

ANCHORAGE EQUAL RIGHTS COMMISSION



2009 ANNUAL REPORT

2009 COMMISSION MEMBERS

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Herbert Turner, Vice-Chair
Arthur Yang, Secretary
Dawnyale Bolds, Member
Shirley Tuzroyluke, Member
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Belinda A. Davis, Investigator
Eric M. McGhee, Investigator
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MEETING DATES AND LOCATIONS

The Commission meets on the third Thursday of odd months except July in the Mayor's Conference Room, Suite 830, City Hall, at 6:00 p.m. The meetings are announced in the Municipal legal notices, on the Boards and Commissions calendar in the Municipal Clerk's office and at <http://www.muni.org/mayor/notices.cfm>.

**RE: To the Honorable Mayor Dan Sullivan, the Anchorage Assembly
and the Community of Anchorage, Alaska:**

On behalf of the Anchorage Equal Rights Commissioners and staff, I'm pleased to present the Anchorage Equal Rights Commission's 2009 Annual Report. The report and statistics explain the Commission's accomplishments in fulfilling its responsibilities, to enforce the municipal and other laws prohibiting discrimination against all citizens and visitors to Anchorage, and to provide anti-discrimination education to inform people about the law and to maintain the vision of equal opportunity.

In 2009, the staff and Commission were faced with significant budget cuts as well as a proposed change to add sexual orientation as a protected class under Title 5. The Commission and staff continued to work hard to enforce the law and implement the action steps in our Strategic Plan.

We know that the statistical measures detailed in this report do not eradicate discrimination in our community, but that individuals taking action do. We know that behind the statistics in this report are real people who struggle against discrimination that still occurs in our city, our state, and our country. We support all individuals who look into their hearts and lives to make changes every day to eliminate discrimination against all people.

We hope you feel a sense of pride for the many other people who are truly working to eliminate illegal discrimination and intolerance in our community. The Commission members and staff strive to work in partnership with all people and organizations in our community to achieve our goals to eliminate and prevent discrimination and provide equal opportunity for all persons in Anchorage.

Sincerely,

Herbert J. Turner, Anchorage Equal Rights Commission, Chair

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The Anchorage Equal Rights Commission, like most government agencies, was faced with significant budget cuts in 2009. The AERC cut its operating budget by over 10% in 2009; our staff took furloughs for a number of hours; the Commission delayed filling a vacant position; the staff reduced postage, printing, copying, and other expenses. Even so, the commission's workload increased over 20% in the number of new complaint filings.

Despite the budget cuts, the AERC found innovative ways to use technology to fulfill our mission to educate the public about the AERC's services and laws we enforce, as detailed below.

The AERC's website has a new look and can be found at www.muni.org/aerc. One update involves adding a questionnaire so that Anchorage citizens, residents, and visitors can begin the complaint process on-line.

The Anchorage Equal Rights Commission is working with Leadership Anchorage! Four amazing young leaders in the Leadership Anchorage Class of 2009-2010, chose to assist the AERC in developing on-line training for young people using social networking tools (i.e. Facebook). We are looking forward to seeing the results of their project in May 2010!

The Anchorage Equal Rights Commission Celebrated Human Rights Day on-line with an article in the Alaska Employment Law Blog. When we protect the rights of people in Anchorage, we are carrying on the mission and the message behind America's participation in the drafting of the Universal Declaration. International Human Rights Day is an opportunity to re-dedicate ourselves to the goal of equality and fairness for all people in Anchorage, Alaska, America, and the entire world. **We ask you take a moment on December 10, 2009, to read the declaration, to take the quiz or just to consider the importance of human rights to our community, our city, and our country, in celebration of International Human Rights Day."**

The AERC Commissioners are conducting outreach in our community! Thank you so much to the AERC Commissioners for participating in community events to educate the public about the work of the Commission so that the staff can focus on case processing.

Anchorage Assembly Ordinance 2009-64 was a proposal to add sexual orientation to the protected classes in Title 5. The Assembly passed the provision, but it was vetoed by the Mayor. The Anchorage Assembly Chair asked the AERC to monitor the number of inquiries regarding sexual orientation discrimination and the staff began doing so on August 1, 2009. During the remainder of 2009, the staff had four inquiries regarding sexual orientation.

