

ALASKA FOREST COMMISSION, 205-206/2

1634 HOUSE AFFAIRS

Public Employees' Retirement System (PER5) & Teachers' Retirement System (TRS)

Composite Employer Contribution Rate - Active Employers

ESTIMATED FY 06 - 07 - 08 - Change in Employer Contribution

(in Dollars)

(Based on 2004 Valuation, June 30, 2003 Financials)

10/14/2004 10:47 V02			Fiscal Year 2006		Fiscal Year 2007		Fiscal Year 2008		Fiscal Year 2009	
Fund	ER Num	Employer	AVE Increase	TOTAL Contrib	AVE Increase	TOTAL Contrib	AVE Increase	TOTAL Contrib	AVE Increase	TOTAL Contrib
PERS	208	AKUTAN, CITY OF	14,932	42,079	15,192	59,149	16,073	77,440	3,239	83,668
PERS	255	ALASKA GATEWAY SD	74,074	225,829	76,852	310,941	79,734	402,335	16,065	433,931
PERS	152	ALASKA HOUSING FINANCE CORPORATION	798,115	2,576,315	828,044	3,500,971	859,066	4,481,353	173,098	4,837,817
PERS	106	ALASKA MUNICIPAL LEAGUE	16,035	129,848	16,636	151,354	17,260	174,289	3,478	184,494
PERS	101	ALASKA, STATE OF	39,655,236	140,776,087	41,142,307	187,197,498	42,685,144	236,902,548	8,600,561	254,647,547
PERS	267	ALEUTIAN HOUSING AUTHORITY	26,172	100,292	27,134	131,207	28,172	164,300	5,676	176,318
PERS	162	ALEUTIAN REGION SD	0	0	7,898	7,898	8,195	16,389	1,651	18,673
PERS	230	ALEUTIANS EAST BOROUGH	50,537	200,431	52,432	260,379	54,399	324,542	10,961	348,030
PERS	244	ALEUTIANS EAST BOPOUGH SD	60,500	254,705	62,769	327,025	65,122	404,411	13,121	433,142
PERS	245	ALEUTIANS WEST CRSA	2,817	12,148	2,923	15,527	3,033	19,142	611	20,492
PERS	259	ALLAKAKET, CITY OF	2,564	5,127	2,660	7,979	2,759	11,038	556	12,020
PERS	203	ANCHORAGE PARKING AUTHORITY	52,900	150,024	54,884	210,533	56,942	275,370	11,473	297,472
PERS	111	ANCHORAGE SD	3,653,549	14,000,162	3,790,557	18,384,200	3,932,703	23,006,310	792,394	24,686,747
PERS	173	ANCHORAGE, MUNICIPALITY OF	6,615,843	18,061,251	6,863,937	25,602,485	7,121,335	33,683,913	1,434,866	36,418,979
PERS	283	ANDERSON, CITY OF	2,009	2,009	2,084	4,168	2,182	6,486	436	7,172
PERS	289	ANGOON, CITY OF	15,955	49,206	16,553	67,604	17,174	87,314	3,460	94,144
PERS	103	ANNETTE ISLAND SD	63,144	126,289	65,512	196,537	67,969	271,876	13,695	296,065
PERS	243	ATKA, CITY OF	3,708	14,832	3,847	19,235	3,991	23,949	804	25,677
PERS	281	BARANOF ISLAND HA	23,645	72,875	24,532	100,140	25,452	129,347	5,128	139,468
PERS	171	BARROW, CITY OF	53,772	192,072	55,788	255,063	57,880	322,507	11,662	346,618
PERS	219	BARTLETT REGIONAL HOSPITAL	890,282	2,872,049	923,667	3,903,418	958,305	5,008,100	193,087	5,394,500
PERS	104	BERING STRAIT SD	368,736	1,013,658	380,489	1,432,159	394,757	1,880,622	79,539	2,032,753
PERS	232	BERING STRAITS CRSA	3,546	23,248	3,679	27,799	3,817	32,658	769	34,688
PERS	270	BERING STRAITS RMA	55,837	213,298	57,931	279,229	60,101	349,803	12,110	375,415
PERS	136	BETHEL, CITY OF	235,324	644,787	244,148	913,115	253,304	1,200,861	51,038	1,298,044
PERS	144	BRISTOL BAY BOROUGH	70,944	184,313	73,605	264,830	76,365	351,126	15,387	380,066
PERS	184	BRISTOL BAY BOROUGH SD	36,254	123,989	37,614	166,252	39,024	211,511	7,863	227,538
PERS	223	BRISTOL BAY RMA	57,562	203,311	59,721	270,656	61,961	342,766	12,484	368,481
PERS	105	CHATHAM SD	35,721	113,807	37,061	155,136	38,450	199,404	7,747	214,848
PERS	121	CHUGACH SD	12,060	36,687	12,512	50,575	12,982	65,454	2,616	70,596
PERS	262	CHOK INLET HOUSING AUTHORITY	134,066	466,283	139,094	622,862	144,310	750,529	29,077	850,120
PERS	224	COPPER RIVER BASIN RMA	27,798	90,900	28,841	123,150	29,922	157,690	6,029	169,806
PERS	112	COPPER RIVER SD	63,726	232,728	66,116	307,571	68,595	387,700	13,821	416,486
PERS	185	CORDOVA CITY SD	32,539	100,611	33,759	138,143	35,025	178,349	7,057	192,290
PERS	163	CORDOVA COMMUNITY MEDICAL ENTER	131,150	397,121	136,058	548,081	141,170	709,804	28,444	765,647
PERS	148	CORDOVA, CITY OF	98,482	290,917	102,175	404,002	106,007	525,159	21,359	566,789
PERS	204	CRAIG CITY SD	56,375	211,292	58,489	277,704	60,682	348,800	12,227	374,491
PERS	186	CRAIG, CITY OF	94,438	383,983	97,979	496,362	101,653	616,628	20,482	660,912
PERS	282	DELTA JUNCTION, CITY OF	3,419	13,059	3,547	17,095	3,680	21,416	741	22,984
PERS	246	DELTA/GREELY SD	47,576	150,245	49,360	205,240	51,211	264,148	10,318	284,662
PERS	258	DENALI BOROUGH	29,484	200,493	30,590	238,601	31,737	279,286	6,395	296,481
PERS	118	DENALI BOROUGH SD	43,730	162,937	45,370	214,417	47,071	269,529	9,484	289,417
PERS	205	DILLINGHAM CITY SD	63,229	171,097	65,600	243,113	68,060	320,300	13,713	346,366
PERS	178	DILLINGHAM, CITY OF	122,152	395,285	126,733	536,841	131,485	688,458	26,493	741,525
PERS	271	EGEGIK, CITY OF	5,075	14,007	5,265	19,798	5,463	26,003	1,101	28,108
PERS	242	ELIM, CITY OF	9,077	25,980	9,418	36,372	9,771	47,507	1,969	51,310
PERS	116	FAIRBANKS NORTH STAR BOROUGH	867,894	2,765,110	900,440	3,769,241	934,205	4,844,794	188,232	5,220,035
PERS	117	FAIRBANKS NORTH STAR BOROUGH SD	1,234,537	3,928,296	1,280,832	5,356,439	1,328,805	6,886,168	267,750	7,419,725
PERS	129	FAIRBANKS, CITY OF	305,784	1,875,679	317,251	2,263,268	329,148	2,677,288	66,319	2,846,951
PERS	183	FORT YUKON, CITY OF	15,338	30,677	15,914	47,741	16,510	66,041	3,327	71,917
PERS	141	GALENA CITY SD	163,263	576,318	169,385	767,316	175,737	971,827	35,409	1,044,749
PERS	192	GALENA, CITY OF	68,486	138,972	71,054	213,162	73,719	294,875	14,853	321,110
PERS	189	HAINES BOROUGH	105,665	468,518	109,627	595,715	113,738	731,793	22,917	782,957
PERS	240	HAINES BOROUGH SD	51,494	181,672	53,425	241,910	55,429	306,410	11,168	329,406
PERS	215	HOMER, CITY OF	245,743	635,001	254,959	913,772	264,520	1,212,559	53,290	1,312,661
PERS	138	HOONAH CITY SD	26,739	189,099	27,742	223,932	28,782	261,111	5,799	276,989
PERS	198	HOONAH, CITY OF	33,095	104,248	34,338	142,493	35,623	183,460	7,178	197,719
PERS	2	HOOPER BAY, CITY OF	30,735	94,788	31,888	130,230	33,084	168,198	6,666	181,356
PERS	235	HUSLIA, CITY OF	4,785	17,486	4,965	23,106	5,151	29,124	1,038	31,286
PERS	168	HYD/ BURG CITY SD	13,463	26,926	13,968	41,903	14,491	57,966	2,920	63,123
PERS	124	IDITAROD AREA SD	82,335	312,048	85,422	409,172	88,625	513,142	17,857	550,806
PERS	275	ILISAGVIK COLLEGE	206,157	638,263	213,888	876,086	221,909	1,130,848	44,711	1,219,211
PERS	263	INTERIOR RMA	52,437	184,474	54,403	245,795	56,444	311,456	11,373	334,851
PERS	284	INTER-ISLAND FERRY AUTHORITY	6,605	20,582	6,853	28,206	7,110	36,374	1,433	39,211
PERS	108	JUNEAU BOROUGH SD	465,932	1,670,834	483,405	2,216,895	501,533	2,801,561	101,053	3,010,754
PERS	126	JUNEAU, CITY AND BOROUGH OF	1,351,743	4,385,054	1,402,433	5,951,927	1,455,025	7,630,149	293,171	8,217,844
PERS	260	KACHEMAK, CITY OF	3,068	15,569	3,183	19,336	3,303	23,364	665	24,932

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Fund	ER Num	Employer	AVE Increase	TOTAL Contrib.	AVE Increase	TOTAL Contrib.	AVE Increase	TOTAL Contrib.	AVE Increase	TOTAL Contrib.
PERS	265	KAKE CITY SD	25,057	95,818	25,997	125,408	26,972	157,083	5,434	168,581
PERS	277	KAKE, CITY OF	15,138	51,438	15,705	69,072	16,294	87,956	3,283	94,634
PERS	237	KALTAG, CITY OF	1,535	5,471	1,535	7,211	1,593	9,074	321	9,745
PERS	211	KASHUNAMIUT SD	61,755	229,112	64,071	301,775	66,474	379,665	13,394	407,610
PERS	180	KENAI PENINSULA BOROUGH	625,569	2,228,278	649,028	2,960,866	673,367	3,745,265	135,676	4,025,508
PERS	190	KENAI PENINSULA BOROUGH SD	244,117	2,165,521	668,271	2,915,000	693,332	3,717,644	139,698	4,000,843
PERS	115	KENAI, CITY OF	278,462	761,316	298,905	1,078,770	299,739	1,418,962	60,394	1,534,128
PERS	122	KETCHIKAN GATEWAY BOROUGH	206,307	639,140	214,044	877,152	222,070	1,132,115	44,745	1,220,560
PERS	177	KETCHIKAN GATEWAY BOROUGH SD	187,852	595,867	194,897	813,109	202,205	1,045,808	40,742	1,126,916
PERS	181	KETCHIKAN, CITY OF	415,937	2,073,029	431,534	2,582,302	447,717	3,126,856	90,210	3,337,762
PERS	151	KING COVE, CITY OF	53,881	157,071	55,694	218,856	57,783	284,638	11,643	307,268
PERS	251	KLAWOCK CITY SD	29,668	121,222	30,780	156,548	31,934	194,353	6,434	208,290
PERS	227	KLAWOCK, CITY OF	42,542	95,210	44,138	142,918	45,793	194,070	9,227	210,788
PERS	174	KODIAK ISLAND BOROUGH	113,667	227,334	117,929	353,788	122,352	489,407	24,652	532,950
PERS	156	KODIAK ISLAND BOROUGH SD	235,674	699,951	244,512	970,711	253,681	1,260,793	51,114	1,360,573
PERS	128	KODIAK, CITY OF	293,700	952,175	304,714	1,292,596	316,140	1,657,208	63,699	1,784,875
PERS	140	KOTZEBUE, CITY OF	162,767	325,534	168,871	506,612	175,203	700,513	35,301	763,165
PERS	287	KOYUK, CITY OF	1,113	3,433	1,155	4,716	1,198	6,091	241	6,568
PERS	125	KUSPUK SD	114,491	341,641	118,785	473,237	123,239	614,223	24,831	682,763
PERS	247	LAKE AND PENINSULA BOROUGH	37,811	150,276	34,042	189,953	35,318	232,395	7,116	248,482
PERS	164	LAKE AND PENINSULA BOROUGH SD	131,433	435,832	136,362	588,538	141,476	752,084	28,506	809,620
PERS	157	LOWER KUSKOKWIM SD	859,238	2,369,779	891,459	3,350,105	924,889	4,400,623	186,354	4,756,841
PERS	153	LOWER YUKON SD	236,407	589,600	243,273	856,983	254,470	1,143,590	51,273	1,239,005
PERS	109	MATANUSKA-SUSITNA BOROUGH	496,101	1,586,530	514,704	2,160,729	534,000	2,775,762	107,596	2,990,502
PERS	110	MATANUSKA-SUSITNA BOROUGH SD	496,633	3,187,234	1,034,007	4,340,762	1,072,782	5,576,323	216,153	6,007,722
PERS	196	NENANA CITY SD	48,549	164,291	50,370	220,822	52,259	281,362	10,530	302,752
PERS	193	NENANA, CITY OF	19,388	75,459	20,115	98,403	20,869	122,962	4,205	131,913
PERS	149	NOME CITY SD	73,463	305,160	76,218	393,133	79,076	486,954	15,933	521,681
PERS	175	NOME JOINT UTILITY SYSTEM	50,792	101,584	52,697	158,090	54,673	218,692	11,016	238,119
PERS	139	NOME, CITY OF	129,462	271,870	134,317	416,382	139,354	571,350	28,078	621,182
PERS	241	NOORVIK, CITY OF	18,250	52,559	18,934	73,465	19,644	95,864	3,958	103,522
PERS	170	NORTH PACIFIC FISHERY MGMT COUNCIL	57,725	208,271	59,489	275,971	62,135	348,455	12,520	374,425
PERS	276	NORTH PACIFIC RIM HA	48,977	162,408	50,815	219,313	52,719	280,256	10,622	301,697
PERS	191	NORTH POLE, CITY OF	107,535	322,604	111,517	446,269	115,751	578,755	23,322	624,418
PERS	145	NORTH SLOPE BOROUGH	2,458,409	6,214,859	2,550,600	9,998,515	2,646,247	11,902,207	533,188	12,977,908
PERS	161	NORTH SLOPE BOROUGH SD	652,578	2,092,166	677,050	2,847,672	702,439	3,658,899	141,533	3,939,589
PERS	220	NORTHWEST ARCTIC BOROUGH	36,340	104,151	37,703	145,760	39,117	190,343	7,882	205,571
PERS	154	NORTHWEST ARCTIC BOROUGH SD	360,719	721,437	374,246	1,122,737	388,280	1,553,119	78,234	1,691,304
PERS	288	NORTHWEST INUPIAT HOUSING AUTHORITY	28,131	86,757	29,186	119,197	30,281	153,947	6,101	165,991
PERS	134	PALMER, CITY OF	132,967	493,041	137,953	649,483	143,126	816,565	28,838	877,338
PERS	257	PELICAN CITY SD	4,047	16,051	4,199	20,852	4,356	25,991	878	27,872
PERS	200	PELICAN, CITY OF	6,559	18,181	6,805	25,668	7,060	33,690	1,423	38,413
PERS	228	PETERSBURG CITY SD	53,938	143,259	55,961	204,592	58,059	270,324	11,698	292,456
PERS	187	PETERSBURG MEDICAL CENTER	149,103	328,027	154,695	495,023	160,496	574,082	32,338	732,439
PERS	143	PETERSBURG, CITY OF	198,490	934,095	205,934	1,175,058	213,656	1,432,778	43,049	1,531,133
PERS	156	PRIBILOF SD	33,091	130,371	34,332	175,298	35,610	217,491	7,177	230,063
PERS	266	QUINHAGAK, CITY OF	1,552	5,380	1,610	7,192	1,671	9,133	337	9,822
PERS	216	RUBY, CITY OF	6,153	22,153	6,384	29,368	6,624	37,092	1,335	39,859
PERS	256	SAINT GEORGE, CITY OF	18,988	52,530	19,700	73,992	20,438	97,205	4,118	105,075
PERS	221	SAINT MARY'S SD	21,240	42,481	22,037	66,111	22,863	91,453	4,607	99,590
PERS	214	SAINT MARY'S, CITY OF	15,895	64,341	16,491	83,245	17,109	103,476	3,447	110,917
PERS	172	SAINT PAUL, CITY OF	70,881	175,077	73,539	255,182	76,297	341,048	15,373	369,586
PERS	176	SAND POINT, CITY OF	39,312	95,214	40,786	139,571	42,316	187,121	8,526	202,870
PERS	278	SAXMAN SEAPORT	1,996	7,639	2,070	9,996	2,148	12,518	433	13,434
PERS	198	SAXMAN, CITY OF	21,534	141,438	22,342	169,094	23,180	198,605	4,670	210,941
PERS	222	SELAWICK, CITY OF	4,016	12,860	4,167	17,509	4,323	22,488	871	24,227
PERS	206	SELDOVIA, CITY OF	4,997	15,411	5,185	21,174	5,379	27,347	1,084	29,486
PERS	182	SEWARD, CITY OF	192,943	530,207	200,178	750,268	207,685	986,087	41,846	1,065,996
PERS	133	SITKA BOROUGH SD	94,373	359,372	97,912	470,761	101,584	599,998	20,468	633,240
PERS	165	SITKA COMMUNITY HOSPITAL	225,166	763,762	233,610	1,026,013	242,370	1,306,859	48,835	1,406,138
PERS	120	SITKA, CITY AND BOROUGH OF	371,607	1,413,551	385,542	1,852,143	400,000	2,321,597	80,595	2,491,806
PERS	225	SKAGWAY CITY SD	18,464	75,111	19,156	97,084	19,875	120,599	4,005	129,259
PERS	132	SKAGWAY, CITY OF	72,524	284,729	75,244	370,650	78,065	462,615	15,729	496,201
PERS	123	SOLDOTNA, CITY OF	139,473	403,357	144,704	563,187	150,130	734,437	30,249	793,035
PERS	155	SOUTHEAST ISLAND SD	50,437	207,296	52,328	267,398	54,291	331,718	10,939	355,457
PERS	167	SOUTHEAST REGIONAL RESOURCE CENTER	86,812	265,298	90,068	365,315	93,445	472,459	18,828	509,525
PERS	102	SOUTHWEST REGION SCHOOL DISTRICT (SD)	143,618	439,471	149,304	604,955	154,591	782,232	31,148	843,575

