

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3987 SHEP HB 161 - HB 172

TABLE 10
DISTRIBUTION OF STUDENTS RECEIVING STATE
EDUCATIONAL INCENTIVE GRANTS
1978-79 through 1984-85

Institution	Number of Grants							Award Totals						
	78-79	79-80	80-81	81-82	82-83	83-84	84-85	78-79	79-80	80-81	81-82	82-83	83-84	84-85
U of Alaska, Anchorage	87	85	84	43	29	17	28	\$ 61,225	\$119,219	\$118,511	\$ 55,750	\$ 41,500	\$ 25,500	\$ 39,750
U of Alaska, Fairbanks	42	12	24	25	20	17	17	30,464	12,357	28,500	36,000	27,000	25,500	24,750
U of Alaska, Juneau	11	6	1	2	6	2	2	6,082	6,798	1,500	3,000	7,500	3,000	3,000
Anchorage CC	*	*	35	18	23	17	17	*	*	52,500	22,744	34,000	25,500	21,750
Kenai Peninsula CC	*	5	4	5	10	1	6	*	7,500	6,000	6,000	14,250	1,500	8,250
Mat-Su CC	*	*	3	1	3	2	1	*	*	4,500	1,500	4,500	3,000	1,500
Tanana Valley CC	**	**	0	1	0	0	0	**	**	0	2,250	0	0	0
Sheldon Jackson College	46	8	5	6	11	4	18	26,753	12,000	7,500	9,750	14,250	6,000	25,500
Alaska Pacific University	4	0	2	0	1	0	5	2,265	0	3,000	0	750	0	7,500
Alaska Business College	0	0	0	0	1	1	2	0	0	0	0	1,500	1,500	3,000
Kuskokwim Community College	0	0	0	0	1	0	0	0	0	0	0	1,500	0	0
Islands Community College	0	0	0	0	0	3	0	0	0	0	0	0	4,500	0
Ketchikan Community College	0	0	0	0	0	2	2	0	0	0	0	0	3,000	3,000
Prince William Sound	0	0	0	0	0	1	2	0	0	0	0	0	1,500	3,000
Gordon's Aviation	0	0	0	0	0	1	0	0	0	0	0	0	1,500	0
Total In-State	190	116	158	101	105	68	100	\$126,789	\$157,874	\$222,011	\$136,994	\$146,750	\$102,000	\$141,000
Total Out-of-State	3	61	80	73	51	58	68	\$ 2,323	\$ 82,731	\$116,909	\$102,030	\$ 70,500	\$ 87,000	\$ 99,500
TOTAL	193	177	238	174	156	126	168	\$129,112	\$240,605	\$338,920	\$239,024	\$217,250	\$189,000	\$240,500

*Reported in UAA totals.

**Reported in UAF totals.

APPENDIX

ALASKA STUDENT LOAN PROGRAM
ADDITIONAL DATA

ALASKA STUDENT LOAN PROGRAM
(1971-72 through 1984-85)

TABLE 11
FOURTEEN-YEAR SUMMARY
(1971-72 through 1984-85)

STUDENT LEVEL	STUDENTS ATTENDING IN-STATE				STUDENTS ATTENDING OUT-OF-STATE				TOTAL	
	Number of Loans	Percent of Total	Loan Amount	Percent of Total	Number of Loans	Percent of Total	Loan Amount	Percent of Total	Number of Loans	Loan Amount
Under-graduate	35,562	49.3	\$120,916,632	48.0	36,625	50.7	\$131,185,525	52.0	72,187	\$252,102,157
Graduate	1,540	19.9	\$ 6,166,210	17.5	6,216	80.1	\$ 29,025,553	82.6	7,756	\$ 35,191,763
TOTAL	37,102	46.4	\$127,032,842	44.2	42,841	53.6	\$160,211,078	55.8	79,943	\$287,293,920

TABLE 12
YEARLY SUMMARY
OF
UNDERGRADUATE STUDENT LOANS

ACADEMIC YEAR	STUDENTS ATTENDING IN-STATE				STUDENTS ATTENDING OUT-OF-STATE				TOTAL	
	Loan Recipients	Percent of Total	Loan Amount	Percent of Total	Loan Recipients	Percent of Total	Loan Amount	Percent of Total	Loan Recipients	Loan Amount
1971-72	570	57.6	\$ 680,351	50.1	420	42.4	\$ 666,536	49.5	990	\$ 1,346,887
1972-73	761	48.7	965,274	42.1	801	51.3	1,326,975	57.9	1,562	2,292,249
1973-74	585	40.1	913,284	38.8	874	59.9	1,438,990	61.2	1,459	2,352,274
1974-75	528	41.5	764,872	36.4	745	58.5	1,336,279	63.6	1,273	2,101,151
1975-76	456	30.5	747,112	27.9	1,041	69.5	1,927,334	72.1	1,497	2,674,446
1976-77	561	33.1	858,139	28.6	1,132	66.9	2,143,458	71.4	1,693	3,001,597
1977-78	613	35.9	1,211,203	32.7	1,272	64.1	2,496,063	67.3	1,985	3,707,266
1978-79	861	35.1	1,664,246	31.7	1,591	64.9	3,581,002	68.3	2,452	5,245,248
1979-80	1,245	36.1	2,469,354	32.2	2,203	63.9	5,191,236	67.8	3,448	7,660,590
1980-81	2,606	45.3	5,568,580	41.8	3,145	54.7	7,766,597	58.2	5,751	13,335,177
1981-82	4,225	47.3	15,846,331	44.6	4,710	52.7	19,688,486	55.4	8,935	35,534,817
1982-83	6,305	53.1	24,254,812	49.5	5,574	46.9	24,705,330	50.5	11,879	48,960,142
1983-84	7,175	53.3	28,642,717	51.1	6,274	46.7	27,459,737	48.9	13,449	56,102,454
1984-85	8,971	56.7	36,330,357	53.6	6,843	43.3	31,457,502	46.4	15,814	67,787,859
TOTAL	35,562	49.3	\$120,916,632	48.0	36,625	50.7	\$131,185,525	52.0	72,187	\$252,102,157

TABLE 13
YEARLY SUMMARY
OF
GRADUATE STUDENT LOANS

ACADEMIC YEAR	STUDENTS ATTENDING IN-STATE				STUDENTS ATTENDING OUT-OF-STATE				TOTAL	
	Loan Recipients	Percent of Total	Loan Amount	Percent of Total	Loan Recipients	Percent of Total	Loan Amount	Percent of Total	Loan Recipients	Loan Amount
1971-72	31	34.1	\$ 74,613	29.1	60	65.9	\$ 181,658	70.9	91	\$ 256,271
1972-73	48	25.8	113,990	19.7	138	74.2	464,145	80.3	186	578,135
1973-74	37	18.0	107,988	17.0	169	82.0	525,914	83.0	206	633,902
1974-75	31	16.8	86,266	15.4	153	83.2	472,390	84.6	184	558,656
1975-76	25	11.3	61,424	8.7	197	88.7	647,127	91.3	222	708,551
1976-77	23	10.1	69,833	8.2	205	89.9	779,077	91.8	228	848,910
1977-78	27	9.6	63,919	7.1	253	90.4	832,921	92.9	280	896,901
1978-79	41	12.0	108,130	9.2	302	88.0	1,063,024	90.8	343	1,171,154
1979-80	58	12.3	168,519	9.8	412	87.7	1,544,840	90.2	470	1,713,359
1980-81	127	17.9	391,885	14.8	582	82.1	2,264,218	85.2	709	2,656,103
1981-82	229	23.8	1,060,365	21.1	734	76.2	3,964,317	78.9	963	5,024,682
1982-83	276	23.4	1,229,172	20.3	903	76.6	4,818,081	79.7	1,179	6,047,253
1983-84	292	21.9	1,321,950	19.4	1,044	78.1	5,487,912	80.6	1,336	6,809,862
1984-85	295	21.7	1,308,156	17.9	1,064	78.3	5,979,868	82.1	1,359	7,288,024
TOTAL	1,540	19.9	\$6,166,210	17.5	6,216	80.1	\$29,025,553	82.5	7,756	\$35,191,763

TABLE 14
YEARLY SUMMARY
OF
ALL STUDENT LOANS

ACADEMIC YEAR	STUDENTS ATTENDING IN-STATE				STUDENTS ATTENDING OUT-OF-STATE				TOTAL	
	Loan Recipients	Percent of Total	Loan Amount	Percent of Total	Loan Recipients	Percent of Total	Loan Amount	Percent of Total	Loan Recipients	Loan Amount
1971-72	601	55.6	\$ 754,964	47.1	480	44.4	\$ 848,194	52.9	1,081	\$ 1,603,158
1972-73	509	46.3	1,079,264	37.6	939	53.7	1,791,120	62.4	1,718	2,870,384
1973-74	622	37.4	1,021,272	34.2	1,043	62.6	1,964,904	65.8	1,665	2,986,176
1974-75	559	38.4	851,138	32.0	898	61.6	1,808,669	68.0	1,457	2,659,807
1975-76	481	28.0	808,536	23.9	1,238	72.0	2,574,461	76.1	1,719	3,382,997
1976-77	584	30.4	927,972	24.1	1,337	69.6	2,922,535	75.9	1,921	3,850,507
1977-78	740	32.7	1,275,122	27.7	1,525	67.3	3,329,045	72.3	2,265	4,604,167
1978-79	902	32.3	1,772,376	27.6	1,893	67.7	4,644,026	72.4	2,795	6,416,402
1979-80	1,303	33.3	2,637,873	28.1	2,615	66.7	6,736,076	71.9	3,918	9,373,949
1980-81	2,733	42.3	5,960,465	37.3	3,727	57.7	10,030,815	62.7	6,460	15,991,280
1981-82	4,454	45.0	16,906,695	41.7	5,444	55.0	23,652,804	58.3	9,898	40,559,499
1982-83	6,581	50.4	25,483,984	46.3	6,477	49.6	29,523,411	53.7	13,018	55,007,395
1983-84	7,467	50.5	29,964,667	47.6	7,318	49.5	32,947,649	52.4	14,785	62,912,316
1984-85	9,266	54.0	37,638,513	50.1	7,907	46.0	37,437,370	49.9	17,173	75,075,883
TOTAL	37,102	46.4	\$127,082,841	44.2	42,841	53.6	\$160,211,079	55.8	79,943	\$287,293,920

TABLE 15
MEAN LOAN AMOUNT PER RECIPIENT
BY
IN-STATE/OUT-OF-STATE INSTITUTIONAL ATTENDANCE

ACADEMIC YEAR	STUDENTS ATTENDING IN-STATE			STUDENTS ATTENDING OUT-OF-STATE			TOTAL		
	Number of Loan Recipients	Total Amount Loaned	Mean Loan per Recipient	Number of Loan Recipients	Total Amount Loaned	Mean Loan per Recipient	Number of Loan Recipients	Total Amount Loaned	Mean Loan per Recipient
1971-72	601	\$ 754,964	\$1,256	480	\$ 848,194	\$1,767	1,081	\$ 1,603,158	\$1,483
1972-73	809	1,079,264	1,334	939	1,791,120	1,907	1,748	2,870,384	1,642
1973-74	622	1,021,272	1,642	1,043	1,964,904	1,884	1,665	2,986,176	1,793
1974-75	559	851,138	1,523	898	1,808,569	2,014	1,457	2,659,807	1,826
1975-76	481	808,536	1,681	1,238	2,574,461	2,080	1,719	3,382,997	1,968
1976-77	584	927,972	1,589	1,337	2,922,535	2,186	1,921	3,850,507	2,004
1977-78	740	1,275,122	1,723	1,525	3,329,045	2,183	2,265	4,604,167	2,033
1978-79	902	1,772,376	1,965	1,893	4,644,026	2,453	2,795	6,416,402	2,296
1979-80	1,303	2,637,873	2,024	2,615	6,736,076	2,576	3,918	9,373,949	2,393
1980-81	2,733	5,960,465	2,181	3,727	10,030,815	2,691	6,460	15,991,280	2,475
1981-82	4,454	16,906,695	3,796	5,444	23,652,804	4,345	9,898	40,559,499	4,098
1982-83	6,581	25,483,984	3,872	6,477	29,523,411	4,558	13,058	55,007,395	4,213
1983-84	7,467	29,964,667	4,013	7,318	32,947,649	4,502	14,785	62,912,316	4,255
1984-85	9,266	37,638,513	4,062	7,907	37,437,370	4,735	17,173	75,075,883	4,372
TOTAL	37,102	\$127,082,841	\$3,425	42,841	\$160,211,079	\$3,740	79,943	\$287,293,920	\$3,594

TABLE 16
 DISTRIBUTION OF ALASKA STATE LOANS
 FOR STUDENTS ATTENDING IN ALASKA
 (1984-85 Loans)

Institution	1984-85	
	No.	Amount
University of Alaska, Fairbanks	2,064	\$ 7,296,300
Anchorage Community College	1,531	5,470,650
University of Alaska, Anchorage	1,403	5,372,500
Kenai Peninsula Community College	390	1,515,000
University of Alaska, Juneau	283	1,032,900
Alaska Pacific University	263	1,086,400
Bookkeeping Concepts	235	1,203,650
Alaska Masonry School	232	1,280,050
Testing Institute of Alaska	199	1,028,050
Alaska Vocational-Technical Center	195	528,050
Tanana Valley Community College	180	681,500
Matanuska-Susitna Community College	176	666,700
Alaska Computer Institute of Technology	154	900,900
Sheldon Jackson College	153	618,600
New Anchorage Beauty School	142	743,050
Alaska Business College	134	768,500
Clerical Skills Training	107	626,500
Alaska Vocational School	71	364,350
North Pacific Business Institute	68	387,400
Scruples II, Action School of Broadcasting	67	322,800
Trend Setters School of Beauty	66	395,350
Aviation Network	63	336,500
Ketchikan Community College	60	211,050
Prince William Sound Community College	59	211,500
Hutchison Career Center	59	210,750
Satellite Technicians Applied Research and Development	54	328,000
Wilburs Flight Operation	52	263,850
Aero Tech Flight School	46	235,450
Gordon Aviation, Inc.	46	206,850
People Count, Inc.	39	205,600
Victorian Academy of Cosmetology & Barbering	38	201,600
Academy of Hair Design	38	168,050
Islands Community College	38	133,450
Headquarters Barber & Beauty Academy	34	179,950
Elmendorf Aero Club	33	180,300
Fort Richardson Flying Club	33	180,150
Vernair	30	173,200
Anchorage Alaska School of Barbering	28	138,550
Kodiak Community College	28	91,250
Aviation North	27	126,100
New Concepts Beauty School	27	111,700
Kotzebue Technical Center	26	118,600

