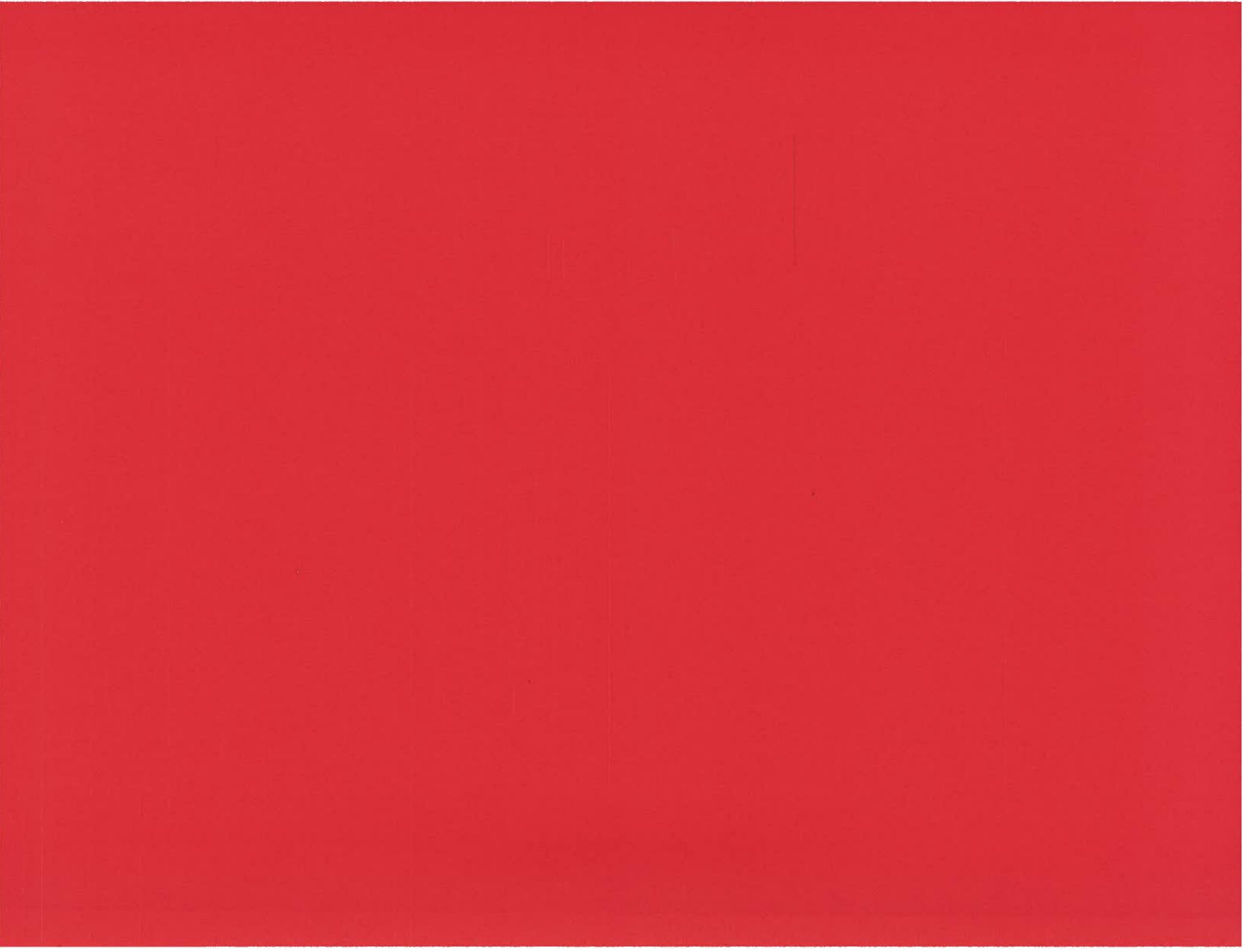




Alaska State Commission for Human Rights

2015 Annual Report



March 7, 2016

The Honorable Bill Walker, Governor of Alaska
The Honorable Kevin Meyer, President, Alaska Senate
The Honorable Mike Chenault, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 2015 Annual Report of the Alaska State Commission for Human Rights. The Commission is entering its 53rd year as Alaska's civil rights enforcement agency.

In 2015, more Alaskans who contacted the Commission filed discrimination complaints than in the previous year. Nonetheless, the Commission staff was able to process nearly the same number of complaints as last year, with the result being only a slight increase in inventory.

While the nature of the claims of discrimination were mostly similar to those in 2014, the Commission saw a significant decrease in complaints brought based on disability and retaliation. On the other hand, the Commission experienced an increase in the number of Alaskans complaining of discriminatory discharge.

Due to a special project to address legal review of draft findings of substantial evidence of discrimination, the number of substantial evidence determinations the Commission issued increased by 64% this year. Of those determinations, the number of cases successfully settled in conciliation increased by 38%.

The Commission continues to receive praise for its voluntary mediation program. Alaskans appreciate the opportunity to informally resolve their concerns. The mediation program settled more cases in 2015 than in the prior year.

The Commissioners and staff continue to be committed to the mission of the Alaska Human Rights Law and to the fair and impartial enforcement of that law. The Commissioners ask for your continued support to enable the Commission to remain committed to its work to prevent and eliminate discrimination.



Lester C. Lunceford
Chairperson

COMMISSIONERS

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MICHELE CHRISTIANSEN, Anchorage

KATHRYN E. DODGE, Fairbanks

JASON B. HART, Anchorage

IMMANUEL LEWIS, Anchorage

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PUBLIC HEARING CASES

In the following cases, unless otherwise noted, the Commission staff found substantial evidence existed to support the complainants' allegations. Informal conciliation efforts were unsuccessful, and the staff forwarded the cases to the Commission for public hearing.