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PERS	218	SPECIAL EDUCATION SERVICE AGENCY	25,409	79,632	26,362	108,980	27,350	140,417	5,511	151,348
PERS	166	TANANA SD	8,091	47,414	8,395	57,587	8,709	58,456	1,755	72,853
PERS	169	TANANA, CITY OF	11,285	46,608	11,708	60,064	12,147	74,464	2,448	79,785
PERS	206	THORNE BAY, CITY OF	14,513	43,830	15,057	60,531	15,422	78,422	3,148	84,597
PERS	279	TLINGIT-HAIDA RHA	100,793	413,654	104,573	533,739	108,494	682,248	21,860	709,671
PERS	280	TOKSOOK BAY, CITY OF	881	2,644	914	3,657	949	4,743	191	5,117
PERS	249	UNALAKLEET, CITY OF	13,698	40,738	14,212	58,478	14,745	73,340	2,971	79,142
PERS	209	UNALASKA CITY SD	47,987	170,257	49,786	226,428	51,653	286,573	10,408	308,042
PERS	179	UNALASKA, CITY OF	493,130	1,685,517	511,622	2,260,346	530,804	2,875,917	106,952	3,093,879
PERS	113	UNIVERSITY OF ALASKA	5,816,153	18,123,132	6,034,258	24,837,007	6,260,543	32,028,938	1,261,427	34,526,682
PERS	137	VALDEZ CITY SD	86,400	178,848	89,640	275,195	93,002	378,517	18,739	411,866
PERS	107	VALDEZ, CITY OF	255,619	711,133	265,205	1,003,005	275,150	1,315,768	55,440	1,421,996
PERS	131	WASILLA, CITY OF	173,593	570,773	180,103	772,280	186,856	988,097	37,649	1,063,887
PERS	202	WHITTIER, CITY OF	48,977	97,954	50,814	152,441	52,719	210,877	10,622	229,639
PERS	146	WRANGELL PUBLIC SD	42,618	127,514	44,217	176,513	45,875	229,007	9,243	247,090
PERS	135	WRANGELL, CITY OF	125,854	420,855	130,573	567,211	135,470	723,951	27,296	779,191
PERS	284	YAKUTAT SD	19,499	70,041	20,230	92,898	20,989	117,371	4,229	126,130
PERS	248	YAKUTAT, CITY AND BOROUGH OF	22,773	85,535	23,627	112,370	24,513	141,096	4,939	151,482
PERS	160	YUKON / KOYUKUK SD	109,970	219,941	114,094	342,283	118,373	473,492	23,851	515,619
PERS	159	YUKON FLATS SD	65,909	131,818	68,381	205,142	70,945	283,779	14,295	309,028
PERS	195	YUPIIT SD	109,492	297,150	113,598	421,902	117,858	555,560	23,747	600,773
		TOTAL PERS	79,372,137	266,032,812	82,356,484	358,365,527	85,444,852	457,249,086	17,216,147	492,115,048
TRS	737	ALASKA DEPARTMENT OF EDUCATION	311,338	1,307,821	318,499	1,656,196	328,373	2,035,910	338,718	2,438,758
TRS	766	ALASKA GATEWAY SD	122,059	512,843	124,865	649,299	128,736	798,164	132,791	956,097
TRS	758	ALEUTIAN REGION SD	18,112	76,097	18,535	96,382	19,110	118,479	19,711	141,923
TRS	780	ALEUTIANS EAST BOROUGH SD	119,964	503,849	122,723	636,160	126,528	784,471	130,513	939,695
TRS	701	ANCHORAGE SD	8,945,912	37,572,829	9,151,668	47,588,871	9,435,369	58,499,289	9,732,583	70,074,600
TRS	770	ANNETTE ISLAND SD	81,357	341,701	83,229	432,788	85,809	532,014	18,512	637,284
TRS	752	BERING STRAIT SD	556,156	2,335,857	568,948	2,958,530	586,585	3,636,830	805,063	4,356,453
TRS	742	BRISTOL BAY BOROUGH SD	66,251	278,254	67,775	352,429	69,876	433,230	72,077	518,954
TRS	768	CHATHAM SD	65,684	275,875	67,195	349,415	69,275	429,525	71,461	514,316
TRS	771	CHUGACH SD	47,326	195,768	48,414	251,754	49,913	309,473	5,497	370,709
TRS	767	COPPER RIVER SD	144,588	607,270	147,914	769,151	152,496	945,454	157,303	1,132,580
TRS	704	CORDOVA CITY SD	104,904	440,595	107,316	558,045	110,643	685,988	114,128	821,725
TRS	705	CRAIG CITY SD	117,364	492,928	120,063	624,329	123,785	767,468	127,684	919,328
TRS	765	DELTA/GREELY SD	151,336	637,712	155,328	807,707	160,144	952,890	165,186	1,189,354
TRS	764	DENALI BOROUGH SD	84,509	355,315	86,545	450,032	89,227	553,210	92,038	682,675
TRS	744	DILLINGHAM CITY SD	145,270	610,133	148,611	772,777	153,216	949,951	156,044	1,137,919
TRS	706	FAIRBANKS NORTH STAR BOROUGH SD	2,945,480	12,371,017	3,013,226	15,668,777	3,106,638	19,261,146	3,204,495	23,072,367
TRS	735	GALENA CITY SD	227,943	957,362	233,186	1,212,568	240,415	1,400,572	247,988	1,785,513
TRS	707	HAINES BOROUGH SD	93,831	394,089	95,989	499,142	98,965	613,580	102,082	734,990
TRS	708	HOONAH CITY SD	79,670	334,615	81,503	423,813	84,029	520,981	86,876	624,067
TRS	709	HYDABURG CITY SD	35,628	149,638	36,448	189,528	37,578	232,981	38,761	279,081
TRS	761	IDITAROD AREA SD	129,851	545,375	132,838	690,756	136,956	849,125	141,270	1,017,142
TRS	710	JUNEAU BOROUGH SD	1,021,263	4,289,365	1,044,752	5,432,711	1,077,139	6,678,264	1,111,079	7,999,696
TRS	712	KAKE CITY SD	39,935	167,728	40,854	212,440	42,120	261,145	43,447	312,818
TRS	777	KASHUNAMIUT SD	73,716	309,608	75,412	392,142	77,750	482,048	80,199	577,432
TRS	746	KENAI PENINSULA BOROUGH SD	1,918,041	8,055,774	1,962,156	10,203,213	2,022,983	12,542,496	2,086,707	15,024,292
TRS	714	KETCHIKAN GATEWAY BOROUGH SD	466,036	1,957,560	476,806	2,479,389	491,587	3,047,837	507,072	3,650,915
TRS	717	KLAWOCK CITY SD	58,819	246,199	59,967	311,829	61,826	383,322	63,774	459,170
TRS	718	KODIAK ISLAND BOROUGH SD	632,619	2,657,001	647,169	3,365,281	667,232	4,130,837	688,250	4,955,397
TRS	755	KUSPUK SD	140,344	589,445	143,572	746,574	148,027	917,740	152,685	1,099,334
TRS	757	LAKE AND PENINSULA BOROUGH SD	163,178	685,346	166,931	868,040	172,106	1,067,055	177,527	1,278,194
TRS	754	LOWER KUSKOKWIM SD	946,224	3,974,141	967,987	5,033,533	997,995	6,187,567	1,029,432	7,411,907
TRS	753	LOWER YUKON SD	457,613	1,921,973	469,136	2,434,316	482,650	2,992,430	497,853	3,584,545
TRS	722	MATANUSKA-SUSITNA BOROUGH SD	2,589,746	10,876,933	2,649,310	13,776,413	2,721,439	16,934,921	2,817,479	20,285,850
TRS	719	NENANA CITY SD	107,508	451,325	109,381	571,901	113,390	703,020	116,962	842,128
TRS	720	NOME CITY SD	158,350	665,372	161,983	842,361	167,014	1,035,489	172,275	1,240,382
TRS	736	NORTH SLOPE BOROUGH SD	726,766	3,059,572	745,322	3,875,680	768,428	4,764,254	792,654	5,706,962
TRS	751	NORTHWEST ARCTIC BOROUGH SD	631,148	2,650,921	645,674	3,357,454	665,680	4,127,215	686,649	4,943,871
TRS	723	PELICAN CITY SD	7,422	31,173	7,593	39,483	7,828	48,535	8,075	58,139
TRS	724	PETERSBURG CITY SD	147,167	618,100	150,552	782,868	155,219	962,355	160,108	1,152,778

Public Employees' Retirement System (PERS) & Teachers' Retirement System (TRS)

Composite Employer Contribution Rate - Active Employers

ESTIMATED FY 06 - 07 - 08 - 09 - Change in Employer Contribution

(In Dollars)

(Based on 2004 Valuation; June 30, 2003 Financials)

10/14/2004 10:47 V02			Fiscal Year 2006		Fiscal Year 2007		Fiscal Year 2008		Fiscal Year 2009	
Fund	ER Num	Employer	AVE Increase	TOTAL Contrib.	AVE Increase	TOTAL Contrib.	AVE Increase	TOTAL Contrib.	AVE Increase	TOTAL Contrib.
TRS	759	PRIBILOF SD	34,771	146,040	35,571	184,970	36,674	227,378	37,829	272,369
TRS	748	SAINT MARY'S SD	43,938	184,541	44,949	233,735	46,342	287,323	47,802	344,176
TRS	727	SITKA BOROUGH SD	345,793	1,452,330	353,746	1,839,480	364,712	2,261,216	3,8201	2,708,645
TRS	728	SKAGWAY CITY SD	35,750	150,151	36,572	190,177	37,706	233,779	38,894	280,037
TRS	789	SOUTHEAST ISLAND SD	68,398	287,273	69,971	363,852	72,141	447,272	74,413	535,774
TRS	743	SOUTHEAST REGIONAL RESOURCE CENTER	50,057	210,240	51,208	266,284	52,796	327,335	54,459	392,105
TRS	756	SOUTHWEST REGION SD	256,747	1,078,339	262,653	1,365,793	270,795	1,678,927	279,325	2,011,138
TRS	779	SPECIAL EDUCATION SERVICE AGENCY	58,874	247,270	60,228	313,185	62,095	384,988	64,051	461,167
TRS	775	TANANA SD	14,438	60,640	14,770	76,805	15,228	94,414	15,708	113,096
TRS	729	UNALASKA CITY SD	108,771	456,838	111,273	578,618	114,722	711,277	119,336	852,019
TRS	733	UNIVERSITY OF ALASKA	1,953,277	8,203,76	1,998,202	10,390,650	2,060,146	12,772,908	2,125,041	15,300,293
TRS	730	VAL DEZ CITY SD	236,952	995,200	242,402	1,260,492	249,917	1,549,483	257,789	1,856,081
TRS	731	WRANCELL PUBLIC SD	105,026	445,311	108,465	564,018	111,827	693,330	115,350	830,520
TRS	732	YAKUTAT SD	46,921	197,070	48,001	249,603	49,438	306,830	51,048	367,542
TRS	762	YUKON / KOYUKUK SD	193,646	813,312	198,099	1,030,117	204,241	1,266,291	210,674	1,516,854
TRS	763	YUKON FLATS SD	120,969	508,070	123,751	643,507	127,588	791,043	131,607	947,568
TRS	778	YUPIIT SD	112,500	472,499	115,087	598,453	119,655	735,660	122,392	881,226
		TOTAL TRS	28,670,505	120,416,120	29,329,926	152,515,617	30,239,154	187,482,755	31,191,687	224,580,150
		TOTAL BOTH PERS AND TRS	108,042,636	386,448,932	111,686,411	510,881,144	115,684,006	644,731,842	48,407,834	716,695,197

1.5(c) Actuarial Projections – Effect of Economic Scenarios

Key Assumptions

- All assumptions and methods are the same as Section 1.5(a) except

Results are shown only under the 1% population growth scenario

The actuarially calculated contribution rate is adopted in each year beginning in FY06, but rate cannot increase by more than 5% per year.

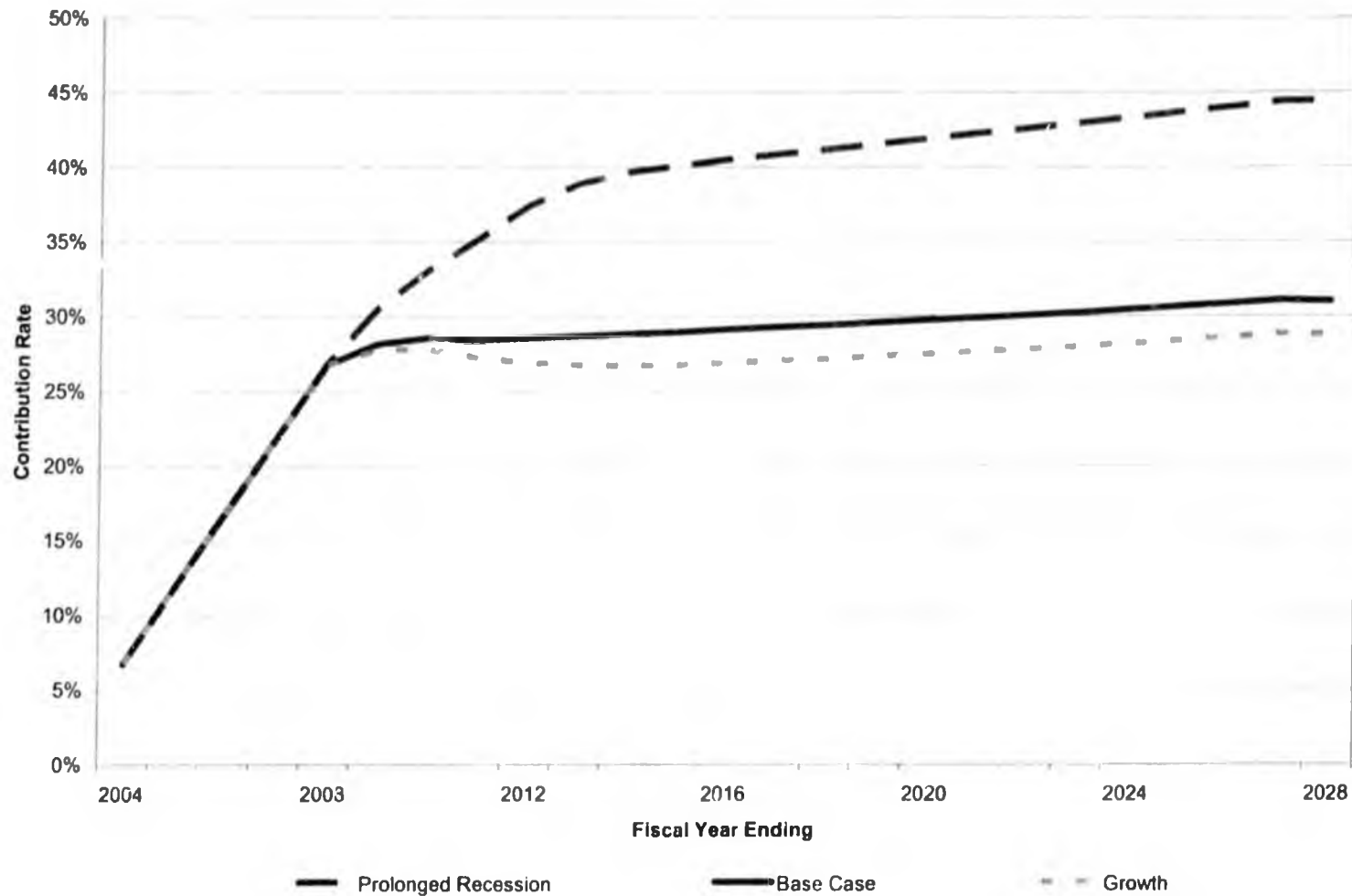
Investment returns are assumed as follows:

Total Portfolio Investment Return Under Each Scenario

Year Ending June 30	Base Case	Growth	Prolonged Recession
2004	15.08%	15.08%	15.08%
2005	8.25%	10.00%	-3.50%
2006	8.25%	10.00%	-3.50%
2007	8.25%	9.50%	2.10%
2008	8.25%	9.00%	7.75%
2009	8.25%	8.25%	7.75%
2010	8.25%	8.25%	7.75%
2011	8.25%	8.25%	7.75%
2012	8.25%	8.25%	7.75%
2013	8.25%	8.25%	7.75%
2014	8.25%	8.25%	7.75%
2015	8.25%	8.25%	7.75%
2016	8.25%	8.25%	7.75%
2017	8.25%	8.25%	7.75%
2018	8.25%	8.25%	7.75%
2019	8.25%	8.25%	7.75%
2020	8.25%	8.25%	7.75%
2021	8.25%	8.25%	7.75%
2022	8.25%	8.25%	7.75%
2023	8.25%	8.25%	7.75%
2024	8.25%	8.25%	7.75%
2025	8.25%	8.25%	7.75%
2026	8.25%	8.25%	7.75%
2027	8.25%	8.25%	7.75%
2028	8.25%	8.25%	7.75%

1.5(c) Actuarial Projections – Effect of Economic Scenarios (continued)

Contribution Rate



1.5(c) Actuarial Projections – Effect of Economic Scenarios

Key Assumptions

- All assumptions and methods are the same as Section 1.5(a) except:

Results are shown only under the 1% population growth scenario

The actuarially calculated contribution rate is adopted in each year beginning in FY06, but rate cannot increase by more than 5% per year.