TABLE 16
(Continued)

Institution	1984-85	
	No.	Amount
Kuskokwim Community College	25	\$ 59,450
World Security Police Academy	22	79,200
Larry's Flying Service	21	120,950
A.I.R. Center	21	113,800
Peninsula Hair Styling Academy	19	89,900
Alaska Air Academy	16	82,850
Delta Greeley Rural Educational Center	16	61,550
The Travel Academy	15	67,850
Peninsula Institute of Welding Technology	14	84,900
High Tech Helicopters	14	16,300
Alaska Flying Network	13	76,800
St. Herman's Theological Seminary	13	53,250
American Pacific Aviation	12	73,850
Fairbanks Beauty School	10	42,700
University of LaVerne	9	39,400
Club 1 Flight Group	6	32,500
Action Helicopter	6	30,700
Alaska Bible College	6	22,750
Chapman College	6	15,000
Mat-Su Bush Flying	4	15,750
Air Cushion Technologies	4	14,750
Northwest Community College	4	10,900
Arctic Bible Institute	4	10,150
Alaska Technical Institute	4	9,300
Alaska Aviation School	3	15,850
Fort Wainwright Flying Club	2	10,200
Far North Bible College	2	5,550
University of Alaska, Rural Education	1	6,000
Alaska School of Medical & Dental Assisting	1	3,000
Marenco, Inc.	1	6,000
Flight Training Devices	1	5,700
TOTAL	9,266	\$37,638,500

TABLE 17
 INSTITUTIONS AT WHICH AT LEAST FIFTY ALASKA
 STUDENT LOAN BORROWERS ATTENDED
 (1984-85 Loans)

Institution	1984-85	
	No.	Amount
*University of Alaska, Fairbanks	2,064	\$7,296,300
*Anchorage Community College	1,531	5,470,650
*University of Alaska, Anchorage	1,403	5,372,500
*Kenai Peninsula Community College	390	1,515,000
*University of Alaska, Juneau	283	1,032,900
*Alaska Pacific University	263	1,086,400
University of Washington (WA)	254	1,239,400
Oregon State University (OR)	244	1,054,450
*Bookkeeping Concepts	235	1,203,650
*Alaska Masonry School	232	1,280,050
University of Oregon (OR)	213	953,800
*Testing Institute of Alaska	199	1,028,050
*Alaska Vocational-Technical Center	195	528,050
*Tanana Valley Community College	180	681,500
*Matanuska-Susitna Community College	176	666,700
Western Washington University (WA)	166	739,800
Arizona State University (AZ)	165	810,250
Brigham Young University (UT)	163	549,000
*Alaska Computer Institute of Technology	154	900,900
*Sheldon Jackson College	153	618,600
International Air Academy (WA)	150	606,650
*New Anchorage Beauty School	142	743,050
*Alaska Business College	134	768,500
Washington State University (WA)	133	682,400
Northern Arizona University (AZ)	109	478,550
*Clerical Skills Training	107	626,500
Central Washington University (WA)	107	466,800
University of Puget Sound (WA)	104	563,750
Gonzaga University (WA)	96	534,600
University of Arizona (AZ)	94	431,800
Willamette University (OR)	90	503,950
West Coast Training Services (OR)	90	324,800
Montana State University (MT)	85	358,600
University of Hawaii, Manoa (HI)	78	393,250
University of Colorado, Boulder (CO)	76	384,700
Seattle University (WA)	76	338,300
*Alaska Vocational School	71	364,350
Pacific Lutheran University (WA)	70	367,650
Seattle Pacific University (WA)	70	338,400
*North Pacific Business Institute	68	387,400
University of Idaho (ID)	67	326,650
*Trend Setters School of Beauty	66	395,350

*Alaskan Schools

TABLE 17
(Continued)

Institution	1984-85	
	No.	Amount
University of Montana (MT)	66	\$ 241,850
*Aviation Network	63	336,500
Lewis and Clark College (OR)	63	304,950
*Ketchikan Community College	60	211,050
Eastern Washington University (WA)	59	279,250
*Prince William Sound Community College	59	211,500
*Hutchison Career Center	59	210,750
Colorado State University (CO)	56	298,600
Stanford University (CA)	55	283,100
Linfield College (OR)	55	265,100
*Satellite Technicians Applied Research and Development	54	328,000
DeVry Institute of Technology (AZ)	53	246,050
Southern Oregon State College (OR)	53	238,600
*Wilbur's Flight Operation	52	263,850
Highline Community College (WA)	50	186,450

*Alaskan School



RECORDS CERTIFICATION



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Signature of Camera Operator

11/7/89
Date

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1 7 2

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: HB 172

Sponsor: DUNCAN

Date referred to committee: 5/10

Synopsis completed:

Fiscal note:

Further referrals: FINANCE

CONTACTS:

See SB 168

Roxanne Stewart, Duncan's

Gov's Council on H+G

DHSS, Div of Mental Health

Barbara Hermin - Hearing chairman for Council District
11000 Ridgcrest
Anch, AK 99516 346-2437 (talked to BF)

Dr Wempe - Arctic Animal Hospital - 563-3945
1600 E. Tudor Rd 99507

Sharon Lobaugh, Alliance for the Mentally Ill
586-4952

Christine Hagmeier - 3370

Issue
enforcement

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3000

May, 1986

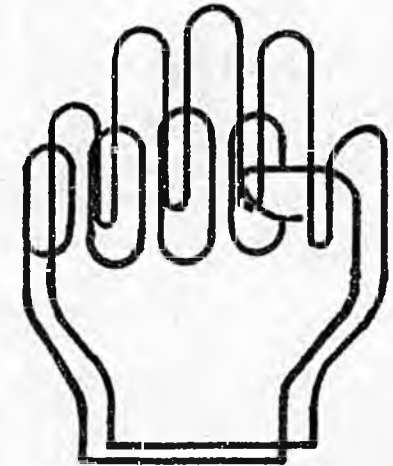
Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Health Education and Social Services Committee 2/11/86, 1:36pm
" " " " " " 2/25/86, 1:37pm
" " " " " " 3/18/86, 1:38pm
House Judiciary Committee, 4/15/85, 1:30pm
" " " " 5/1/85, 1:30pm

MAR 13 1985

1985 ANNUAL HUMAN RIGHTS REPORT



FBI. Men file
FAHRENKAMP

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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NORTHERN REGIONAL OFFICE
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SOUTHEASTERN REGIONAL OFFICE
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ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Virgie King, Chairperson

Morgan P. Solomon, Vice-Chairperson

James H. Chase

Sandra A. Henricks

Bienvenido E. Holganza

Jacqueline Lindauer

Doris M. Volzke

February 5, 1986

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

On behalf of the Commissioners and staff, I now transmit to you the Alaska Human Rights Commission's Annual Report summarizing the Commission's efforts during 1985 to eliminate and prevent unlawful discrimination in Alaska.

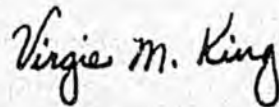
We are proud of our accomplishments during the past year as we continued to press forward in the face of a rising number of complaints despite declining state revenues. We have asked ourselves whether the steady increase of filings is the public's response to our greater visibility across the state or the result of our intensified public education effort. Since the greatest impact has been felt in our Anchorage office, is the increased demand for service because of population growth? Or is it, as some have speculated, the consequence of contagion in a climate favorable to discrimination?

The federal government's abdication of its responsibility for civil rights enforcement has shifted an onerous burden to the Alaska Commission to safeguard the rights of persons protected by anti-discrimination law. The absence of a strong federal contract compliance effort and the Reagan Administration's pending threat to gut Executive Order 11246 has given a clear signal to major employers: affirmative action with goals and timetables is passe; equal opportunity is an idea which has outlived its usefulness.

The Alaska Human Rights Commission rejects these views as antithetical to our mission. We remain firm in our support of affirmative action. We remain committed to the imposition of goals and timetables as a remedy to historic discrimination. We continue to encourage employers to voluntarily adopt an affirmative action program to ensure equal employment opportunity for all persons regardless of race, color, religion, sex, national origin and other protected class status.

As you read our 1985 Annual Report we ask you, our political leadership, to recall your aspirations for justice and equality for all persons in Alaska. We ask you to reflect on the widening gap between those aspirations and our achievements.

We ask you to reaffirm your commitment by making civil rights enforcement a top priority for the State of Alaska. Only through your commitment and the efforts of the Human Rights Commission can the peoples of Alaska hope to share the dream of our nation's great civil rights leader, Dr. Martin Luther King, Jr.



Virgie M. King
Chairperson
Alaska State Commission for Human Rights

PROGRAM ACCOMPLISHMENTS Janet Bradley

Alaska Human Rights Law was interpreted at three different levels during 1985--by the Alaska Supreme Court, by the Alaska Superior Court and by Decisions and Orders issued by the Human Rights Commission. Three major decisions broadened the protection of persons covered by state human rights law and gave clearer guidance to those who must comply with it.

In Adams v. ASCHR, Pipeliners 798, the Alaska Supreme Court ruled that the coverage of the Commission's enabling legislation is not limited to the inhabitants of the State of Alaska. Therefore, the court said, the Commission has the power to impose a quota based on the relevant labor market available inside and outside the state as a remedy to discrimination.

At the Superior Court level, the Commission's Decision and Order in Williams v. Union Chemical Division, Union Oil of California was upheld. The court rejected the employer's defense that the probability of William's re-injury was grounds for distinction under Alaska Human Rights Law. Reasoning that such distinction was based on stereotypical thinking about the handicapped, the court agreed with the Commission that the company discriminated against Williams by refusing him a job because of a prior back injury. This was the first court ruling on the meaning of Alaska Human Rights Law protecting the employment rights of the physically handicapped.

Finally, near the end of the year the Commission issued its long-awaited Decision and Order in the Public Health Nurses case, Bradley v. SOA, Department of Health and Social Services and Department of Administration. In their 96 page decision, the Commissioners dealt with the allegations of female public health nurses who claimed they were paid less than male physicians assistants because of sex discrimination. In their decision, the Commissioners interpreted for

AGENCY HEADQUARTERS

Janet L. Bradley	Executive Director
Mark A. Ertischek	Hearing Advocate
James K. Nall	Investigator
Katherine Goodell	Administrative Assistant
Shirlee Clarke	
Frances Rabago	Docket Officer
C. Briley Williams	Commission Secretary
Diane Barr	Legal Secretary

ANALYSIS OF 1985 FILINGS

By Sex:	Female	281
	Male	215
TOTAL FILINGS		496

By Race:	Caucasian	252
	Black	138
	Alaska Native	58
	Hispanic	15
	Asian	17
	American Indian	6
	Other	5
	Unknown (other agency filings)	5
TOTAL FILINGS		496

	Single Basis Complaint	Multiple Basis Complaint
Race/Color	151	56
Multiple Bases	110	
Sex	84	66
Physical Handicap	41	21
Age	39	23
Retaliation	21	17
National Origin	17	12
Religion	13	2
Pregnancy	9	17
Marital Status	9	14
Parenthood	2	7
Change/Marital Status	0	1
TOTAL FILINGS	496	236

the first time the section of Alaska Human Rights Law requiring employers to pay the same wage to females and males doing "work of comparable character". The Commissioners rejected the state's position that employers are entitled to use market rates to justify wages for jobs of comparable value. The Commission found that historically entrenched undervaluing of women's work makes reliance on market rates unacceptable under Alaska Human Rights Law. Because pay equity is considered the civil rights issue of the 80's, the Commission Decision in the Public Health Nurses cases has claimed the attention of the media, women's groups, civil rights agencies, the legal profession, and public and private employers all over the country.

These favorable landmark decisions have not only infused new meaning into the agency's statute but have also invigorated the agency in its struggle to serve the increasing numbers of persons who turn to the Commission for assistance. During the past year over 3,500 people contacted the agency, generating 11 percent more complaints and 22 percent more inquiries than in 1984. Despite the additional resources consumed by more inquiries and more intakes, staff resolved 347 complaints, only 4 percent less than in the previous year.

In 1985, monetary benefits awarded to complainants as a result of the agency's efforts rose by 4 percent to \$1,641,971, excluding the backpay award to the public health nurses, currently estimated at over a million and a half dollars.

How has the agency been able to sustain--and even improve in some areas--its record of performance despite declining state funding? The success of the new case processing strategy adopted in 1984 accounts for part of the increased productivity. Analysis of the agency's performance after one year of operation under the strategy demonstrated the staff's capability to resolve cases promptly in a conflict resolution mode. Older cases, not subject to these standards, were also substantially reduced at the same time by the same investigative staff processing newly filed cases.

ANALYSIS OF 1985 FILINGS BY TYPE

TYPE	REGION	NUMBER
EMPLOYMENT	Southcentral	228
	Northern	75
	Southeastern	35
	Anchorage ERC	89
	U.S. EEOC	<u>27</u>
TOTAL EMPLOYMENT		454
GOVERNMENT PRACTICES	Southcentral	9
	Southeastern	<u>3</u>
TOTAL GOV'T PRACTICES		12
HOUSING	Southcentral	2
	Northern	4
	Southeastern	1
	Anchorage ERC	9
	U.S. DHUD	<u>1</u>
TOTAL HOUSING		17
FINANCE	Southcentral	1
	Northern	1
	Anchorage ERC	<u>1</u>
TOTAL FINANCE		3
PUBLIC ACCOM.	Southcentral	2
	Northern	<u>1</u>
TOTAL PUBLIC ACCOMMODATIONS		3
COERCION	Southcentral	<u>7</u>
TOTAL COERCION		7
TOTAL 1985 FILINGS		496

During 1985, staff devised creative ways to streamline investigations, to expedite determinations, and to promote voluntary settlements. In particular, investigators spent more time counseling inquirers in an effort to screen out cases of dubious jurisdiction and cases where the complainant's allegations were weak and likely to be successfully defended against by the respondent.

