committee and major contractors doing business with the Borough. During the year, many top-level Native corporate managers have expressed their need to know more about both federal and state civil rights laws and affirmative action. To accommodate these requests, the Rural Director is currently planning a workshop in conjunction with the Office of Federal Contract Compliance Program.

The year was filled with researching, planning and preparation. The year that is upon us will see the implementation of what was accomplished in 1984.

Presentation on Developments in
Alaska Human Rights Law,
Employment Discrimination Work-
shop sponsored by the AAAA

Speech to the American Society for
Training and Development,
Fairbanks

Presentation on Human Rights Law,
Seward Chamber of Commerce

Address, Alaska Native Brotherhood
and Sisterhood Convention, Sitka

Workshop on Discrimination Law, for
AK Department of Labor,
Fairbanks

Speech to the Anchorage Chapter of
the National Organization of
Women

Address to graduates, Clerical Skills
Training Program, Fairbanks

Workshop, AK Native Women's
Conference, Anchorage

Appearances, Tundra View, KYUK-TV,
Bethel

Presentation on Fair Employment Prac-
tices, Anchorage Employment Cntr.

Speech, annual convention of Pacific
Seafood Processors Assoc., Anch.

Workshop on Human Rights Law,
Alaska Skills Center, Seward

Speech, Soroptimists of Cook Inlet

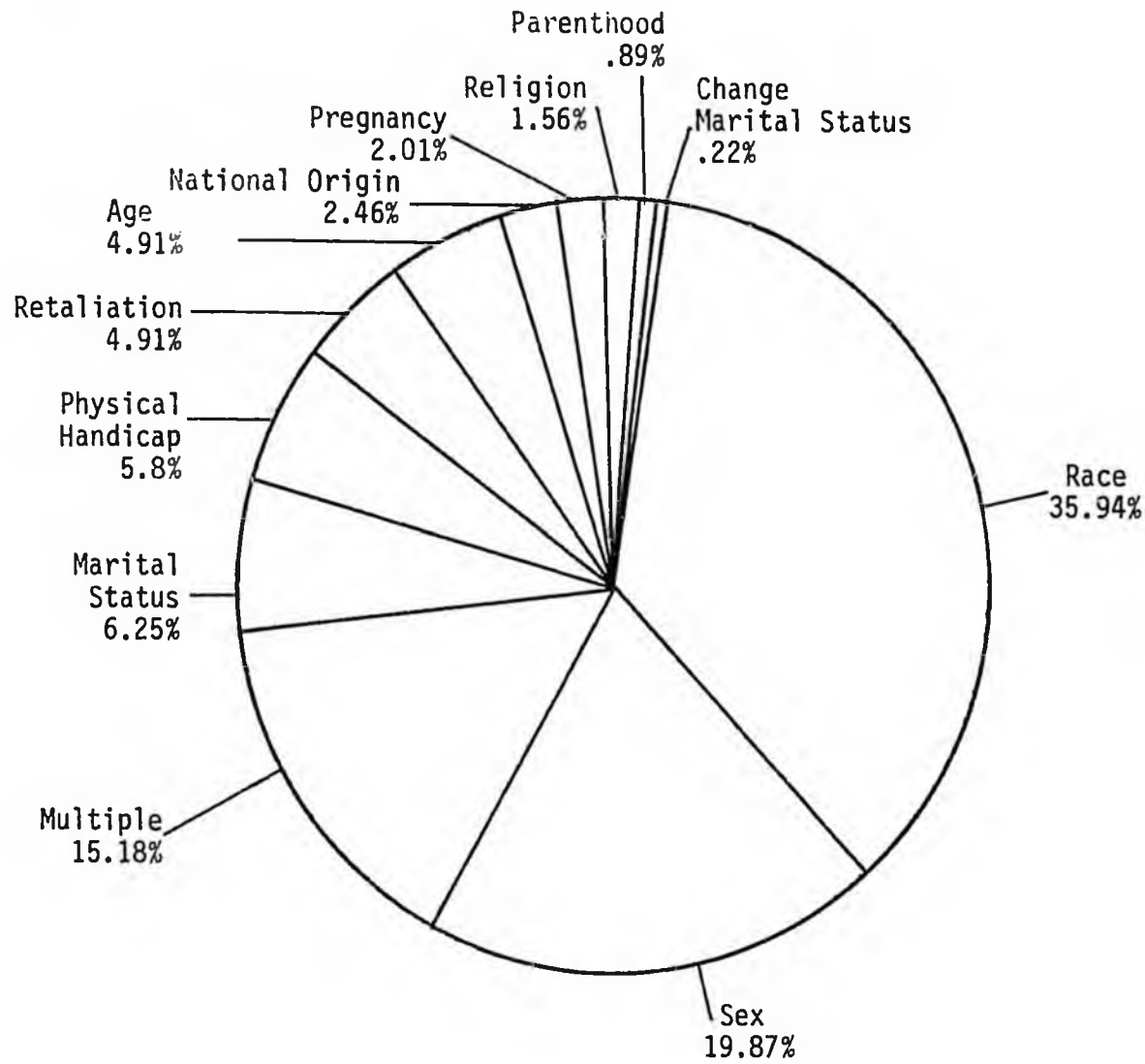
Address, Fairbanks Chapter,
Association for Women in Science

Presentation, Women in Management
University of Alaska, Juneau

Talk Show, "Yuk to Yuk," KYUK Radio,
Bethel

1984 CASE PROCESSING STATISTICS

FILINGS:



TOTAL NUMBER OF COMPLAINTS BY BASIS	
<u>Basis</u>	<u>Number</u>
Race	161
Sex	89
Multiple Bases	68
Marital Status	28
Physical Handicap	26
Retaliation	22
Age	22
National Origin	11
Pregnancy	9
Religion	7
Parenthood	4
Change in Marital Status	1
TOTAL FILINGS	448

CLOSURES:

ANALYSIS OF 1984 CLOSURES

SUMMARY OF CLOSING ACTIONS
1982 - 1984

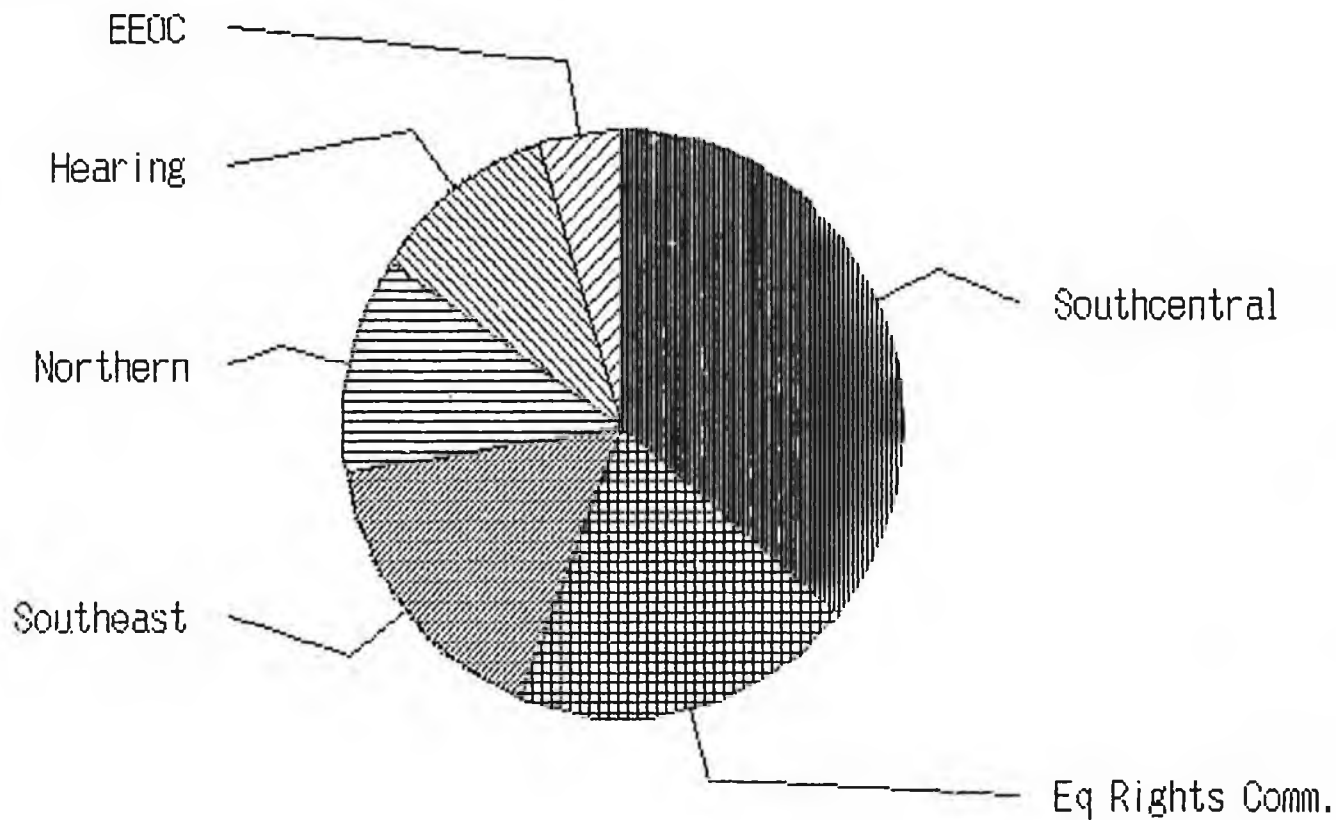
Reason for Closure	1982		1983		1984	
	No.	%	No.	%	No.	%
Conciliation/Settlement Closures	92	28.8	95	30.7	120	33.2
Not Substantial Evidence	136	42.6	118	38.2	131	36.2
Administrative Closures	83	26.1	95	30.7	105	29.0
Hearing Closures	8	2.5	1	.3	6	1.7
TOTAL CLOSURES	319		309		362	

SUMMARY OF CASES FILED AND CLOSED
1982 - 1984

YEAR	BEGINNING INVENTORY	NUMBER OF CASES FILED	NUMBER OF CASES CLOSED	ENDING INVENTORY
1984	397	448	362	486*
1983	360	346	309	397
1982	387	292	319	360

*Includes three cases reopened in December, 1984.