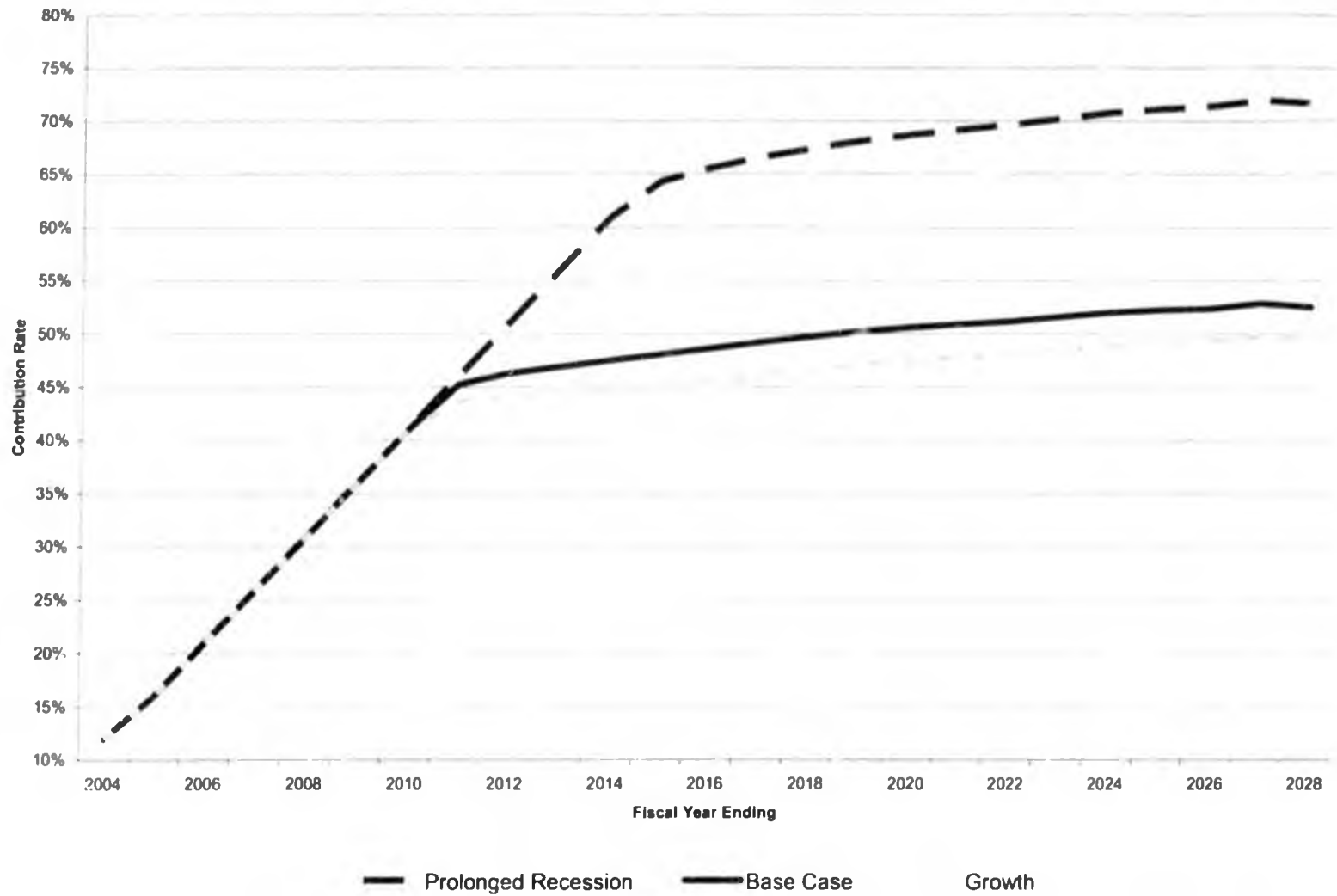
Investment returns are assumed as follows:

Total Portfolio Investment Return Under Each Scenario

Year Ending June 30	Base Case	Growth	Prolonged Recession
2004	15.08%	15.08%	15.08%
2005	8.25%	10.00%	-3.50%
2006	8.25%	10.00%	-3.50%
2007	8.25%	9.50%	2.10%
2008	8.25%	9.00%	7.75%
2009	8.25%	8.25%	7.75%
2010	8.25%	8.25%	7.75%
2011	8.25%	8.25%	7.75%
2012	8.25%	8.25%	7.75%
2013	8.25%	8.25%	7.75%
2014	8.25%	8.25%	7.75%
2015	8.25%	8.25%	7.75%
2016	8.25%	8.25%	7.75%
2017	8.25%	8.25%	7.75%
2018	8.25%	8.25%	7.75%
2019	8.25%	8.25%	7.75%
2020	8.25%	8.25%	7.75%
2021	8.25%	8.25%	7.75%
2022	8.25%	8.25%	7.75%
2023	8.25%	8.25%	7.75%
2024	8.25%	8.25%	7.75%
2025	8.25%	8.25%	7.75%
2026	8.25%	8.25%	7.75%
2027	8.25%	8.25%	7.75%
2028	8.25%	8.25%	7.75%

1.5(c) Actuarial Projections – Effect of Economic Scenarios (continued)

Contribution Rate

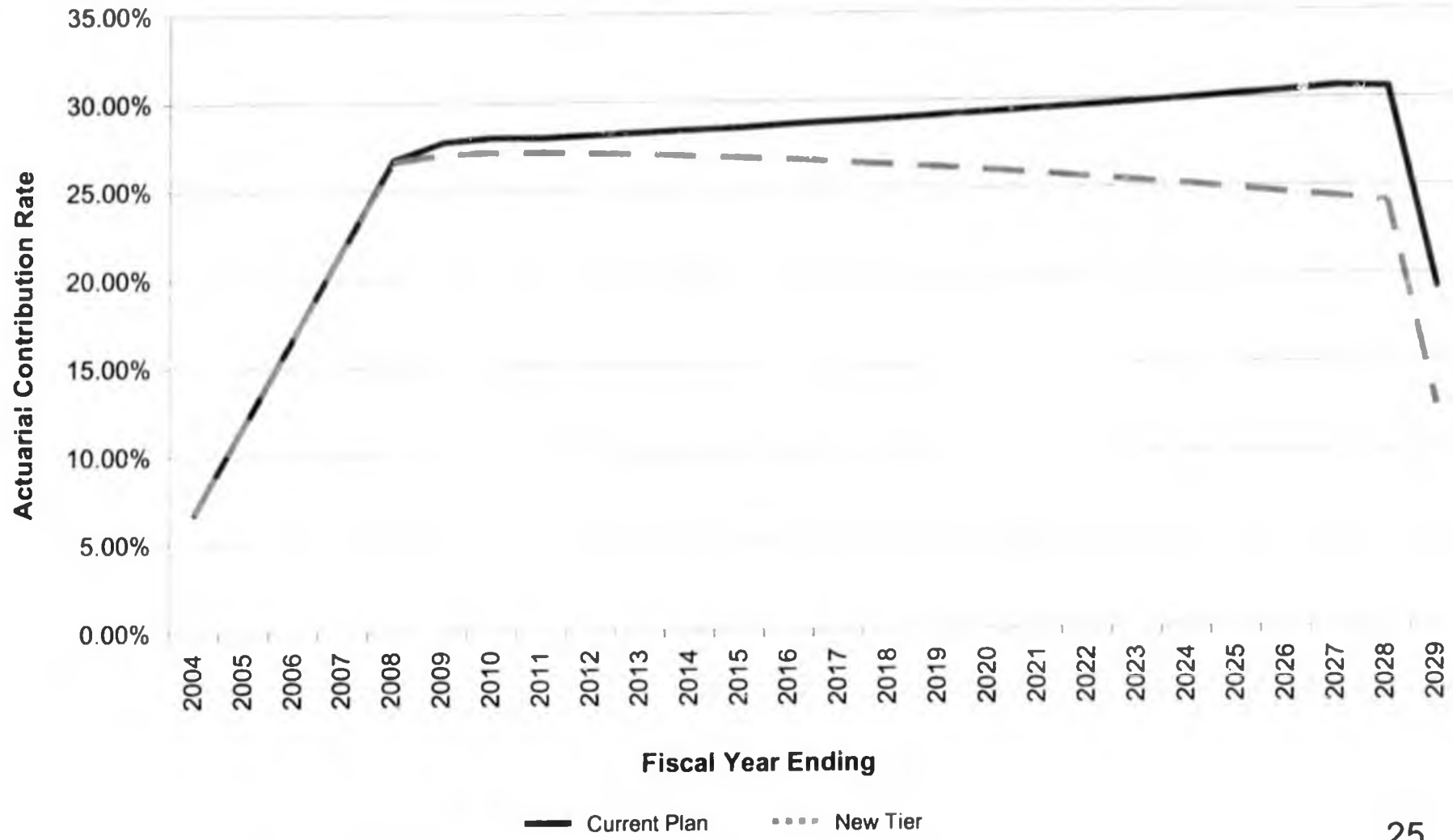




State of Alaska

Tier Design Project – Program Alternatives

Contribution Comparison – PERS

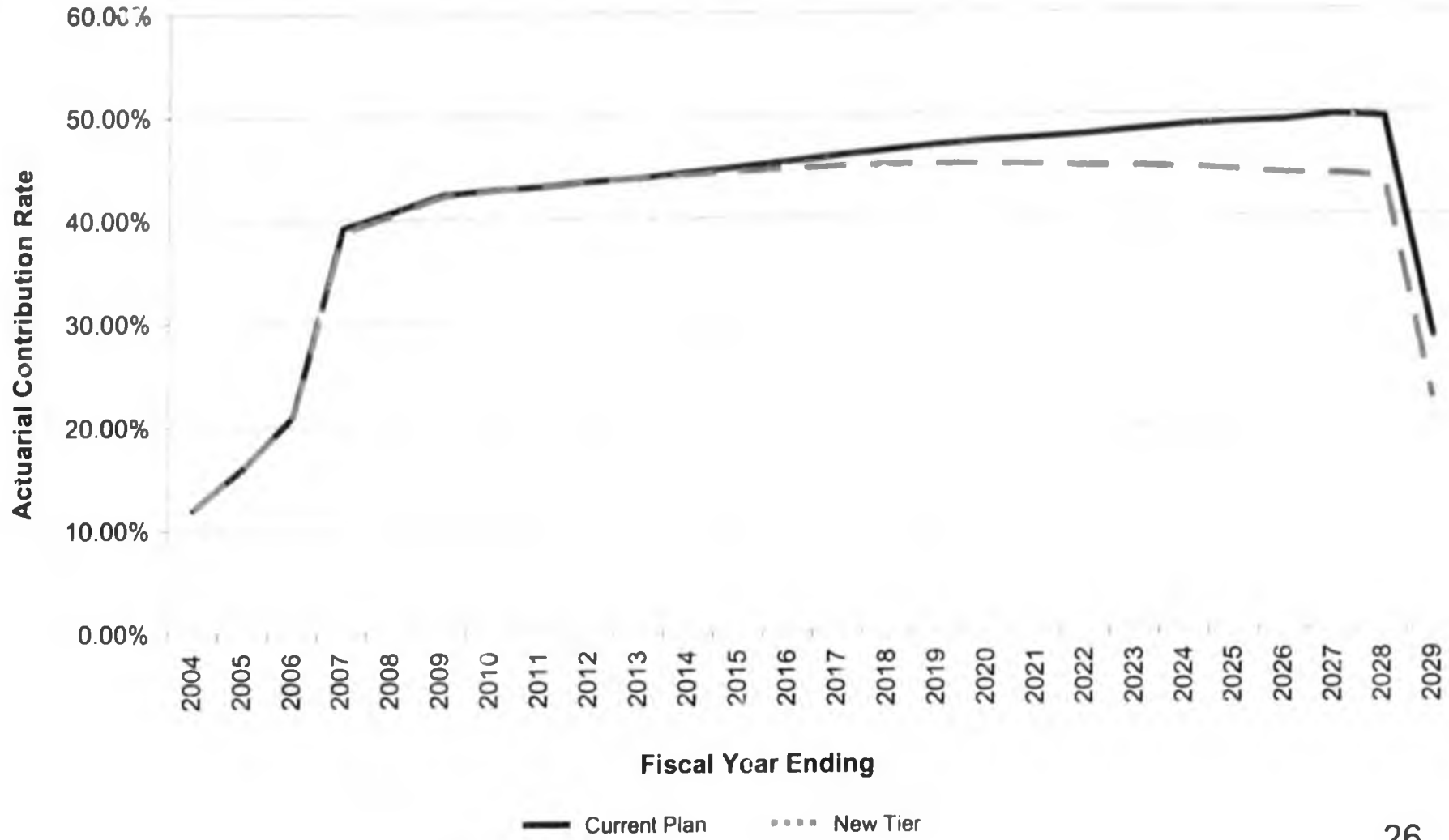




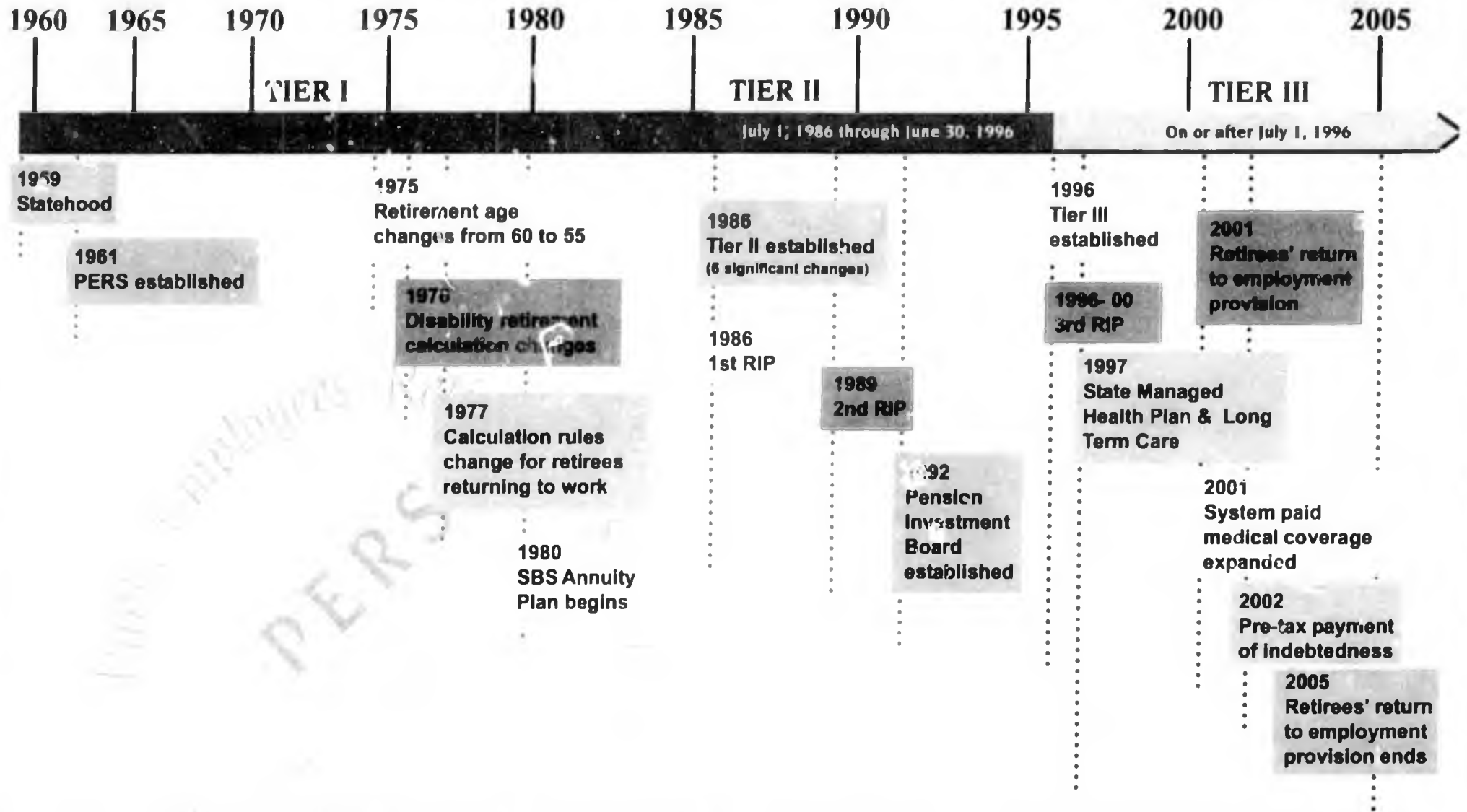
State of Alaska

Tier Design Project – Program Alternatives

Contribution Comparison – TRS

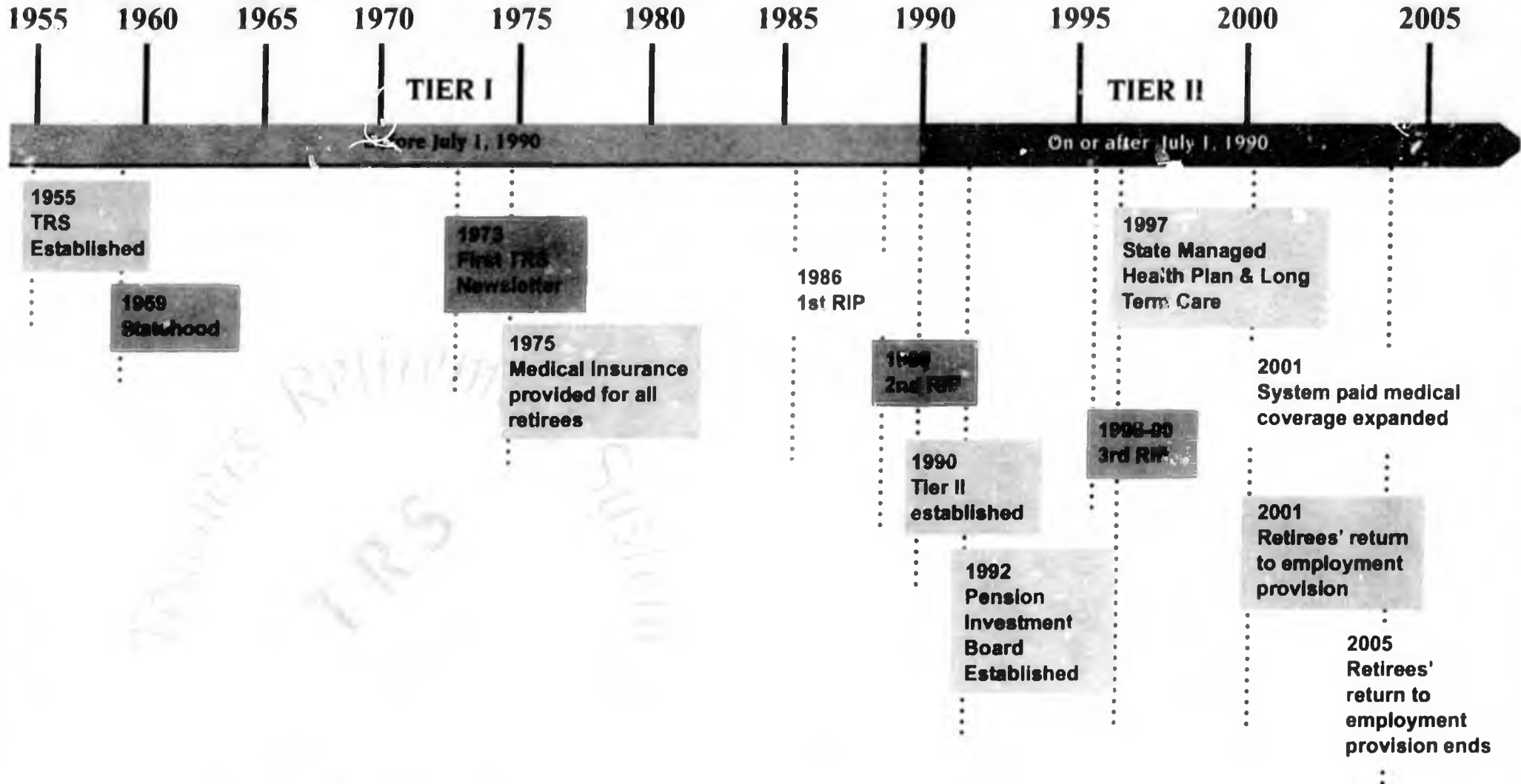


ALASKA PERS TIMELINE



The information on this timeline is not intended to replace the Alaska Statutes, the Alaska Administrative Code or Federal law. Language contained in the Alaska Statutes and the Alaska Administrative Code govern the plans. Rev. 7/23/04

ALASKA TRS TIMELINE



The information on this timeline is not intended to replace the Alaska Statutes, the Alaska Administrative Code or Federal law. Language contained in the Alaska Statutes and the Alaska Administrative Code govern the plans. Rev 7/23/04

**OVERVIEW
DIV. OF
ELECTIONS,
ELECTRONIC
VOTING**

There were a couple of questions that came up in the (H) STA meeting regarding electronic voting. If you will please disseminate this information to the committee, I would greatly appreciate it.