With the Public Health Nurses class action case under deliberation by the Commissioners, during the past year the Hearing Unit directed its attention to the docket of newer, less complex cases forwarded in increased numbers by the regional investigative units. In 1985, the number of cases produced in the hearing unit nearly doubled with nine cases resolved in favor of complainant and one case administratively dismissed when complainant filed in court. Nevertheless, with the dramatic increase in the number of newly filed cases in 1985, the agency must report that its inventory of cases in process at the close of the year reached 642, nearly twice the size of 1983 year end inventory and fast approaching the all time record levels established during pipeline construction days.

During 1985 the Commission also reached out to other governmental agencies to join forces in the battle against discrimination. The number of cases under investigation by the U.S. Equal Employment Opportunity Commission and the Anchorage Equal Rights Commission rose to nearly one third of the total inventory. This worksharing system provides greater protection for complainants' rights and prevents duplication of effort, enabling the agencies to conserve staff resources.

The Human Rights Commission also worked closely with the Women's Commission throughout the year. ASCHR staff reviewed Women's Commission recommended revisions to Alaska Statutes, served on their Education Equity Committee, and took part in the Women's Legislative Alliance. Joining ranks with statewide women's groups, the Commissioners endorsed the 1986 Legislative Package of the Women's Commission and commended their efforts to eliminate the remnants

PUBLIC EDUCATION HIGHLIGHTS

Workshop on Pay Equity, 1985 Alaska Women's Conference, Anchorage

Workshop on Sexual Harassment, Valdez

Panel on Age Discrimination, 37th Annual IAOHRA Conference, Chicago

Overview on Discriminatory Harassment to the U.S. Civil Rights Commission, Alaska Advisory Committee

Participation in Conference for Small Business Owners sponsored by the City of Fairbanks Human Rights Commission

Presentation to Alaska Political Women's Caucus

Interviews on Alaska Radio Network and KT00 Radio, Juneau

Speech to Graduate Class, Elmendorf Air Force Base

"Supervising Women and Minorities" Speech, Anchorage Community College

Recordkeeping Requirements for Employers, ERC Workshop and video taped for replay throughout Alaska

Speech on Sexual Harassment to Alaska Legal Secretaries' Association, Anchorage

Participation in Housing Discrimination Law Workshop sponsored by the Anchorage Equal Rights Commission

Representation at Alaska Bush Justice Conference, Bethel

Lectures on Comparable Worth to students at Alaska Pacific University and LaVerne University

Workshop at Bilingual/Multi-cultural Conference, Anchorage

Presentation to the Justice class, Monroe High School, Fairbanks

of sex discrimination in state law.

The Human Rights Commission also worked with the City of Fairbanks Human Rights Commission by participating in their Conference for Small Business Owners in the fall. The Commission was dismayed at the defunding of this local commission and supports its reactivation to meet the needs of Fairbanks residents.

In the summer the Commission welcomed the reconstitution of the Ketchikan Human Rights Commission. Local commissions such as the Fairbanks and Ketchikan Commission complement the state commission's program by focusing on public education and referral of complaints. AS 18.80.290 grants authority to general law or home rule municipalities to establish local human rights commissions with powers and duties similar to the state commission. Only the Anchorage Equal Rights Commission currently employs staff to investigate and resolve complaints of discrimination in violation of municipal ordinance.

In 1985 the Commission expanded its public education efforts by printing pamphlets in English and Spanish and posters in English, Spanish, Yupik, and Inupiat. By the end of the year, informational materials had been sent to every city, village, and rural educational attendance area in rural Alaska as well as to community organizations and Native corporations throughout the state.

In July, the Commissioners voted to regionalize the rural program by identifying positions in the Southcentral and Northern Regional offices as rural investigators. This pilot project was designed to increase service to rural Alaskans combining outreach and investigations on travel to locations outside the urban office areas. The agency has continued its policy of accepting collect calls from persons in rural Alaska despite the rising cost of communications. The staff will be monitoring the effectiveness of this project as service to rural Alaskans remains a priority.

Presentation to Older Alaskans Commission, Fairbanks

"Getting to Know You", Moose Creek Fair, Tanana Valley Community College

Interviews on KBRW and Learn Alaska, Fairbanks

Presentation at Clerical Skills Training Center, Fairbanks

Presentations to Fairbanks Memorial Hospital and to State Fire Trainers, Fairbanks

Workshop at Cook Inlet Pre-Trial Facility, Anchorage

Sexual Harassment Workshop for Job Service, Ketchikan

Booth at the Older Alaskans Job Fair, Juneau

Presentation at Employment Discrimination Workshop sponsored by Alaska Chapter of the American Association for Affirmative Action

Presentation on Age Discrimination, Aging Together in Alaska Conference, Denali Park

Speech to the Personnel Management Association, Juneau

Technical Assistance to Natives for Affirmative Action, Juneau

Booth at the Women's Resource Fair, Juneau

Technical Assistance to the National Association of Counseling, Juneau

Technical Assistance to Fairbanks Human Rights Commission, First Annual Multi-Cultural Day and Tanana Fair

Workshop at the Alaska Native Women's Statewide Organization Annual Conference

As a result of decreased funding, only three, two-day Commission meetings were held in 1985--Juneau, Valdez, and Anchorage--in contrast to four, three-day meetings in other years. At meetings, Commissioners receive staff reports, give direction to management, set policy, hear testimony from the public, take positions on matters relating to civil rights and render decisions on hearing cases.

The hospitality of the Juneau Filipino Community afforded Commissioners an opportunity to meet constituents and state legislators at a Friday evening reception after the spring meeting in the capitol city.

In an effort to use Commission meetings as a public education event, the Valdez meeting held in late July featured a workshop on Sexual Harassment conducted by Commissioner James Chase.

Enlisting the services of the Governor's Committee on Employment of the Handicapped, Commissioners and staff learned more about the possibilities for employing the disabled at the December meeting held in Anchorage. Joining the Commission at the "Windmills" workshop offered by Jean Henderson of GCEH were Frank Raye, Director of the Division of Personnel, and Merwin Peters, Director of the Office of Equal Opportunity, and members of their staffs.

During 1985, the Commission continued to press for legislation prohibiting acts of discriminatory harassment. Working with a Task Force comprised of the Anchorage Equal Rights Commission and representatives from numerous community-based organizations, the Commission supported HB 194 introduced at the request of the Commission by Governor Sheffield. The Commission also voted in favor of passage of the "Disabled Bill of Rights" which extends the currently protected class of the physically handicapped to include the physically and mentally disabled and expands the coverage for this class to all sections of the present statute.

During the past year, the Commission again promoted the creation of an Office of State Contract Compliance. The

PROMISES, PROMISES

Although promised a job as a fish processor along with a group of Caucasians, an Hispanic male complained of national origin discrimination when the employer hired everyone but him upon arrival at the work site. During the investigation, the employer agreed to a pre-determination settlement entitling Complainant to a job and \$19,084 in monetary benefits.

NO PLACE FOR BLACKS

A Black male alleged that a Caucasian landlord refused to rent to him because of his race. Investigation revealed that the landlord had agreed by telephone to let the Black male and his family view the vacant unit. When the Black male arrived, the landlord told him privately that he would not rent to Blacks. This statement, however, was overheard by a tenant who offered to testify. After conciliation attempts failed, the case was forwarded to the Hearing Unit.

BACK TO THE KITCHEN

A kitchen worker injured on the job alleged physical handicap discrimination when she was discharged on the date her doctor released her to return to work. After receiving the complaint from the the Commission, the employer agreed to reinstate the employee with a promise not to retaliate against her for filing the complaint.

Commission's interest in this matter arises from its concern for Minority Business Enterprises which historically have not proportionately shared in the wealth of state construction contracts.

Twice during 1985, the Commissioners considered the implications of the apartheid policies of the government of South Africa with particular reference to the investment of Alaska's Permanent Fund monies in companies doing business in South Africa. This agenda item at Commission meetings elicited lengthy testimony from the public, all opposed to the racism in South Africa and recommending divestiture of state funds. In November 1985, the Commissioners unanimously adopted Resolution No. 85-01 repudiating the policy of apartheid and calling for the immediate and total divestment of the Permanent Fund from companies doing business in South Africa.

Clearly, the Commission has met the challenge to do more with less. This was accomplished by the perseverance of staff, the determination of management, and the support of Commissioners as all worked together, committed to the goals of justice and equal opportunity in Alaska. What is also clear is that at the present level of funding, the Commission cannot deliver the level of service desired by complainants and respondents alike. Despite increased productivity, increased worksharing, and the development of a well organized agency with trained professional staff, the demand for services exceeds our present capacity.

Commissioners and staff have begun to examine a number of alternatives to cope with the increasing workload in this era of declining state revenues. Under consideration are a number of regulatory changes, proposals to cut back on services, or learning to live with a backlog of pending investigations. Whichever policy direction is determined, the Commission remains steadfast in its commitment to eliminate discrimination in Alaska.

RESOLUTION NO. 85-01

WHEREAS, the government of South Africa is perpetuating systematic oppression of non-whites through the policy of apartheid which results in the loss of life, liberty and the pursuit of happiness;

WHEREAS, the policy of apartheid results in the denial of justice, educational and employment opportunities, causes the separation of families, and restricts the mobility of non-whites within that country;

WHEREAS, resistance and opposition to the government of South Africa's policy of apartheid has been met with brutality, bloodshed and death;

WHEREAS, the spectacle of such human suffering cries out to all persons of conscience throughout the world regardless of race, color, ethnic or national origin; and

WHEREAS, such persons of conscience cannot tolerate inaction which constitutes unwitting support of the government of South Africa's policy of apartheid;

NOW, THEREFORE, the Alaska State Commission for Human Rights calls for the complete and immediate divestment of the Alaska Permanent Fund monies from companies doing business in South Africa.

November 15, 1985

Evelyn A. Ramos	Regional Director
Robert Bacolas	Investigator
Kimberly Martus	Rural Investigator
Jeanne M. Fortier	Investigator
Donna J. Brooks	Investigator
Eddie L. Edison	Investigator
Lisa Waters	Secretary
Laura J. Hauta	Clerk

1985 was both a challenging and a productive year for the Southcentral Regional staff. We were called upon to create more efficient ways of handling an increasing number of contacts from the public, a larger case inventory, and a greater demand for public education. In mid-year, we changed our intake procedure by dropping the old practice of taking complaints by appointment. We now take complaints at the initial point of contact with the Commission by an inquirer whether by telephone, personal visit, or by mail. The new method has resulted in prompt service to the public and a shorter intake process. Additionally, Kimberly Martus, a senior investigator in the Southcentral Regional Office, was designated to handle rural responsibilities, thereby enhancing our services to rural areas of Southcentral Alaska.

While faced with a high volume of inquiries and new complaints, we succeeded in achieving a higher level of case production in 1985 than in 1984. We also managed to make progress in our efforts to meet our region's public education needs. Through careful planning, we conducted more outreach and public education activities during 1985 than in the previous years. We attribute these accomplishments to the staff's higher level of investigative expertise and to improved case processing methods.

Discrimination in employment continues to be the predominant type of complaint filed by Southcentral residents during 1985. The impact on the economy of declining oil revenues and overall slump in the oil industry made competition in the job market even keener, resulting in more employment complaints being filed. We predict that this trend will continue into the next year.

In summary, we responded to the challenges of 1985 with a vigor and enthusiasm we intend to carry forward into the new year.

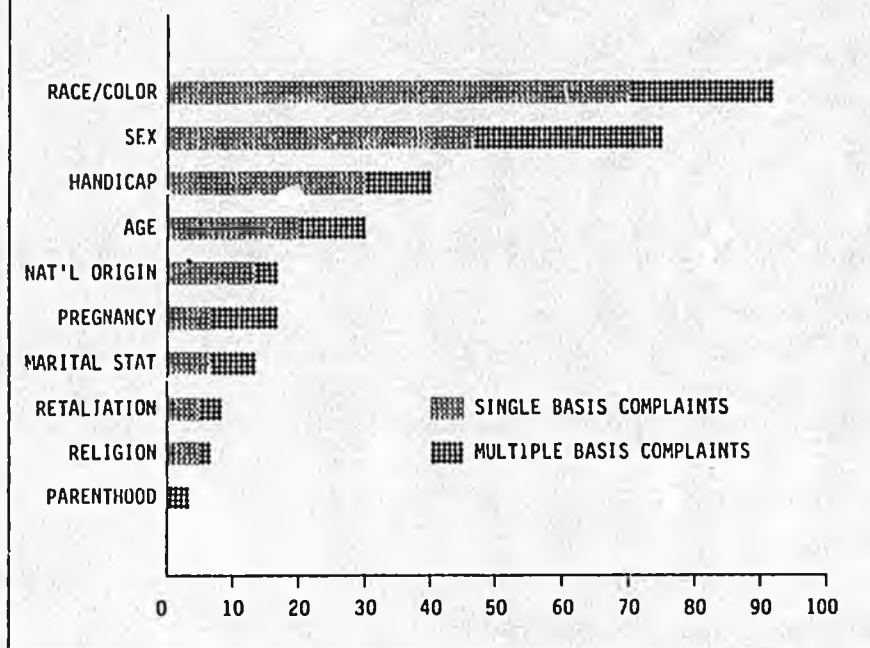
ANALYSIS OF 1985 FILINGS
SOUTHCENTRAL REGION