Reason for Closure	Number of Closures	Percentage of Total
ADMINISTRATIVE CLOSURES:		
Complaint Withdrawn	39	10.77%
Complaint Not Timely	1	.28%
Lack of Jurisdiction	10	2.76%
Complainant Not Available	12	3.31%
Failure of Complainant to Proceed	35	9.67%
Complainant in Court	5	1.38%
Administrative Dismissal	<u>3</u>	<u>.83%</u>
Subtotal	105	29.00%
CONCILIATION/SETTLEMENT CLOSURES		
Pre-Determination Settlement	93	25.69%
Successful Settlement	19	5.25%
Substantial Evidence/ Conciliation Agreement	6	1.66%
Substantial Evidence/Full Relief Rejected by Complainant	<u>2</u>	<u>.55%</u>
Subtotal	120	33.15%
NOT SUBSTANTIAL EVIDENCE	131	36.19%
HEARING CLOSURES		
Hearing Decision for Complainant	2	.55%
Hearing Decision for Respondent	1	.28%
Pre-hearing Settlement	<u>3</u>	<u>.83%</u>
Subtotal	6	1.66%
TOTAL 1984 CLOSURES	362	100.00%



Year Filed	No. Open Cases	%
1978	1	.20
1979	2	.41
1980	11	2.26
1981	19	3.91
1982	22	4.53
1983	67	13.79
1984	192	39.51
Subtotal	314	
Hearing Unit	*52	10.70
Cases at ERC	96	19.75
Cases at EEOC	24	4.94
TOTAL OPEN CASES	486	

Includes special investigations.

Investigator	No. Open Cases	%
Southcentral	176	36.2
Southeast	80	16.4
Northern	58	11.9
Hearing	*52	10.7
EEOC	24	4.9
ERC	96	19.7
TOTAL OPEN CASES	486	

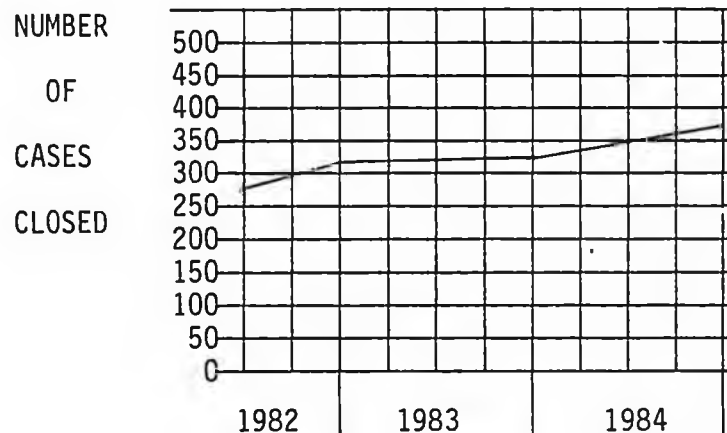
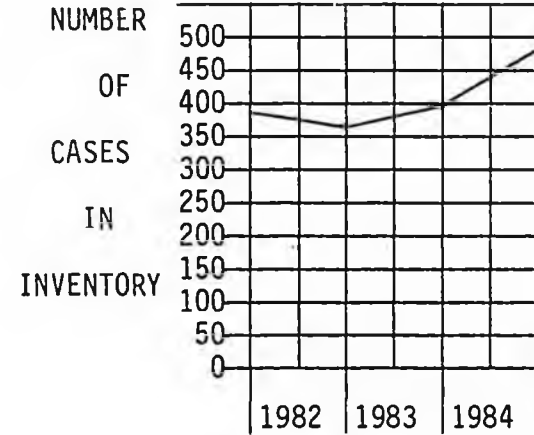
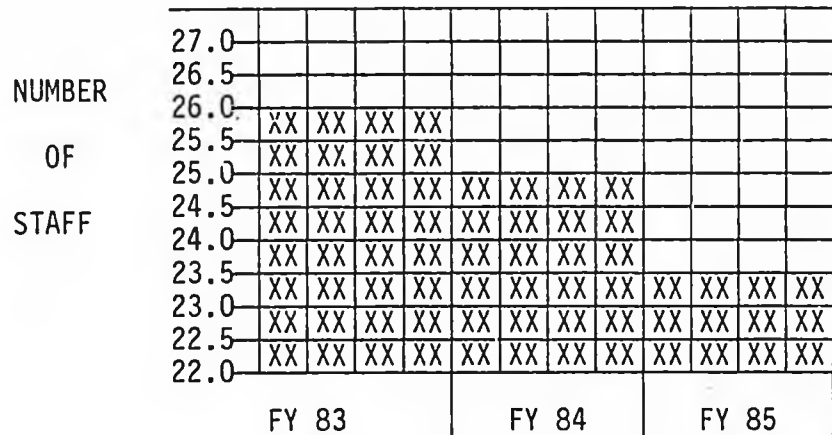
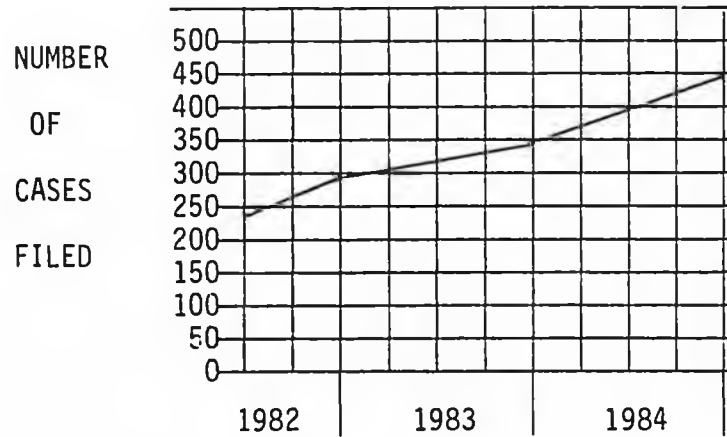
*Includes special investigations.

LOCATION OF OPEN CASES - 12/31/84

SUMMARY: CASES FILED, CASES CLOSED AND
ENDING INVENTORY, 1982 - 1984

These charts illustrate the success of the Commission in increasing productivity by resolving more cases over the past 3 years with fewer staff investigators.

During the same period, however, the number of cases filed each year has increased. This increased demand for services--despite increased case resolutions--has resulted in a growing inventory of cases in process at year end.



**EQUAL EMPLOYMENT OPPORTUNITY
IN ALASKA STATE GOVERNMENT**

Patsy M. Fletcher

The Alaska State Commission for Human Rights Commission is required by AS 18.80.060 (a)(6) to:

make an overall assessment, at least once every three years, of the progress made toward equal employment opportunity by every department of state government. Results of the assessment shall be included in the annual report made under Section 150 of this chapter.

Although time and resource constraints limited our assessment, this report attempts to present an accurate though brief evaluation of equal employment opportunity in the Executive Branch of Alaska State Government over the past two years. Rather than editorialize on statistics, a cursory assessment of the qualitative aspects of EEO progress will be discussed instead. Readers may draw their own conclusions from a review of statistical data.

The sources for this report include interviews with various EEO personnel and management professionals within state government; the Alaska State Commission for Human Rights Annual Reports for 1982 and 1983; Division of EEO Executive Branch Monthly Workforce Status Report, January 31, 1984 and October 31, 1984; and Administrative Orders No. 75 and 81.