The question was raised whether a voter access card stolen from a polling place could be used to create more voter access cards which could in turn be used to vote fraudulently on touch screen voting units.

Diebold has confirmed the following information, which indicates that this scenario is highly unlikely, if not impossible. Voter access cards are programmed with specific precinct ballot information using an encoder. Each encoder is programmed by the Division of Elections Program Manager in the Division of Elections Director's Office in Juneau. The encoders are programmed using Global Elections Management Software (GEMS) with ballot information specific to each precinct. Without an encoder programmed with the ballot information for a particular precinct, it is impossible to create voter access cards for that precinct. For Election Day, each encoder will be attached to a lanyard, and election workers will be instructed to wear the encoder around their neck at all times. A voter access card's ballot information is erased by the Touch Screen Voting unit after a voter is finished voting or has canceled their ballot, leaving the card unusable for voting and devoid of any ballot information. A voter access card must be reprogrammed using an encoder with the proper precinct information in order to be used again. It is impossible to transfer ballot information from a voter access card onto an encoder. Diebold only sells voter access cards and encoders to verified government agencies under contract with Diebold. If someone were to obtain an unprogrammed encoder through other channels, it would be impossible for them to create voter access cards, even if they were in possession of such cards.

The second question raised was regarding how the Division selected the touch screen machines. The Division put out an RFP in 1998 for an election system. At that time two companies bid, Election Systems & Software and Global Election Systems. Global Election Systems was awarded the contract. Because the Division wanted to continue using the current system because of its reliability, but needed to add touch screen equipment in order to be in compliance with both State and federal law, the Division chose election equipment that would be compatible with its current system. The Division contacted a number of vendors who could supply the new technology that HAVA required. None of them had experience with the

GEMS system except Diebold. The Division also contacted other State Elections officials seeking their advice, experience and anecdotal information. The Division did not want to have to seek "patches" between the touch screen machines and GEMS. This is how and why the Diebold touch screens were chosen - the compatibility and experience with the GEMS software was key.

Those were the only two questions that I believe were left unanswered at the meeting. Please let me know if there are any other questions committee members have. Thank you for your assistance.

Sincerely,
Whitney Brewster, Director
Division of Elections

State of Alaska, Division of Elections

Touch Screen Voting Machine Frequently Asked Questions

General Questions

Q: Why is the State implementing Touch Screen machines?

A: The Help America Vote Act of 2002 requires that in each polling place there be a voting unit accessible to visually impaired and disabled voters. State law also directs the Division of Elections to provide balloting equipment to allow voters with visual impairments and disabilities the opportunity to vote a private, independent and verifiable ballot.

Q: Will there be a Touch Screen machine in each polling place?

A: Yes, there will be one Touch Screen machine in each of the State's 439 polling places.

Q: How many Touch Screen machines were purchased?

A: 505 Touch Screen machines were purchased, one for each of the State's 439 polling places, and spares for each of the State's four Regions.

Q: What funds were used to purchase the Touch Screen machines?

A: Federal Help America Vote Act (HAVA) funds were used to purchase the machines.

Q: Do the machines offer languages besides English?

A: The Touch Screen machines in Kodiak precincts will offer the ballot in Tagalog.

Q: Do the Touch Screen machines have a paper trail?

A: Yes. Each touch screen machine is equipped with a printer to produce a paper ballot. The voter will have the ability to review the paper ballot print-out to determine its accuracy prior to the ballot being cast on the touch screen machine. For visually impaired voters, the paper ballot will be read to the voter via a headset to determine the accuracy of the paper ballot before the ballot is cast.

The Voter Access Card

Q: What is stored on the Voter Access Card?

A: The Voter Access Card holds ballot information that is read by the Touch Screen machine and presented to the voter.

Q: How is the Voter Access Card programmed?

A: The Voter Access Card is programmed by poll workers using an encoder that has been programmed with the ballot format by the Division of Elections.

Q: Can a Voter Access Card be used to vote twice?

A: Once a voter has finished voting, the Voter Access Card must be reprogrammed by a poll worker before being used again.

Touch Screen Voting Machine Frequently Asked Questions

Poll Worker Training

Q: Will poll workers receive special training on the Touch Screen machines?

A: Yes. The Division will be increasing its poll worker training by two-thirds to ensure that poll workers will be familiar with the machines and how to assist voters on them.

Q: Is the funding for Touch Screen training in the Division's budget?

A: Yes. The Division's budget includes funding for extra poll worker training for the Touch Screen machines.

Q: How is a voter's privacy preserved with the Touch Screen machine if there are only a few voters using the machine in a precinct?

A: Poll Workers will be encouraged to cast their votes on the Touch Screen machines so that the sequence of voters is not obvious.

Touch Screen Paper Ballots

Q: How many ballots will the spool of paper in the Touch Screen machine hold?

A: Depending on the length of the ballot, a roll of paper will hold approximately 150-180 ballots.

Q: What if the paper runs out on Election Day?

A: The Touch Screen machine gives a warning when the paper is low, and will not accept Voter Access Cards until a Poll Worker has supplied fresh paper.

Each polling place will have extra paper rolls and an extra security canister to collect ballots in each machine. Should one roll of paper become full, those ballots will be secured and a fresh roll will be installed.

Q: How will the paper ballots be transported after an election?

A: As voters cast their ballots, the paper record is collected in a security canister inside the Touch Screen machine's printer module. The security canister will be secured and treated as other paper ballots are.

Troubleshooting

Q: What if a machine breaks down on Election Day?

A: Trained troubleshooters will be on call in each of the Division's four regions to respond to mechanical and technical problems on Election Day. If the problem cannot be solved by the troubleshooter, the machine's voted ballots will be secured and the machine will be taken out of service, as would be the case with an Optical Scan machine.

Q: What if there is a power outage on Election Day?

A: The Touch Screen machines each contain an internal battery that can power the machine for approximately 2 hours with heavy voter usage, or 4 hours with light voter usage.

Audio Voting on the Touch Screen Voting Machine

1. The voter informs the poll worker that an audio ballot is needed. The poll worker provides a Voter Access Card. The card will be programmed to provide an audio ballot.
2. The poll worker will guide the visually impaired voter to the machine if needed, and provides headphones and a keypad (like a telephone keypad, with a point on the 5 key for orientation) to use for voting. The Voter Access Card is then inserted into the machine by the voter or the poll worker offering assistance.
3. The audio ballot will begin immediately. Detailed instructions tell which buttons to use to adjust the volume and speed of the audio recording, as well as how to vote or change a vote.
4. When the voter has finished voting, the ballot choices will be read back for verification. A paper ballot will print, and will be kept in the machine. After the voter has cast his or her ballot, the Voter Access Card will be ejected from the machine. The voter will then inform a poll worker that voting is completed, and the poll worker will retrieve the card if necessary.

Audio Commands – Quick Reference

Press 0 for instructions at any time

Press 3 to increase Volume

Press 1 to lower Volume

Press # to speed up

Press * to slow down

Press 6 to advance through candidates

Press 5 to vote, or to cancel vote

Press 4 to return to previous race

Instructions will be repeated if no input is made by voter

Audio Voting on the Touch Screen Voting Machine

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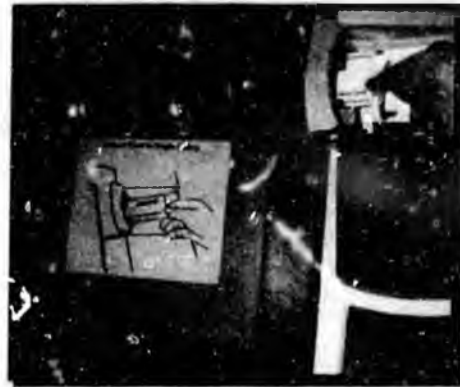
Press 4 to return to previous race

Instructions will be repeated if no input is made by voter

Touch Screen Voting Instructions

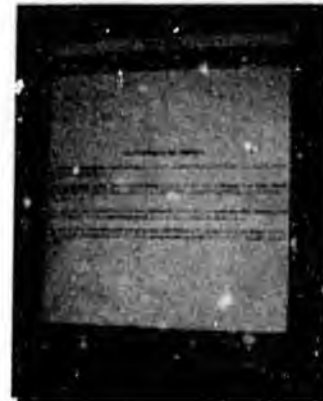
STEP 1: Obtain Voter Card From Poll Worker

Let the Poll Worker know what type of ballot you prefer – visual or audio. Insert the Voter Card into the card slot on the Touch Screen Machine.



STEP 2: Read Instructions Screen

Before you begin voting, you can magnify or change the contrast of your ballot to increase readability. To begin voting, touch the "Next" button on the lower right of the screen.



You will use the "Next" button to see each page until the end of the ballot.

Touch "Back" to review previous pages as you vote.

STEP 3: Select Candidates or Issues, or Select "Write-In" if desired.

Touch the box on the screen next to your choice. An "x" will appear designating your selection. To change or cancel your selection, touch the box again and make another selection.



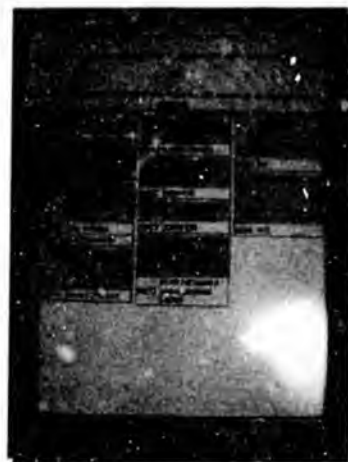
If there are write-in candidates on the ballot you would like to vote for, touch "write-in" and a keyboard will appear on the screen. Type in the first and last name of the write-in you would like, and then select "Record Write-in".



The normal voting screen will return and the name you entered will appear as your choice for that race.

STEP 4: Review Your Ballot

On the Summary Page, review your choices. Highlighted items are races that were left blank or incomplete.



If you want to return and vote in a race that was left blank or incomplete, or you wish to change your vote in any race, just touch the race you would like to change and you will be taken back to the proper page to change your vote.

STEP 5: Print Ballot for Verification

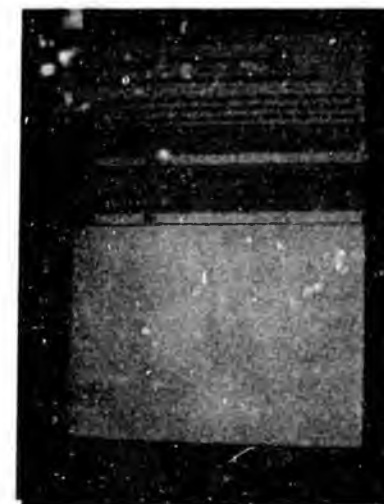
To verify your selections, touch "Print Ballot". You will see an enclosed, printed copy of your choices to the right of your machine.



After reviewing your ballot printout, you can either cast or reject your ballot and make changes. You are allowed to reject your ballot twice.

STEP 6: Cast Your Ballot

Touch "Cast Ballot" when you are ready to record your vote. Once your ballot has been cast, the printer will scroll your selections into the security canister inside the printer unit.



STEP 7: Finish: Remove Card

You have completed the electronic touch screen voting process. Remove your voter card and return it to a poll worker.



**OVERVIEW
HUMAN RIGHTS
COMMISSION,
OFFICE OF
PUBLIC
ADVOCACY,
PUBLIC DEF.
AGENCY,
1/11/05**



Paula M. Haley
EXECUTIVE DIRECTOR

Alaska State Commission for Human Rights

(907) 276-7474 (VOICE)
EXTENSION 241

800 A Street, Suite 204
Anchorage, AK 99501-3669

(907) 276-3177 (TTY)
(907) 278-8588 (FAX)

**Toll-Free Complaint Hot Line
(800) 478-4692**

**Human Rights
Commission**

STATE OF ALASKA
800 A Street, Suite 204
Anchorage, AK 99501-3669
(907) 274-4692

**TTY/TDD (Hearing Impaired)
Toll-Free Hot Line
(800) 478-3177**

ALASKA STATE COMMISSION FOR HUMAN RIGHTS
800 A Street, Suite 204
Anchorage, AK 99501-3669

**Alaska
State
Commission for
Human
Rights**

COMMISSIONERS

RUTH BENSON, FAIRBANKS
LISA FITZPATRICK, ANCHORAGE
LESTER C. LUNCFORD, WHITTIER
GRACE E. MERKES, STERLING
BOB SAWYER, FAIRBANKS
KATHY WUSTHOFF, ANCHORAGE

ALASKA HUMAN RIGHTS LAW

(A.S. 18.80.010 et seq.) makes it unlawful to discriminate in

- ◆ EMPLOYMENT
- ◆ PLACES OF PUBLIC ACCOMMODATION
- ◆ SALE OR RENTAL OF REAL PROPERTY
- ◆ FINANCING AND CREDIT
- ◆ PRACTICES BY THE STATE OR ITS POLITICAL SUBDIVISIONS

because of

- ◆ RACE
- ◆ RELIGION
- ◆ COLOR
- ◆ NATIONAL ORIGIN
- ◆ SEX
- ◆ PHYSICAL/MENTAL DISABILITY

and in some instances because of

- ◆ AGE
- ◆ MARITAL STATUS
- ◆ CHANGES IN MARITAL STATUS
- ◆ PREGNANCY
- ◆ PARENTHOOD

WHAT IS THE HUMAN RIGHTS COMMISSION?

The Alaska State Commission for Human Rights is the State agency which enforces the Alaska Human Rights Law. The Commission consists of seven persons appointed by the Governor and confirmed by the Legislature. The Commission employs a staff and maintains an office in Anchorage. The Commission has statewide powers and accepts complaints from all regions of the state.

WHAT DOES THE HUMAN RIGHTS COMMISSION DO?

The Commission staff

Accepts complaints of discrimination from persons alleging violations of Alaska Human Rights Law;

Investigates complaints in a fair and impartial manner;

Attempts early settlement of complaints whenever possible;

Dismisses complaints when no violation of Alaska Human Rights Law has occurred;

Conciliates complaints when Alaska Human Rights Law has been violated;

Gives technical assistance and advice on Alaska Human Rights Law; and

Conducts workshops and training for employers, unions, landlords, businesses, and others who must comply with the Alaska Human Rights Law.

The Commissioners

Hold public hearings to consider cases where conciliation efforts have failed;

Issue decisions applying Human Rights Law to individual or class action cases;

Order back-pay, reinstatement, or other appropriate relief to complainants.

Order the elimination of discriminatory practices; and

Enforce Commission decisions and orders in the Alaska courts.

HOW CAN THE COMMISSION HELP YOU?

If you believe that you have experienced discrimination, you may contact the Commission. The Commission staff will advise you of your rights under Alaska Human Rights Law and when appropriate assist you to file a complaint.

If you need advice about your responsibilities under the Alaska Human Rights Law, the Commission staff can provide information.

*In addition to
investigating complaints
of discrimination in*

HOUSING,

*The Commission also
investigates complaints in:*

- *Employment*
- *Places of Public
Accommodation*
- *Financing and Credit*
- *Practices of the State or
Its Political Subdivisions*

*Everyone deserves
a place to live.*



*If you've been denied
a place to live
because of discrimination,*

Call the

*Alaska State Commission
for Human Rights*

Toll Free 800/478-4692

*TTY/TTD
Hearing Impaired 800/478-3177*

In Anchorage 274-4692

Funded by a grant from the U S Department
of Housing and Urban Development

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS
800 A STREET, SUITE 202
ANCHORAGE, ALASKA 99501

*It is unlawful
for someone to
deny you housing
because of your:*

Race
Religion
Color
National Origin
Sex
Physical Disability
Mental Disability
Marital Status
Change in Marital Status
Pregnancy
Parenthood
Age
Familial Status

*Signs of
possible discrimination:*

- The sign says "vacancy" and the manager says "It's rented."
- You are told it will cost one amount for rent or deposit, and another person is told a different amount.
- The sales agent only shows you houses for sale in one area of town.
- The bank won't give you an application for a loan, or sets your interest rate higher.
- You are told, "You wouldn't like it here," or "There's no place for children to play."

*If you believe
you have been hurt
by discrimination,*

Call

the Commission Staff:

Toll Free 800/478-4692
TTY/TTD 800/478-3177
In Anchorage 274-4692

The Staff will:

- Explain the law against discrimination.
- Assist you in filing a complaint with the Commission and/or contacting the Fair Housing Assistance Program, U.S. Department of Housing and Urban Development.
- Investigate any complaint you file with the Commission.