In *Littleton Buxton and Nancy Cox v. Parkview Condominiums Owners Association and Property Management Services, Inc.*, complainants alleged that respondents discriminated against them when respondents refused to provide reasonable accommodations for their disabilities. Mr. Buxton and Ms. Cox requested that respondents allow them to park their car closer to their residence for loading and unloading purposes, but their requests were denied. A hearing scheduled for October 14–16, 2014, was continued when the parties entered into a settlement agreement in which respondents agreed to allow complainants to park their vehicle next to their condominium when necessary, adopt policies for providing reasonable accommodations for persons with disabilities, and obtain training on the provisions of the Human Rights Law that prohibit discrimination in housing. After the settlement terms were satisfied, Commission staff filed a motion with the Commission to dismiss the case on November 24, 2015. On December 14, 2015, the Commission granted the motion and dismissed the case.

In *Jennifer Bozine v. Alaska Sales and Service, Inc.*, complainant alleged that she was discriminated against because of her sex when she was involuntarily transferred out of respondent's body shop while a less experienced male coworker was not transferred, and that she was forced to resign because she was prevented from pursuing her career as an automobile body painter. A hearing was held on March 2–3, 2015. On September 23, 2015, the administrative law judge issued a decision recommending dismissal of the case. As of December 31, 2015, a final decision from the Commission was pending.

In *Dennis Brown v. State of Alaska, Department of Corrections, Division of Institutions*, complainant, who was incarcerated in one of respondent's facilities, alleged that respondent discriminated against him because of his disability when it refused to provide him with a cell that was accessible to persons with disabilities. A hearing scheduled for January 12–13, 2016, was continued when the parties agreed to settle the case. At the end of 2015 a final agreement between the parties was pending.

YOUNGER AND WISER

A nineteen-year-old parts department manager alleged her employer discriminated against her on the basis of her sex and age by refusing to pay her what her male counterparts were making. Respondent's owner did not believe complainant was old enough to know how to properly do the job. When complainant's supervisor promoted complainant to the parts department manager position, respondent derailed the promotion citing complainant's age and two weeks later terminated complainant. Staff found that respondent discriminated against complainant because of her age. In conciliation, complainant received full back pay of \$19,696.

RASH AND COSTLY TERMINATION

An operations trainer alleged that his employer discriminated against him on the basis of his physical disability. After he was injured on the job, he returned to light duty work. Later medical evaluation indicated he could not return to work until after an already scheduled surgery. Days before his surgery, his employer terminated him though he was still on approved medical leave. The parties mediated the complaint. The employer agreed to pay him \$135,644, forgive a prior \$18,693 overpayment to him, pay three months of health insurance and six months dental insurance. Both parties released each other from liability.

In *April Bunn v. Seward Chamber of Commerce*, complainant alleged that respondent discriminated against her because of her disability when respondent terminated her employment immediately after she suffered a seizure at work. The parties reached a settlement in which respondent agreed to pay Ms. Bunn \$24,093 in back pay and to train its staff on the provisions of the Human Rights Law that prohibit discrimination on the basis of disability. After respondent complied with all of the terms of the settlement, the executive director moved to dismiss the case. The Commission issued an order dismissing the case on August 25, 2015.

In *Danilo Cabrera v. Snow Goose Restaurant & Brewery*, complainant alleged that respondent discriminated against him based on his national origin, Dominican, when respondent terminated his employment. On July 1, 2015, the executive director dismissed the case without referring the case to hearing because a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.200, and because the probability of success on the merits of the case was low.

In *Daren Cummings v. Alaska Logistics, LLC*, complainant alleged that respondent discriminated against him when it refused to investigate or remedy his complaint that a coworker had sexually harassed him, and that as a result his working environment had become so intolerable that he was forced to resign. A hearing scheduled for November 16–18, 2015, was continued after the parties agreed to settle the case. A final settlement agreement was executed in which respondent agreed to pay complainant \$53,000 and to obtain training for its Alaska employees on the provisions of the Human Rights Law prohibiting discrimination in employment. At the end of 2015, Commission staff was monitoring respondent’s completion of the terms of the settlement.

In *Eli Dickson v. State of Alaska Department of Corrections, Division of Institutions*, complainant, an inmate incarcerated in one of respondent’s facilities, alleged that he was discriminated against based on his physical disability when respondent refused to consider a reasonable accommodation and denied him the opportunity to work as a baker in the facility’s kitchen. On June 22, 2015, the executive director dismissed the case without referring the case to hearing because a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.200.

KICKED OUT FOR CANDOR

An administrative assistant alleged that her employer discriminated against her on the basis of her race, treated her as if she were disabled, and retaliated against her. She alleged the office manager was rude, singled her out and made offensive racial comments. When the owner asked how to improve her work environment, she complained about the manager’s treatment of her. That same day, the employer terminated her saying she was unable to work with the manager. The complaint settled when the employer agreed to pay her \$2,000 and provide a positive reference.

ENGINEERED SETTLEMENT

A female engineer alleged that her employer failed to promote her because of her sex. She alleged that she was qualified for promotion to the Engineer II position yet her supervisor repeatedly refused to promote her. The parties reached a settlement wherein the employer paid her \$10,000, promoted her to Engineer II, and created an anti-bullying policy.

FAIR PLAY VITAL

A male African-American assistant manager alleged that his employer discriminated against him on the basis of his race and his sex. He had a disagreement with his Caucasian female manager regarding her management style. His employer sent him home and later terminated him. The parties mediated the complaint and the employer agreed to pay complainant the sum of \$5,760.

In *Julia Echeverria v. Caribou Corp., d/b/a Caribou Family Restaurant, Caribou's Tooth, Inc., Jackie Ray Morrell, and Elizabeth C. Johnson*, complainant alleged that respondent subjected her to a hostile work environment based on her sex and terminated her employment for complaining about discrimination. Complainant also alleged that respondent retaliated against her by attempting to induce her new employer to fire her after she filed a complaint of discrimination with the Commission. At the end of 2015, a hearing was scheduled for March 7-10, 2016.

In *Paula Haley, Connor Carle, and Sydney Peterson v. Sullivan's of Alaska, Inc., d/b/a Sullivan's Steakhouse*, the executive director and two individual complainants filed three separate complaints against respondent, alleging that respondent terminated the employment of at least five employees, including Mr. Carle and Ms. Peterson, because they were under the age of eighteen. A hearing was held on May 4-7, 2015. As of December 31, 2015, the administrative law judge had not yet issued a recommended decision.