During the past 20 years, employers have come to realize that an effective EEO program is the key to practicing sound, preventive law. Such a program also demonstrates the commitment of management to identify problems and to implement change voluntarily. The State of Alaska as an employer has made a such a commitment, articulated in Administrative Order 59 and later reemphasized by the current administration through Administrative Order 75 in April 1983:

STATE OF ALASKA WORKFORCE
AS OF OCTOBER 15, 1984
(Permanent Full-Time Employees)

RACE	NUMBER MALES	NUMBER FEMALES	TOTAL
WHITE	5,258	4,184	9,442
BLACK	166	144	310
HISPANIC	55	75	130
ASIAN/ PACIFIC ISLANDER	99	153	252
ALASKA NATIVE/ AMERICAN INDIAN	221	307	528
TOTAL	5,799	4,863	10,662

It is the policy of the Executive Branch of Alaska Government that all employees and applicants for employment shall be afforded equal opportunity in all aspects of personnel management.

Procedures for implementation which accompanied the anti-discrimination policy set forth in Administrative Order 75 were distributed to all departments and divisions. The policy required--for the first time--that agencies display a poster describing the state's EEO policy. The order also called for the establishment of departmental Affirmative Action Advisory Committees and set up an internal complaint procedure. In late 1984, the Governor signed a stronger policy and variation of Administrative Order 75, namely Administrative Order 81 which prohibited "discriminatory harassment," especially sexual harassment.

Other measures undertaken in the past two years towards the development of an effective EEO program included an attempt to codify the Division of EEO and its responsibilities through Senate Bill 395, introduced during the Thirteenth Alaska Legislature. After significant community interest and testimony, the measure died in the Senate Finance Committee. It was felt by many supporters of SB 395 that giving the Division of EEO statutory authority would preserve the State's current EEO stance and would protect it from later and perhaps less sympathetic administrations.

Since December 1983, departments have been required to provide monthly work force statistics on women and minorities to the Governor through the Division of EEO. This data is reviewed at cabinet meetings, where individual commissioners are called upon to comment on their departments' performance in the area of equal employment opportunity/affirmative action. Departmental staff have complained about the added paperwork burden created by new executive branch EEO reporting requirements. However, most departments admit the practice of discussing each department's compliance with the procedure at the cabinet level conveys the message that equal employment opportunity/affirmative action is a serious subject with the current administration.

STATE OF ALASKA WORKFORCE
AS OF OCTOBER 15, 1984
(Permanent Part-Time Employees)

RACE	NUMBER MALES	NUMBER FEMALES	TOTAL
WHITE	29	148	177
BLACK	1	5	6
HISPANIC	1	2	3
ASIAN/ PACIFIC ISLANDER	5	7	12
ALASKA NATIVE/ AMERICAN INDIAN	5	14	19
TOTAL	41	176	217

STATE OF ALASKA WORKFORCE
AS OF OCTOBER 15, 1984
(Seasonal Employees)

RACE	NUMBER MALES	NUMBER FEMALES	TOTAL
WHITE	557	298	855
BLACK	7	1	8
HISPANIC	5	3	8
ASIAN/ PACIFIC ISLANDER	3	1	4
ALASKA NATIVE/ AMERICAN INDIAN	30	17	47
TOTAL	602	320	922

Recognizing the important role recruitment plays in EEO, several departments have taken affirmative steps to expand their applicant pools through extensive outreach especially to Native communities. The Division of Personnel, Department of Administration, for example, conducted an extensive applicant search in Bethel and the surrounding communities for staff for the new state facility in Bethel. Community and civic groups, newspapers and other media were contacted to publicize the vacancies and visits were made to all the surrounding villages. In cooperation with Native organizations, other community organizations and Job Service, Division of Personnel staff conducted numerous workshops for managers and the general public on the application process. Testing and retesting was done locally with follow-up to ensure that the State's commitment was understood and that potential applicants were not missed or allowed to fall by the wayside. These efforts, though extensive and costly, resulted in a highly qualified staff of whom 60 percent are Native and, as an added benefit, 95 percent are local hires. In addition to the benefits of economic integration of this facility into the community, the department benefited from these efforts in two ways: their EEO statistics were enhanced; and their turnover rate will undoubtedly be lower because the facility will be staffed by local residents.

Other departments, Public Safety for example, have changed their recruitment periods to eliminate the conflict with traditional hunting or fishing seasons. Still others (Education and Fish & Game) have developed departmental recruitment bulletins and applicant assistance sheets. Job fairs have also been presented to teach prospective applicants about the complicated state application process and to provide information about available jobs to the public and particularly to the minority community. Many departments have active EEO/AA committees and have a departmental EEO officer.

Over the past year, new State Personnel Rules governing the register of eligible applicants have been implemented, expanding the certification procedure. This new expanded

NUMBER OF MINORITIES AND
FEMALES EMPLOYED BY THE
STATE OF ALASKA
1981 - 1984

YEAR	FEMALES	%	MINORI- TIES	%
1981	5014	43.8	1079	9.7
1982	5437	44.8	1176	9.6
1983	5410	44.8	1136	9.4
October 1984	5359	45.4	1326	11.2

NUMBER OF ALASKA NATIVES
EMPLOYED BY THE STATE OF ALASKA
1981 - 1984

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1981	539	4.68
1982	572	4.65
1983	528	4.36
1984	594	5.03

NUMBER OF BLACKS EMPLOYED BY
THE STATE OF ALASKA
1981 - 1984

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1981	252	2.18
1982	275	2.23
1983	275	2.27
1984	324	2.75

certification procedure requires that consideration be given to at least one member from each identified underutilized group for every classified job vacancy. As with other measures, EEO awareness has been heightened.

There have been criticisms of the data base employed by the Division of EEO in determining which groups are underutilized. Other critics contend that the expanded certification procedures still do not allow hiring authorities to reach obviously underrepresented minorities because white males are included as a "protected class". The general consensus, however, is that these procedures are more effective than the previous "5x5" registers which also sought to expose hiring authorities to qualified minority or female applicants.

Another drawback acknowledged by most users of the expanded certification procedures is the lack of clarity and affirmative initiative in the requirement to "consider" members of the underutilized groups. To "consider" an applicant could mean simply reviewing the application. There is no requirement to interview the candidate. Thus as pointed out by many, the success of the expanded certification procedures in increasing minority and women hires relies too heavily as with other current equal employment opportunity/affirmative action tools upon the goodwill of conscientious managers.

The degree of success of most equal employment opportunity programs is determined through quantitative measurements: increases in minorities and women in hiring, promotions, pay ranges, and non-traditional jobs, etc. While statistics can often be manipulated so that the true profile is not revealed and miniscule successes are inflated, they are often the best and certainly the easiest measures of progress. At the writing of this report Division of EEO had not compiled its end of the year report. Moreover, the Division of EEO has not developed an approved statewide Affirmative Action Plan in over two years. Division of EEO is currently working on a shell plan which will later be tailored to the particular department. This master plan is due for release within the next few months.

NUMBER OF HISPANICS EMPLOYED BY
THE STATE OF ALASKA
1981 - 1984

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1981	103	.89
1982	106	.86
1983	111	.92
1984	141	1.19

NUMBER OF ASIANS EMPLOYED BY
THE STATE OF ALASKA
1981 - 1984

YEAR	NUMBER EMPLOYED	PERCENT OF TOTAL WORKFORCE
1981	185	1.60
1982	223	1.81
1983	216	1.79
1984	268	2.27

The Division of EEO has predicted the end-of-the-year report will show an almost 2% increase in hiring of minorities over the prior year; however, its report will contain no statistics regarding the upward mobility of minorities and women within the system, the number of hires resulting from the expanded certification procedures nor the number of women and minorities terminating service in State government. Neither will it contain data regarding the status of the aged or physically handicapped, other groups which are covered by Alaska Human Rights Law. Thus, while the number of minorities entering State service has increased, we have no information concerning the number leaving.

Overall, the percentage of minorities and women in State Government has increased since 1982:

Minorities have increased from 9.6 percent to 11.2 percent;

Females have increased from 44.8 percent to 45.4 percent.

On the other hand, the number of total state workers has decreased by 4 percent (by 489) as has the actual number of female employees (by 78) while there are a larger number of minorities (by 150) employed than in 1982.

Alaska Natives continue to be the largest minority group at 5.03 percent, followed by Blacks and Asians, at 2.75 percent and 2.27 percent respectively; and finally Hispanics at 1.19 percent. Blacks and Asians have seen the greatest increase.

In terms of salary, 81 percent of the females employed in State government still make less than \$2999 per year as compared with 43 percent of all males in that same salary range. Of the minority males and females employed by the State, only 23 percent make above \$3,000/-month. In the \$72,000+/year salary range the number of women represented has increased from one in 1982 to nine in 1984. There have been no increases in the number of minorities at this range which remains at one.