*This brochure is available in
alternate formats upon request.*

**Toll-free in Alaska
(800) 478-4692**

**Alaska State
Commission for Human
Rights**

**800 A Street, Suite 204
Anchorage, AK 99501-3669
(907) 274-4692 (voice)
(907) 276-3177 (TTY)**

**Toll-Free in Alaska (TTY)
(800) 478-3177**

**Alaska State Commission for Human Rights
800 A Street, Suite 204
Anchorage, AK 99501-3669**

Mediation:

an alternative to
investigation

**Alaska State Commission
for Human Rights**

WHAT IS MEDIATION?

Mediation is a free and entirely voluntary process to help parties resolve their differences and reach a mutually acceptable agreement that results in dismissal of the complaint.

Mediation is an impartial process that affords both parties an equal voice in whether and how a complaint will be resolved. A mediation can be scheduled quickly.

Parties exchange information and work together with the neutral mediator to try to resolve the complaint, but it is the parties – the stakeholders – who decide the settlement terms.

Mediation is confidential. The parties and mediator agree not to reveal information disclosed during the mediation process.

If parties reach a settlement, the Commission will dismiss the complaint. If no settlement is reached, the case will be transferred for a full and impartial investigation.

WHY MEDIATE?

Mediation...

- ◆ Is a positive and efficient alternative to investigation
- ◆ Affords parties the opportunity to resolve their differences quickly
- ◆ Is a fair and impartial process
- ◆ Avoids the need for an investigation
- ◆ Is voluntary and free of charge
- ◆ Does not affect the right to a full investigation if parties do not reach a settlement
- ◆ Is confidential
- ◆ Reduces costs

HOW CAN I LEARN

MORE ABOUT MEDIATION AT THE COMMISSION?

For more information please contact Mary Southard at the:

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS
800 A STREET, SUITE 204
ANCHORAGE AK 99501-3669

TELEPHONE:

In Anchorage:
(907) 274-4692 Ext. 247
Outside Anchorage:
(800) 478-4692 Ext. 247

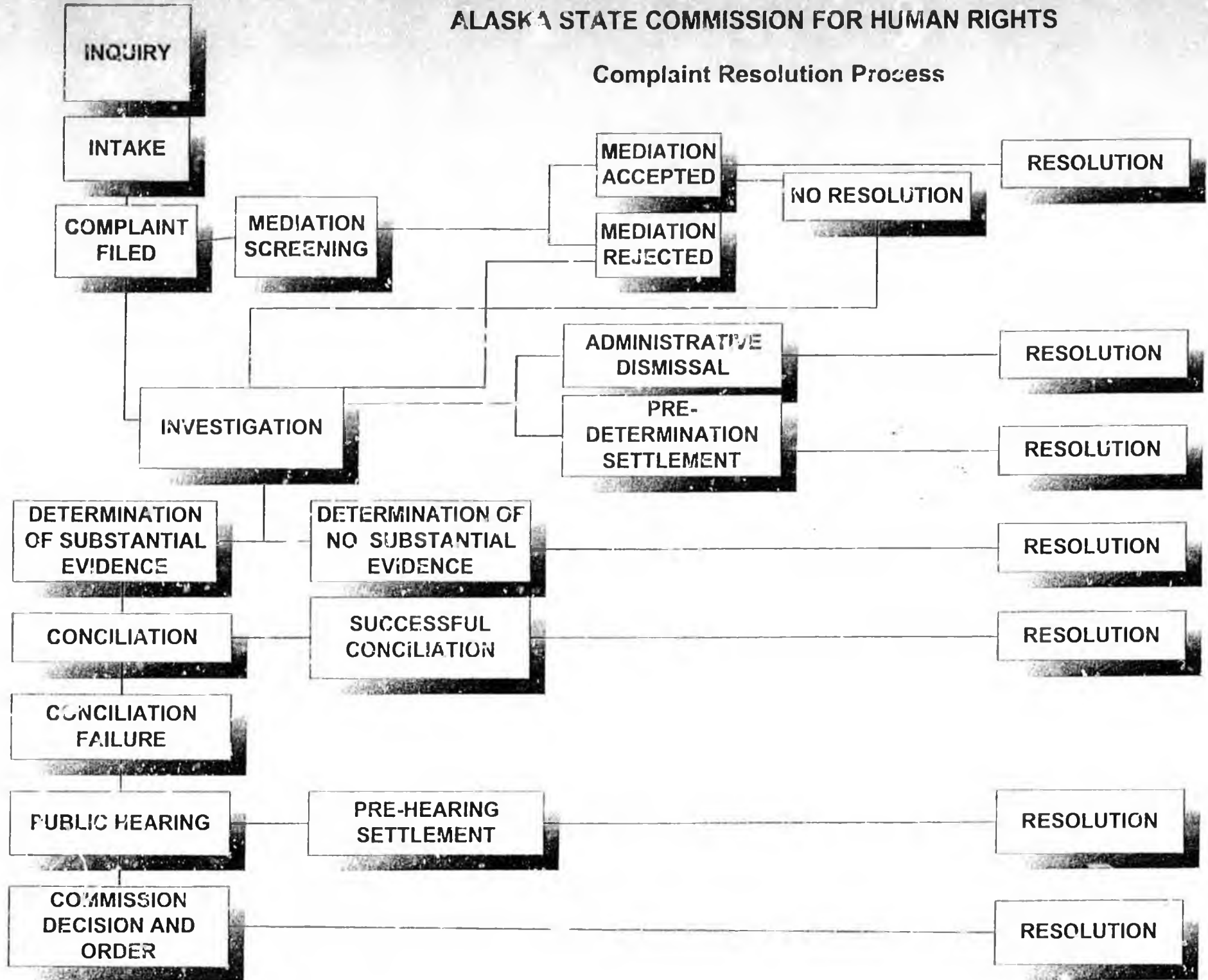
FAX: (907) 278-8588

TTY/TDD LINE ONLY:

In Anchorage: (907) 276-3177
Outside Anchorage:
(800) 478-3177

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Complaint Resolution Process



Alaska State Commission for Human Rights

2003 Annual Report

February 6, 2004

STATE OF ALASKA
HUMAN RIGHTS COMMISSION

The Honorable Frank Murkowski, Governor of Alaska
The Honorable, Gene Therriault, President, Alaska Senate
The Honorable, Pete Kott, Speaker, Alaska House of Representatives

On behalf of the Commission I respectfully submit the 2003 Annual Report of the Alaska State Commission for Human Rights.

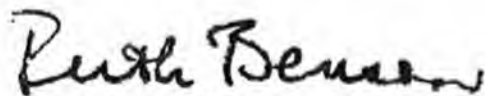
In June 2003, the Commission celebrated its 40th Anniversary as Alaska's civil rights enforcement agency. The celebration included remarks from Lieutenant Governor Loren Leman, U. S. Representative Don Young, and past and current Commissioners. Cari M. Dominguez, Chair of the U.S. Equal Employment Opportunity Commission, traveled to Alaska to attend the event and gave the keynote speech. Ms. Dominguez brought greetings and a letter from President George W. Bush, commending Alaska's efforts to advance equality and foster diversity. The Willard L. Bowman Elementary School Choir opened the event with song.

In 2002, when 56% more Alaskans filed complaints of discrimination with the agency, the Commission's inventory increased dramatically. Complaint filings returned to prior year levels in 2003, and the hard work of staff resulted in a 6% decrease to the Commission's inventory. The Commission saw a 5% increase in employment cases alleging failure to hire due to discrimination in 2003 and an 8% increase in race based complaints.

The businesses against whom complaints of discrimination were filed and the Alaskans bringing claims to the Commission continued to utilize the mediation program. In those instances where the parties agreed to mediation, 81% closed with a voluntary settlement. Participants continue to express appreciation for the opportunity to address their concerns through mediation even when efforts to resolve the complaint are not successful.

Many businesses still contact the Commission requesting educational presentations. While the Commission would like to conduct more training to help prevent discrimination, the agency must turn away most requests for these presentations in order to focus on the complaints of discrimination filed by Alaskans.

The Commission will continue its commitment to fair enforcement of Alaska's human rights law. The Commissioners ask for your continued support of our efforts to prevent and eliminate discrimination in Alaska.



Ruth G. Benson
Chairperson

COMMISSIONERS

RUTH G. BENSON, Fairbanks

LISA M. FITZPATRICK, Anchorage

MARTHA L. GORE, Anchorage

LESTER C. LUNCEFORD, Whittier

GRACE E. MERKES, Sterling

ROBERT B. SAWYER, JR., Fairbanks

KATHY K. WISTHOFF, Anchorage

COMMISSION STAFF

Paula M. Haley, Executive Director

Stephen Koteff, Chief of Enforcement

Kelly Fisher, Human Rights Advocate

Jill Dean, Human Rights Attorney

Sharon O. Avery, Administrative Officer

Lucinda G. Bay, Clerk IV

M. Anne Keene, Docket Officer

Lisa P. Rode, Law Office Assistant

Margaret A. Taylor, Commission Secretary

Evelyn P. Abello, Investigations Director

Donald Miller, Investigations Director

Erin Collins, Investigator

Nanette Gay, Investigator

Brenda Page, Investigator

Ann Pence, Investigator

Mary Southard, Mediator

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

800 A Street, Suite 204
Anchorage, Alaska 99501-3669

ANCHORAGE AREA

1-907-274-4692

TTY/TDD (Hearing Impaired)

1-907-276-3177

STATE-WIDE TOLL-FREE COMPLAINT LINE

1-800-478-4692

STATE-WIDE TTY/TDD TOLL-FREE COMPLAINT LINE

1-800-478-3177

FOR ADDITIONAL COPIES OF THIS REPORT, INFORMATION REGARDING ALASKA'S HUMAN RIGHTS LAW, OR TO FILE A COMPLAINT, PLEASE CONTACT THE COMMISSION AT THE ADDRESS OR PHONE NUMBERS ABOVE.

PUBLIC HEARING CASES

Note: In all of the following public hearing cases, unless otherwise noted, the Commission staff found that substantial evidence existed to support the complainants' allegations.



In *Acuna v. North Slope Borough*, complainant alleged that she was discriminated against on the basis of her race, Asian, and national origin, Filipino, when she applied for a position as a payroll specialist with the North Slope Borough. Complainant alleged that the Borough refused to hire her in accordance with its ordinance which requires employment preferences for Native Americans. Commission staff found substantial evidence that the Borough's employment preference violates the Human Rights Law. A public hearing scheduled to begin on June 13, 2000, was continued pending a decision by the Ninth Circuit Court of Appeals in *Malabed v. North Slope Borough*, which involved a challenge to the ordinance brought in federal court. On July 8, 2003, the Ninth Circuit ruled that the ordinance was invalid under state law. The parties are now discussing a settlement of the case.

In *Beegan v. State of Alaska, Department of Transportation & Public Facilities, Anchorage International Airport*, complainant filed five separate complaints alleging that respondent failed to hire him because of his age and in retaliation for having filed complaints of age discrimination. Commission staff found substantial evidence that Mr. Beegan was retaliated against four separate times after filing his first complaint, but no substantial evidence to support Mr. Beegan's first complaint of age discrimination. Mr. Beegan appealed the no substantial evidence determination to the Superior Court, which remanded the case to the Commission with instructions to make a substantial evidence finding. After conciliation failure, a public hearing was held July 14-18, 2003. On October 3, 2003, the hearing examiner issued a recommended order that the complaint be dismissed. At the end of 2003 a final order from the Commission was pending.

In *Behre v. The Hertz Corporation*, complainant alleged that respondent failed to accommodate his known mental disability and terminated his employment because of his disability and in retaliation for supporting a co-worker's complaint about discrimination.

ONLY YOUNG'UNS NEED APPLY

A 54-year-old transportation industry worker filed a complaint alleging that his employer denied him a transfer to a seasonal position because of his age and selected younger applicants instead. The employer asserted that it did not select the complainant because of an unfavorable reference from a supervisor in another part of the company. Commission staff's investigation showed that the supervisor questioned the benefits to the employer of investing in a new employee who was three years from retirement. Commission staff found substantial evidence of age discrimination. Staff found, however, that complainant had mitigated his damages by taking another job in the company with higher pay and was therefore ineligible for monetary relief. The employer and the Commission conciliated the case and the employer agreed to adopt specific policies prohibiting discrimination.

FENDING OFF THE BOSS

A financial specialist alleged that she was sexually harassed by her boss when he asked her to share a hotel room with him during a business trip, made sexual comments to her, and entered her room uninvited. The specialist also alleged that she complained to her boss's supervisors but they failed to take any action. The parties agreed to mediation and reached a settlement. The employer agreed to pay the specialist \$5,872, to provide sexual harassment training to its staff and managers, and to enforce its sexual harassment policy.

Commission staff did not find substantial evidence that respondent retaliated against complainant. Commission staff found, however, that substantial evidence supported complainant's allegation that respondent discriminated against him because of his mental disability. A public hearing is scheduled for May 24-27, 2004.

In *Eaton v. Northwest Airlines*, complainant alleged that respondent discriminated against her on the basis of her physical disability, quadriplegia, when respondent refused to provide her with a bulkhead seat, causing her severe pain due to the restrictions of her assigned seat. A public hearing scheduled for November 18-19, 2002, was continued pending a settlement agreement.

In *Faria v. Federal Express Corporation*, complainant alleged that respondent subjected him to different terms and conditions and terminated his employment because of his race, Pacific Islander, and national origin, Hawaiian. As of December 31, 2003, a public hearing had not been scheduled.

In *Graham v. Jacobs Engineering Group, Inc.*, complainant alleged that respondent retaliated against her for filing a prior complaint of discrimination with the Commission when it terminated her employment. As of December 31, 2003, a public hearing had not been scheduled.

In *Klutcharch v. Snug Harbor Seafoods, Inc.*, complainant alleged that respondent discriminated against him because of his age when it terminated his employment. Commission staff did not find substantial evidence to support complainant's allegations, but did find substantial evidence that respondent was eliciting disability-related information from job applicants. As of December 31, 2003, a public hearing had not been scheduled.

In *McCaslin v. Nana Management Services, Inc.*, complainant alleged that respondent discriminated against her on the basis of her sex and race when it failed to take corrective action after she reported being sexually harassed by a coworker. Commission staff found no substantial evidence of race discrimination or sexual harassment, but did find substantial evidence that respondent treated complainant differently because of her sex when it disciplined her more harshly than her male coworker. The parties reached a settlement in

A PLACE TO SAW LOGS

A female cook who worked at a remote logging camp alleged that her employer discriminated against her based on her sex when she was terminated because the camp would not provide her housing. Investigation by Commission staff found that the employer only provided housing for single women who held certain management or supervisory positions, and that it furnished housing to all male employees regardless of the job they held. Staff issued a determination of substantial evidence of sex discrimination and executed a conciliation agreement in which the employer agreed to pay the cook \$20,601 and to develop and distribute a statement of corporate policy reflecting the employer's opposition to discrimination and retaliatory practices.

DOGGONE UNFAIR

A sight-impaired man alleged that a convenience store discriminated against him on the basis of his physical disability when a clerk denied him access to the store with his service dog. He further alleged that after the clerk relented and allowed him to enter the store, the clerk continued to harass him about his dog. The parties agreed to mediation and reached a settlement in which the storeowner agreed to receive training in disability law and to post a sign stating that service animals were permitted in the store.

which respondent agreed to train its managers and supervisors on the provisions of the Human Rights Law and expunge documents from complainant's personnel file related to her complaint of sexual harassment. The Commission approved the settlement on July 9, 2003.

In *McRae v. Alaska Vocational and Technical Center*, complainant alleged that respondent subjected her to a hostile work environment and that she was forced to leave her employment because of the hostile work environment. The Commission has scheduled a public hearing for March 15-19, 2004.

In *Owens v. The Estelle Group*, complainant alleged that respondent discriminated against him on the basis of his disability, paraplegia, because a retail store owned by respondent is not accessible to persons who use wheelchairs for mobility. Respondent has complied with the terms of a proposed settlement agreement and installed a ramp for access to its facility. A settlement is pending in this case.

In *Perkins v. Doyon Universal Services, Inc.*, complainant alleged that respondent failed to hire him as a kennel technician because of his race, Black. Complainant alleged that despite his prior experience respondent hired someone who was less qualified for the position. As of December 31, 2003, a public hearing had not been scheduled.

In *Reider v. Alaska Job Corps Center*, complainant alleged that respondent discriminated against him on the basis of his physical disability, back problems, and mental disability, post-traumatic stress disorder. Complainant alleged he was terminated from his position as an alcohol and drug abuse counselor after he asked to take family medical leave as an accommodation for his disabilities. A public hearing scheduled for February 24-28, 2003, was continued pending settlement discussions between the parties. The parties reached a settlement in which respondent agreed to pay \$50,000 to complainant and train its employees in the laws prohibiting discrimination based on disability. The settlement was approved by the Commission on May 29, 2003.

In *Rescober v. Department of Natural Resources, Division of Mining, Land, and Water*, complainant alleged that respondent failed to promote him based on his sex, race, and national origin. Commission staff found that complainant's allegations were not

SO FAR AWAY

An aircraft mechanic alleged that his employer discriminated against him because of his age, 63, when it laid him off and forced him to transfer to another job 1,000 miles away. His employer asserted that it laid him off because he had less seniority than his coworker. The parties reached a settlement which returned the mechanic to his home station and compensated him for income he had lost and expenses he incurred while working away from home.

TOO OLD FOR WINGS

A 50-year-old woman with over 20 years of experience as a customer service agent filed a complaint alleging that an airline refused to offer her a position as a customer service agent because of her age. Investigation showed that despite the woman's qualifications and successful completion of four separate screening interviews, the airline rejected her and offered positions to younger applicants. The airline agreed to conciliate the case, provide complainant with back pay, and undertake measures to address the Commission's public policy against discrimination. The complainant declined to accept the proposal. However, the Commission closed the case when it reached a separate agreement with the airline.

supported by substantial evidence. Complainant appealed the decision to the superior court. The superior court found substantial evidence of discrimination and remanded the case for a hearing. A public hearing is scheduled for April 21-29, 2004.

In *Shelton v. Anderson Apartments, LLC*, complainant alleged that respondent failed to hire him as a maintenance worker because it perceived him to be a person with a physical disability. Complainant alleged that respondent believed the job would be too stressful for him because he had been treated for a heart condition. As of December 31, 2003, a public hearing had not been scheduled.