In *Denise Kichura v. Wasilla Health System, LLC*, complainant alleged that she was subjected to unwelcome sexual advances by her supervisor and that her supervisor denied her a promotion after she rejected the advances. Complainant also alleged that she was forced to resign after she complained to respondent about her supervisor's conduct and nothing was done. A hearing scheduled for March 4-6, 2014, was vacated after the parties reached a settlement in which respondent agreed to provide training to its managers and supervisors on the provisions of the Human Rights Law. At the end of 2015, final resolution of the case was pending respondent's completion of the terms of the settlement.

In *Ashley M. Lahaie v. Subway*, complainant alleged that her employer discriminated against her based on her sex and retaliated against her for complaining of discrimination. Ms. Lahaie alleged that after she complained about a co-worker's unwelcome sexual advances, respondent transferred her to another store, demoted her from a supervisory capacity, and then removed her from the work schedule. A hearing was held on January 13-15, 2015. On August 21, 2015, the administrative law judge recommended that the Commission dismiss the case. The Commission issued an order dismissing the case on November 10, 2015.

COOL CONCLUSION

A refrigerator operator alleged that her employer discriminated against her based on her disability by treating her as if she had a disability. She suffered a work injury that damaged her thumb. Although she provided her employer with doctor's notes stating she needed to be on light duty with lifting restrictions, she was still required to perform heavy lifting. Her doctor informed her employer that she needed to be on permanent lifting restrictions. Within two months of this notification, her employer terminated her. In a settlement, the employer paid her \$10,000 and changed her termination to a resignation.

SENSELESS STEREOTYPES

A female technician alleged that her employer discriminated against her on the basis of her sex. She said that she was hired for installation and for service, and alternated between both positions. When the owner's wife was working as office manager, they discussed complainant's desire to start a family someday. Shortly thereafter, the owner told her that he did not want her to work installation because he did not want anything to happen to a baby if she became pregnant. A few months later, the employer laid her off and said he could not guarantee her employment when work picked up. The case settled when the employer agreed to receive professional anti-discrimination training.

In *Amormio Lapan v. Pegasus Aircraft Maintenance, LLC*, complainant alleged that he was discriminated against when his employer refused to provide a reasonable accommodation for his disability. A hearing scheduled for January 8–9, 2015, was continued when respondent agreed to a settlement. After respondent satisfied the terms of the settlement agreement, the executive director requested dismissal of the case. The Commission issued an order dismissing the case on June 5, 2015.

In *Mustafa Iflazoglu v. Anchorage Lakefront Limited Partnership, d/b/a Millennium Hotel & M&C Hotel Interests, Inc.*, complainant alleged that respondent terminated his employment because of his race, Arab, sex, national origin, Turkish, and religion, Muslim. A public hearing in the case has been scheduled for June 20–24, 2016.

In *Joyce Miguel v. J & M Co. Ltd., d/b/a Korean BBQ or Yummy Yummy Korean BBQ*, complainant alleged that respondent refused to hire her as a cashier because of her age, forty, and her race, Caucasian. A public hearing in the case was scheduled for April 23–24, 2015. The parties reached a settlement and agreed to continue the hearing pending completion of the terms of the agreement. After respondent complied with the terms of the settlement the executive director requested dismissal of the case. The Commission issued an order dismissing the case on August 24, 2015.

In *Daniel Morgan v. American President Lines, Ltd.*, complainant, a longshoreman, alleged that respondent refused to provide him with crane operator training because of his age, fifty-six. A public hearing scheduled for February 26–27, 2015, was continued when the parties reached a settlement. After respondent satisfied the terms of the settlement the executive director requested dismissal of the case. The Commission issued an order dismissing the case on June 8, 2015.

In *Frank Olson v. State of Alaska, Department of Corrections, Division of Institutions*, complainant, who was incarcerated at one of respondent's facilities, alleged that respondent discriminated against him because of his disability when it refused to continue a reasonable accommodation, in the form of a cell that was accessible to persons with disabilities, when he was transferred from another facility. A hearing scheduled for January 12–13, 2016, was continued when the parties agreed to settle the case. At the end of 2015, a final settlement agreement between the parties was pending.

POINT DRIVEN HOME

Complainant alleges that she called respondent and inquired about an advertised driver/guide position. She talked with respondent about her qualifications, which included driving experience in Alaska and a CDL. Respondent told her that he did not hire anyone under twenty-nine years of age as his customers preferred older drivers. Investigation showed that respondent hired three male drivers, two of whom had no prior driving experience. The Commission found substantial evidence that respondent did not hire complainant because of her age and sex and conciliated the case. Complainant received \$900 in back pay and respondent agreed to training.

MOTHER KNOWS BEST

A mother filed a complaint on behalf of her minor daughter alleging the daughter's employer discriminated against her on the basis of disability by treating her as if she were disabled. After the daughter provided her employer with a medical release that included lifting restrictions, the employer removed her from the schedule and told her when she could return to work without restrictions to call and see if a position was available. Through mediation the parties settled when the employer agreed to pay her \$5,000.

In *Olga Pawlaczyk v. Meritage Management Company LLC, d/b/a Inlet Tower*, complainant alleged that her employment as a housekeeping supervisor was terminated because of her national origin, Polish. An accusation was issued on April 17, 2015. The executive director subsequently learned that respondent had withheld information during the investigation that would have led to dismissal of the case. On October 12, 2015, the executive director filed a motion requesting that the administrative law judge recommend dismissal of the case and issue sanctions against respondent for its failure to disclose information. At the end of 2015, a ruling on the motion was pending.

In *Harry Ross v. Alaska Railroad Corporation*, complainant alleged that respondent failed to promote him because of his race, Black. After a public hearing, the Commission dismissed the case. Complainant appealed the decision to superior court, and on March 30, 2012, the court reversed the Commission's decision and remanded the case to the Commission. The Commission referred the matter to the Office of Administrative Hearings, and the parties briefed the issues on remand to an administrative law judge (ALJ). Briefing was completed on December 11, 2012. On April 28, 2014, the administrative law judge issued a decision recommending that the Commission again dismiss the case. On May 19, 2014, the ALJ forwarded the record to the Commission. As of December 31, 2015, a final decision by the Commission had not yet been issued.