DISTRIBUTION OF MALES BY EEO-4 CATEGORY
OCTOBER, 1984

EEO CATEGORY	NUMBER EMPLOYED	PERCENT/TOTAL WORKFORCE
Officials/ Administrators	258	4.5
Professionals	2705	46.6
Technicians	200	3.5
Protective Services	1036	17.8
Para-Prof.	63	1.1
Office/ Clerical	437	7.5
Skilled Craft	797	13.7
Service/ Maintenance	<u>303</u>	5.2
TOTAL MALES	5799	54.4

DISTRIBUTION OF FEMALES
BY EEO-4 CATEGORY
OCTOBER, 1984

EEO CATEGORY	NUMBER EMPLOYED	PERCENT/TOTAL WORKFORCE
Officials/ Administrators	78	1.6
Professional	1394	28.7
Technicians	193	4.0
Protective Service	170	3.5
Para-Prof.	253	5.2
Office/ Clerical	2384	49.0
Skilled Craft	14	.2
Service/ Maintenance	<u>377</u>	7.8
TOTAL FEMALES	4863	45.6

The number of females in State Government has decreased slightly at the same time that their average pay has increased. This could reflect promotions of women to higher paying jobs or result from women being hired at higher salaries; it could also be attributable to cost of living increases. In fact, the salaries for all groups have increased, with males enjoying the greatest average increase and minorities the lowest. A larger proportion of minorities are represented at the lowest pay ranges. Is it because minorities are not promoted as quickly as whites or is it simply because women and/or whites are not applying for low paying positions thereby increasing the opportunity for minority hire? Although the State salary system is set by pay range with associated dollar amounts, the statistics are maintained by broad salary amounts encompassing several pay ranges which does not sharply focus the representation of minorities and women. More complete statistical data would have provided a broader picture of the treatment of minorities and women in the State system and would leave less room for speculation and self-aggrandizement.

On the other hand, from many comments, the amount of time expended on data gathering for statistical reports could be better spent developing and conducting training, particularly for managers, to assist them to overcome their personal racial and sexual prejudices, and to demystify the concept of equal employment opportunity as a sound management tool. As stated previously, the extent to which tools such as executive commitment, expanded certification, and affirmative action plans effectuate positive equal employment opportunity change is dependent upon cooperation from supervisors and managers making employment decisions. Some have suggested that achievement in the area of equal employment opportunity be given more weight and added as a separate criterion in supervisory performance evaluations. The imposition of discipline as a result of negative equal employment opportunity performance is one of the more acclaimed aspects of Administrative Order 81 but is the only instance where state managers who discriminate or ignore discrimination suffer any penalties. Departments whose employees have been found to have intentionally or unintentionally

DISTRIBUTION OF MINORITIES
BY EEO-4 CATEGORY
OCTOBER, 1984

EEO CATEGORY	NUMBER EMPLOYED	PERCENT/TOTAL WORKFORCE
Officials/ Administrators	22	1.8
Professionals	267	21.9
Technicians	41	3.4
Protective Services	153	12.5
Para-Prof.	54	4.4
Office/ Clerical	422	34.6
Skilled Craft	88	7.2
Service/ Maintenance	173	14.2
TOTAL MINORITIES	1220	11.4

tionally violated the human rights of another person must absorb the liabilities themselves; but because of the lack of an established progressive disciplinary system, punitive action against discriminators has not been taken.

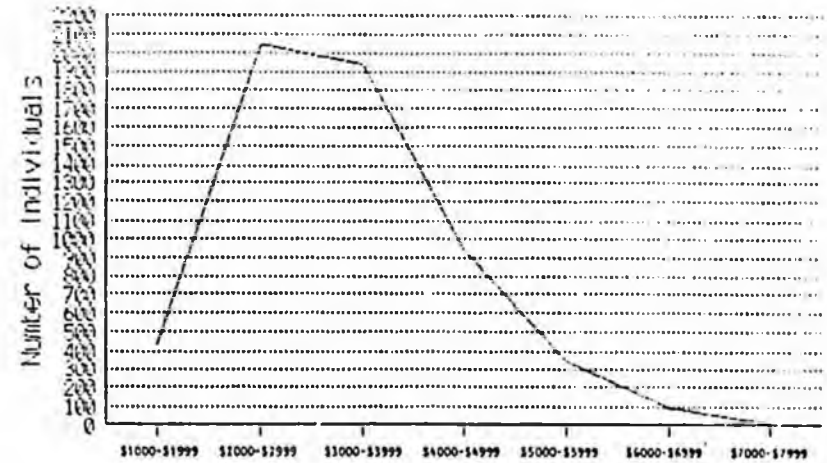
Other possible personnel deterrents to effective equal employment opportunity include the application rating system, employee service credits, mandatory consideration of collective bargaining unit members, and extensive use of departmental registers. Each of these factors favor promotion of employees within the system limiting opportunities for minorities seeking State employment. The classification study currently being conducted by Division of Personnel may assist in eliminating barriers to the employment of minorities and women through its review and recommendations regarding minimum qualification examinations and job classes. It may lead to the development of a workable upward mobility program, essential to the increase in equal opportunity for minorities and females. Clearly the State's outmoded method of classification has served in the past to keep minorities out of state government and relegated females to the lowest paying positions. A more modern approach adopted as a result of the study may go a long way toward correcting past problems.

In summary, the recent efforts in equal employment opportunity and affirmative action have resulted in an increase in the number of minorities in state government and an increase in the average pay of female workers. We have no information on the movement of these groups within the system nor on the effects of management tools such as the expanded certification procedures or the action plans outlined in Administrative Order 75. The data base and resultant statistics are uninformative though there are plans for expansion. Thus, at this point, the minimal gains shown here are probably more the result of the increase in information disseminated coupled with subsequent goodwill of a handful of managers and frontline supervisors.

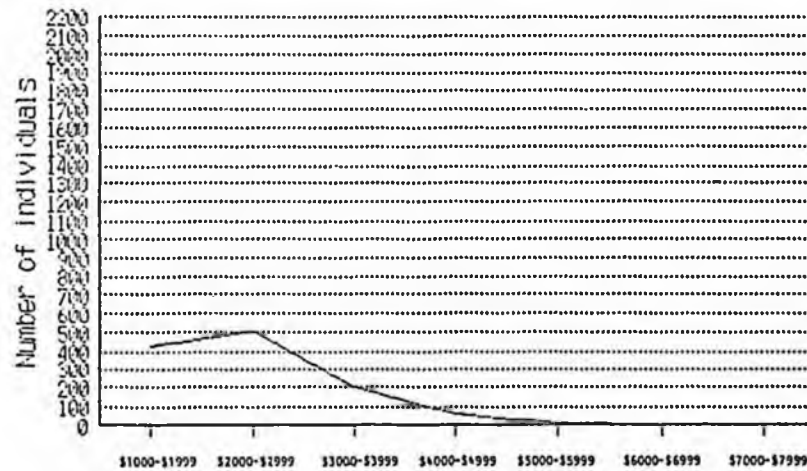
MONTHLY STATE SALARY DISTRIBUTION
OCTOBER, 1984

SALARY	MALE	%	FEMALE	%	MINORITIES	%	TOTAL	%
\$7999-							6	.1
\$7000	6	.1					6	.1
\$6999-								
6000	88	.8	9	.1	1	.0	97	.9
\$5999-								
\$5000	345	3.2	50	.5	12	.1	395	3.7
\$4999-								
\$4000	945	8.9	198	1.9	63	.6	1143	10.7
\$3999-								
\$3000	1937	18.2	669	6.3	204	1.9	2606	24.4
\$2999-								
\$2000	2041	19.1	1974	18.5	513	4.8	4015	37.7
\$1999-								
\$1000	437	4.1	1963	18.4	427	4.0	2400	22.5
TOTALS	5799	54.4	4863	45.6	1220	11.4	10662	100.0