In *Taheri v. Evergreen International Aviation, Inc.*, complainant filed two complaints alleging that respondent subjected him to different terms and conditions, failed to promote him, and ultimately terminated him because of his race (Asian), his national origin (Iranian), his religion (Muslim), and his age (48). Commission staff did not find substantial evidence that complainant was subjected to different terms and conditions of employment. Commission staff did find substantial evidence that respondent discriminated against complainant when it failed to promote him, and that it retaliated against him for filing a complaint of discrimination when it terminated his employment. As of December 31, 2003, a public hearing had not been scheduled.

In *Thiel v. Kachemak Port Services, Inc.*, complainant alleged that respondent discriminated against her on the basis of her sex when she was subjected to sexual harassment by respondent's vice-president. Complainant further alleged that she was terminated in retaliation for reporting the harassment to her supervisor. After a public hearing held August 4-7, 2003, the hearing examiner recommended that the complaint be dismissed. At the end of 2003, a final order from the Commission was pending.

In *Tiernan v. Pyramid Printing*, complainant alleged that respondent discriminated against her on the basis of her sex when she was subjected to sexual harassment by her supervisor and that her working conditions became so intolerable that she was forced to quit. The Commission held a public hearing on August 19-23, 2002. The hearing examiner issued a recommended decision finding that complainant was subjected to sexual harassment and

PREGNANCY HALTS HIRE

A job applicant alleged that a prospective employer discriminated against her when she revealed that she was pregnant. The applicant stated that she was hired for an intake position during a telephone interview with one of respondent's supervisors, and that she was to begin the job in two months after completing training. While later discussing the training schedule, the applicant informed the supervisor that she was pregnant. The following day the employer told the applicant the job offer was rescinded. The mediation program facilitated a predetermination settlement in which the employer paid the applicant \$2,459 and agreed to provide training to its hiring personnel regarding discrimination laws.

BACK TO SCHOOL

A father alleged that his son's school was disciplining him unfairly because of his race, Asian, and national origin, Japanese American. The father alleged that his son, who had no prior record of misconduct, had twice been harassed and assaulted by two white students, one of whom had a history of aggressive behavior, and that all three students were given similar discipline after each incident. The parties agreed to mediation and reached a settlement in which the school agreed to meet with the student's parents regarding safety and discipline, to remove the son's disciplinary records, and to discipline all students in a fair manner.

directing respondent to pay complainant back pay damages in the amount of \$50,972 and attend sexual harassment training. The Commission issued a final order on October 1, 2003, adopting the hearing examiner's decision.

In *Williams v. Players Choice Bingo and Pulltabs*, complainant alleged that she was subjected to sexual harassment by respondent's manager. A public hearing scheduled for May 5-8, 2002, was continued pending a settlement discussions. The parties reached a settlement in which respondent agreed to provide six hours of training for its managers and supervisors in anti-discrimination laws, with special emphasis on laws prohibiting sexual harassment in the workplace. The Commission approved the settlement agreement on July 29, 2003.

In *Wynne v. State of Alaska, Department of Administration, Division of Alaska Longevity Programs, Fairbanks Pioneers' Home*, complainant alleged that respondent discriminated against her on the basis of her physical and mental disabilities when she was terminated from her position as a Certified Nurse Aid. A public hearing scheduled to begin September 8, 2003, was continued pending settlement discussions. The parties reached an agreement in which respondent agreed to pay \$36,000 to complainant and to provide training to its employees regarding the requirements of the Human Rights Law. The Commission approved the agreement on December 29, 2003.

WILLING AND CAPABLE

A sales advisor who performed demonstrations of products in retail stores alleged that his employer discriminated against him based on his sex and physical disability. The sales advisor complained that his supervisor made derogatory comments about his disability because he was missing three fingers on one of his hands. He alleged that although he was fully able to perform his job without an accommodation, he was not given the opportunity to do so and was given fewer assignments than his coworkers. He stated that his supervisor refused to allow him to perform a demonstration and sent him home because she was afraid that he might cut his remaining fingers or otherwise injure himself. Investigation by Commission staff showed that the sales advisor was not discriminated against because of his sex, but found substantial evidence that he was denied work opportunities because of unrealistic concerns about his disability. The employer offered to provide the sales advisor with the wages he lost, and signed a conciliation agreement in which it agreed to develop and distribute a corporate policy reflecting its opposition to discrimination and retaliatory practices.

HARASSMENT FOR RENT

A woman employed as a leasing consultant for an apartment complex where she also lived alleged that she was discriminated against based on her sex and age. She alleged that her supervisor made offensive and sexually explicit comments to her, verbally harassed her, and physically assaulted her. She also alleged that her employer retaliated against her for complaining about the supervisor's conduct when her employer terminated her employment and attempted to evict her from her apartment. The parties entered into a settlement agreement in which the employer agreed to pay the consultant \$9,250 and to provide her with a written apology, and the consultant agreed to withdraw her complaint with the Commission.

MAKING WAY

A woman with a physical disability alleged that she was denied access to a retail store because she was unable to climb the flight of steep stairs that led to the store's front entrance. She alleged that she asked the store manager to allow her to use the store's back entrance on the ground level and that she was told to use the stairs or shop elsewhere. The mediation program facilitated a predetermination settlement in which the store's owner agreed to provide the woman with an escort through the back entrance when she called in advance.

LITIGATION



In **Jenkins-Welch v. Alaska State Commission for Human Rights**, staff closed complainant's case pursuant to its governing statutes when it was discovered that complainant had filed a similar action in court. Complainant appealed the closing order to superior court. On February 28, 2002, the superior court affirmed the Commission's decision to close complainant's case. Complainant has appealed the superior court's decision to the Alaska Supreme Court. On December 31, 2003, the Alaska Supreme Court affirmed the Commission's decision to close the case.

In **Raad v. Fairbanks North Star Borough School District**, complainant alleged that she was discriminated against by respondent when it failed to hire her on the basis of her race, national origin, and religion. Complainant further alleged that she was retaliated against by respondent for filing the discrimination complaint. After a public hearing, the Commission issued an order dismissing the complaint. Complainant appealed the Commission's order to superior court. On June 24, 2002, the superior court affirmed the Commission's decision. Complainant has appealed the superior court's decision to the Alaska Supreme Court. As of December 31, 2003, a decision is pending with the court.

In **Rescober v. State of Alaska, Department of Natural Resources and the Alaska State Commission for Human Rights**, complainant alleged that respondent failed to promote him based on his sex, race, and national origin. Staff investigated and issued a finding that complainant's allegations were not supported by substantial evidence. The Commission denied complainant's reconsideration request and on December 17, 2001, complainant appealed the decision to the superior court. On January 13, 2003, the superior court remanded the case back to the Commission for further proceedings in accordance with AS 18.80.110 - .220.

RETALIATION REMEDIED

An administrative assistant complained that her employer discriminated against her because of her race, Alaska Native, and retaliated against her for opposing discrimination. She alleged that a supervisor had subjected her to racially derogatory comments and that she was given a "below acceptable" rating on her performance evaluation after she complained about the supervisor's behavior. The assistant further alleged that she was singled out and targeted when her supervisor publicly announced the investigation into her complaints. Commission staff found substantial evidence to support the allegations. The employer agreed to conciliate the case and to provide training to its managers and supervisors in the laws prohibiting discrimination in the workplace.

GENERATION GAP

A job applicant alleged that his prospective employer refused to hire him for a sales position because of his age, 48. The applicant stated that after his second job interview, the interviewer told him he was too old for the job and that employer was interested in hiring college students, "the younger generation." The mediation program facilitated a predetermination settlement agreement between the parties. The employer agreed to pay the applicant \$500 and to refrain from evaluating prospective employees on the basis of age.

In **Thomas v. Anchorage Equal Rights Commission**, plaintiffs have sued the Municipality of Anchorage, Anchorage Equal Rights Commission, and Paula M. Haley, in her official capacity as the Commission's Executive Director, in state court. Plaintiffs are seeking a declaratory judgment reversing the Alaska Supreme Court's decision in *Swanner v. Anchorage Equal Rights Commission*, 874 P.2d 274 (1994), which held that a landlord is not entitled to a religious exemption to the provisions of the Human Rights Law which prohibit housing discrimination based on marital status. On October 31, 2002, the superior court entered Final Judgment upholding the law. Plaintiffs have appealed the superior court's decision to the Alaska Supreme Court. As of December 31, 2003, a decision is pending with the court.

In **Rosa v. Rainproof Roofing**, complainant alleged that respondent discriminated against him by refusing to rehire him because of his race. On November 27, 2001, staff found complainant's allegations were not supported by substantial evidence. Complainant appealed the Commission's decision to the superior court. On May 16, 2003, the superior court affirmed the Commission's decision to close the case.

In **Dorsey v. Office Products Services**, complainant alleged that respondent retaliated against her by unlawfully terminating her employment because she had complained of sex discrimination. Commission staff found that complainant's claim was supported by substantial evidence. A public hearing was held in Anchorage on April 16-18 and May 21-22, 2002. On October 2, 2002, the Commission issued a decision in favor of complainant and ordered respondent to pay complainant the sum of \$143,297, to refrain from any discriminatory or retaliatory practices, and to provide training to its employees regarding the requirements of AS 18.80. On October 29, 2002, respondent appealed the Commission's Final Order to the superior court. On July 15, 2003, the respondent agreed to pay the complainant \$80,000 as a full and final settlement of the case.

ALL THINGS BEING EQUAL

A female engineering firm employee alleged that she was treated differently because of her sex when she was disciplined more harshly than a male coworker after they both were accused of sexual harassment. She also alleged that she was paid less than two male employees who performed the same work as she did. The Commission's investigation did not find substantial evidence that the complainant was treated differently with respect to pay, but found substantial evidence that she was disciplined more severely for similar violations of the company's sexual harassment policy. The employer agreed to conciliate the case and to develop and disseminate a sexual harassment policy which emphasized consistent and equal treatment of all employees. The employer also agreed to provide training to its owners, managers, and supervisors in the proper enforcement of its anti-discrimination policies.

BUT IT IS AVAILABLE

A Black woman who tried to rent an apartment alleged that the building owner refused to show it to her and told her it was rented. She alleged that after she was told the apartment was unavailable, the owner showed the apartment to a Caucasian woman and gave the woman a rental application. The Commission's mediation program facilitated a predetermination settlement between the parties in which the building owner agreed to pay the applicant \$1,000 and to provide her with a written apology.

2003 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	161
Male	136
Total Filings	297

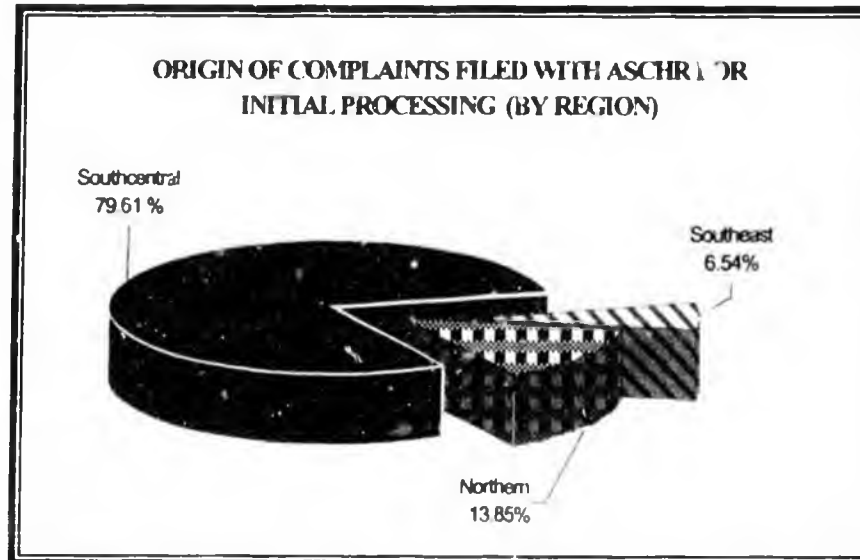
ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	126
Black	81
Alaska Native	23
Asian	20
Unknown	19
Hispanic	17
American Indian	6
Other	5
Total Filings	297

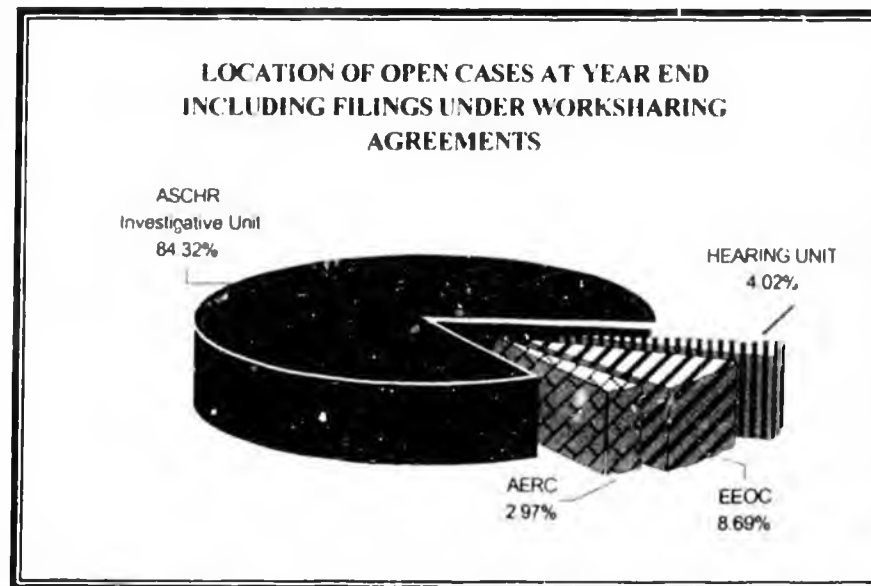
ANALYSIS OF FILINGS BY TYPE

Employment	263
Public Accommodation	14
Housing	9
Government Practices	8
Coercion	0
Multiple	3
Total Filings	297

ORIGIN OF COMPLAINTS FILED WITH ASCHR FOR INITIAL PROCESSING (BY REGION)



LOCATION OF OPEN CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS



ANALYSIS OF FILINGS BY BASIS

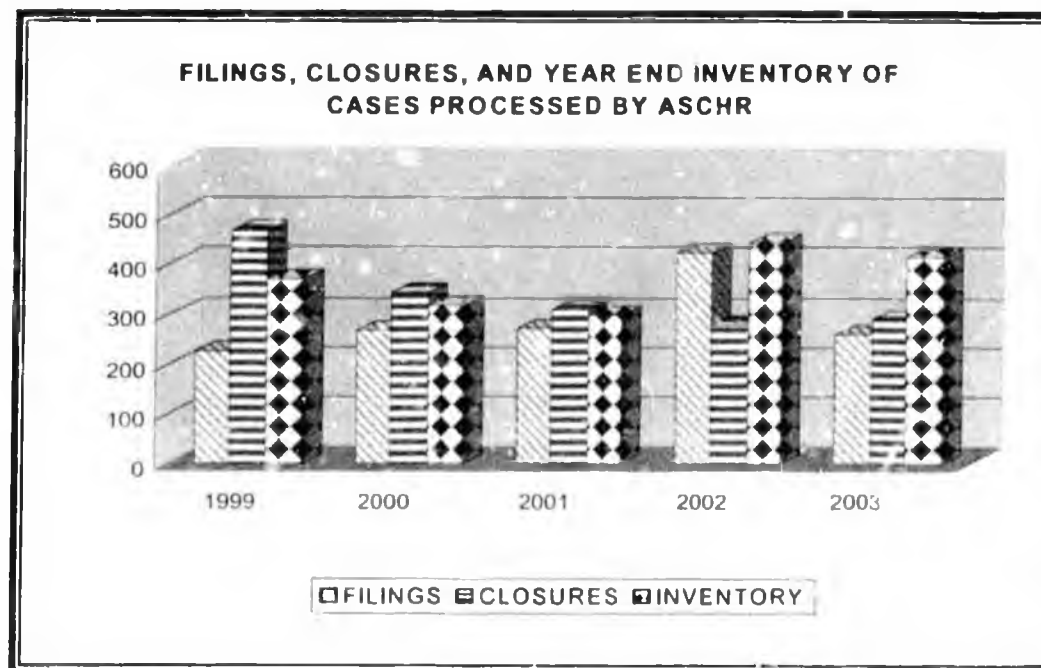
Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	67	54
Physical Disability	34	14
Sex	29	54
Age	18	28
Retaliation for Filing	9	7
Mental Disability	8	10
Pregnancy	8	6
Religion	5	3
Retaliation	4	35
National Origin	4	22
Parenthood	3	3
Marital Status	1	2
Multiple Bases	107	---
Total Filings	297	238

ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	80	78
Terms & Conditions	47	63
Failure to Hire	36	8
Denied Service	16	1
Failure to Promote	6	6
Sexual Harassment	4	21
Pay Equity	4	9
Harassment	3	14
Eviction	2	2
Demotion	1	6
Failure to Rent	1	0
Other	0	1
Multiple Issue	97	---
Total Filings	297	209

ANALYSIS OF 2003 CLOSURES

REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
MEDIATION:	39	11.08%
Mediation - Successful Settlement	20	5.68%
Mediation - Complaint Withdrawn with Successful Settlement	11	3.13%
Mediation - Predetermination Settlement (PDS)	8	2.27%
ADMINISTRATIVE:	36	10.23%
Complaint Withdrawn	6	1.71%
Lack of Jurisdiction	12	3.40%
Complainant Not Available	4	1.14%
Failure of Complainant to Proceed	5	1.42%
Complainant to Court	4	1.14%
Administrative Dismissal	3	.85%
Tribal Sovereign Immunity	2	.57%
NOT SUBSTANTIAL EVIDENCE	244	69.32%
CONCILIATION/SETTLEMENT:	27	7.66%
Complaint Withdrawn with Successful Settlement	8	2.27%
Predetermination Settlement (PDS)	1	.28%
Substantial Evidence/ Conciliation Agreement	18	5.11%
HEARING:	6	1.71%
Decision for Complainant	2	.57%
Pre-Hearing Settlement	4	1.14%
TOTAL 2003 CLOSURES	352	100%