**ANCHORAGE EQUAL RIGHTS COMMISSION
STRATEGIC PLAN**

Five-Year Plan for 2007-2011

Document Control

Prepared by

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John Brower, Vice-Chair 2005-2006
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Susan Brady, Member
Mike Gutierrez, Member
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Document location

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II. STRATEGIC PLAN (CONTINUED)

Mission

The Anchorage Equal Rights Commission enforces the municipal and other anti-discrimination laws on behalf of all citizens and visitors to Anchorage. The Commission also provides anti-discrimination education to inform people about the law, to increase compliance with the law, and to maintain the vision of equal opportunity for all.

Vision

To eliminate discrimination through enforcement and education!

Commission Goals

Goal One

Develop an outreach and marketing plan to inform the community about Commission services.

Goal Two

Review Title 5 annually and make revisions if necessary to ensure code is accurate, facilitates staff work, and is responsive to the community.

Goal Three

Develop and maintain Commission Development Committee to ensure qualified Commission members are timely appointed.

Staff Goals

Goal One

Respond to inquiries in a timely manner.

Goal Two

Respond to complaints and timely investigate allegations of discrimination.

Goal Three

Eliminate discriminatory practices by providing outreach and education in our community.

Goal Four

Make the Anchorage Equal Rights office as efficient as possible by moving to a paperless office.

The Principles & Values That Guide Our Work

Honesty and Integrity

Respect

Commitment to Excellence

Teamwork is how we do business

III. REPORT ON OUTREACH ACTIVITIES AND EDUCATION PROGRAMS

During 2009, the Commissioners and staff conducted outreach to ethnic community groups, youth, religious groups, women, and organizations supporting persons with disabilities, among others, including the following:

- **Bridge Builders Meet the World** – On February 28, 2009, the AERC staffed a table at the Bridge Builders Meet the World event held at the Anchorage Museum. The AERC Staff and the MOA Reprographics Department designed a clever folding game with a civil rights quiz for the visitors to the AERC table. The AERC gave away over 275 games! Visitors also received an AERC stamp in their Bridge Builders passport. AERC staff met many representatives of other cultural groups and after the event mailed letters to those organizations describing the AERC services and offering training.
- **Alaska Native Justice Center** – On January 7, 2009, AERC staff members conducted anti-discrimination training to the Alaska Native Justice Center staff. All of the evaluations rated the presentation as “excellent.”
- **National Association for the Advancement of Colored People 100th Anniversary Reception** – On February 12, 2009, AERC Staff attended a reception to celebrate the 100th anniversary of the NAACP and recognized the Anchorage Branch NAACP as an important long-standing partner in promoting equality. The Commission’s resolution is included in this annual report.
- **Brother Outsider** – On Saturday and Sunday, February 21 and 22, 2009, in honor of Black History Month, the AERC, the American Civil Liberties Union and other agencies co-sponsored the feature “Brother Outsider” at the Anchorage Museum, followed by a panel discussion.
- **YWCA Opening Minds and Hearts** – The Anchorage Equal Rights Commission is a co-sponsor of the YWCA’s Opening Minds and Hearts series and attended programs throughout the year on African Women, Chinese Women and Israeli Women who each spoke about their respective cultures.
- **ADA Advisory Commission** – The AERC staff regularly attends the Municipality’s Americans with Disabilities Act (ADA) Advisory Commission meetings. On August 6, 2009, the AERC staff attended a celebration marking the signing of the ADA. The AERC worked with the organizers of the event and prepared the proclamation from Mayor Sullivan for the event.
- **Municipal Channel 10** – During the Month of April 2009, the AERC ran Fair Housing PSAs on the Municipal Channel 10.