<u>By Sex:</u>	Female	128
	Male	<u>121</u>
	TOTAL FILINGS	249

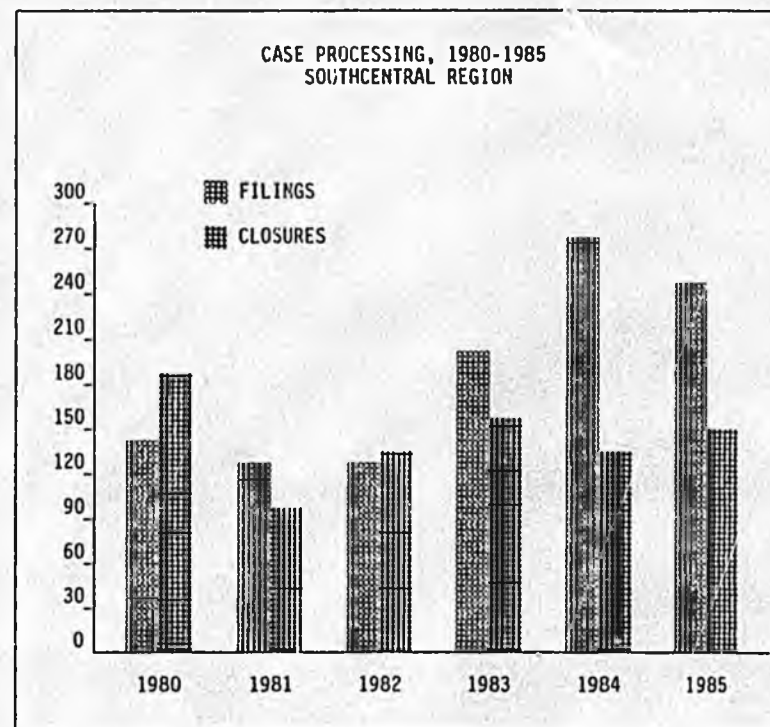
<u>By Race:</u>	Caucasian	147
	Black	55
	Alaska Native	25
	Asian	10
	Hispanic	8
	American Indian	2
	Other	<u>2</u>
	TOTAL FILINGS	249

	<u>Single Basis Complaint</u>	<u>Multiple Basis Complaint</u>
Race/Color	69	22
Sex	47	28
Multiple	46	
Physical Handicap	30	10
Age	20	10
National Origin	13	3
Pregnancy	7	10
Marital Status	7	6
Retaliation	5	3
Religion	5	1
Parenthood		<u>3</u>
TOTAL FILINGS	<u>249</u>	<u>96</u>

SOUTHCENTRAL REGIONAL OFFICE
BASIS OF COMPLAINTS FILED IN 1985



CASE PROCESSING, 1980-1985
SOUTHCENTRAL REGION



NORTHERN REGION

Penny A. Forsmo

NORTHERN REGIONAL OFFICE

Penny A. Forsmo	Regional Director
Eleanor Gutierrez	Investigator
Brenda Tolliver	Rural Investigator
Sharon Jaeke	Secretary

A major change in the Northern Region during 1985 was the promotion of Penny Forsmo from senior investigator to regional director in mid-April. During the year, the Fairbanks office functioned with the director and two staff investigators, one fewer than in the previous year. Each investigator carried a greater caseload as a result; however, improved case processing was demonstrated by the increase in the number and quality of case resolutions in the fourth quarter.

The 1985 regional statistics show an increase in the number of inquiries handled but a decrease in the number of complaints filed. The year began with 60 cases open in the region. By mid-summer, the inventory grew to 90 cases but with the increased production dropped to 75 cases at year end. The high influx of filings during spring and summer may have been generated by the stiff competition for the fewer jobs available during the construction season.

Northern Region staff received in-house training throughout the year enabling them to expand their technical knowledge and to try out creative and innovative ideas for moving cases. As part of training, staff attended the Sullivan v Polaris public hearing in June, the first Commission hearing held in Fairbanks for several years. In addition to case processing, staff took part in public education activities and attended meetings of the City of Fairbanks Human Rights Commission.

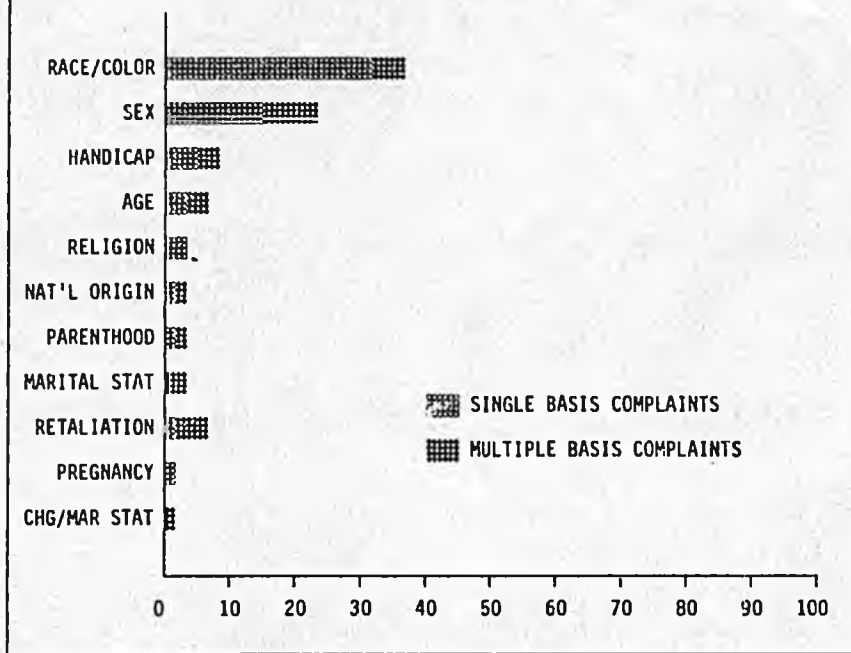
In the fall, a new investigator was hired to answer questions and take complaints from the rural areas by telephone, mail or by interviews at the Fairbanks office. In late winter staff will travel to rural communities to make local contacts, investigate cases and assist rural Alaskans to file complaints as part of our goal to expand outreach to rural Alaskans in 1986.

ANALYSIS OF 1985 FILINGS NORTHERN REGION

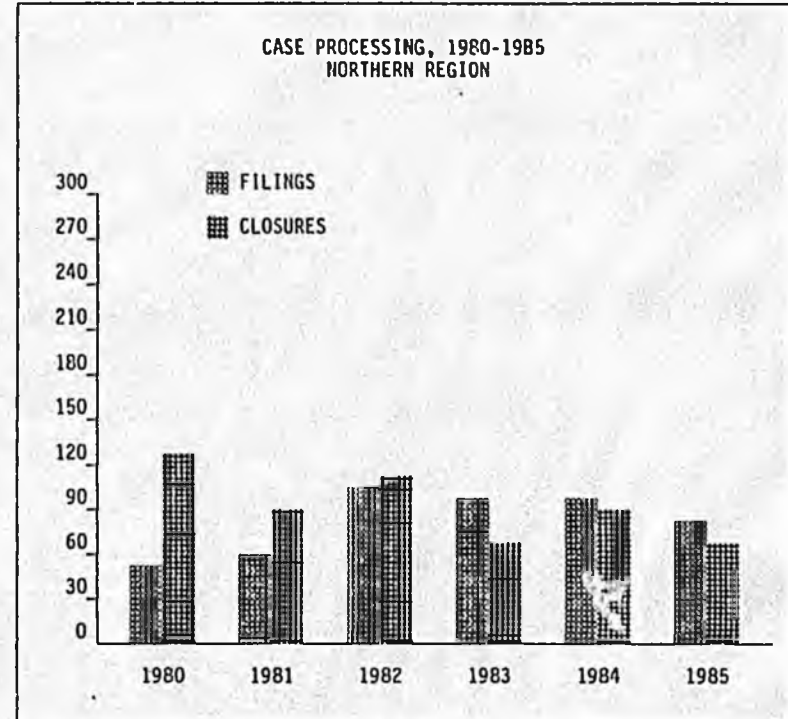
<u>By Sex:</u>	Female	44
	Male	37
		<hr/>
	TOTAL FILINGS	81
<u>By Race:</u>	Caucasian	47
	Black	19
	Alaska Native	10
	Hispanic	3
	American Indian	1
	Other	1
		<hr/>
	TOTAL FILINGS	81

	<u>Single Basis Complaint</u>	<u>Multiple Basis Complaint</u>
Race/Color	32	5
Multiple Bases	16	
Sex	15	9
Physical Handicap	5	3
Age	3	3
Religion	3	
National Origin	2	1
Parenthood	2	1
Marital Status	1	3
Retaliation	1	6
Pregnancy	1	
Chg/Marital Status	<hr/>	<hr/> 1
TOTAL FILINGS	81	32

NORTHERN REGIONAL OFFICE
BASIS OF COMPLAINTS FILED IN 1985



CASE PROCESSING, 1980-1985
NORTHERN REGION



SOUTHEASTERN REGION

Patsy M. Fletcher

SOUTHEASTERN REGIONAL OFFICE

Patsy M. Fletcher Regional Director
 Christine M. Swanson Investigator
 Lynette A. Turner Investigator
 Ella St. Clair Secretary

Staff turnover in Southeast in 1985 had two obvious consequences: the number of case resolutions dropped slightly over last year and the age of open cases increased. During the same period however, the number of inquiries rose by 5 percent. Many inquiries were received from employers seeking advice on compliance with Human Rights Law. Such inquiries are encouraging because they represent a positive view of the Commission. Because of our limited resources, greater screening of incoming potential complaints took place in 1985. Although no jurisdictional complaints were refused, the Southeast office accepted fewer complaints than in the previous year. With a fully trained staff, we expect the case inventory to become manageable permitting more quality time to be devoted to the cases requiring full investigations.

While most complaints are filed by Juneau citizens, outlying Southeast communities, especially Ketchikan, Sitka and Petersburg, utilize the Southeast office extensively. An issue of concern to village communities is local hire. Competition for temporary construction jobs in an economically depressed community generates volatile situations, especially when outsiders without competition fill half the positions, and village job seekers are rotated among the few remaining openings. Although many callers from the villages perceive this as discrimination, the practice is not always a violation of Human Rights Law.

For the first time in years, more Alaska Natives filed complaints in Southeast than any other ethnic or racial group. The proportion of race and sex based complaints also increased as did age and religion complaints.

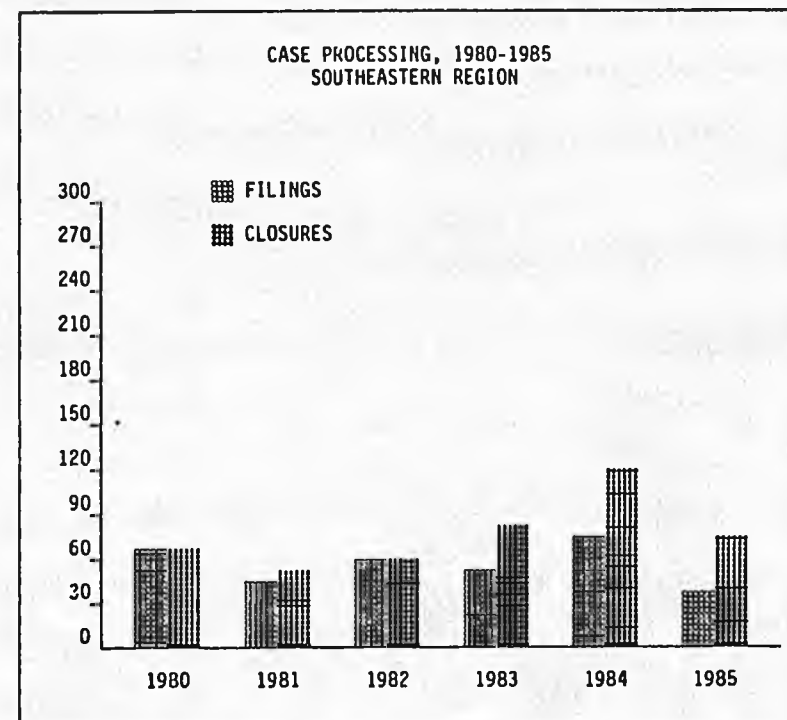
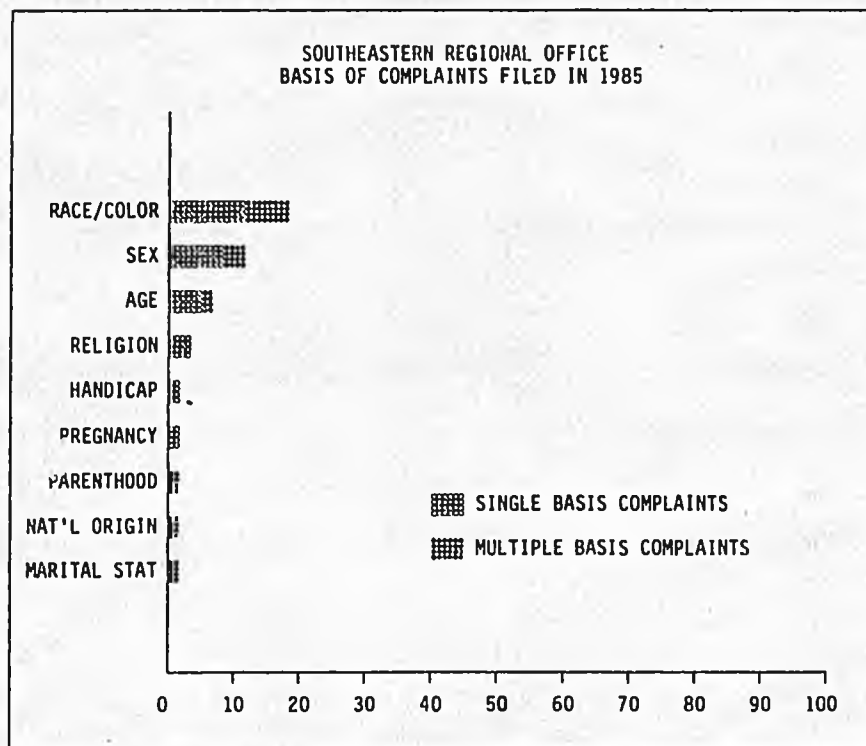
In summary, 1985 was a productive year both in terms of continued productivity as well as maximization of shrinking resources.