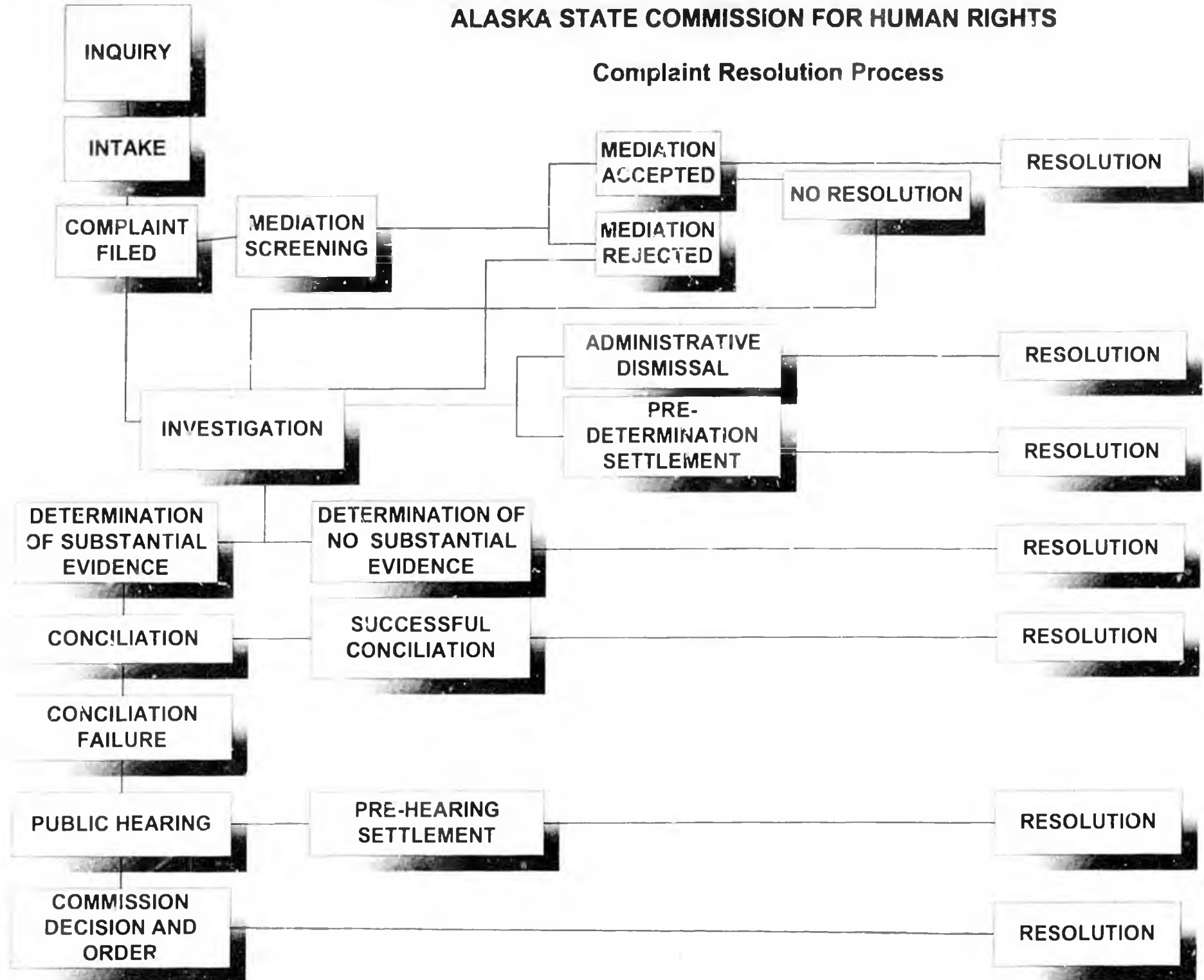
SUMMARY OF CLOSURES

CATEGORY OF CLOSURE	2001		2002		Detail of 2003 Closures					
	No.	%	No.	%	ASCHR		EEOC		AERC	
					No.	%	No.	%	No.	%
Mediation	34	10.0	50	14.3	39	11.1	0	0	--	--
Administrative	31	9.1	46	13.2	32	9.1	3	.8	1	.3
Not Substantial Evidence	220	64.5	206	59.0	196	55.7	20	5.7	28	8.0
Conciliation/Settlement	46	13.5	29	8.3	20	5.7	4	1.1	3	.8
Hearing	10	2.9	18	5.2	5	1.4	0	0	1	.3
					292 ¹		27		33	
TOTAL CLOSURES	341		349		352					

¹ This number does not include completed investigations of 18 cases which are still in conciliation or were transferred to the Hearing Unit in 2003.

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Complaint Resolution Process





STATE OF ALASKA

Frank Murkowski, Governor

900 W. 5th Ave., Suite 525
Anchorage, Alaska 99501
(907) 269-3500 Telephone
(907) 269-3535 Facsimile

DEPARTMENT OF ADMINISTRATION OFFICE OF PUBLIC ADVOCACY

Office of Public Advocacy: Agency Overview

Mission: To provide legal advocacy and guardian services to vulnerable Alaskans.

Core Functions: Advocate for abused and neglected children in Child-In-Need-of-Aid cases.

Provide guardian and conservator services to Alaskans who are mentally incapable of managing their own affairs.

Represent Public Defender clients where the Public Defender has a conflict – children in juvenile delinquency proceedings; parents in CINA cases, and criminal defendants

Detail Narrative:

The Office of Public Advocacy (OPA) provides legal advocacy and guardianship services to vulnerable Alaskans. Within this general mission, OPA has three distinct and separate core functions: child advocacy in Child in Need of Aid (CINA) proceedings; guardian and conservatorship services for incapacitated adults; and representation of Public Defender clients where the agency has a conflict -- parents in Child-in-need-of-aid cases, juveniles in delinquency proceedings, and criminal defendants. (In addition, OPA statutorily inherits a number of other responsibilities that are corollary to these functions). OPA has a professional staff of 64 and support staff of 17.¹

The Child Advocacy divisions contain the largest allocation of OPA staff. Guardian ad Litem (GAL) are appointed in all Child in Need of Aid cases. This is required by court rule, and federal and state law. The GAL is charged with providing a neutral voice to the court in advocating for the best interests of children in state custody. A full time GAL carries a caseload of approximately 85-90 children. OPA has twenty-one professional staff advocating for children – 17 in Anchorage, 3 in Fairbanks, and 1 in Juneau. OPA also contracts with independent GALs for geographical areas not served by OPA staff and in cases where OPA staff has a conflict of

¹ OPA also contracts with numerous vendors to provide services in geographical areas not covered by staff or where OPA staff have a conflict. Approximately sixty percent of OPA's budget is for contractual services, though efforts are being made to reduce these costs by transferring coverage to staff, where costs are lower per case.

interest. OPA also utilizes a federally sponsored volunteer program named Court Appointed Special Advocates, or CASAs. CASAs work with the GALs on a volunteer basis to expand OPA's resources. They, like GALs, meet with the children they represent, parents, family members, teachers, treatment providers, and others involved in the child's life to better formulate recommendations to the court on what's best for the child. In 2004, OPA had 214 CASAs who volunteered on behalf of 459 abused and neglected children.

In addition, attorneys on the child advocacy staff also represent children in juvenile delinquency proceedings where the public defender agency has a conflict.² Finally, GALs get appointed in particularly difficult custody battles where a court-appointed custody investigator is insufficient. In difficult or nasty custody battles, the court appoints a GAL to represent the child's best interests in determining the custody arrangement.

OPA's next largest commitment of staff is within the public guardian divisions. OPA is appointed to provide guardianship and conservatorship services to incapacitated adults – those with mental illnesses, dementia, brain injuries, and developmental disabilities. As Guardians and Conservators, OPA staff manage their finances by applying for the benefits they are entitled to, receiving the benefits for them and paying their rent, utility, food, medical, and other bills. As guardians, these staff members face the heavy responsibility of making housing, legal, and medical decisions for their clients. Most petitions for guardianships are filed by family members, friends, Adult Protective Services, and sometimes hospitals. OPA is an appointment of last resort. The court is instructed to first look to spouses, family, and private organizations. Twenty percent of guardianships and conservatorships created by the probate court are assigned to OPA. The average caseload for an OPA public guardian is approximately 65 cases. OPA has 14 public guardians; 10 in Anchorage, 2 in Fairbanks, and 2 in Juneau.

The Public Guardian division of the Office of Public Advocacy is also mandated to provide information and referrals to the public regarding guardianship and conservators to assist family members dealing with such issues. We also assist them in preparing guardianship and conservatorship plans and reports. This function is fulfilled by offering monthly classes in the Anchorage office, and by providing information (including court forms) on OPA's website, as well as by sending materials to all court locations and librarians on what guardianship and conservatorships entail, and how to petition for one.

Finally, OPA is also statutorily obligated to provide representation to the subjects of petitions for guardianships (respondent representation), and visitor services in each case.³ Most respondent representation services are contracted out, though cases are kept in-house if it is clear OPA will not be appointed guardian, thus precluding any conflict of interest. All visitor services are contracted out.

² The civil section is also statutorily responsible to provide representation in custody proceedings where one party is represented by a public attorney, interpreted by the Alaska Supreme Court to include cases in which Alaska Legal Services represents a parent.

³ Court Visitors are charged with providing a neutral voice to the court regarding the circumstances requiring the guardianship, whether a guardianship should be approved, and who should be appointed guardian. They conduct interviews and file a written report containing recommendations with the court.

OPA is statutorily responsible for providing representation for parents in Child-in-need-of-aid cases where the Public Defender Agency has a conflict. (That is where the public defender represents a parent, OPA gets the remaining parents). In the past, parental representation has primarily been contracted out, as OPA could not represent the children and parents interests in a CINA proceeding at the same time. Recently, OPA created a new section – the Anchorage Adult and Juvenile Representation Section -- to provide parental representation at a lower cost than the utilization of contractors. Each attorney will have approximately 65 cases. While this section will primarily provide parental representation to parents in Child-in-Need-of-Aid cases, it will also provide representation to minors in juvenile delinquency matters and representation to some criminal defendants. The creation of this section is a further effort to provide service OPA is statutorily obligated to provide at a lower cost. OPA has 4 attorneys in this section in Anchorage.

Finally, OPA provides representation to criminal defendants where the Public Defender Agency has a conflict. This is OPA's smallest section. OPA has 5 criminal attorneys in Anchorage, 3 in Palmer (including a traveling unclassified and class A felony attorney), 3 in Fairbanks and 2 in Bethel. The attorneys in Bethel, Fairbanks, and Palmer office also provide representation in civil matters (CINA and Guardianship proceedings). Where OPA staff have a conflict, criminal cases are contracted out.

OPA has recently established each office as a separate law firm, as well as instituted an ethical wall between the Anchorage criminal and civil sections, so as to keep more cases in house. As separate "law firms", conflicts of interest are not imputed to all attorneys at OPA, thus lessening OPA's reliance on contract attorneys. The implementation of the "separate firm" concept has resulted in significant savings: In FY '04 OPA spent almost \$400,000 less than it did in FY '03.

Accomplishments

Opened Palmer, Bethel, and Anchorage Adult & Juvenile Representation Offices, enabling OPA to retain more cases in-house where cost per case is less expensive than contracting cases out;

Established offices as separate law firms, including Anchorage Civil and Criminal, to reduce conflicts, allowing OPA to keep more cases in-house;

Establish procedures to re-evaluate conflicts post trial to see if the Public Defender Agency can take the case back;

Closely scrutinize contractors monthly invoices to ensure billings is appropriate;

Established pre-authorization procedures for any staff or contractor travel, and investigation or expert requests;

Audited fees charged in public guardian section to more fairly and consistently collect fees (fees collected in FY '03 were \$260,947; fees in FY '04 were \$479,125;

Helped achieve passage of legislation to regulate private guardians/conservators which

should help encourage use of private organizations and development of industry;

Ongoing Projects:

Evaluate case loads in Fairbanks, Kenai, Nome, and Juneau to see if new office would be more cost-effective than continued level of use of contractors;
Implement new case management system that will enable more accurate case statistics for case assignment and individual workload monitoring, and allow OPA to determine average costs for case types to more closely monitor contractors;

Ensure adequate support staffing levels for professional staff to allow better time utilization for front line client advocacy.

HOUSE CS FOR CS FOR SENATE BILL NO. 354(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/9/04

Referred: Judiciary

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to complaints filed with, and investigations, hearings, and orders of,
2 the State Commission for Human Rights; and making conforming amendments."

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

4 * Section 1. AS 18.80.100 is amended to read:

5 **Sec. 18.80.100. Complaint; time limitations.** A person who is aggrieved by
6 a [ANY] discriminatory **practice** [CONDUCT] prohibited by this chapter may sign
7 and file with the commission a written, verified complaint stating the name and
8 address of the person alleged to have engaged in the discriminatory **practice**
9 [CONDUCT], and the particulars of the discrimination. **A complainant may**
10 **withdraw the complaint at any time before the service of an accusation under**
11 **AS 18.80.120. A withdrawal must be signed by the complainant and be in**
12 **writing. A withdrawal does not limit the discretion of the executive director**
13 **provided in (b) of this section** [THE EXECUTIVE DIRECTOR MAY FILE A
14 COMPLAINT IN LIKE MANNER WHEN AN ALLEGED DISCRIMINATION

1 COMES TO THE ATTENTION OF THE DIRECTOR].

2 * Sec. 2. AS 18.80.100 is amended by adding new subsections to read:

3 (b) The executive director may file a complaint in the manner provided in (a)
4 of this section when a discriminatory practice comes to the attention of the executive
5 director.

6 (c) A complaint may be filed not later than 180 days after the alleged
7 discriminatory practice or, for a continuing discriminatory practice, not later than 180
8 days after the alleged discriminatory practice stopped.

9 * Sec. 3. AS 18.80.110 is amended to read:

10 **Sec. 18.80.110. Investigation and conciliation.** The executive director or a
11 member of the commission's staff designated by the executive director shall
12 informally investigate the matters set out in a filed complaint, promptly and
13 impartially. If the investigator determines that there is [THE ALLEGATIONS ARE
14 SUPPORTED BY] substantial evidence of a discriminatory practice under this
15 chapter, the investigator shall immediately try to eliminate or remedy the
16 discriminatory practice through an agreement reached [DISCRIMINATION
17 COMPLAINED OF.] by conference, conciliation, and persuasion. If an agreement is
18 reached, it must be reduced to writing and signed by the complainant, executive
19 director, and respondent. The agreement is binding and enforceable under this
20 chapter as an order of the commission. Any agreement reached under this
21 section may include the compromise of damages authorized under this chapter.

22 * Sec. 4. AS 18.80 is amended by adding a new section to read:

23 **Sec. 18.80.112. Dismissal of complaint without prejudice.** (a) At any time
24 before the issuance of an accusation under AS 18.80.120, the executive director may
25 dismiss without prejudice a complaint if the executive director determines, and the
26 commission concurs, that

27 (1) the complainant's objection to a proposed conciliation agreement is
28 unreasonable;

29 (2) the complainant is unavailable or unwilling to participate in a
30 hearing;

31 (3) relief is precluded by the absence of the person alleged to have

1 engaged in the discriminatory practice;

2 (4) the person aggrieved by the discriminatory practice has initiated or
3 wants to initiate an action or proceeding in another forum based on the same facts;

4 (5) a hearing will not represent the best use of commission resources;

5 (6) a hearing will not advance the purposes stated in AS 18.80.200; or

6 (7) the probability of success of the complaint on the merits is low.

7 (b) Dismissal under this section does not prevent a complainant from

8 (1) initiating an action or proceeding in another forum; or

9 (2) filing a new complaint under AS 18.80.100 that resolves the
10 grounds for the dismissal under (a) of this section.

11 * **Sec. 5.** AS 18.80.120 is repealed and reenacted to read:

12 **Sec. 18.80.120. Hearing.** (a) If informal efforts under AS 18.80.110 to
13 eliminate or remedy the alleged discriminatory practice are unsuccessful and the
14 executive director determines, in the executive director's discretion, to refer the
15 complaint for hearing, the executive director shall issue an accusation based on the
16 investigator's determination of substantial evidence and serve the person charged in
17 the accusation and the complainant with notice of the referral and a copy of the
18 accusation. The executive director's decision to refer the complaint to hearing is not
19 reviewable by the commission under this chapter. The location of the hearing is the
20 commission office unless the commission designates another location. The executive
21 director, or the executive director's designee, presents the case in support of the
22 accusation before the commission. The complainant may be represented by counsel,
23 at the complainant's discretion. The person charged in the accusation may file a
24 written answer and may appear at the hearing, with or without counsel, and submit
25 evidence.

26 (b) The commission shall follow the procedures in AS 44.62.330 - 44.62.630
27 (Administrative Procedure Act) except as otherwise provided in this chapter.

28 (c) An accusation may be reasonably and fairly amended by the commission.
29 An amendment to name a different discriminatory practice must be supported by
30 substantial evidence, and the discriminatory practice must be referred for conciliation
31 as provided in AS 18.80.110, before a hearing may proceed.

1 (d) In a hearing on an accusation, each element of an accusation or defense
2 must be proven by a preponderance of the evidence.

3 (e) At any time after the issuance of an accusation, the executive director or
4 the person charged in the accusation may petition for a summary decision on the
5 accusation. The commission shall grant a petition if the record shows that there is no
6 genuine issue of material fact and the petitioner is entitled to an order under
7 AS 18.80.130 as a matter of law.

8 * Sec. 6. AS 18.80.130(c) is amended to read:

9 (c) If the commission finds that a person charged in an accusation
10 [AGAINST WHOM A COMPLAINT WAS FILED] has not engaged in the
11 discriminatory practice [CONDUCT] alleged in the accusation [COMPLAINT], it
12 shall issue and cause to be served on the complainant an order dismissing the
13 complaint.

14 * Sec. 7. AS 18.80.130 is amended by adding a new subsection to read:

15 (f) The interest rate for an award under this section is determined in the
16 manner provided in AS 09.30.070.

17 * Sec. 8. AS 18.80.140 is amended to read:

18 **Sec. 18.80.140. Effect of compliance with order.** Immediate and continuing
19 compliance with all the terms of a commission order is a bar to criminal prosecution
20 for the particular instances of discriminatory practice [CONDUCT] described in the
21 accusation issued under AS 18.80.120 [FILED BEFORE THE COMMISSION].

22 * Sec. 9. AS 18.80.270 is amended to read:

23 **Sec. 18.80.270. Penalty.** A person, employer, labor organization, or
24 employment agency, who or that wilfully engages in an unlawful discriminatory
25 practice [CONDUCT] prohibited by this chapter, or wilfully resists, prevents,
26 impedes, or interferes with the commission or any of its authorized representatives in
27 the performance of duty under this chapter, or who or that wilfully violates an order of
28 the commission, is guilty of a misdemeanor and, upon conviction by a court of
29 competent jurisdiction, is punishable by a fine of not more than \$500, or by
30 imprisonment in a jail for not more than 30 days, or by both.