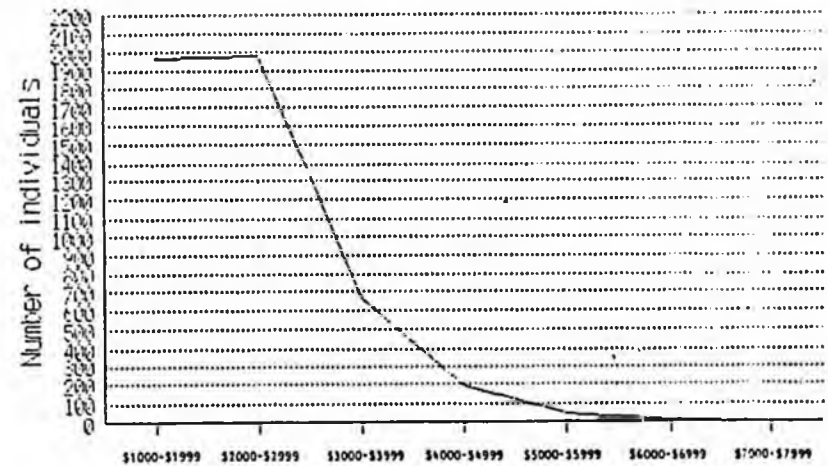
MONTHLY STATE SALARY DISTRIBUTION FOR MEN
OCTOBER, 1984



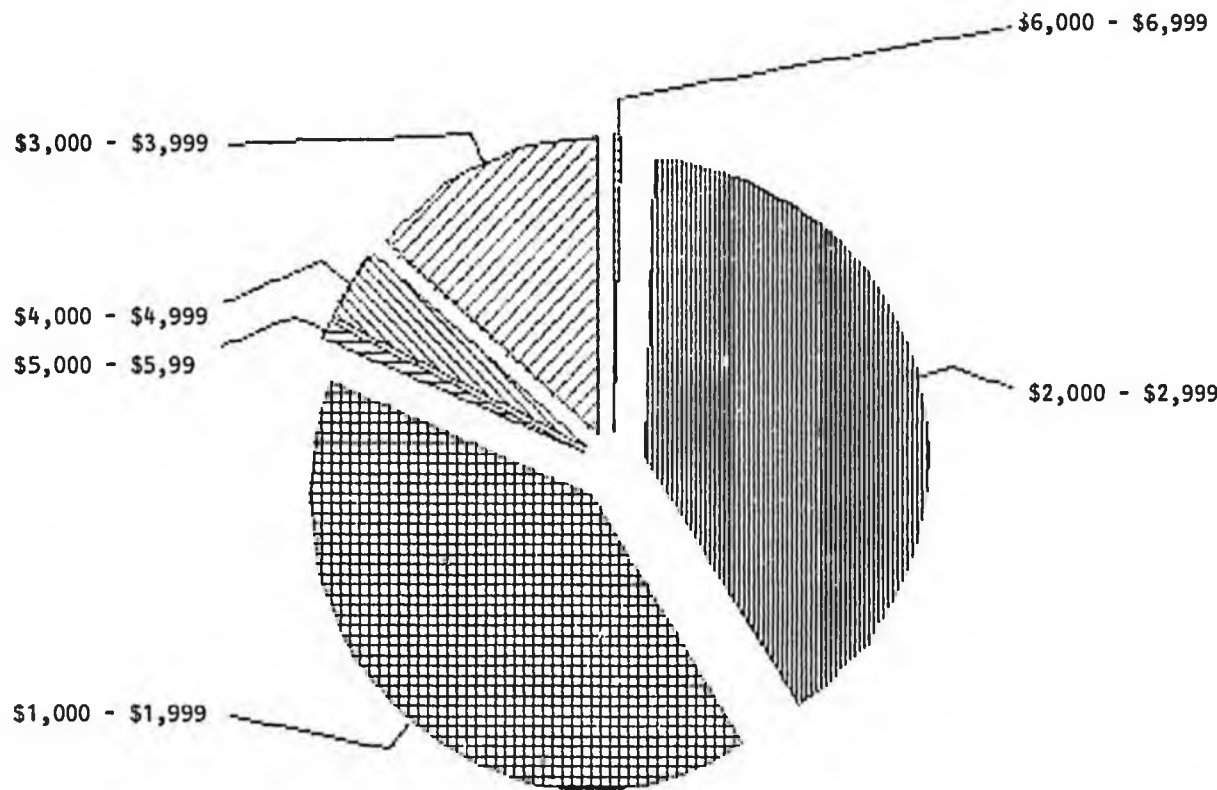
MONTHLY STATE SALARY DISTRIBUTION FOR MINORITIES
OCTOBER, 1984



MONTHLY STATE SALARY DISTRIBUTION FOR WOMEN
OCTOBER, 1984



WOMEN IN ALASKA STATE GOVERNMENT
MONTHLY SALARY LEVELS



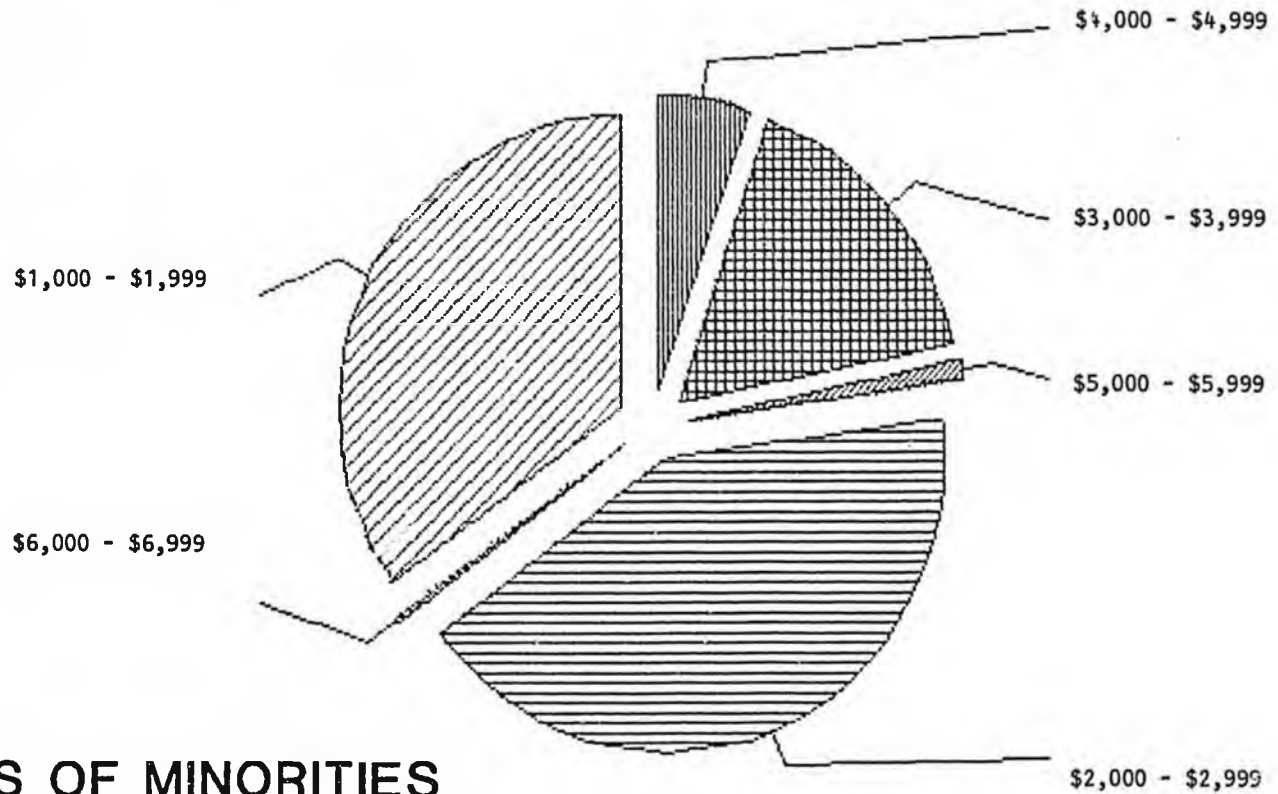
SALARY GROUP	NUMBER OF WOMEN	PERCENT OF TOTAL WORKFORCE
\$6,999-		
\$6,000	9	.1%
\$5,999-		
\$5,000	50	.5%
\$4,999-		
\$4,000	198	1.9%
\$3,999-		
\$3,000	669	6.3%
\$2,999-		
\$2,000	1,974	18.5%
\$1,999-		
\$1,000	1,963	18.4%
TOTAL	4,863	45.6%

MONTHLY SALARIES OF WOMEN
IN ALASKA STATE GOVERNMENT

October 15, 1984

MINORITIES IN ALASKA STATE
GOVERNMENT
MONTHLY SALARY LEVELS

SALARY GROUP	NUMBER OF MINORITIES	PERCENT OF TOTAL WORKFORCE
\$6,999-\$6,000	1	0.0%
\$5,999-\$5,000	12	0.1%
\$4,999-\$4,000	63	0.6%
\$3,999-\$3,000	204	1.9%
\$2,999-\$2,000	513	4.8%
\$1,999-\$1,000	427	4.0%
TOTAL	1,220	11.4%



MONTHLY SALARIES OF MINORITIES
IN ALASKA STATE GOVERNMENT

October 15, 1984

STATE OF ALASKA EMPLOYMENT PROFILE
BY DEPARTMENT
FOR THE YEARS 1982 AND 1984
(Permanent Full-Time Employees)