In *Candice Schuyler v. Era Aviation, Inc.*, complainant, a flight attendant, alleged that she was discriminated against based on her age, sex and perception of physical disability when she was terminated while on leave recovering from an on-the-job injury. Ms. Schuyler was expected to fully recover after two months but was terminated after one month of leave. Before a hearing was scheduled, the parties reached an agreement to settle the case in which respondent agreed to provide training to its managers and supervisors on the provisions of the Human Rights Law. After respondent complied with the terms of the settlement the executive director requested dismissal of the case. The Commission issued an order dismissing the case on June 5, 2015.

In *Makaen Serr v. ICE Services, Inc.*, complainant alleged that respondent treated her as a person with a disability when it terminated her employment as a dishwasher working at respondent's facility on the North Slope. Complainant asserted that she was fully capable of performing her job and that she was considered a valuable employee by her superiors in the company. A hearing scheduled for February 24–25, 2015, was continued after the parties entered into a settlement. Respondent agreed to pay complainant \$60,000 and to

WEIGHTY RESOLUTION

An Alaska Native heavy equipment operator alleged that his employer discriminated against him on the basis of his race when it terminated him for minor safety violations while other employees not of his race committed more serious violations and were not terminated. The mediation program facilitated a settlement in which the employer paid him \$13,500 and his attorney \$6,500, and confirmed his eligibility for rehire.

R-E-S-P-E-C-T

A female housekeeper alleged that her employer discriminated against her on the basis of her sex. Although she had no prior discipline, she was terminated for being disrespectful to her supervisor. Yet, her employer did not terminate a male coworker for similar actions. The mediation program facilitated a settlement in which the employer paid her \$4,452.

REPAIRING RACE DISCRIMINATION

An African-American mechanic alleged that his employer discriminated against him on the basis of his race. He worked for the employer for over one year and was the only employee of his race at his work location. He alleged that his employer disciplined and terminated him for actions, when it did not discipline or terminate employees not of his race for similar actions. The parties reached a settlement in which the employer paid him \$3,000 and provided him a neutral reference.

obtain training for its supervisors and managers on the provisions of the Human Rights Law prohibiting discrimination on the basis of disability and the obligation to provide reasonable accommodations to employees with disabilities. At the end of 2015, Commission staff was monitoring respondent's compliance with the agreement.

In *Michelle Traxler v. The Alaska Boathouse, LLC*, complainant alleged that respondent discriminated against her on the basis of her sex and retaliated against her for complaining about discrimination when it terminated her employment. On May 27, 2015, the executive director dismissed the case without referring the case to hearing because a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.200.

In *Andrea Westfall v. ICE Services, Inc.*, complainant alleged that respondent treated her as a person with a disability when it refused to hire her for a lead cook position at respondent's facility on the North Slope. Complainant asserted that although she was respondent's preferred candidate, respondent rejected her application solely because she was taking a prescribed medication. After an accusation was filed, the parties entered into a settlement in which respondent agreed to pay complainant \$7,632 and to obtain training for its supervisors and managers on the provisions of the Human Rights Law prohibiting discrimination on the basis of disability and the obligation to provide reasonable accommodations to employees with disabilities. At the end of 2015, Commission staff was monitoring respondent's compliance with the agreement.

In *Doretta Wheeler v. State of Alaska, Department of Health and Social Services, Palmer Pioneer Home*, complainant alleged that respondent discriminated against her because of her age, fifty-eight, and disability when it terminated her employment and subsequently refused to rehire her. A hearing was held on January 6–9, 2015. On October 30, 2015, the administrative law judge recommended that the Commission find that respondent discriminated against Ms. Wheeler and award her \$84,716 in back pay, plus interest, and conduct training on the provisions of the Human Rights Law. At the end of 2015, a final decision by the Commission was pending.

THE COST OF VENGEANCE

A property manager alleged that her employer discriminated against her based on her disability and retaliated against her. She complained to her supervisor that her coworker's hostile behavior exacerbated her disability symptoms. When no corrective action was taken, she took medical leave for four months. After her return to work, her employer ostracized her, ignored her work emails, reassigned her higher level responsibilities to nondisabled coworkers, and denied her requests for accommodation without engaging in an interactive process. The parties reached a settlement in which the employer paid her \$65,750 and the manager resigned from the company.

WORDS DO HURT

An African-American shuttle driver alleged that his employer's president called him a racially derogatory name, but the employer failed to take any action to resolve or prevent it from happening again. The employer admitted the driver was subjected to racially derogatory comments, but asserts the company attempted to resolve the situation. Commission staff found the employer's president subjected the driver to a derogatory comment based on his race, and repeated the comment in the presence of others. Staff also found that the employer failed to take corrective action and that the conduct was so severe that it created a hostile work environment. During conciliation, the employer disseminated policies prohibiting discrimination and provided training for all its employees. The driver continues to work for this company.

LITIGATION



In *Ace Delivery and Moving v. Alaska State Commission for Human Rights*, respondent appealed a decision after hearing denying its motion for attorney's fees in the case of *Janet Wass v. Ace Delivery and Moving*. In *Wass*, complainant alleged that respondent's owner subjected her to a hostile work environment by making offensive comments about Jewish, Muslim, and Mexican people. After a hearing was held before an administrative law judge, the Commission dismissed the case, finding that the comments were not directed toward Ms. Wass because she is not Jewish, Muslim, or Mexican. Respondent then asserted in its request for attorney's fees that it prevailed because respondent's owner's comments were constitutionally protected free speech, despite the fact that the administrative law judge rejected this defense in a summary decision order prior to the hearing. The superior court affirmed the denial of attorney's fees and respondent appealed to the Alaska Supreme Court. The Supreme Court affirmed the denial of fees on May 15, 2015, and dismissed the appeal.