III. REPORT ON OUTREACH ACTIVITIES AND EDUCATION PROGRAMS (CONTINUED)

- **Business and Professional Women, Anchorage Chapter** – On April 7, 2009, the AERC staff made a presentation to the BPW members on “The Equal Pay Act and The Lilly Ledbetter Law.” On April 23, 2009, the AERC staff addressed 45 people who attended a BPW – Equal Pay Day Workshop.
- **Career Academy** – On May 6, 2009, AERC staff presented anti-discrimination training approximately 45 nursing students at the Career Academy. On September 23, 2009, the AERC staff gave a presentation on Employment Law and Laws that prohibit discrimination to approximately 20 business students.
- **AWPC** – On May 6, 2009, AERC staff spoke to the Alaska Women’s Political Caucus regarding the work of the Anchorage Equal Rights Commission.
- **Federation of Community Councils** – On August 19, 2009, the AERC staff and Commissioner Robert Churchill spoke at a Federation of Community Councils meeting about the work of the Anchorage Equal Rights Commission.
- **Alaska Immigration Rights Town Hall Meeting** – On October 25, 2009, AERC staff gave a presentation to over 40 people regarding their rights to work free from discrimination. The Alaska Immigration Justice Project, the Mexican Consulate and the Public Defenders were co-sponsors.
- **Respondent Training** – AERC staff also conducts free training to Respondents organizations that have appeared before the Commission. In 2009, the staff conducted training to Respondents on the laws prohibiting discrimination on March 3, 25, and April 14, 2009. The evaluations were all excellent or outstanding!
- **As of December 31, 2009**, the AERC’s basic brochure has been translated into the top seven languages in Anchorage: Spanish, Tagalog, Hmong, Russian, Korean, Samoan and Chinese. The brochures are available for downloading from the publications page on the AERC website at www.muni.org/aerc.
- **International Human Rights Day** – On December 10, 2009, and in conjunction with the International Association of Official Human Rights Agencies (IAOHRA), the AERC’s recognition of Human Rights Day including the following: posting Mayor Dan Sullivan’s Proclamation on the AERC website, sending an email message on the Municipality’s Electronic Bulletin Board to over 3000 city employees about Human Rights Day and providing several links for more information (the AERC was acknowledged in a report at the IAOHRA Annual Meeting on September 1, 2009, for a similar effort in 2008 recognizing International Human Rights Day), and posted an article on the Alaska Employment Law Blog about the importance of International Human Rights Day. More information about International Human Rights Day is included on the following pages.

III. REPORT ON OUTREACH ACTIVITIES AND EDUCATION PROGRAMS (CONTINUED)

The Minority Community Police Relations Task Force was formed in 1981. The Task Force serves as a primary liaison between the Anchorage community and local law enforcement agencies. The Anchorage Equal Rights Commission has served as an advisory member and has provided staff support to the MCPRTF since its formation.

The Task Force changed its name in 2007 to the Anchorage Community Police Relations Task Force (ACPRTF) to promote inclusion for all citizens.

In July 2009, the ACPRTF sponsored a standing room only Public Forum on Homelessness. The speakers included Diane Ingle, Director of Health and Human Services Department for the Municipality of Anchorage; Melissa Stone, Director, Behavioral, State Department Health and Human Services; Melinda Freeman, Director, RurAL Cap, Homeward Bound; Rob Huen, APD Chief of Police; Craig Goodrich, chief, AFD; Jim Croke, Beans Cafe; and others.

The Task Force meets **on the second Friday of each month at 12:00 noon at the Fairview Recreation Center** to discuss issues of mutual concern between the Anchorage community and law enforcement. Law enforcement agencies work with the Task Force providing updates on cold cases, gang activity, and other mutually important issues. Law enforcement agencies also continue to review with the Task Force (to the extent allowable by law) the results of investigations and actions taken with respect to incidents involving members of the Anchorage community.



Anchorage Community Police Relations Task Force

Failure to Follow Up Costs Money

A tenant filed a complaint alleging discrimination against an apartment complex for failure to accommodate her disability. The tenant received to curb-to-curb transportation services and had no transportation issues from the time she moved in during January until May. In May, the apartment complex repaired its security gate that had been frozen open. The tenant immediately notified the Resident Manager that the transportation company could no longer pick her up because its bus couldn't get through the gate. In August, the tenant asked the Resident Manager to provide her with a remote opener and both parties agreed that the tenant would pay for half the cost. In November, the tenant wrote a letter to the General Manager again requesting the remote opener. The tenant believed the apartment complex had done nothing regarding her request for accommodation, so the tenant chose not to renew her lease in January. Because the apartment complex was not able to show that it took reasonable actions for over seven months to respond to the tenant's requests, even by responding to her letter, the AERC found substantial evidence of a failure to accommodate. The apartment complex agreed to pay the tenant \$1,000 to reimburse her for her moving expenses and agreed to provide training to its employees on its policy for requesting reasonable accommodation.