D E P A R T M E N T	1982					1984				
	TOTAL EMPLOYEES	NUMBER MINORITIES	PERCENTAGE MINORITY	NUMBER FEMALES	PERCENTAGE FEMALE	TOTAL EMPLOYEES	NUMBER MINORITIES	PERCENTAGE MINORITY	NUMBER FEMALES	PERCENTAGE FEMALE
Office of the Governor	219	32	14.6%	143	65.3%	219	39	17.8%	151	68.9%
Administration	1,015	111	10.9%	612	60.3%	1,062	184	17.3%	647	60.9%
Commerce & Economic Development	441	32	7.3%	229	51.9%	410	40	9.8%	197	48.0%
Community & Regional Affairs	169	64	37.9%	105	62.1%	177	37	20.9%	107	60.5%
Corrections (created by Executive Order March 9, 1984)	778	97	12.5%	245	31.5%	879	138	15.7%	270	30.7%
Education	412	45	10.9%	270	65.5%	420	51	12.1%	267	63.6%
Environmental Conservation	213	82	38.5%	9	4.2%	215	6	2.8%	86	40.0%
Fish and Game	968	44	4.5%	329	34.0%	787	41	5.2%	267	33.9%
Health & Social Services	1,544	217	14.1%	1,004	65.0%	1,524	236	15.5%	979	64.2%
Labor	586	64	10.9%	341	58.2%	534	60	11.2%	303	56.7%
Law	288	19	6.6%	182	63.2%	315	31	9.8%	201	63.8%
Military & Veterans' Affairs	94	10	10.6%	29	30.9%	96	7	7.3%	28	29.2%
Natural Resources	883	39	4.4%	392	44.4%	801	39	4.9%	362	45.2%
Public Safety	828	67	8.1%	302	36.5%	831	82	9.9%	287	34.5%
Revenue	353	43	12.2%	214	60.6%	333	38	11.4%	207	62.2%
Transportation & Public Facilities	2,314	194	8.3%	550	23.8%	2,059	191	9.3%	504	24.5%

STATE OF ALASKA
 EMPLOYMENT PROFILE BY EEO-4 OCCUPATION CATEGORY
 October 15, 1984
 (Permanent Full-Time Employees)

EEO CATEGORY	TOTAL EMPLOYEES	NUMBER MALES	PERCENTAGE MALES	NUMBER FEMALES	PERCENTAGE FEMALES	NUMBER MINORITIES	PERCENTAGE MINORITIES
Officials/ Administrators	336	258	76.8	78	23.2	22	6.5
Professionals	4,099	2,705	66.0	1,394	34.0	267	6.5
Technicians	393	200	50.9	193	49.1	41	10.4
Protective Services	1,206	1,036	85.9	170	14.1	153	12.7
Para- Professional	316	63	19.9	253	80.1	54	17.1
Office/ Clerical	2,821	437	15.5	2,384	84.5	422	15.0
Skilled Craft	811	797	98.3	14	1.7	88	10.9
Service/ Maintenance	680	303	44.6	377	55.4	173	25.4
T O T A L	10,662	5,799		4,863		1,220	

Report design and preparation: C. Briley Williams
Shirlee M. Clarke
Frances Rabago

File-Handicapped
equal access
SB 168

ybstnrgl
ybstnrjr

z4229ybstn

r u bc-handicapped 2-20 0322

^Bill would allow handicapped equal access to state programs@
@^By ROBB FULCHER@=

JUNEAU, Alaska (UPI) — An Anchorage senator introduced a measure Wednesday that would require the state to pay for interpreters for deaf or hearing-impaired Alaskans who want to serve on juries or attend university classes.

Senate Bill 168, sponsored by Pat Rodey, D-Anchorage, aims to guarantee equal access to state programs and facilities for deaf, blind and otherwise disabled people.

The bill would broaden existing anti-discrimination laws to forbid discrimination against the handicapped in employment, wages and housing.

It would set a maximum penalty of 60 days in jail and a \$1,000 fine for denying a handicapped person his or her equal rights as an Alaskan.

Albert Berke, executive secretary of the Alaska Association for the Deaf, said the provisions of the bill pertaining to deaf students and jurors is especially important.

“Right now the law discriminates against people who don’t have their natural faculties,” Berke said in sign language, through an interpreter.

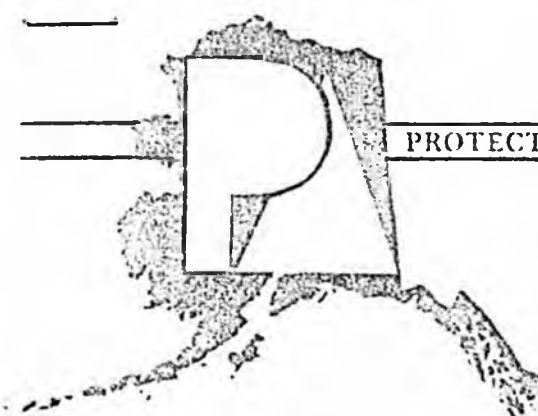
Berke said he also was pleased that the bill would require the state to pay fees that would amount to about \$20 per hour for interpreters, to give deaf and hearing impaired Alaskans a chance to attend university courses.

About 250 Alaskans are hearing impaired, but only one deaf student is taking University of Alaska courses, and the student’s interpreter is paid for by the state Division of Vocational Rehabilitation, Berke said.

“The university refuses to pay for interpreters. The students just go to community colleges instead,” Berke said.

About 10 deaf students attend classes at community colleges in Alaska, he said.

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^upi 02-20-85 07:43 pes=



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

MAIN OFFICE
325 East 3rd, 2nd Floor
Anchorage, AK 99501
(907) 274-3638

SOUTHEAST
REGIONAL OFFICE
127 S. Franklin, Suite 2
Juneau, AK 99801
(907) 586-1627

NORTHERN
REGIONAL OFFICE
763 7th Ave.
Fairbanks, AK 99701
(907) 456-1070

PROPOSED LEGISLATION WITH GUARANTEE RIGHTS OF THE DISABLED

Senator Patrick Rodey (D. Anch.) will be submitting to the 1985 Alaska Legislature a bill which will very favorably affect the rights of disabled persons in Alaska. The bill will address two important areas: 1) assuring the rights of disabled persons to sit on juries: 2) extending to disabled persons the general civil rights which are enforced by the Alaska Human Rights Commission.

JURIES

Under present Alaska law, a person may not serve as a juror if they are not in possession of their "natural faculties". This has been interpreted to disqualify deaf, blind, and mobility impaired persons from jury services. The injustice of this provision was recently brought to the public's attention when jury service was denied to Mr. Al Berke. Berke is deaf and is the Executive Director of the Alaska Association for the Deaf. Had the court provided Berke with an interpreter, he would have been perfectly capable of serving as a juror.

Senator Rodey's bill would prevent similar discrimination by changing the definition of what is a qualified juror. The bill states that deafness, blindness, or mobility impairment do not alone disqualify a person from jury service. The bill further requires the court system to pay for an interpreter to enable a deaf person to act as a juror.

Similar laws prohibiting discrimination against disabled jurors are in effect in a number of states including California, Colorado, Oklahoma, Washington, and Texas.

HUMAN RIGHTS COMMISSION

The Alaska Human Rights Commission was created by the legislature to eliminate and prevent discrimination against all Alaskans on the basis of their race, religion, color, national origin, age, sex, marital status, change in marital status, and pregnancy or parenthood. The Human Rights Commission is charged with eliminating and preventing discrimination in employment, credit and financing practices, places of public accommodations, and the sale, lease or rental of real property.

In recent years, disabled persons and their advocates have felt the need for similar protection. Senator Rodey's bill affirmatively states that discrimination based on disability is contrary to the general welfare of

the state and its inhabitants. Senator Rodey's bill adds "disability" to the list of other classes, such as race and religion, and prohibits discrimination against the disabled.

The bill's definition of a "person with a disability" closely tracks the Federal Department of Health & Human Service's Non-Discrimination on the Basis of Handicapped Regulations which were promulgated pursuant to Section 504 of the Rehabilitation Act of 1973. This is intended to tie into the large body of federal case law that has addressed the issue.

In addition, the bill makes it an affirmative obligation on the part of a state or local government to provide and pay the cost of an interpreter when a deaf person seeks access to local or state funds, services, goods, facilities, advantages or privileges.

The extension of basic civil rights to disabled persons will enhance their ability to more meaningfully participate in all aspects of our society and thereby enrich the lives of every citizen of our state. We at P.A.D.D. sincerely hope that the unified front on the part of all concerned will help bring about the passage of this very important piece of legislation. For more information on how you can assist in this process, contact Al Berke at the Alaska Association for the Deaf, 563-4713, or David Maltman or Jon Katcher at P.A.D.D.

Re: Bill of Rights
(Blind deaf & disabled)

Sectional Analysis:

Sec.1. Allows: blind deaf & disabled to serve on juries
p1 ln11 "other disability" should read "a disability"
p1 ln13 subsection (c) there is a question about whether we can require the court to pay for this - ?

Sec.2. Prohibits discrimination against physically handicapped

Sec.3-8. Adds disability to existing Human Rights Commission statutes. Changes personal pronouns.

Sec.9. PADD would like to add an amendment to this section requiring the state to pay for interpreters for a person dealing with the state

not in HB,
in SB

Sec.10. Definition of Disabled
work draft definition not workable
see PADD amendments

still in HB

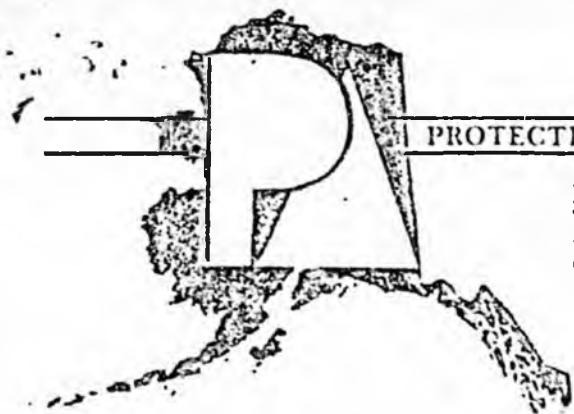
p8.ln24 delete references to "psychological disorder" and "emotional or mental illness". We want to deal with physical disability only.