ANALYSIS OF 1985 FILINGS SOUTHEASTERN REGION

<u>By Sex:</u>	Female	23
	Male	16
	TOTAL FILINGS	<u>39</u>

<u>By Race:</u>	Caucasian	17
	Alaska Native	14
	Asian	3
	Black	2
	American Indian	2
	Hispanic	1
	TOTAL FILINGS	<u>39</u>

Race	12	6
Sex	9	3
Multiple	8	
Age	4	2
Religion	3	1
Physical Handicap	2	
Pregnancy	1	
Parenthood		2
National Origin		2
Marital Status		1
TOTAL FILINGS	<u>39</u>	<u>17</u>



NOTE: 1984 CLOSURES INCLUDE 38 INVENTORY REDUCTION PROJECT CASES

The Hearing Unit has continued to process its cases with dispatch. At the beginning of fiscal year 1985, there were nine open cases in the Hearing Unit's inventory. These were cases in which we had certified that conciliation efforts had failed, but we had not received a proposed decision from the Hearing Examiner. By the end of 1985, we had completed action on all but three of the cases, but had received additional cases referred from the investigative units and the Hearing Unit inventory stood at eleven cases actively in the hearing process. Finally, we are processing three remanded cases, and two recently received cases await review.

Williams v. Union Oil - Complainant alleged that he had been the victim of physical handicap discrimination. He had not been hired by the Respondent because he had been surgically treated for a back injury even though he had performed similar work for the Respondent after his recovery. The Hearing Examiner's Proposed Decision awarding the Complainant \$38,956.84, plus interest, was adopted by the Commissioners, and subsequently appealed by the Respondent. A recent Superior Court upheld the decision of the Commission.

Bradley v. Ketchikan Gateway School District - Complainant alleged pregnancy discrimination in the terms and conditions of employment. The Executive Director is seeking damages for employees and their dependents whose claims for pregnancy benefits under the school district health insurance plan were treated less favorably than other temporary disabilities. The Hearing Examiner issued a Proposed Decision on May 6, 1985. The matter is still being considered by the Commissioners.

Nicholson v. O'Neill Investigations - Complainant alleged failure to hire because of sex and age. She was 21 when she was denied a job as a security guard at Prudhoe Bay. Males slightly older but with no more relevant experience were

A MAN OF CONSCIENCE

A Caucasian mechanic complained of retaliation when he was terminated for protesting his employer's refusal to hire Blacks. During the resolution conference, the Complainant stated that he had found a new job. The parties agreed to a pre-determination settlement which provided \$1,506 in back pay to the Complainant.

hired. The hearing was held, and a Proposed Decision finding in favor of the Complainant and awarding her \$9,436, plus interest, was entered on June 15, 1984. Subsequently, the parties reached agreement on the total amount due the Complainant, and the Respondent elected not to appeal.

Bradley, et al v. SOA, Dept. of Health and Social Services and Dept. of Administration - Complainants alleged sex discrimination in employment because of the failure to pay Public Health Nurses, incumbents of a female-dominated job classification, the same as Physicians' Assistants, a male-dominated job classification, although the incumbents of both job classes performed comparable work. The Proposed Decision in favor of the Respondents was issued by the Hearing Examiner. After consideration by the Commissioners, a revised final decision was issued finding in favor of the Complainants on November 15, 1985. The period set for the consideration of objections will not conclude until after the start of the next calendar year.

Wallace v. Fluor Alaska - This case was remanded by the Superior Court to the Hearing Unit. Complainant alleged that he had been the victim of discriminatory employment practices and retaliatory discharge. His claim that he received poor job assignments because he was not of the same ethnic background as his supervisor was rejected, but the Commission found that he had been fired in retaliation for his complaint of discrimination. The case was settled for \$12,000.

Ella Johnson v. International Brotherhood of Painters - Complainant was a female who had obtained a job on a painting crew. She was not a member of the union and alleged that the union pressured the contractor into discharging her from her position and refused to allow her to join the union because of her sex. The parties agreed to settle the case for \$2,000.

Walker v. Jean Peters, d.b.a. My Apartments - The Complainant was an Alaska Native who alleged that the Respondent refused to rent him an apartment because he was a

EXPERIENCE COUNTS

A female alleged that she had been denied a job as a cable lineman because of her sex. Investigation established that the decision not to hire Complainant was based upon her lack of direct experience, knowledge and skills necessary for the position. The successful male applicant had four years of lineman experience with Respondent and an additional four years related experience. The staff determined that there was not substantial evidence of discrimination and dismissed the case.

Native. The Complainant was told by telephone that an apartment was vacant. Respondent said it was rented when the Complainant arrived to see it. The Commission's investigators found that the apartment was still available after the Complainant had been told there was no vacancy. Complainant obtained another apartment and agreed to settle his claim for \$200 actual damages.

Laakso v. Southgate Hub - Complainant alleged that she was discriminated against because of her physical handicap. The Complainant was an employee of the Respondent's parent corporation who had left her employment after being injured on the job and filing a workmen's compensation claim. Years later she reapplied for employment. She was hired and started work, but she was then terminated after top management told the store manager of her prior medical history and of her prior medical workmen's compensation claim. The case was settled for \$15,000.

Corpus v. Totem Packing Company - Complainant, a male, alleged that he had been the victim of sex discrimination in the application of the Respondent's grooming standards. The Complainant was employed in a fish processing plant. He alleged that female workers with long hair were permitted to wear hairnets while men were required to obtain a haircut. He had been fired for refusing to do so. Complainant was rehired and the outstanding back pay dispute settled for \$2,000.

Barletta v. SOA, Dept. of Education, Comm. on Post-Secondary Education - Complainant alleged that she had been the victim of pregnancy discrimination. She had sought a promotion and was denied after the hiring official stated his concern that her pregnancy would interfere with her ability to travel on the job. The case was settled for \$2,000.

Sullivan v. Black Angus Restaurant - Complainant, a Black man employed as a cook at a restaurant in Respondent's hotel, alleged that he was the victim of race discrimination. He contended he was fired because the Respondent's President did not like Blacks. A hearing was

EQUAL CREDIT OPPORTUNITY

A woman complained to the Commission that a credit union refused to allow her to co-sign her daughter's application for a loan. As a result of the investigation, the Respondent sent a letter of apology to the Complainant, appointed her co-applicant for the loan and agreed to train staff to ensure credit equal opportunity for women.

held in June 1985. We are presently waiting for the Hearing Examiner to issue a proposed decision.

Pease v. Apollo Restaurant - Complainant alleged that she was the victim of pregnancy discrimination. She was employed by the Respondent as a waitress. When she became pregnant, she inquired about whether the employer had insurance coverage in case she was injured on the job. She alleged that the employer then demanded that she release him from potential claims, and when she refused to do so, he terminated her. The case is presently scheduled for a hearing in May 1986.

Smith v. Baranof Hotel - Complainant, a Pacific Islander, alleged that he was discriminated against because of his race in terms and conditions of employment. He was employed on Respondent's maintenance crew at a rate less than that paid to Caucasian workers with similar levels of experience. A settlement of the case is in process.

Topacio v. Baranof Hotel - Complainant, a Filipino, alleged that he had been discriminated against because of his national origin. He had been employed for many years in the maintenance crew of the Respondent. He applied for a promotion to a vacant supervisory position. Even though he had many years of experience and seniority, a Caucasian recently arrived in Alaska was hired for the position. Shortly before the date set for the hearing of this case, the Complainant withdrew his complaint so that he could proceed in court.

Myers v. Skagway City Schools - Complainant, an employee married to another employee of the Respondent, alleged that he was the victim of marital status discrimination. The Respondent obtained health insurance policies which barred couples who were both employed by the Respondent from claiming each other as dependents and thus obtaining 100% medical coverage. Complainant alleged that he and other individuals similarly situated received less compensation than persons who were not married to other Respondent employees. The case was submitted to the Hearing Examiner

APPROVAL IN ADVANCE

A man complained of religious discrimination when his employer terminated him for taking time off to observe Good Friday. Investigation found that the employee was terminated for taking time off without making prior arrangements with his supervisor as required by the employer's policy. A determination of not substantial evidence was issued and the case was dismissed.

on Cross-motions for Summary Judgment during the summer of 1985. We are presently awaiting a proposed decision from the Hearing Examiner.

Dunlap v. Public Safety Employees Association - Complainant alleged that she had been the victim of sex discrimination resulting from the maintenance of a hostile, intimidating, and offensive atmosphere. She alleged that during the course of a meeting, union officials had referred to her in sexually derogatory terms. Shortly before the date set for hearing, the case was removed to the Superior Court to resolve certain legal issues related to jurisdiction and venue. We anticipate that these matters will be resolved and the case returned for further processing during the following calendar year.

Edwards v. Eileen Seals International Modeling Agency - Complainant alleged that she had been sexually harassed when the owner of the modeling agency demanded sexual favors. She refused the demands and was later terminated. The case has been scheduled for hearing in April 1986 and is presently in discovery.

Miller v. Alaska Public Employees Association - Complainant alleged that he was discriminated against because of his religion. The Respondent refused to grant him an accommodation which would have allowed him to pay union dues to a charity in lieu of the union. The case is presently in discovery.

Tyndall v. Alaska Public Employees Association - Complainant alleged that he was discriminated against because of his religion. The Respondent refused to grant him an accommodation which would have allowed him to pay union dues to a charity in lieu of the union. The case is presently in discovery.

Larson v. City of Juneau - Complainant, an Alaska Native, alleged that he had been the victim of race discrimination. He was terminated from his position with the City fire department for coming to work late while Caucasian employees

RELIGIOUS COMPLAINT RESOLVED

A Seventh-Day Adventist complained that she was harassed and discharged after her employer discovered she had newly converted and would require time off on Fridays at sunset for religious observations. During the Resolution Conference, the staff negotiated a pre-determination settlement in which Respondent agreed to give Complainant one month's salary and a positive reference.

who came into work late were not fired. The case is in discovery.

Taylor v. Alaska Airlines - Complainant alleged that she had been the victim of sex and religious discrimination. Complainant alleged that Respondent's local managers refused to hire her because they did not want to hire female employees as baggage handlers and because the manager wanted to give the positions to members of his own church. The case is in discovery and settlement discussions are in process.

Pinchuck v. Department of Public Safety - The Complainant, a female, alleged that she was the victim of sex discrimination. She applied for a position as a state trooper and was not considered after she failed a physical agility test which the Commission staff contends adversely impacts women and is not job related. The case is presently in discovery.

Two cases referred to the Hearing Unit were settled before the Certification of Conciliation Failure. In one case Complainant alleged that she was the victim of sexual harassment. An officer of Respondent attempted to make sexual advances towards her on numerous occasions. When the atmosphere became intolerable, Complainant quit. The case was settled for \$5,000. In the second case, Complainant alleged that she was the victim of handicap discrimination when her job was eliminated during a surgical convalescence. The case was settled for \$40,000.

During the last year, two special investigations were completed. One resulted in a cause finding and a referral to the Hearing Unit.

UNEXCUSED ABSENCES

A 52 year-old woman with cancer in remission alleged that she was terminated from her job because of age and physical handicap discrimination. Investigation found that the Complainant, after a job history of merit increases, promotions and accommodation to her physical handicap from her employer, was terminated for excessive absenteeism unrelated to her disability. The case was dismissed with a determination of not substantial evidence to support Complainant's allegations.

Supreme Court, DecidedAdams v. Alaska State Commission for Human Rights (ASCHR),
Pipeliners Union 798:

ASCHR found that Pipeliners Union 798 had systematically discriminated on a classwise basis against Blacks and women in its dispatching and membership procedures during the pipeline construction. ASCHR ordered Pipeliners Union 798 to cease discriminating against Blacks in dispatching welder helpers to jobs in Alaska and in admitting individuals working in Alaska to membership in the Union. In addition, ASCHR imposed a quota requiring the Union "in filling any job order in Alaska" to allocate 2.2% of its dispatches to Blacks. The 2.2% quota was based on Black representation in the Alaska work force as reflected in the 1970 census.

Adams argued that ASCHR should order that Blacks be dispatched as welder helpers in proportion to their presence in the Union's relevant labor pool--the south and Alaska--and not based on Black representation in the Alaska work force alone. On appeal the Alaska Supreme Court held: 1) In a class action, when the Executive Director decides not to appeal a decision of the Commission, the Executive Director will be presumed to be an inadequate representative of the class. Thereafter, any class member that can demonstrate that his or her claim is typical of the other class members and that he or she can adequately represent the class on appeal may appeal a class action decision of the Commission; 2) The 2.2% quota remedy was based on an erroneous conception of the Commission's jurisdiction. The quota imposed by the Commission should reflect the percentage of Blacks in the labor market from which the relevant labor pool was drawn, rather than merely the percentage of Blacks in the relevant labor pool in Alaska. The court held that the 2.2% quota was not reasonably designed to eliminate the discrimi-

TOO MUCH BOLOGNA

A female cook aboard a fishing boat alleged that she was discharged by the Captain because a long term male crew member did not want to work with women. Investigation established that Complainant failed to live up to pre-employment promises to prepare fresh bread and pasta everyday. Instead she served cold cuts and cereal once too often.

nation found to exist in the Pipeliners dispatch of Black welder helpers to jobs in Alaska; 3) The court stated that coverage of AS 18.80 et seq. is not limited to "inhabitants" of the State of Alaska. Accordingly, the Commission has the power to impose a quota based on the relevant labor market available inside and outside the state although this does not mean that the Commission has a duty to impose such a quota. The court further stated that quotas imposed by the Commission must bear a reasonable relationship to the elimination of discrimination where it has occurred. The decisions of the Superior Court and the Commission were vacated and the case was remanded to the Commission for imposition of an appropriate remedy.

Sheehan v. University of Alaska, Alaska State Commission for Human Rights and Cathi Carr-Lundfelt:

The issue before the Court was whether or not the trial court had abused its discretion in denying Sheehan the right to file her appellant brief. The Supreme Court held: 1) The Superior Court had abused its discretion in not allowing Sheehan to file her brief. There was no showing of prejudice to appellee or the court which warranted dismissal of the case; and 2) It is appropriate for the trial court to impose a monetary sanction rather than dismiss the appeal. The case was remanded to the Superior Court for further proceedings.

Pipeliners Union 798, United Association v. Alaska State Commission for Human Rights:

The Pipeliners Union appealed the back pay awards of six individual claimants. In a memorandum opinion and judgment the Supreme Court held that there was substantial evidence to support all of the back pay awards ordered by the Commission. The Supreme Court affirmed the Commission's back pay awards in the amount of \$119,470.67.