In *Alaska State Commission for Human Rights v. AB&M Enterprises, Inc.*, the Commission filed an action in superior court to enforce its order in the matter of *Melissa Parrish v. AB&M Enterprises, Inc., d/b/a Rumrunner's Old Towne Bar and Grill*. In that matter, complainant alleged that respondent discriminated against her because of her sex after she reported that she was physically and sexually assaulted by a male coworker at her home. Complainant asserted that when she returned to work she told respondent that she was intimidated and frightened by her coworker's presence but respondent took no action to address the problem. Complainant alleged that her coworker's presence created an intolerable working condition and she was forced to resign, and that respondent then retaliated against her for complaining of discrimination by banning her from its premises. After a public hearing the Commission issued an order on November 6, 2012, finding that respondent discriminated against and retaliated against complainant, and ordering respondent to pay her \$4,531 and obtain six hours of training for its owners and managers on the provisions of the Alaska Human Rights Law. The Commission also ordered respondent to pay the Commission \$6,200 in sanctions for failing to comply with discovery requests and orders in good faith. The Commission filed the enforcement action on September 17, 2013, after respondent failed to comply with the Commission's order. On January 2, 2014, the court entered a default order against respondent. The

NO JOKE

A female cashier and store clerk alleged that her employer discriminated against her on the basis of her sex when its owner subjected her to offensive sexual comments and unwanted touching. The complainant alleged the behavior was so pervasive she felt she had no other option but to resign. The owner stated he often made crude comments, but in a playful manner. He also admitted to squeezing the employee's buttocks in a joking way. Staff found the owner frequently called the complainant derogatory names, and continued to do so after she objected. Evidence showed the owner told sexual jokes, made frequent comments about female employees' bodies, and advised managers to only hire attractive young women. The cashier resigned because of the owner's relentless inappropriate behavior. During conciliation, the employer adopted policies prohibiting discrimination, provide training for its owner and employees, and paid the complainant for lost wages totaling \$2,700.

A SLICE OF JUSTICE

An African-American dispatcher at a pizza call center complained that her supervisor wrote and made racially disparaging comments directed toward her and when she complained, terminated her. Staff found substantial evidence to support her claim. During conciliation, the employer agreed to provide anti-discrimination training for its employees, post an anti-discrimination policy, and pay the dispatcher \$5,000 in back pay.

parties then entered into a settlement agreement pursuant to which respondent paid complainant the back pay due, plus interest, and paid \$2,000 in sanctions. The court dismissed the case on January 16, 2015.

In *David Arbuckle v. Human Rights Commission*, complainant alleged that he was terminated from his position as a maintenance specialist with the State of Alaska because of his disability. Commission staff did not find substantial evidence to support complainant's allegations and closed the case. On September 14, 2015, complainant filed an appeal with the superior court. The Commission filed a motion for remand to address issues that were not fully investigated before the case was closed. At the end of 2015, the Commission's motion was pending.

In *Russell Baker v. Alaska State Commission for Human Rights*, complainant alleged that he was discriminated against in the terms and conditions of his employment as a pilot for Federal Express in Hong Kong based on his marital status, and that his employment was terminated in retaliation for filing a complaint with the Commission. Commission staff determined that the Commission did not have the authority to resolve complainant's allegations of marital status discrimination because complainant was employed by an out-of-state company in another country. Commission staff also determined that complainant's allegations of retaliation were not supported by substantial evidence. On July 27, 2015, complainant appealed the decisions to superior court. At the end of 2015, briefing had not yet been completed.

In *Kimberley Bernhardt v. Alaska State Commission for Human Rights*, complainant alleged that her employer, Interstate Brands Corporation, discriminated against her because of her physical disability when it refused to provide her with a reasonable accommodation and terminated her employment. On December 23, 2011, Commission staff closed the case because complainant filed a complaint in superior court alleging the same violations of AS 18.80 as were alleged in her Commission complaint. Complainant appealed the decision to superior court. The appeal was stayed pending resolution of Chapter 11 bankruptcy proceedings filed by Interstate Brands Corporation. At the end of 2015, the stay remained in effect.

In *Red Bradley v. Alaska State Commission for Human Rights*, complainant alleged that the University of Alaska refused to hire him as a professor because of his age and in retaliation for complaining about discrimination. Commission staff found that complainant's allegations were not supported by substantial evidence, and complainant

SETTLEMENT FOR "SEXTING"

A female bus driver alleged that her employer discriminated against her based on her sex, and retaliated against her for opposing discrimination when it terminated her employment after she rejected the owner's sexual advances. The employer denied the allegations, but evidence showed the employer sent inappropriate messages to the complainant, and terminated her after she asked him to stop. The employer adopted policies prohibiting discrimination, provided training for all its employees, and paid the complainant for lost wages totaling \$2,654.

MEDDLING ENDS IN MEDIATION

A security officer alleged that his employer discriminated against him by treating him as if he were disabled. He alleged that after he fell asleep, his supervisor took his weapon, sent him home prior to end of his work rotation, and required him to take a physical exam. After he was medically cleared to return to work, his supervisor required him to see a clinical therapist. When again medically cleared to return to work, his employer referred him to marital counseling. Eventually, his employer returned him to work. The mediation program facilitated a settlement in which the employer agreed to pay him \$5,800 in lost wages and an additional \$4,000.

appealed the decision to the superior court. On December 2, 2014, complainant moved to dismiss the appeal after filing a separate civil action against the University of Alaska is superior court. The court granted the motion and dismissed the case on January 26, 2015.

In *Dennis Brown v. City and Borough of Juneau*, complainant alleged that he was discriminated against based on his disability when a bus operated by respondent refused to allow him to board. Commission staff found that complainant was refused boarding but that respondent took appropriate remedial action. Staff dismissed the complaint for lack of substantial evidence of discrimination. Complainant appealed the Commission's decision on May 19, 2015. At the end of 2015, briefing had not yet been completed.

In *Natalie Hall v. Human Rights Commission*, complainant alleged that she was discriminated against because of her sex when she was subjected to unwelcome behavior of a sexual nature in the workplace. Commission staff determined that complainant's allegation was not filed timely and dismissed the case. Complainant appealed to the superior court on July 2, 2015. At the end of 2015, complainant had not yet filed a brief.