Amendments: In addition to the ones mentioned above and attached as PADD amendments, we need to delete blind from text but be sure it is included in the definition of physically disabled. p.1 ln 20.

Material Enclosed:

Request for Draft
Draft
Amendments drafted by PADD

Related Background Material



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

MAIN OFFICE
325 East 3rd, 2nd Floor
Anchorage, AK 99501
(907) 274-3658

SOUTHEAST
REGIONAL OFFICE
127 S. Franklin, Suite 2
Juneau, AK 99801
(907) 586-1627

NORTHERN
REGIONAL OFFICE
763 7th Ave.
Fairbanks, AK 99701
(907) 456-1070

March 1, 1985

Ms. Dorothy Truran, Director
Governor's Council for the
Handicapped & Gifted
600 University Avenue, Suite C
Fairbanks, Alaska 99701

RE: SB168: An Act Relating to the Rights of Deaf, Blind, and Disabled Persons.

Dear Dot:

This position paper is offered to the Governor's Council with the hope that the Council will support SB168. The bill has four conceptual parts. The first part addresses the rights of disabled persons to serve on state jury panels. The second part requires state and local governments to provide an interpreter whenever a deaf person seeks funds, services, goods, facilities, advantages, or privileges from that government. The third section amends the statute providing penalties for interfering with admittance to or enjoyment of public facilities by clarifying that disabled means physically disabled in that statute and adding deaf to that statute. The fourth section amends the Human Rights Commission statute. At present the Human Rights Commission statute prohibits discrimination in employment, credit and financing, public accommodations, and housing on the basis of race, religion, color, national origin, sex, age, marital status, changes in marital status, pregnancy, or parenthood. The bill adds deafness, blindness, and disability to this list of inappropriate discriminatory criteria.

(1) Jury Service. At present, deaf, blind and mobility impaired persons are not legally qualified to serve on state jury panels. This disqualification has nothing to do with whether the disabled person is actually capable of hearing the case and rendering a rational judgment based upon the facts presented. Rather, it appears to be based upon the archaic presumption that persons who are not in possession of their "natural faculties" are unable to reach a fair and impartial verdict. Nothing in the literature or experience supports this conclusion. The bill is an attempt to eradicate this unjustified denial of a basic civil right to disabled persons.

To date the Alaska Association for the Deaf has documented the denial of jury service to at least four deaf persons merely because they are deaf. At least one member of the Governor's Council would be disqualified from serving on a state jury because of his deafness. Another member of the Governor's Council had been denied the opportunity to serve on the state jury because of her disability even though this disability does not interfere with her powers of judgment.

Similar laws prohibiting discrimination against disabled jurors are in effect in a number of states including California, Colorado, Oklahoma, Washington, and Texas.

A recent law review article has addressed the issue of deaf persons serving on juries. Jury Selection: The Courts, The Constitution, and The Deaf, 11 Pacific Law Journal 967 (1980), effectively refutes all the arguments against deaf jurors. Its well reasoned analysis convincingly demonstrates that deaf people are perfectly capable of fairly considering a case and that the assistance of an interpreter would in no way interfere with the deliberative process or its secrecy. Furthermore, the article goes on to demonstrate that jury service is a constitutional right, the denial of which to persons on the basis of their disability is highly inappropriate. We have enclosed a copy of the law review article for your consideration.

Providing interpreters for deaf people to serve on juries should not be prohibitively expensive. Qualified interpreters are already serving in the Alaska Court System for purposes of testimony. They could just as readily interpret for purposes of a juror. There will be some expenses associated with rendering jury boxes accessible to the mobility impaired. However, this should be minimal and it does not justify the denial of the right to jury service for these persons. Finally, there is absolutely no justification for denying jury service to blind persons.

(2) Interpreters for deaf persons seeking access to governments. This section would require all state and local governmental units, including the University of Alaska, to provide an interpreter whenever a deaf person seeks access to funds, services, facilities, advantages, or privileges. The merits of this provision are apparent on its face. In order for deaf people to meaningfully participate in a society where the overwhelming majority of its civil servants are unable to communicate with the deaf, it is incumbent upon the government to provide a means by which the deaf can make use of the government which their taxes go to support. The deaf are unique vis-a-vis other non-English speaking peoples. In almost all non-English speaking communities, there is always someone who can interpret for a citizen who is attempting to communicate with the government. With the deaf, very few people are able to interpret. Therefore, the responsibility should shift to the governments to assure the right of access for deaf people.

It should be noted that the fiscal impact of this section should not be overwhelming. In Alaska deaf people are concentrated in the urban centers of Fairbanks, Juneau, and Anchorage. Interpreter services exist to some extent in all those communities. This section will merely require upgrading of those interpreter services.

(3) Penalty for denying rights. This amendment supplements and clarifies the section providing penalties for persons who deny or interfere with admittance to or enjoyment of a public facility. The amendment would make clear that it is inappropriate to deny admittance to a deaf person to public facilities. It also clarifies that this penalty provision is meant to only apply to physically disabled persons. This clarification is justified because the statutory chapter is entitled "Rights of Blind and Otherwise Physically Disabled Persons," and was, therefore, not intended to apply to mental disabilities.

(4) Human Rights Commission. The Alaska Human Rights Commission, which is under the Governor's office, is vested with the power to investigate and prescribe remedies to eliminate inappropriate discriminations against all Alaska citizens. The Commission deals with complaints on a case by case basis. If the Commission finds the complaint to be justified, it has the power to fashion remedies which will prevent the discriminatory practice from continuing. At present, the Commission's mandate is limited to discrimination against Alaskan's on the basis of race, religion, color, origin, age, sex, marital status, changes of marital status, pregnancy or parenthood, or in the case of employment, physical handicap.

The bill would amend the human rights statute by adding deafness, blindness, and disability to the list of inappropriate discriminatory criteria. If a deaf, blind or disabled person is being discriminated against by any person, entity, or government in the areas of civil rights, employment, housing, or financial practices, the Commission would have the power to address the situation.

There would be a two-fold benefit to adding deafness, blindness, and disability to the human rights statute. First, it would give all deaf, blind, disabled persons another forum through which to remedy the plethora of abuses which these persons have been subjected to. Second, by codifying the illegality of discriminating against deaf, blind, and disabled persons, we would be enhancing the dignity, self-perception, and status of these otherwise devalued persons. The effect would be felt not only within the disabled community, but also in the community at large, as society as a whole is forced to recognize that disabled persons are entitled to the same rights and privileges of all other persons.

The bill's definition of "Disability" closely tracks the Federal department of Health and Human Services Non-Discrimination on the Basis of Handicap regulations which were promulgated pursuant to Section 504 of the Rehabilitation Act of 1973. This is intended to tie into the large body of federal case law that has addressed the issue.

We anticipate that this bill will be well received and vigorously supported by the Governor's Council. It represents an affirmative step in the quest for equal rights for all handicapped persons, regardless of their disability. If the Governor's Council is interested in more information about the bill, please feel free to contact either of the undersigned with your questions and comments.

Sincerely,

Jonathan A. Katcher
Supervising Attorney
P.A.D.D.

Albert Berke
Director
Alaska Association of the Deaf

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 4/11/85

REQUEST

Bill/Resolution No.: SB 168
 Title: Rights of Deaf, Blind and Disabled Persons /Kertrula
 Sponsor: Rodev. V. Fischer. Josephson
 Requestor: Fahrenkamp
 Date of Request: 4/10/85

FISCAL DETAIL

Agency Affected: Due Process
 Program Category Affected: _____
 Human Rights Commission
 Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		46.4				
300 CONTRACTUAL		7.5				
400 SUPPLIES						
500 EQUIPMENT		5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		54.4				
CAPITAL		-0-				
REVENUE		-0-				

FUNDING: (Thousands of Dollars)

GENERAL FUND		54.4				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		54.4				

POSITIONS:

FULL-TIME		1.0				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

O. Human Rights Field Representative III, Range 18, plus attendant travel and supplies.

Prepared By: Michael A. Nizich, Director Phone: 465-3616
 Division: Administrative Services Date: 4/11/85

Approved by Commissioner: *Laura J. Verma* Date: 4-11-85
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

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

7/1/84

1.	POSITION TITLE Human Rights Field Rep. III			RANGE/STEP 18A	BARG. UNIT X	PAGE/LINE	GOV.	APPROV.	D. S&P.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch.	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	35.8							
6.	Benefits	10.6							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	46.4						
10.	Travel	02	7.5						
11.	Contractual	03							
12.	Commodities	04	.5						
13.	Equipment	05							
14.	Other								
15.	TOTAL COST		54.4						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		54.4					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR BSM USE ONLY KEY NUMBER _____									

This position will handle increased caseload (intake and processing) of complaints anticipated to be filed by disabled persons due to SB 168.