ACCESS TO FACILITIES

An employee with bursitis complained that her employer had denied her a reasonable accommodation to her physical handicap. The employee alleged that her employer refused to make modifications to eliminate structural barriers which prevented her access to the lunch room and rest facilities. In a pre-determination settlement, the employer agreed to install lunch room and rest facilities accessible to Complainant.

Superior Court, Appeals

Union Chemical Division, Union Oil Co. of California v. Alaska State Commission for Human Rights ex rel. Larry Williams:

Union Chemical Division, Union Oil Co. of California ("Union Oil") sought reversal of a Commission Decision which held that Union Oil had discriminated against Larry Williams, on the basis of physical handicap, by refusing to hire him for a job as a millwright. The Superior Court: 1) declined to address the issues raised by Union Oil relating to allocations of burdens of proof in a physical handicap case because Union Oil did not raise or object to these issues during the administrative proceedings; 2) upheld the Commission's Decision that a reasonable belief held in good faith as to the physical impairment of Williams was not a defense to the charge of discrimination; 3) held that Union Oil's assertion that Williams' future physical condition established grounds for distinction under AS 18.80.220(a) was groundless. The court reasoned that such distinction was based on general and stereotypical ways of thinking about physically handicapped persons; 4) affirmed the Commission Decision awarding back pay in the amount of \$38,956.34 plus interest.

Superior Court, Pending

Sheehan v. University of Alaska and Alaska State Commission for Human Rights:

Sheehan alleged that the University of Alaska had discriminated against her, on the basis of sex, by terminating her as an assistant professor in the English Department at the University of Alaska, Fairbanks. ASCHR closed Sheehan's case for lack of substantial evidence. Sheehan appealed ASCHR's closure order. The issues on appeal include 1) whether there is substantial evidence to sustain a prima facie claim of sex discrimination and 2) did ASCHR comply

NIGHT WORK REQUIRED

When an airline refused to hire a woman with two small children as a ticket agent, the rejected applicant alleged discrimination based on parenthood. Investigation disclosed that the position required working a late night shift twice a week. Complainant admitted that she was unable to guarantee her availability for this shift. The staff determined that there was not substantial evidence of discrimination and dismissed the case.

with AS 18.80.110 in pursuing Sheehan's charge. Argued before the Superior Court on January 21, 1986.

Public Safety Employee's Association (PSEA) v. Alaska State Commission for Human Rights ex rel. Dunlap:

PSEA filed a complaint for injunctive relief in Superior Court to enjoin the Commission from holding a public hearing in this case. The Superior Court ruled that PSEA's complaint, although styled as an original complaint, was in fact an appeal from an interlocutory decision of the Commission. The Superior Court granted PSEA's petition for review and ordered expedited briefing. The issues on appeal are 1) whether the Commission has subject matter jurisdiction to adjudicate conduct which occurred, in part, outside the State of Alaska and 2) where is proper venue in this case. Petition for Review pending in Superior Court.

Corazon Fox v. Alaska State Commission for Human Rights and Alascom, Inc.:

Fox appealed the Commission's decision to close her case due to lack of substantial evidence. On appeal, Fox alleges that substantial evidence did exist to support her claim of race and national origin discrimination against Alascom. Appeal pending in Superior Court.

Other

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

A BETTER JOB

A clerk for a publishing firm alleged his employer refused to accommodate his epilepsy and terminated him because of seizures on the job. The case was resolved by a pre-determination agreement providing for re-hire of the Complainant in a less strenuous position at a higher wage and with work hours preferred by Complainant.

ANALYSIS OF 1985 CLOSURES

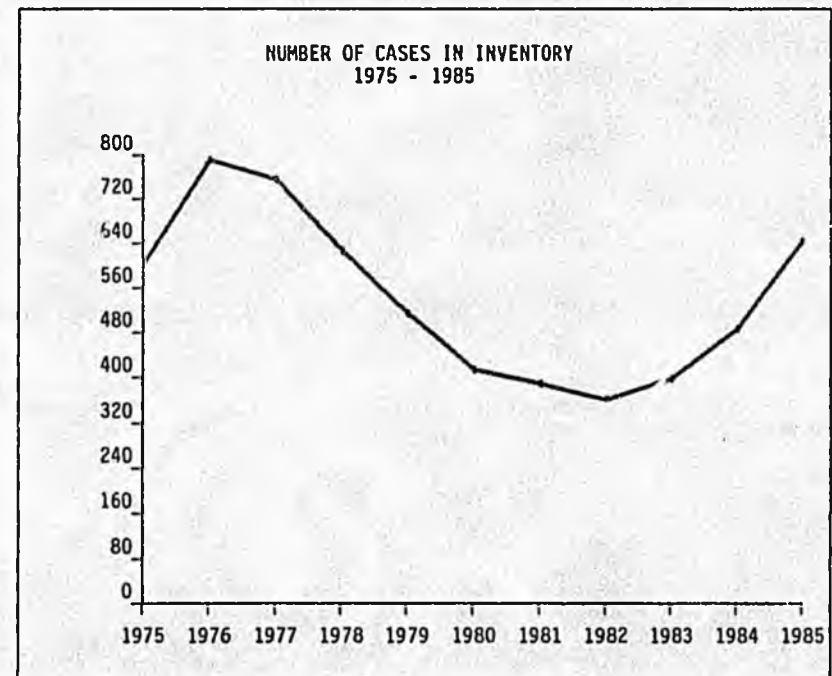
Reason for Closure	Number of Closures	Percentage of Total
ADMINISTRATIVE CLOSURES:		
Complaint Withdrawn	53	15.27%
Complaint Not Timely	2	.58%
Lack of Jurisdiction	11	3.17%
Complainant Not Available	14	4.03%
Failure of Complainant to Proceed	34	9.80%
Complainant in Court	3	.86%
Administrative Dismissal	<u>2</u>	<u>.58%</u>
Subtotal	119	34.29%
CONCILIATION/SETTLEMENT CLOSURES		
Pre-Determination Settlement	76	21.90%
Successful Settlement	27	7.78%
Substantial Evidence/ Conciliation Agreement	4	1.15%
Substantial Evidence/Full Relief Rejected by Complainant	<u>1</u>	<u>.29%</u>
Subtotal	108	31.12%
NOT SUBSTANTIAL EVIDENCE	110	31.70%
HEARING CLOSURES		
Hearing Decision for Complainant	2	.58%
Hearing Decision for Respondent	0	.00%
Pre-hearing Settlement	7	1.73%
Hearing Closure--Other	<u>1</u>	<u>.58%</u>
Subtotal	10	2.89%
TOTAL 1985 CLOSURES	347	100.00%

SUMMARY OF CASES FILED AND CLOSED

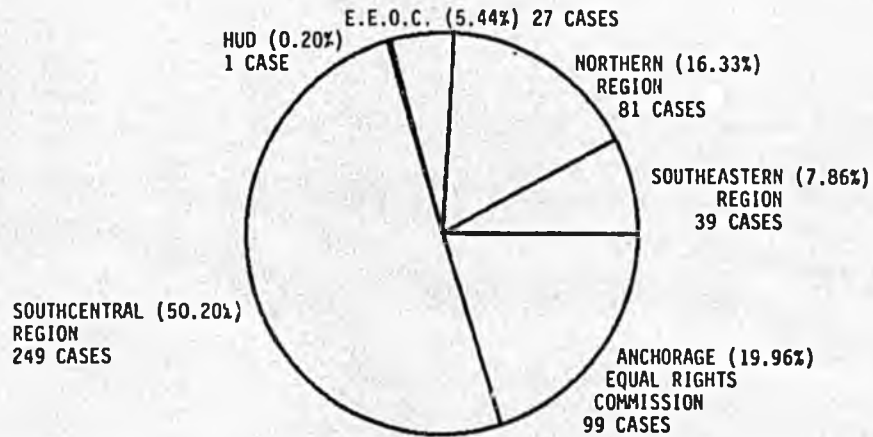
YEAR	BEGINNING INVENTORY	NUMBER OF CASES FILED	NUMBER OF CASES CLOSED	ENDING INVENTORY
1985	486	496	347	642**
1984	397	448	362	486*
1983	360	346	309	397
1982	387	292	319	360

*Includes three cases reopened in December, 1984.

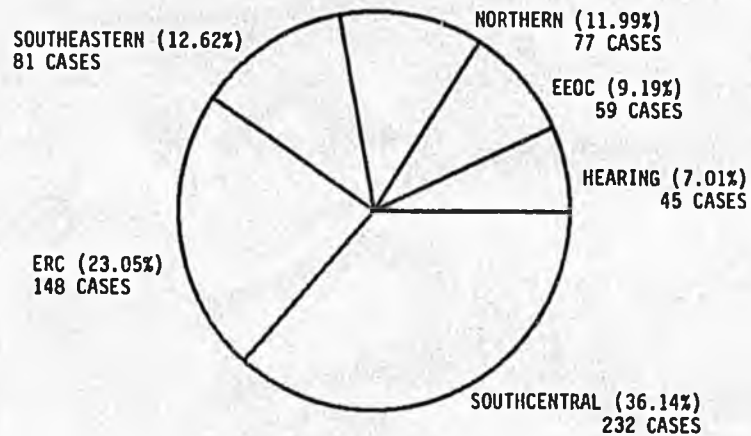
**Includes seven remands/reopenings.