In *Layman Johnson v. Alaska State Commission for Human Rights* complainant alleged that his employer, Price Gregory, International, subjected him to a hostile work environment and terminated his employment because of his age. Commission staff closed the case for lack of substantial evidence, and complainant appealed to the superior court on March 5, 2014. On April 27, 2015, the superior court dismissed the appeal after complainant failed to file a brief.

In *Walter Kurka v. Alaska State Commission for Human Rights*, plaintiff alleged that he was defamed by the Human Rights Commission when the executive director issued an accusation against his company and the accusation was posted on the Commission's web site. Plaintiff owned and operated the respondent business in *Lyla Propps v. Alaskan Wood Products, LLC*, where Ms. Propps alleged that she was discriminated against because of her sex when respondent's owner subjected her to unwanted sexual advances and when respondent falsely accused her of theft after her employment was terminated. The superior court dismissed plaintiff's federal constitutional and section 1983 claims, but allowed plaintiff to proceed with state law tort claims in an amended complaint. On May 11, 2015, the court dismissed the remaining claims and entered judgment for the Commission.

I SPY DISCRIMINATION

An Alaska Native desk clerk complained that respondent subjected her to derogatory racial comments about Alaska Natives and African-Americans, and when she complained about the offensive remarks, respondent retaliated by terminating her. Commission staff found that respondent's employees warned about renting rooms to certain potential guests. The manager instructed employees to turn away customers who did not meet her criteria: a valid ID, age twenty-one or older, and a valid credit card or method of payment. When an African-American customer who met the criteria tried to rent a room, the manager, who viewed the front desk from a camera in her apartment, came out and turned the customer away, telling him there were no vacancies when there were. In conciliation, complainant received \$2,500.

REMOTE JUSTICE

A male African-American cook/field manager alleged that his employer discriminated against him on the basis of his race and sex. He was the only African-American working at this remote camp kitchen. After he reported a Caucasian female subordinate for work performance problems, no corrective action was taken by his employer. His employer terminated him but did not terminate the female subordinate. The employer agreed to pay the employee \$5,000 during mediation.

In *Gilma Rodas v. Alaska State Commission for Human Rights*, complainant alleged that her employer, Ocean Beauty Seafoods, LLC, discriminated against her because of her physical disability when it refused to provide her with a reasonable accommodation and terminated her employment. Commission staff did not find substantial evidence to support complainant's allegations and closed the case. On November 30, 2012, complainant filed an appeal with the superior court. At the end of 2015, the court had not yet issued a notice for preparation of the record on appeal.

In *Luis R. Rodriguez v. Alaska State Commission for Human Rights*, complainant alleged that Delta Airlines discriminated against him because of his race, Hispanic, when it eliminated his position and subsequently selected a non-Hispanic employee with less seniority for a temporary position. Commission staff did not find substantial evidence to support complainant's allegations. On October 19, 2011, complainant appealed the Commission's decision to the superior court. The court affirmed the Commission decision on October 30, 2013, and complainant appealed to the Alaska Supreme Court. On August 14, 2015, the Supreme Court affirmed the Commission's determination that there was not substantial evidence to support complainant's allegations of discrimination based on race and dismissed the appeal.

In *Karla Vuotto v. Alaska State Commission for Human Rights*, complainant alleged that she was discriminated against because of her sex and terminated for complaining about sexual harassment. Commission staff found complainant's allegations were not supported by substantial evidence. Complainant appealed to superior court on July 9, 2015. The Commission filed a motion for remand to address issues that were not fully investigated before the case was closed. The court granted the motion and remanded the matter to the Commission on August 7, 2015.

GOOD FOR GOOSE AND GANDER

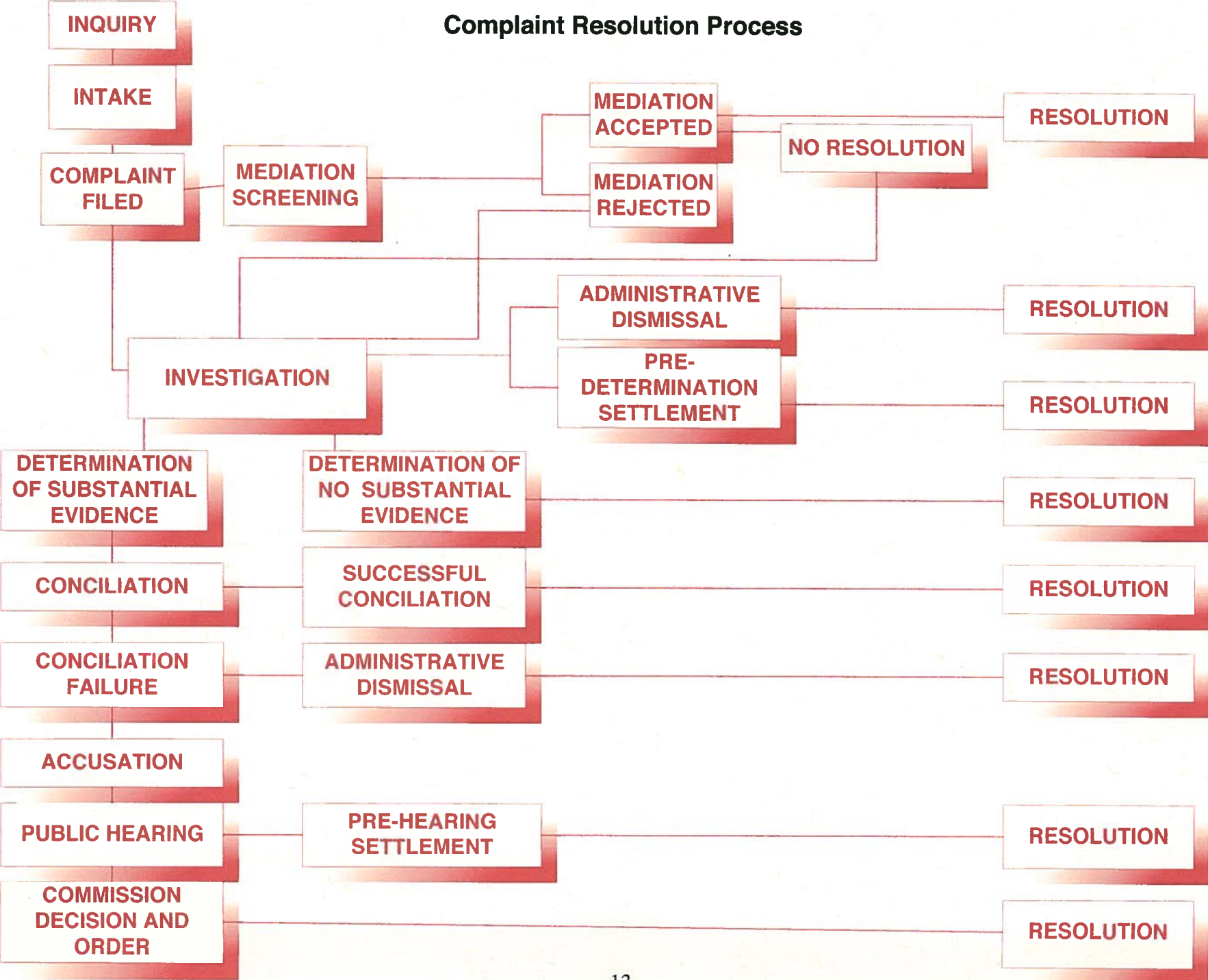
A male maintenance worker alleged that his employer discriminated against him on the basis of his sex. He said that a female supervisor tried to pursue an unwelcome personal relationship with him and created a hostile work environment. Although he complained to his employer, no corrective action was taken and instead the employer suggested that he was the problem. The parties reached a settlement in which the employer agreed to include sexual harassment training as part of its annual instruction for all employees, and to publish a newsletter article regarding the harm of gossiping in workplace subject to complainant's review before publication.