31 * Sec. 10. AS 18.80.300 is amended by adding a new paragraph to read:

1 (17) "complainant" means a person who is aggrieved by a
2 discriminatory practice prohibited by this chapter and who has filed a complaint as
3 provided in AS 18.80.100.

4 * **Sec. 11.** AS 44.62.330(a) is amended by adding a new paragraph to read:

5 (61) State Commission for Human Rights, where procedures are not
6 otherwise expressly provided in AS 18.80.

7 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **APPLICABILITY.** This Act applies to all complaints filed on or after the effective
10 date of secs. 1 - 11 of this Act.

11 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **TRANSITION: REGULATIONS.** The State Commission for Human Rights may
14 proceed to adopt regulations necessary to implement the changes made by this Act. The
15 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
16 effective date of the statutory change.

SENATE BILL NO. 354

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/27/04
Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to complaints filed with, and investigations, hearings, and orders of,
2 the State Commission for Human Rights; making conforming amendments; and
3 providing for an effective date."

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

5 * Section 1. AS 18.80.100 is amended to read:

6 **Sec. 18.80.100. Complaint; time limitations.** A person who is aggrieved by
7 a [ANY] discriminatory **practice** [CONDUCT] prohibited by this chapter may sign
8 and file with the commission a written, verified complaint stating the name and
9 address of the person alleged to have engaged in **the** discriminatory **practice**
10 [CONDUCT], and the particulars of the discrimination. **A complainant may**
11 withdraw the complaint at any time before the service of an accusation under
12 AS 18.80.120. A withdrawal must be signed by the complainant and be in
13 writing. A withdrawal does not limit the discretion of the executive director
14 provided in (b) of this section. [THE EXECUTIVE DIRECTOR MAY FILE A

1 COMPLAINT IN LIKE MANNER WHEN AN ALLEGED DISCRIMINATION
2 COMES TO THE ATTENTION OF THE DIRECTOR.]

3 * Sec. 2. AS 18.80.100 is amended by adding new subsections to read:

4 (b) The executive director may file a complaint in the manner provided in (a)
5 of this section when a discriminatory practice comes to the attention of the executive
6 director.

7 (c) A complaint may be filed no later than 180 days after the alleged
8 discriminatory practice or, for a continuing discriminatory practice, no later than 180
9 days after the alleged discriminatory practice stopped.

10 * Sec. 3. AS 18.80.110 is amended to read:

11 **Sec. 18.80.110. Investigation and conciliation.** The executive director or a
12 member of the commission's staff designated by the executive director shall
13 informally investigate the matters set out in a filed complaint, promptly and
14 impartially. If the investigator determines that there is [THE ALLEGATIONS ARE
15 SUPPORTED BY] substantial evidence of a discriminatory practice under this
16 chapter, the investigator shall immediately try to eliminate or remedy the
17 discriminatory practice through an agreement reached [DISCRIMINATION
18 COMPLAINED OF,] by conference, conciliation, and persuasion. If an agreement is
19 reached, it must be reduced to writing and signed by the complainant, executive
20 director, and respondent. The agreement is binding and enforceable under this
21 chapter as an order of the commission. Any agreement reached under this
22 section may include the compromise of damages authorized under this chapter.

23 * Sec. 4. AS 18.80 is amended by adding a new section to read:

24 **Sec. 18.80.112. Dismissal for administrative convenience.** (a) At any time
25 before the issuance of an accusation under AS 18.80.120, the executive director may
26 dismiss without prejudice a complaint for administrative convenience if the executive
27 director determines, in the executive director's discretion, that the complainant's
28 objection to a proposed conciliation agreement is unreasonable; the complainant is
29 unavailable or unwilling to participate in a hearing; relief is precluded by the absence
30 of the person alleged to have engaged in the discriminatory practice; a hearing will not
31 benefit the complainant; the person aggrieved by the discriminatory practice has

1 initiated or wants to initiate an action or proceeding in another forum based on the
 2 same facts; a hearing will not represent the best use of commission resources; a
 3 hearing will not advance the purposes stated in AS 18.80.200; the probability of
 4 success of the complaint on the merits is low; or proceeding to a hearing will not serve
 5 the public interest.

6 (b) Dismissal under this section does not prevent a complainant from

7 (1) initiating an action or proceeding in another forum; or

8 (2) filing a new complaint under AS 18.80.100 that resolves the
 9 grounds for the dismissal under (a) of this section.

10 * **Sec. 5.** AS 18.80.120 is repealed and reenacted to read:

11 **Sec. 18.80.120. Hearing.** (a) If informal efforts under AS 18.80.110 to
 12 eliminate or remedy the alleged discriminatory practice are unsuccessful and the
 13 executive director determines, in the executive director's discretion, to refer the
 14 complaint for hearing, the executive director shall issue an accusation based on the
 15 investigator's determination of substantial evidence and serve the person charged in
 16 the accusation and the complainant with notice of the referral and a copy of the
 17 accusation. The executive director's decision to refer the complaint to hearing is not
 18 reviewable by the commission under this chapter. The location of the hearing is the
 19 commission office unless the commission designates another location. The executive
 20 director, or the executive director's designee, presents the case in support of the
 21 accusation before the commission. The person charged in the accusation may file a
 22 written answer and may appear at the hearing, with or without counsel, and submit
 23 evidence.

24 (b) The commission shall follow the procedures in the Administrative
 25 Procedure Act, AS 44.62.330 - 44.62.630, except as otherwise provided in this
 26 chapter.

27 (c) An accusation may be amended by the commission only upon a showing
 28 of good cause. An amendment to name a different discriminatory practice must be
 29 supported by substantial evidence, and the discriminatory practice must be referred for
 30 conciliation as provided in AS 18.80.110, before a hearing may proceed.

31 (d) In a hearing on an accusation, each element of an accusation or defense

1 must be proven by a preponderance of the evidence.

2 (e) At any time after the issuance of an accusation, the executive director or
3 the person charged in the accusation may petition for a summary decision on the
4 accusation. The commission shall grant a petition if the record shows that there is no
5 genuine issue of material fact and the petitioner is entitled to an order under
6 AS 18.80.130 as a matter of law.

7 * Sec. 5. AS 18.80.130(a) is amended to read:

8 (a) At the completion of the hearing or after consideration of a petition for
9 summary decision under AS 18.80.120(e), if the commission finds that a person
10 charged in an accusation [AGAINST WHOM A COMPLAINT WAS FILED] has
11 engaged in the discriminatory practice [CONDUCT] alleged in the accusation
12 [COMPLAINT], it shall order the person to refrain from engaging in the
13 discriminatory practice [CONDUCT]. The order must include findings of fact, and
14 may prescribe conditions on [THE ACCUSED'S] future conduct relevant to the type
15 of discriminatory practice [DISCRIMINATION]. The commission may not order
16 an award of noneconomic or punitive damages in any case. In a case involving a
17 discriminatory practice [DISCRIMINATION] in

18 (1) employment, the commission may order one or more of the
19 following: the training of an employer, labor organization, or employment
20 agency, and its employees, concerning discriminatory practices; [ANY
21 APPROPRIATE RELIEF, INCLUDING BUT NOT LIMITED TO,] the hiring,
22 reinstatement or upgrading of an employee with or without back pay; the payment of
23 front pay for a period of not more than two years if hiring, reinstatement, or
24 upgrading of an employee is inappropriate because no vacancy exists, the
25 employer's discriminatory practice rendered the employee incapable of returning
26 to work, or the relationship between the employer and employee has so
27 deteriorated as to make working conditions intolerable; [,] restoration to
28 membership in a labor organization; [,] or admission to or participation in an
29 apprenticeship training program, on-the-job training program, or other retraining
30 program; however, an order for back pay or front pay must be reduced by the
31 amount the employee could have earned or could earn by making reasonable and

1 diligent efforts to obtain similar employment;

2 (2) housing, the commission may order the sale, lease, or rental of the
3 housing accommodation to the aggrieved person if it is still available, or the sale,
4 lease, or rental of a like accommodation owned by the person charged in the
5 accusation [AGAINST WHOM THE COMPLAINT WAS FILED] if one is still
6 available, or the sale, lease, or rental of the next vacancy in a like accommodation,
7 owned by the person charged in the accusation [AGAINST WHOM THE
8 COMPLAINT WAS FILED]; the commission may award actual damages which shall
9 include[, BUT NOT BE LIMITED TO,] the expenses incurred by the complainant for
10 obtaining alternative housing or space; for storage of goods and effects; for moving
11 and for other costs actually incurred as a result of the unlawful practice or violation.

12 * Sec. 7. AS 18.80.130(c) is amended to read:

13 (c) If the commission finds that a person charged in an accusation
14 [AGAINST WHOM A COMPLAINT WAS FILED] has not engaged in the
15 discriminatory practice [CONDUCT] alleged in the accusation [COMPLAINT], it
16 shall issue and cause to be served on the complainant an order dismissing the
17 complaint.

18 * Sec. 8. AS 18.80.130 is amended by adding a new subsection to read:

19 (1) The interest rate for an award under this section is determined in the
20 manner provided in AS 09.30.070

21 * Sec. 9. AS 18.80.140 is amended to read:

22 **Sec. 18.80.140. Effect of compliance with order.** Immediate and continuing
23 compliance with all the terms of a commission order is a bar to criminal prosecution
24 for the particular instances of discriminatory practice [CONDUCT] described in the
25 accusation issued under AS 18.80.120 [FILED BEFORE THE COMMISSION].

26 * Sec. 10. AS 18.80.270 is amended to read:

27 **Sec. 18.80.270. Penalty.** A person, employer, labor organization, or
28 employment agency, who or that wilfully engages in an unlawful discriminatory
29 practice [CONDUCT] prohibited by this chapter, or wilfully resists, prevents,
30 impedes, or interferes with the commission or any of its authorized representatives in
31 the performance of duty under this chapter, or who or that wilfully violates an order of

1 the commission, is guilty of a misdemeanor and upon conviction by a court of
2 competent jurisdiction is punishable by a fine of not more than \$500, or by
3 imprisonment in a jail for not more than 30 days, or by both.

4 * Sec. 11. AS 18.80.300 is amended by adding a new paragraph to read:

5 (17) "complainant" means a person who is aggrieved by a
6 discriminatory practice prohibited by this chapter and who has filed a complaint as
7 provided in AS 18.80.100.

8 * Sec. 12. AS 44.62.330(a) is amended by adding a new paragraph to read:

9 (61) State Commission for Human Rights, where procedures are not
10 otherwise expressly provided in AS 18.80.

11 * Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 APPLICABILITY. This Act applies to all complaints filed on or after the effective
14 date of secs. 1 - 12 of this Act.

15 * Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 TRANSITION: REGULATIONS. The State Commission for Human Rights may
18 proceed to adopt regulations necessary to implement the changes made by this Act. The
19 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
20 effective date of the statutory change.

21 * Sec. 15. Section 14 of this Act takes effect immediately under AS 01.10.070(c).

22 * Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2004.



STATE OF ASKA

Frank Murkowski, Governor

900 W. 5th Ave., Suite 525
Anchorage, Alaska 99501
(907) 269-3500 Telephone
(907) 269-3535 Facsimile

DEPARTMENT OF ADMINISTRATION OFFICE OF PUBLIC ADVOCACY

Office of Public Advocacy: Agency Overview

Mission: To provide legal advocacy and guardian services to vulnerable Alaskans.

Core Functions: Advocate for abused and neglected children in Child-In-Need-of-Aid cases.

Provide guardian and conservator services to Alaskans who are mentally incapable of managing their own affairs.

Represent Public Defender clients where the Public Defender has a conflict – children in juvenile delinquency proceedings; parents in CINA cases, and criminal defendants

Detail Narrative:

The Office of Public Advocacy (OPA) provides legal advocacy and guardianship services to vulnerable Alaskans. Within this general mission, OPA has three distinct and separate core functions: child advocacy in Child in Need of Aid (CINA) proceedings; guardian and conservatorship services for incapacitated adults; and representation of Public Defender clients where the agency has a conflict -- parents in Child-in-need-of-aid cases, juveniles in delinquency proceedings, and criminal defendants. (In addition, OPA statutorily inherits a number of other responsibilities that are corollary to these functions) OPA has a professional staff of 64 and support staff of 17.¹

The Child Advocacy divisions contain the largest allocation of OPA staff. Guardian ad Litem (GAL) are appointed in all Child in Need of Aid cases. This is required by court rule, and federal and state law. The GAL is charged with providing a neutral voice to the court in advocating for the best interests of children in state custody. A full time GAL carries a caseload of approximately 85-90 children. OPA has twenty-one professional staff advocating for children – 17 in Anchorage, 3 in Fairbanks, and 1 in Juneau. OPA also contracts with independent GALs for geographical areas not served by OPA staff and in cases where OPA staff has a conflict of

¹ OPA also contracts with numerous vendors to provide services in geographical areas not covered by staff or where OPA staff have a conflict. Approximately sixty percent of OPA's budget is for contractual services, though efforts are being made to reduce these costs by transferring coverage to staff, where costs are lower per case.

interest. OPA also utilizes a federally sponsored volunteer program named Court Appointed Special Advocates, or CASAs. CASAs work with the GALs on a volunteer basis to expand OPA's resources. They, like GALs, meet with the children they represent, parents, family members, teachers, treatment providers, and others involved in the child's life to better formulate recommendations to the court on what's best for the child. In 2004, OPA had 214 CASAs who volunteered on behalf of 459 abused and neglected children.

In addition, attorneys on the child advocacy staff also represent children in juvenile delinquency proceedings where the public defender agency has a conflict.² Finally, GALs get appointed in particularly difficult custody battles where a court-appointed custody investigator is insufficient. In difficult or nasty custody battles, the court appoints a GAL to represent the child's best interests in determining the custody arrangement.

OPA's next largest commitment of staff is within the public guardian divisions. OPA is appointed to provide guardianship and conservatorship services to incapacitated adults – those with mental illnesses, dementia, brain injuries, and developmental disabilities. As Guardians and Conservators, OPA staff manage their finances by applying for the benefits they are entitled to, receiving the benefits for them and paying their rent, utility, food, medical, and other bills. As guardians, these staff members face the heavy responsibility of making housing, legal, and medical decisions for their clients. Most petitions for guardianships are filed by family members, friends, Adult Protective Services, and sometimes hospitals. OPA is an appointment of last resort. The court is instructed to first look to spouses, family, and private organizations. Twenty percent of guardianships and conservatorships created by the probate court are assigned to OPA. The average caseload for an OPA public guardian is approximately 65 cases. OPA has 14 public guardians: 10 in Anchorage, 2 in Fairbanks, and 2 in Juneau.

The Public Guardian division of the Office of Public Advocacy is also mandated to provide information and referrals to the public regarding guardianship and conservators to assist family members dealing with such issues. We also assist them in preparing guardianship and conservatorship plans and reports. This function is fulfilled by offering monthly classes in the Anchorage office, and by providing information (including court forms) on OPA's website, as well as by sending materials to all court locations and librarians on what guardianship and conservatorships entail, and how to petition for one.

Finally, OPA is also statutorily obligated to provide representation to the subjects of petitions for guardianships (respondent representation), and visitor services in each case.³ Most respondent representation services are contracted out, though cases are kept in-house if it is clear OPA will not be appointed guardian, thus precluding any conflict of interest. All visitor services are contracted out.

² The civil section is also statutorily responsible to provide representation in custody proceedings where one party is represented by a public attorney, interpreted by the Alaska Supreme Court to include cases in which Alaska Legal Services represents a parent.

³ Court Visitors are charged with providing a neutral voice to the court regarding the circumstances requiring the guardianship, whether a guardianship should be approved, and who should be appointed guardian. They conduct interviews and file a written report containing recommendations with the court.

OPA is statutorily responsible for providing representation for parents in Child-in-need-of-aid cases where the Public Defender Agency has a conflict. (That is where the public defender represents a parent, OPA gets the remaining parents). In the past, parental representation has primarily been contracted out, as OPA could not represent the children and parents interests in a CINA proceeding at the same time. Recently, OPA created a new section -- the Anchorage Adult and Juvenile Representation Section -- to provide parental representation at a lower cost than the utilization of contractors. Each attorney will have approximately 65 cases. While this section will primarily provide parental representation to parents in Child-in-Need-of-Aid cases, it will also provide representation to minors in juvenile delinquency matters and representation to some criminal defendants. The creation of this section is a further effort to provide service OPA is statutorily obligated to provide at a lower cost. OPA has 4 attorneys in this section in Anchorage.

Finally, OPA provides representation to criminal defendants where the Public Defender Agency has a conflict. This is OPA's smallest section. OPA has 5 criminal attorneys in Anchorage, 3 in Palmer (including a traveling unclassified and class A felony attorney), 3 in Fairbanks and 2 in Bethel. The attorneys in Bethel, Fairbanks, and Palmer office also provide representation in civil matters (CINA and Guardianship proceedings). Where OPA staff have a conflict, criminal cases are contracted out.

OPA has recently established each office as a separate law firm, as well as instituted an ethical wall between the Anchorage criminal and civil sections, so as to keep more cases in house. As separate "law firms", conflicts of interest are not imputed to all attorneys at OPA, thus lessening OPA's reliance on contract attorneys. The implementation of the "separate firm" concept has resulted in significant savings: In FY '04 OPA spent almost \$400,000 less than it did in FY '03.

Accomplishments

Opened Palmer, Bethel, and Anchorage Adult & Juvenile Representation Offices, enabling OPA to retain more cases in-house where cost per case is less expensive than contracting cases out;

Established offices as separate law firms, including Anchorage Civil and Criminal, to reduce conflicts, allowing OPA to keep more cases in-house;

Establish procedures to re-evaluate conflicts post trial to see if the Public Defender Agency can take the case back;

Closely scrutinize contractors monthly invoices to ensure billings is appropriate;

Established pre-authorization procedures for any staff or contractor travel, and investigation or expert requests;

Audited fees charged in public guardian section to more fairly and consistently collect fees (fees collected in FY '03 were \$260,947; fees in FY '04 were \$479,125).

Helped achieve passage of legislation to regulate private guardians/conservators which

should help encourage use of private organizations and development of industry;

Ongoing Projects:

Evaluate case loads in Fairbanks, Kenai, Nome, and Juneau to see if new office would be more cost-effective than continued level of use of contractors;
Implement new case management system that will enable more accurate case statistics for case assignment and individual workload monitoring, and allow OPA to determine average costs for case types to more closely monitor contractors;

Ensure adequate support staffing levels for professional staff to allow better time utilization for front line client advocacy.