ORIGIN OF 1985 FILINGS



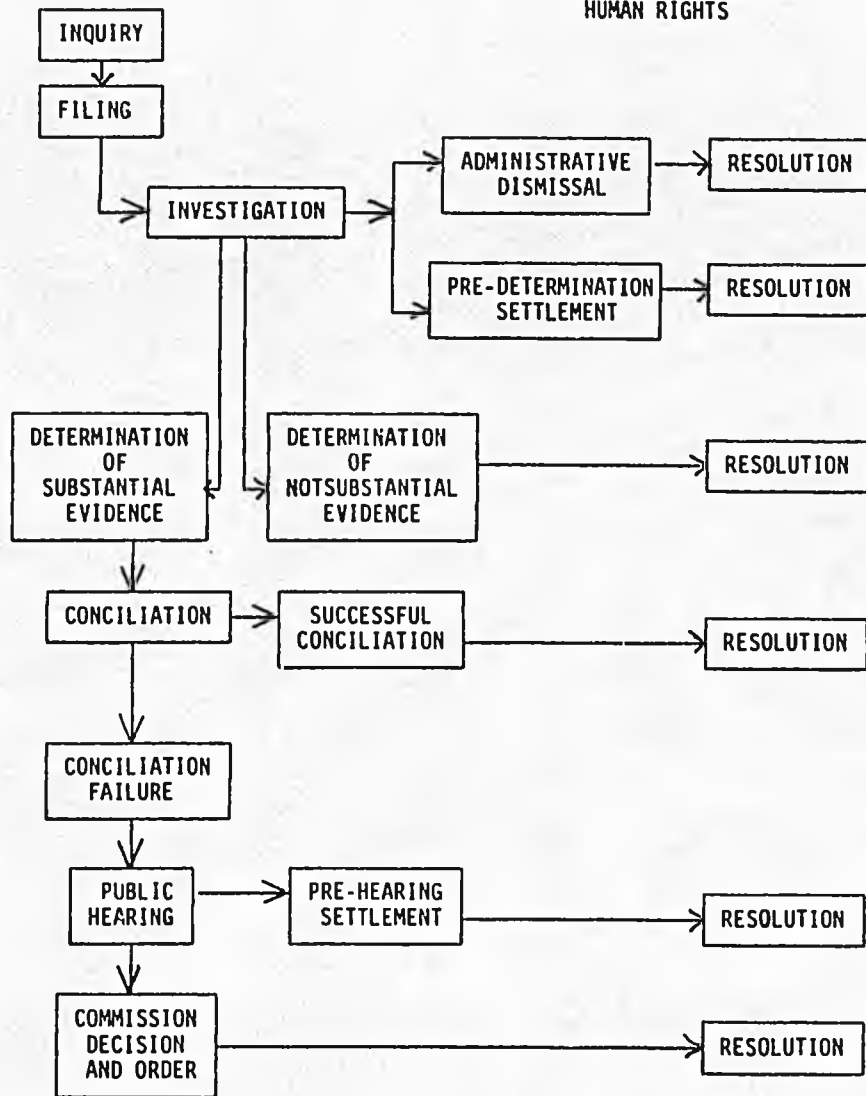
LOCATION OF OPEN CASES
12/31/85

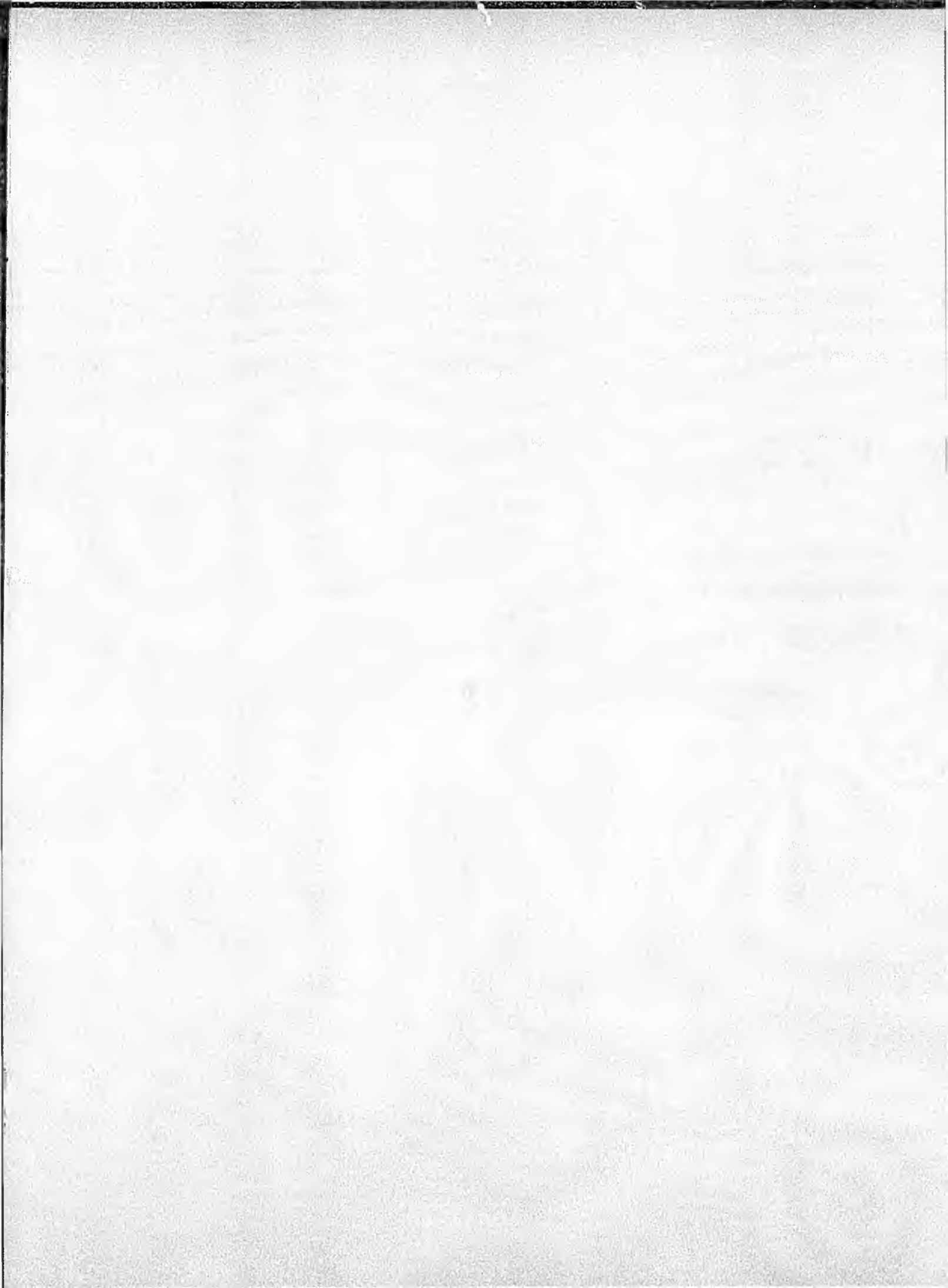


AGE OF CASES OPEN 12/31/85
BEING INVESTIGATED BY ASCHR

Year Filed	No. Open Cases	Percent of Current Inventory
1980	4	.6%
1981	4	.6%
1982	14	2.1%
1983	37	5.7%
1984	102	15.8%
1985	<u>229</u>	35.6%
Subtotal	390	
Hearing Unit	45	7.0%
Cases at ERC	148	23.0%
Cases at EEOC	<u>59</u>	9.2%
TOTAL OPEN CASES	642	

PATH TO RESOLUTION OF COMPLAINTS
FILED WITH
THE ALASKA STATE COMMISSION FOR
HUMAN RIGHTS





Alaska State Legislature

ETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

Letter of Intent for ACS CSMB 173 (HRSB)

The Alaska State Commission for Human Rights is currently charged with eliminating and preventing unlawful discrimination in Alaska. ACS CSMB 173 (HRSB) extends this civil rights protection to mentally and physically disabled persons. Sections 4 and 5 protect the rights of physically and mentally disabled persons to use public streets, buildings and accommodations. It is the intent of the Senate Committee on Health, Education and Social Services that the Commission's enforcement responsibility of these rights extend only to accepting complaints and not to conducting criminal investigations or prosecutions.

Sensory Impairment Center

(907) 272-7223

3710 E. 20th Ave. • Anchorage, Alaska 99508

*Eddie - draft response.
We have back up info in file
(Bill B in HESS committee) 8/4/1986
Also answer 2nd S.I.C. letter
check w/ Ron Larson's office (Wanda) for
state of budget items.*

March 8, 1985

The Honorable Bettye M. Fahrenkamp
Alaska State Senate
Pouch V (MS3100)
Juneau, Alaska 99811

Re: Support for SB168 - "An Act relating to rights of persons with disabilities."; and proposed amendment.

Dear Senator Fahrenkamp:

On behalf of this Agency, I wish to lend our support to Senator Rodey's Bill concerning rights of persons with disabilities. As you know, our Agency is responsible for providing rehabilitation services for blind or deaf adults from throughout Alaska. Therefore, we have a keen interest in making sure that blind or deaf individuals, along with other people with disabilities, enjoy full civil rights protections.

I thought it would be helpful to provide some general information particularly about blind or deaf persons, since there was quite a discussion on an Anchorage T.V. newscast a few days ago concerning the right of these individuals to serve on juries. A statement was made that it would be extremely difficult and would present quite a problem for a blind person to serve on a jury, since it would not be possible for such an individual to "see" physical evidence. This is nonsense! No attorney in a trial situation simply holds up a piece of physical evidence, photograph, drawing, or other visual information and says, "Here, members of the jury, look at this." The attorney involved always describes the physical evidence in great detail. Therefore, a blind juror would learn about the evidence by listening to the verbal description. And, of course, there may also be situations where a piece of physical evidence will be passed among the members of the jury for closer examination.

Many states now have laws which permit blind individuals who are otherwise qualified to fulfill their civic responsibilities by serving on juries. Also, there are a

good number of blind attorneys and judges in this nation who perform quite competently in courtroom settings.

Several other states have laws which establish the right of deaf individuals to serve on juries through the use of interpreters. In the Anchorage T.V. story, a question arose concerning the cost to the State if interpreters had to be provided. Again, this issue should be kept in perspective. It is estimated that there are only 450 deaf adults throughout this entire State who use sign language. Therefore, it is clear that the number of deaf persons actually called to serve as jurors would be minimal.

In general, we are in support of SB168 in its entirety. However, in * Section 6. AS 18.80.220(a), subsection (1), (3) and (6), we see a potential problem. While these sections make it clear that it is illegal to discriminate against persons with disabilities in employment, advertising by an employer or employment agency, or advertising by a person, each section permits "different" treatment of persons with disabilities if such differential in treatment is based upon the "reasonable demands of the position" or "a bona fide occupational qualification."

This legislative intent is clear. For example, an employer may refuse to hire a blind person as a truck driver since driving actually requires sight. Or an employer may refuse to hire a totally deaf person as a switchboard operator since telephone work requires at least some degree of hearing.

Here is where confusion may arise: Many employers mistakenly believe that sight or hearing are required for every position which they have. Therefore, even though they are mistaken, they may honestly believe that visual or hearing requirements are based upon "bona fide occupational qualifications."

Therefore, to prevent possible future problems, we recommend that the following language be added to subsections (1), (3) and (6), or as a new subsection:

PROPOSED AMENDMENT

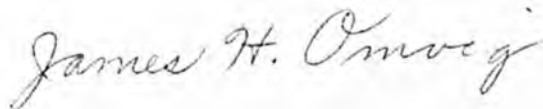
Where an employer, employment agency, or person believes that it is reasonable to treat a person with a disability differently from persons

without disabilities because of the reasonable demands of the position or due to a bona fide occupational qualification, the employer, employment agency, or person ~~has the burden of~~ proving that the differential in treatment was reasonable and not discriminatory.

must provide a written statement explaining

I appreciate the opportunity to comment on this much-needed piece of civil rights legislation. I hope that you will consider the suggested amendment which I have proposed.

Respectfully,



James H. Omvig, Director
Sensory Impairment Center

JHO/db

cc: The Honorable William J. Sheffield
Mr. Mike Morgan, Director,
Division of Vocational Rehabilitation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/10/85

Date 3-18-86

Mr. President

The Committee on HESS considered CSHB 172 (Jud) am

rights of physically and mentally 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 SCS for CSHB 172 ^(HESS) ~~(Jud) am~~
- new title
- same title and recommends No Pass
- 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

Joe Josephson

Edwin W. Wier N.R.

Debbie Ahrenkamp
Chairman

Chairman recommendation _____

Karla Forsyth
Judiciary Branch, Admin.
303 K St.
Anchorage, AK 99501

Lisa Nelson
Assistant Attorney General
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Juneau AK 99811

Sensory Impairment Center
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Theda Ellis
Department of Education
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P.A.D.D.
325 E. 3rd
2nd Floor
Anchorage AK 99501

Jan Naas
586-1627

Dr. Mel Henry
Department of Health and
Social Services
Box H-04
Juneau AK 99811

Alliance for the Mentally Ill
Box 211247
Auke Bay, AK 99821

Dot Truran
Governors Council on the Handi-
capped and Gifted
Univ. Plaza Offices W., Suite C
600 Univ. Ave.
Fairbanks AK 99701

Alaska Association for the Deaf
P.O. Box 4-64
Anchorage, AK 99509

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES

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Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Interested Parties

FROM: Senator Bettye Fahrenkamp, Chairman *BF*

RE: SCS CSHB 172 (HESS), Rights of the physically and mentally disabled

DATE: January 27, 1986

Enclosed is a copy of SCS CSHB 172 (HESS) and a sectional analysis of the bill. This draft committee substitute will be heard before the Senate Committee on Health, Education and Social Services in the near future. A hearing date has not yet been set. The draft committee substitute incorporates two bills that have passed the House, HB 172 and HB 393, both relating to the rights of physically and mentally disabled persons.

SCS CSHB 172 (HESS) provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. It also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

This bill also broadens the class of people whose rights to the full and equal use of public streets, sidewalks, transportation and public accommodations are protected under state law to include all physically and mentally disabled persons. Current statute provides those rights only for blind, visually handicapped and otherwise physically disabled persons. To further protect the rights of the disabled, the term "guide dog" has been replaced with "service animal". The bill calls on the Human Rights Commission to enforce these rights.

SCS CSHB 172 (HESS) would also protect the mentally and physically disabled against discriminatory practices in the areas of housing, employment, financing, and use of public accommodations.

In addition, the following sections have been added:

Section 2 Includes as an aggravating factor for the purpose of presumptive sentencing, offense at a victim because of that person's physical or mental disability.

[Handwritten signature]

Hein ✓

A M E N D M E N T

Offered in the SENATE

TO: SCS CSHB 172(HESS)

Page 3, after line 27, insert a new bill section to read:

"* Sec. 8. AS 18.80.050 is amended by adding a new subsection to read:

(b) The commission shall adopt regulations relating to discrimination because of physical and mental disability. The regulations shall furnish guidance concerning the circumstances under which it is permissible, appropriate, and relevant to consider a person's physical or mental disability in deciding whether to provide the person with employment, credit, financing, public accommodations, housing accommodations, or other goods or services under this chapter."

Renumber remaining bill sections accordingly.

Page 5, line 8, before "It is not" insert:

maybe "letter of intent"

"It is also the purpose of this chapter to eliminate or prevent discrimination or inequity resulting from ignorance or misconceptions concerning the nature and effects of physical and mental disabilities."

title -

as member & from treating a person solely as a member of a disadvantaged group w/ all the characteristics of a group, rather than considering the persons individual characteristics

Page 11, lines 4 - 7, delete:

" ; however, this paragraph may not be construed to require alteration

or remodeling of buildings, facilities, or vehicles owned or operated by the state or its political subdivisions to any extent not required by other law"

Page 11, before line 8, insert a new bill section to read:

"* Sec. 17. AS 18.80 is amended by adding a new section to read:

Sec. 18.80.256. ALTERATIONS NOT REQUIRED. This chapter may not be construed to require the alteration or remodeling of buildings, facilities, or vehicles in order to provide access to or accommodate the needs of a person with a physical disability."

Renumber remaining bill sections accordingly.

Jeff Tessee, P.A.D.D. DE.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/10/86

REQUEST

Bill/Resolution No. : SCSCSHB 172
 Title : Rights of the Physically and Mentally Disabled
 Sponsor : Reps. Duncan, Collins, Gruenberg
 Requestor : Senator Fabrenkamp
 Date of Request : 2/6/86

FISCAL DETAIL

Agency Affected : Office of the Governor
 BRU : Commissions/Special Offices
 Components : Human Rights Commission

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		48.6				
TRAVEL		7.5				
CONTRACTUAL						
SUPPLIES		.5				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		56.6				

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		56.6				
FEDERAL FUNDS						
OTHER						
TOTAL		56.6				

POSITIONS :

FULL-TIME		1.0				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

One PFT 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 : Feb. 10, 1986

Approved by Commissioner : Laura J. Herman Date : Feb. 10, 1986
 Agency : Office of the Governor

Distribution (by Agency preparing fiscal note):

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

1.	POSITION TITLE Human Rights Field Rep. III			RANGE/STEP 18A	BARG. UNIT X	PAGE/LINE	COY.	APPROV.	DATE
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch.	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			JUSTIFICATION					
4.	ADDITION								
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	37.6							
6.	Benefits	11.0							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	48.6						
10.	Travel	02	7.5						
11.	Contractual	03							
12.	Commodities	04	.5						
13.	Equipment	05							
14.	Other								
15.	TOTAL COST		56.6						
JUSTIFICATION									
This position will handle increased caseload (intake and processing) of complaints anticipated to be filed by disabled persons due to CSHB 172 (HESS).									
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts 1002							
18.		G.F. Match 1003							
19.		General Funds 1004		56.6					
20.		I-A Receipts 1005							
21.		Program Receipts 1028							
		Other							
FOR BSM USE ONLY									
KEY NUMBER _____									

**REQUEST FOR
NEW POSITION**

AGENCY Office of the Governor
 PROGRAM Commissions/Special Offices
 BRU Human Rights Commission
 COMPONENT _____

Page 2 of 2
 Revised Date 2/10/86

FY 86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS CSHB 172 (HESS)
 Title : An act Relating To Rights of Deaf, Blind, Disabled Persons
 Sponsor : HESS
 Requestor : _____
 Date of Request : 2/5/86

FISCAL DETAIL

Agency Affected : ALASKA COURT SYSTEM
 BRU : Trial Courts
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		5.1	5.4	5.7	6.0	6.4
SUPPLIES		9.5	10.1	10.7	11.3	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		14.6	15.5	16.4	17.3	18.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		14.6	15.5	16.4	17.3	18.4
FEDERAL FUNDS						
OTHER						
TOTAL		14.6	15.5	16.4	17.3	18.4

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared by : Robert G. Fisher Phone : 264-8215
 Division : Fiscal Officer Date : 2/6/86

Approved by Commissioner : J. Cole for Art Anwarden Date : 2/6/86
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note) :

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

ALASKA COURT SYSTEM
SCS CSHB 172 (HESS) - RIGHTS OF DEAF, BLIND,
AND DISABLED PERSONS

FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. Providing interpreters for deaf persons will impact the Court's travel and contractual budget categories. The other aspects of the legislation should not impact the Court.