RECIPE FOR SETTLEMENT

A cook's helper alleged that his employer discriminated against him by treating him as if he were disabled and terminating his employment. He had a work-related injury and saw a doctor because he was in pain. He provided his supervisor with a doctor's note saying he needed bed rest. The following day he was disciplined for not telling his supervisor prior to going to the doctor, for not wearing his gloves, and was terminated. The parties reached a settlement in which the employer paid him \$4,000 and provided a reference showing his eligibility for rehire.

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Complaint Resolution Process



2015 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	220
Male	217
Director's Charge	4
Total Filings	441

ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

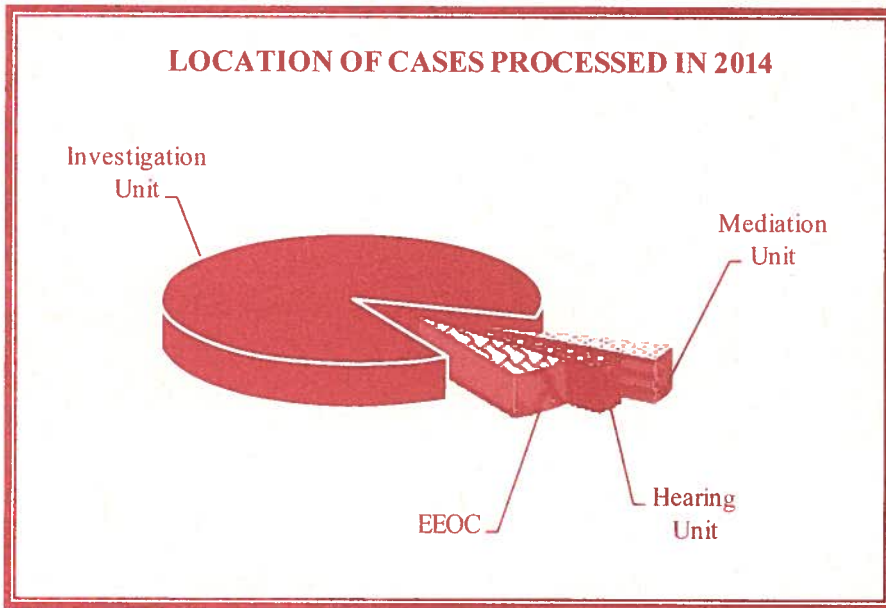
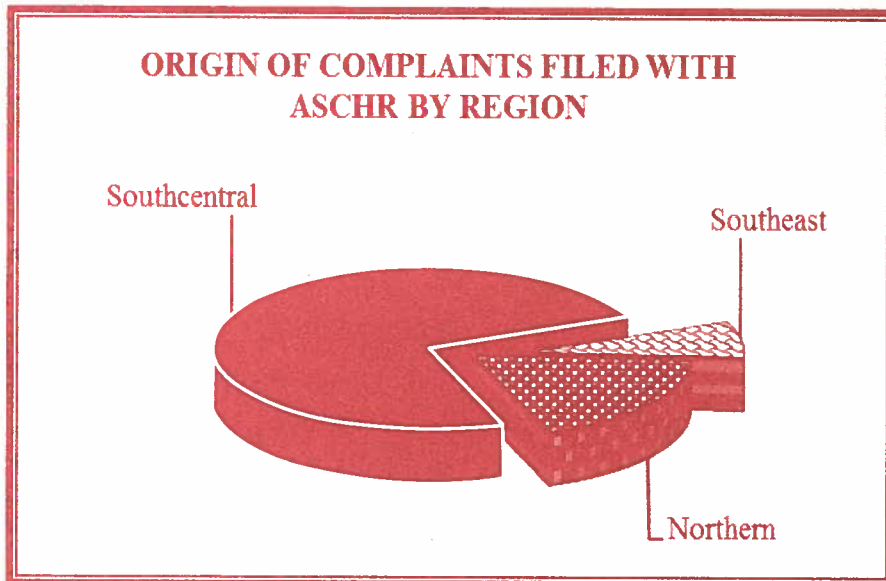
Caucasian	222
Black	62
Alaska Native	49
Asian	37
Hispanic	27
Other	19
Unknown	12
American Indian	8
Director's Charge	4
Multiple	1
Total Filings	441