**REQUEST FOR
NEW POSITION**

AGENCY Office of the Governor
 PROGRAM Due Process
 BRU Human Rights Commission
 COMPONENT _____

FY 86

Page _____ of _____
 Revised Date _____

Courant Staff Writer

The lawmakers leaned forward in rapt attention, listening carefully to two women they could not hear.

The women were deaf. Unable to voice their concerns, they were using their hands.

They wanted, they told the Judiciary Committee in sign language, a right many state residents often take for granted and sometimes avoid: to serve on a jury.

And by the time they finished making their case at a public hearing Monday, their message — relayed to the committee by two interpreters who translated their rapid hand movements to words — had come in loud and clear.

And struck a chord.

"You know, I don't have any questions to ask you, just a comment," said Rep. Thomas Dudchik, R-Ansonia. "So many people won't even register to vote because they don't want to be on jury duty. The only thing I can say is that I admire that you are here today."

Before the committee was a bill that would make it illegal to exclude any of the 25,000 profoundly deaf and additional 170,000 hearing-impaired Connecticut residents from a jury.

Currently, there is no specific legal provision that bars them. But the law does say no one can be considered who has a "permanent disability impairing their capacity to serve."

The point Shirley Turner of New Haven, a telephone company worker, wanted to make was that profound hearing loss — she has



Steve Silk / The Hartford Courant

Charlotte Lynch of the State Commission on the Deaf and Hearing Impaired translates for deaf people who testified at a hearing of the legislature's Judiciary Committee Monday. She used sign language and repeated the words silently for lip reading.

been deaf from birth — does not fit that definition.

"I think I can serve on a jury just like a hearing person," she insisted through her interpreter.

Richard B. Schreiber, deputy director of the state Commission on the Deaf and Hearing Impaired, told the committee four states — California, Louisiana, Colorado

and Iowa — have adopted statutes allowing the hearing impaired to serve.

"The time has come to bring deaf citizens into the mainstream," he said. "They don't want equal rights. They want equal responsibility."

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Deaf, Hearing Impaired Seek Right of Jury Duty

Continued from Page B1

Schreiber said nothing in the proposal would keep an attorney from seeking to exclude a deaf or hearing-impaired potential juror from a case if it hinged on the ability to hear. "If there's a clear, substantive need for hearing ... then of course the person may be excluded," he said.

He estimated the bill's requirement that interpreters be hired to translate testimony and assist during jury deliberations would cost the state "only about \$1,500 a year."

But, initially, the committee — consisting largely of lawyers — raised several concerns.

Sen. Thomas F. Upson, R-Waterbury, wondered if common law would prevent interpreters from entering the usually secret deliberations in a jury room.

But Schreiber said the states that allowed hearing-impaired jurors simply swore in interpreters with the jurors and required them

to follow the same instructions not to discuss testimony.

Rep. William L. Wollenberg, R-Farmington, the committee co-chairman, wondered if the presence of a non-juror in the jury room might have a "chilling effect" on discussion.

Susan V. Pedersen, president of the Connecticut Association of the Deaf and herself hearing impaired, responded: "I think they would have to be educated and they would get used to it. I think they would trust the deaf and consider their feelings."

The request seemed to have a profound impact on the committee. The initial skepticism quickly withered.

After the hearing, Rep. Maureen M. Baronian, R-West Hartford, said, "We're often confronted by people who take their rights for granted."

"I'm encouraged that these people would very much like to be part of the process. And it seems to me they shouldn't be denied."

5. SELF-DIRECTION

2. RECEPTIVE AND EXPRESSIVE LANGUAGE

Table A-9. -- Persons 3 Years of Age and Over With an Activity Limitation by Type of Limiting Health Condition

(Numbers in thousands)

Characteristics	Total with a limiting health condition	Percent reporting any of the health conditions listed below:							
		Mentally retarded	Hard of hearing or deaf		Speech impairment	Serious difficulty in seeing or blind	Seriously emotionally disturbed	Crippled (orthopedic handicap)	Any other health condition
			Total	Deaf					
Persons 3 years of age and over...	28,155	3.1	7.2	1.3	2.2	7.0	2.5	8.5	82.8
AGE									
3 and 4 years.....	178	7.7	6.7	0.7	12.7	4.8	1.3	10.2	69.4
5 to 13 years.....	2,008	7.1	6.8	2.3	9.4	6.8	4.4	6.7	65.0
14 to 17 years.....	1,217	8.0	5.2	1.7	3.5	4.4	3.7	9.8	70.8
18 to 21 years.....	919	9.9	4.3	1.6	4.0	5.2	3.9	9.4	67.9
22 to 34 years.....	3,041	7.7	3.5	1.0	2.2	4.0	3.9	10.1	73.0
35 to 54 years.....	6,836	2.9	3.7	0.6	1.3	4.3	3.3	9.5	83.2
55 to 59 years.....	2,769	1.3	4.8	0.8	1.4	4.9	2.7	8.5	88.7
60 to 64 years.....	3,053	0.5	6.4	1.0	1.0	5.7	1.4	7.7	87.5
65 years and over.....	8,135	0.4	13.0	1.9	1.3	12.1	0.9	8.1	80.6
RACE AND SPANISH ORIGIN									
White.....	23,894	2.9	7.6	1.4	2.2	6.7	2.2	9.6	83.2
Black.....	3,968	4.0	5.1	0.8	2.3	8.4	3.8	7.4	81.1
Of Spanish origin.....	1,040	2.9	5.7	1.0	1.9	6.2	2.1	6.8	81.9

Table 20. -- Limitation of Activity Status of Persons 5 Years of Age and Over by State and Type of Limiting Health Condition

(Numbers in thousands)

Divisions, regions, and States	Total persons 5 years of age and over	With an activity limitation									
		Total	Percent reporting any of the health conditions listed below:								Trouble with back or spine
			Mentally retarded	Hard of hearing or deaf		Speech impairment	Serious difficulty in seeing or blind	Seriously emotionally disturbed	Crippled (orthopedic handicap)	Arthritis or rheumatism	
			Total	Deaf							
United States, total.....	196,071	27,977	3.0	7.2	1.3	2.2	7.0	2.5	8.4	21.7	17.6
REGIONS AND DIVISIONS											
Northeast.....	45,605	5,899	2.8	6.6	1.4	1.8	6.2	2.7	7.4	20.1	15.2
New England.....	11,275	1,433	2.6	7.4	1.7	2.6	7.0	2.4	6.9	17.8	15.8
Middle Atlantic.....	34,329	4,466	2.8	6.4	1.3	1.5	5.9	2.8	7.6	20.9	15.0
North Central.....	52,768	7,215	3.1	7.3	1.3	2.2	6.6	2.1	8.3	21.5	17.5
East North Central.....	37,464	5,067	3.1	7.3	1.2	2.2	6.5	2.2	8.4	21.6	17.6
West North Central.....	15,304	2,047	2.9	7.2	1.4	2.4	6.8	1.9	8.1	21.3	17.3
South.....	62,844	10,345	3.5	7.8	1.2	2.4	8.2	2.6	8.6	24.0	17.5
South Atlantic.....	31,265	5,016	3.6	7.3	1.3	2.3	8.4	2.9	8.5	24.9	18.0
East South Central.....	12,445	2,312	3.6	7.8	1.1	2.5	8.2	2.4	8.8	24.2	16.8
West South Central.....	19,133	3,017	3.2	8.5	1.1	2.6	8.0	2.1	8.5	22.5	17.6
West.....	34,855	4,618	2.4	6.5	1.4	1.9	5.8	2.4	9.7	19.0	21.0
Mountain.....	8,924	1,170	2.1	7.9	1.4	2.1	6.6	1.8	9.4	21.8	19.8
Pacific.....	25,931	3,448	2.5	6.1	1.4	1.8	5.5	2.7	9.8	18.0	21.4
STATES											
New England:											
Maine.....	983	138	2.6	6.4	1.5	1.2	6.3	3.7	8.1	19.3	17.1
New Hampshire.....	760	95	3.1	6.3	1.5	2.3	7.3	2.1	9.3	17.9	16.0
Vermont.....	434	60	3.7	8.4	2.1	2.4	6.6	3.4	7.0	22.0	16.2
Massachusetts.....	5,376	671	2.3	7.9	1.9	3.6	7.1	2.2	6.4	17.6	15.4
Rhode Island.....	852	123	2.8	7.5	1.8	1.4	5.8	2.8	7.6	20.2	16.0
Connecticut.....	2,871	345	2.8	7.0	1.6	2.0	7.4	2.3	6.6	15.9	15.7