Historically, seven to eight percent of all eligible persons are required to perform jury duty. Jury service typically averages slightly more than one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, it is estimated that approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court.

The geographical distribution of the adult deaf population is not known. To estimate the cost of providing interpreters, the court used 1984 jury statistics to estimate the probability of serving in each of the court locations statewide. These probabilities were applied to the estimated costs of providing an interpreter for the average length of jury service in each location. For locations other than Anchorage, one day of travel time was added to the average length of service. It was assumed that all interpreters are based in Anchorage. The summation of the costs for each court provided an estimate of the total cost of providing interpreters.

Interpreter fees are calculated to cost \$9,500 per year. Interpreter travel is estimated to cost \$5,100.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

Senate HESS Committee
February 11, 1986

HB 172, rights of the physically and mentally disabled persons

Has been called a "bill of rights" for the deaf, blind, physically disabled and mentally ill.

House version sponsored by DUNCAN

Senate bill (SB 168) sponsored by RODEY

This CS has the support of all original sponsors.

FISCAL NOTES:

- 1) DHSS *** -0- fiscal note, supports
- 2) COURT SYSTEM - \$14,600 for interpreter services and travel
- 3) HUMAN RIGHTS COMMISSION - \$56,600 for an additional position to handle increased caseload
- 4) DEPARTMENT OF LAW - opposes juror section, increase staff time

ISSUES:

- 1) Department of Law is opposed to including this new class of jurors.
- 2) Human Rights Commission is concerned about the responsibilities of new ENFORCEMENT powers, and effect of not requiring alteration or modification of existing buildings unless required by other law.

People:

563-4713 Al Berke
Executive Secretary
Alaska Association of the Deaf
PO BOX 4-64
Anchorage, AK 99509

initially asked Pat to find \$46,000 for a survey of 200 people
request was way out of line
Pat recommended him and he was appointed to the Governor's
committee on the Employment of the Handicapped
throws temper tantrums
wants only the deaf included in the bill. does not want
deaf included in "physically disabled" because the blind
are not. The blind are mentioned separately so he wants
to be mentioned separately. In the interests of clear
statutes and legislation, Pat wants to included both
deaf and blind in physically disabled.

274-3658 David Maltman *Jesse* -
Executive Director
PADD Protection & Advocacy for the Developmentally Disabled
325 East 3rd 2nd Floor
Anchorage, AK 99501

very reasonable, very knowledgeable
good politically, wants corresponding bill in the house

staff attorney for PADD
drew up amendments for us
good, knowledgeable

243-2146 Jim Cox
interpreter for Al Berke and legislative liason for Asso of Deaf
calm, reasonable, knowledgeable person
talk to him before talking to Al

Louise Rude
Alaska Association of the Blind
check with Louise about including blind in defintion of
physically disabled. They should have no objection because
the result will stay the same for them.

Barbara Herman
11000 Ridgcrest
Anchorage AK 99516

Dr. Wempe
Arctic Animal Hospital
1600 E. Tudor Road
Anchorage AK 99507

Christine Hagmaier
Department of Health and Social
Services
P.O. Box H-04
Juneau AK 99811

AMENDMENT

Offered in the SENATE

By Gruenberg

TO: CSHB 172 (JUD)

Add a new section to amend AS 12.55.155(c)(22) to read:

(22) the defendant knowingly directed conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin.

Commentary:

This amendment amends 12.55.155(c), which lists the aggravating factors a court may consider in increasing a presumptive sentence. Subsection (22) presently permits the court to consider if the defendant directed the crime against the victim because of the victim's race, sex, color, creed, ancestry or national origin. The amendment will also permit the court to consider if the crime was committed because of the victim's physical or mental disability.



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 8, 1985

Ms. Sandra Schubert Pence
Office of Senator Betty Fahrenkamp
Pouch V
Juneau, Alaska 99811

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

Dear Ms. Pence:

As per our phone call of March 8, 1985 I am enclosing some information about SB168. First is a position paper I drafted with Mr. Al Berke, Executive Secretary of the Alaska Association of the Deaf. It is addressed to the Governor's Council for the Handicapped & Gifted. It solicits the Governor's Council's support of SB168. The position paper briefly explains all the sections of the bill as well as their likely impact.

I have also enclosed a law review article that addresses the constitutional and practical impacts of deaf jurors upon the court system and litigants. I believe this law review article persuasively refutes all arguments against deaf jurors. It also provides a very compelling argument for why jury service is a constitutional right that should not be denied to deaf jurors. Please note that California has amended their statutes to allow for deaf people to serve on the jury. Cal. Civ. Proc. Code §198(2).

I have also been informed by Janet Bradley, Executive Director of Alaska Human Rights Committee that the Human Rights Commission intends to support SB168.

Thank you for this opportunity to provide information to the Senator. Please feel free to contact me if you have any questions or comments.

Sincerely,

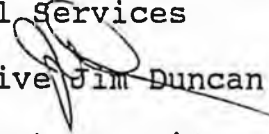
Jonathon A. Katcher
Jonathon A. Katcher
Supervising Attorney

JAK:bk

ALASKA
STATE LEGISLATURE
MEMORANDUM

January 8, 1986

TO: Senator Bettye Fahrenkamp
Chair, Senate Health, Education
and Social Services

FROM: Representative  Jim Duncan

Subject: CSHB 172 (JUD) AM, Rights of Physically
and Mentally Disabled

CSHB 172 (JUD) AM provides for the rights of the blind, deaf and otherwise physically or mentally disabled to the safe and equal use of public streets, sidewalks, transportation and public accommodations. In exercising these rights, the disabled person's use of a service animal would also be protected.

This bill also places enforcement of discrimination based on physical or mental disability within the authority of the Human Rights Commission and protects the disabled from discrimination in purchase, rental or lease of housing; employment, and financing. It is supported by organizations for the deaf, blind, physically and mentally disabled and the Governor's Council on the Handicapped and Gifted.

I would appreciate your scheduling this bill for a hearing as soon as possible. If I can be of assistance, please let me know. My staff contact on this bill is Roxanne Stewart at 465-4766.

HB 172 has S. HESS, S. Fin referral
Sen Jud waived referral (they were to get it 1st)

file

Sandra

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

Rodey is plan to let SB 168 sit & move HB 172 through?

Jnu 3/7/77
Arch 276-6131

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

May 9, 1985

Greenberg supports. Is melding of HB 172 & HB 393

SUBJECT: SCS CSHB 172 (Jud) Sectional Analysis
TO: Senator Pat Rodey, Chair
Senate Judiciary Committee
FROM: Michael F. Ford M.F.
Legislative Counsel

The following is a section by section analysis of SCS CSHB 172 (Jud):

same as SB 168

Section 1 - Provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. Also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

SB 168 used "deaf, blind, disabled" but defined same. ADDED IN H.B. Allows for hearing aids.

Section 2 - Replaces the phrase "blind, visually handicapped and otherwise disabled", with a broader term "physically and mentally disabled", which is defined in section 14. Also substitutes the term "service animal" in place of "guide dog", and requires that the animal be certified as able to function in a public setting.

HB adds service animals

Section 3 - Substitutes the term "physically and mentally disabled" for "totally or partially blind", and "service animal" for "guide dog". Deletes the reference to "contributory" negligence in conformity with existing negligence law.

same as SB - Added in HB. Implicit in SB.

Section 4 - ~~Penalty for interference~~ "access to public facilities - class B misdemeanor" Establishes that enforcement of these rights is through the state Human Rights Commission. Replaces the term "totally or partially blind or otherwise disabled" with "physically or mentally disabled".

same SB

Section 5 - References the definition in AS 18.80.300 for "physically or mentally disabled". Deletes the existing definition of "totally blind" or "partially blind".

differ from HB - see next page ->

Section 7 - Provides that the state Human Rights Commission has the duty to eliminate discrimination because of "physical or mental disability" and has the duty to enforce AS 18.06.

Same SB
Sec 4

Section 7⁸ - Includes "physical or mental disability" among those types of discrimination that are a matter of public concern and should be eliminated from the areas of employment, financing, and public accommodations.

Same SB
Sec 5

Section 8⁹ Includes "physical or mental disability" among those things for which a person has a civil right to certain opportunities without discrimination.

Same SB
Sec 6

Section 8¹⁰ - Prohibits discrimination in employment matters as to those individuals with a "physical or mental disability".

Same SB
Sec 7

Section 10¹¹ - Prohibits discrimination in places of public accommodation as to those individuals with a "physical or mental disability".

Same SB
Sec 8

Section 11¹² - Prohibits discrimination in the sale or rental of real property to those individuals with a "physical or mental disability".

Same SB
Sec 9

Section 12¹³ Prohibits discrimination in credit and financing matters against those with a "physical or mental disability".

Same SB
Sec 10

Section 13¹⁴ Prohibits discrimination by the state or its political subdivisions in various matters because of a "physical or mental disability". *Clarifies that this section does not require remodeling or deterioration of bldgs.*

added HB →

Section 14 - Definitions section. (Tracks Fed DHSS regs.)

Same SB 12

Section 15¹⁶ - Repeals the existing definition of "physical handicap".

MFF:csh
c4/036

some prefer to have
handicap specifically
mentioned

Differ from SB

broader term - "phys or mental disability" vs. "deaf, blind, disabled" BUT DEFINED SAME SO NO REAL DIFFERENCE.

[guide dog] service animal - allow hearing dogs

SB requires gov. units + Univ to pay costs of interpreter for deaf persons seeking access to their services.

SECTIONAL ANALYSIS FOR CS FOR HB 172 (HESS) - RIGHTS OF PHYSICALLY
AND MENTALLY DISABLED PERSONS

- SECTION 1 Provides that a person cannot be denied the opportunity to serve on a jury because of a disability, and that an interpreter or reader will be provided for a sight or hearing impaired person.
- SECTION 2 Changes wording in the general rights section to read physically and mentally disabled, and changes service dog to services animal, and provides that a certified animal has the right to accompany a disabled person in a public place.
- SECTION 3 Changes language in Rights of a Pedestrian to physically and mentally disabled, and includes use of special equipment for mobility and a service animal.
- SECTION 4 Provides that the provisions in AS 18.06 are to be enforced by the Human Rights Commission.
- SECTION 5 Changes existing definitions by reference to AS 18.80.300.
- SECTION 6 Adds to the general powers section of the Human Rights Commission statute in which the commission studies discrimination, the basis of physical or mental disability.
- SECTION 7 Adds physical or mental disability to the purpose clause of the Human Rights Commission.
- SECTION 8 Adds physical or mental disability to the civil rights section of the Human Rights Commission.
- SECTION 9 Adds physical or mental disability to the section in the Human Rights Commission statute which prohibits discrimination in employment.
- SECTION 10 Adds physical and mental disability to the section in the Human Rights Commission statute which prohibits discrimination in public accommodations.
- SECTION 11 Adds physical or mental disability to the section of the Human Rights Commission statute which prohibits discrimination in the sale or rental of real property.
- SECTION 12 Adds physical and mental disability to the section of the Human Rights Commission statute which prohibits discrimination by financial institutions.
- SECTION 13 Adds physical and mental disability to the section of the Human Rights Commission statute which prohibits discrimination by the state or its political

subdivisions.

SECTION 14 DEFINITIONS

PLEASE NOTE: On Page 11, lines 17-19, the words "emotional and mental illness" which were in SB 168 were deleted from this section because of the committee's reluctance to deal with mental illness.

SECTION 15 Repeals existing definition of "physical handicap"

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HESS 4-11-85 1:36pm

COMMITTEE REPORT

HOUSE

7/17

RLC

(7)

FURTHER:

3/22/85

Date: _____

The Committee on JUDICIARY has had 75-17

"An Act relating to the rights of blind, hearing impaired, disabled, and physically handicapped persons."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HR 172 (JUD) same title new title.

and recommends *do pass*

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

AMENDED *VS 100*

CHAIRMAN

sent copy to Sen Roddy 9/0
4/12/85

941 then file

APR 11 1985

BILL SHEFFIELD, GOVERNOR

HUMAN RIGHTS COMMISSION

April 11, 1985

The Honorable Bettye M. Fahrenkamp
Chair
Senate Health, Education & Social
Services Committee
Room 125 Capitol
Juneau, AK 99811

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

Dear Senator Fahrenkamp:

At their annual meeting in Juneau on March 1, 1985, the Human Rights Commissioners considered SB 168 "An Act relating to rights of deaf, blind, and disabled persons" and passed the following resolution:

To support that part of the legislation which applies to our agency and the state law and express our concern that the portion which deals with jury duty be permissive but not mandatory.

The Commissioners are aware of the need for broader protection from the unfair discrimination suffered by the deaf, blind and disabled in Alaska. Although the Commission's current jurisdiction on the basis of physical handicap is limited to the employment section of our statute, the Commission has been active in the enforcement of this limited protection. Most recently, the Commissioners took a strong advocacy position in the Williams v Union Chemical decision after a public hearing on the matter, holding that an applicant capable of performing all the required duties of a job could not be denied employment on the grounds that his prior medical history made him an industry risk without evidence establishing a likelihood of injury.

With respect to SB 168, the Commission supports the proposed definition of disability found at Section 11 AS 18.80.300 because of its broader coverage affording greater protections than under our present definition, repealed at Section 12 AS 18.80.300(13). Furthermore, the harmonizing of state law with the federal protections for the disabled provides a consistency beneficial to both complainants and respondents who must comply with state and federal law.

The Commissioners' concern about Section 1 amending AS 09.20.210 reflects their hesitation to compel a blind, deaf or disabled

Fahrenkamp
Page 2
April 11, 1985

person to act as a juror. The Commission supports this section so long as it is interpreted as a permissive but not mandatory responsibility.

If you or the Committee desire further information about the Commission's position on this bill, please do not hesitate to call me.

Sincerely,

Janet L. Bradley by PMA

Janet L. Bradley
Executive Director

JLB/b