ANALYSIS OF FILINGS BY COMPLAINANT'S AGE

20 years and under	11
21 - 40 years	167
41 - 60 years	216
61 years and over	43
Director's Charge	4
Total Filings	441

ANALYSIS OF FILINGS BY TYPE

Employment	388
Public Accommodation	21
Government Practices	19
Housing	12
Coercion	1
Total Filings	441



ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	60	77
Physical Disability	56	51
Sex	46	72
Age	37	47
Mental Disability	27	19
Retaliation for Filing	22	21
Pregnancy	13	3
Retaliation	7	57
National Origin	5	27
Religion	1	1
Marital Status	1	1
Parenthood	0	2
Multiple Basis*	166	---
Total Filings	441	

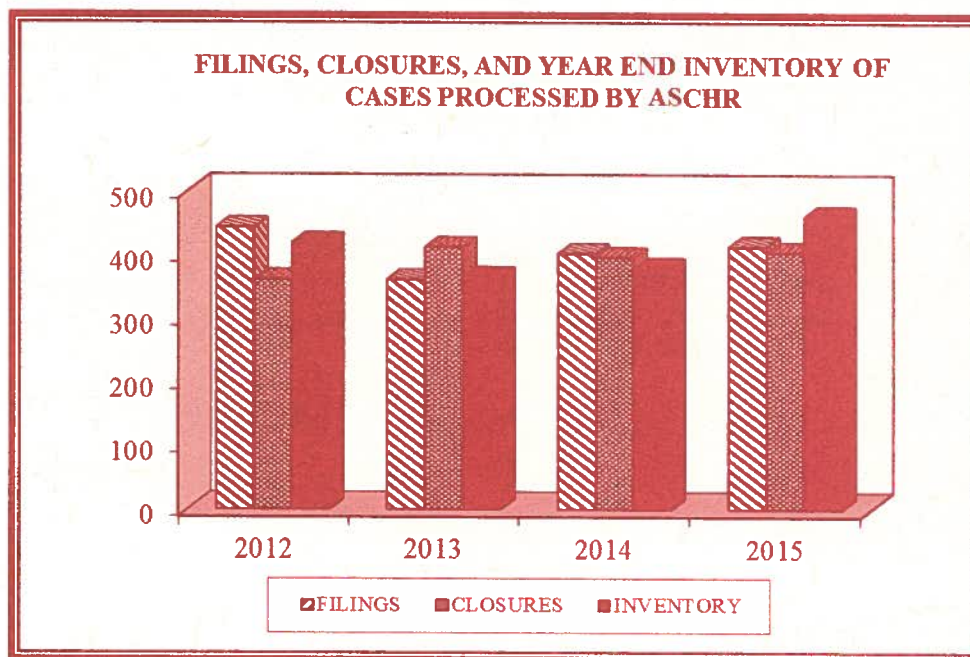
ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	76	170
Terms & Conditions	38	188
Failure to Hire	24	9
Other	9	19
Failure to Accommodate	8	41
Denied Service	7	10
Harassment	6	54
Sexual Harassment	6	37
Equal Pay	2	9
Failure to Promote	2	6
Eviction	2	3
Demotion	1	16
Failure to Rent	1	4
Failure to Dispatch	1	1
Failure to Sell	1	1
Multiple Issue*	257	---
Total Filings	441	

*Some complaints alleged more than one basis and/or issue.

ANALYSIS OF 2015 CLOSURES

REASON FOR CLOSURE	NUMBER OF CLOSURES
MEDIATION:	23
Mediation – Successfully Settled	20
Complaint Withdrew in Mediation	3
ADMINISTRATIVE:	32
Complaint Withdrawn	15
Complaint Untimely or Lack of Jurisdiction	1
Complainant Not Available	3
Complainant to Court	4
Administrative Dismissal	2
Tribal Sovereign Immunity	7
NOT SUBSTANTIAL EVIDENCE	304
CONCILIATION AND SETTLEMENT:	33
Pre-Determination Settlement (PDS)	7
Substantial Evidence / Conciliation Agreement	26
HEARING:	13
Decision for Complainant	2
Decision for Respondent	1
Pre-Hearing Settlement	6
Administrative Dismissal	4
TOTAL 2015 CLOSURES	405



**DETERMINATIONS FINDING
SUBSTANTIAL EVIDENCE OF DISCRIMINATION**

SUBSTANTIAL EVIDENCE FINDINGS:	41
Successfully Conciliated	24
Conciliation Failed	9
Pending	8

SUMMARY OF CLOSURES

CATEGORY OF CLOSURE	2013	2014	Detail of 2015 Closures	
			ASCHR	EEOC
Mediation	18	18	22	1
Administrative	53	25	27	5
Not Substantial Evidence	335	327	286	18
Conciliation and Settlement	24	36	30	3
Hearing	11	14	12	1
			377	28
TOTAL CLOSURES	441	420	405	

ALASKA HUMAN RIGHTS LAW

The Alaska Human Rights Law is codified as Alaska Statutes 18.80.010 – 18.80.300. The Human Rights Law 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 that enforces the Alaska Human Rights Law. The Commission consists of seven Commissioners appointed by the Governor and confirmed by the Legislature. The Commission employs a staff and maintains an office in Anchorage. The Commission has statewide jurisdiction. The Commission answers inquiries and accepts complaints from all regions of the state. The Commission also offers a free mediation program.

WHAT DOES THE HUMAN RIGHTS COMMISSION DO?

The Commissioners

Establish policy and adopt regulations necessary to implement the Human Rights Law;

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

Issue decisions applying the Human Rights Law to complaints;

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.

The Commission staff

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

Conciliates complaints when the Alaska Human Rights Law has been violated;

Presents cases at public hearing before the Commission where investigation has found substantial evidence that discrimination occurred; and

Provides technical assistance and advice on the Alaska Human Rights Law and public outreach.

HOW CAN THE COMMISSION HELP YOU?

If you believe that you have experienced discrimination, you may contact the Commission. The Commission may assist you in filing a complaint.

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

This publication was released by the Office of the Governor, Alaska State Commission for Human Rights, as required by AS 18.80.150. This publication was printed in Anchorage, Alaska at a cost of \$4.48 each.

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