Sexual Encounters of the Wrong Kind

A female shift leader employed by a restaurant filed a complaint alleging that she was subjected to sexual harassment by a male manager. According to the female shift leader, the male manager told her to bend over so he could "spank her butt," invited her to come to his house topless, and dragged her across the street to throw her in a snow pile. The shift leader stated the manager's behavior was unwelcome and that she reported the sexual harassment. When presented with these allegations, the restaurant agreed to a Pre-Determination Settlement Agreement, which required the restaurant to provide training to its owners, managers, and assistant managers regarding sexual harassment, to place the AERC's informational poster regarding anti-discrimination in its restaurants, and to revise its anti-discrimination and sexual harassment policies.

Not Making the Grade

A female student filed a complaint alleging that a class attendance sign-in sheet identified her race in bold letters. The student complained twice to student services but her race continued to appear on the sign-in sheet. The student alleged that no other students were identified by their race. A school official acknowledged that the student's race did appear on the attendance sign-in sheet because of problems with a computer upgrade. The school official stated while the school was working to correct the problems with the computer system, it instructed all teachers to blank out any personal information on attendance sign-in sheets. The student's instructor failed to do so. To resolve the case, school officials confirmed that the computer problems were corrected and no private information now appears on any attendance sign-sheets. The school noted that it is required to keep track of students' races and genders for government reporting purposes and demonstrated it maintains that information in separate files.

Honesty is Always the Best Policy

A medical assistant filed a complaint alleging that she was terminated due to her race after she allegedly made a non-life threatening patient error. The medical assistant stated that the type of patient error she allegedly made is common, but other employees, not of her race, were not terminated. The AERC's investigation showed that a co-worker discovered the medical assistant's error because of the employer's established system of checks and balances. The medical assistant was instructed to correct the error and allegedly asked her co-worker if she could lie to the patient about the error. The employer terminated the medical assistant for the patient error, but also for asking her co-worker if she could lie to the patient. The AERC's investigation showed that the employer terminated another employee, not of the medical assistant's race, for the same patient error, as well as terminated other employees for violation of its code of conduct, which required honesty and integrity with patients and co-workers.

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

No Time Off

An Administrative Assistant began work for a transportation company in January. In June, she notified the manager that she was pregnant. In August, she requested time off for a personal reason. The manager denied her request and explained that the Assistant had taken time off for medical appointments and family matters, and felt that additional personal time off was excessive. The Administrative Assistant complained to the Human Resources Manager that she believed the manager's denial of her leave was discriminatory based on her pregnancy. The AERC investigation showed that for the seven-month period of her employment, the Administrative Assistant missed 90 hours of work. For a similar period, an employee with a similar job missed 34 hours of work. The company showed that other employees, who were not pregnant, were given time off without pay, but all of the time was either pre-approved as part of their hiring agreement, or the time off was for medical appointments. The AERC staff found no substantial evidence of pregnancy discrimination.

Always Dress for Success

A male applied for a job at a home health care services organization, and the receptionist recommended him to the manager because she had worked with him in a previous job. The manager told the receptionist that the applicant didn't have "the appropriate appearance" for their customers. When the receptionist told the applicant that he wouldn't be hired for the position, and communicated the comment about his appearance, the worker believed that the manager refused to hire him because of his race and because he had long hair. During the AERC investigation, the manager stated that her comment about the applicant's appearance concerned the fact that his clothing was disheveled – she said her comment did not concern his race or his hair. The receptionist, although she knew the applicant, confirmed that the manager did not refer to the applicant's race or hair, but commented about his attire. The manager provided documentation that she did not hire the applicant for the vacant position because it required someone who could transport the customer to medical appointments, and the applicant indicated he used public transportation. Because the manager showed she didn't hire other workers, who were not this applicant's race, because of lack of transportation, the staff found no substantial evidence of discrimination based on race or grooming standards.

Go to the Back of the Bus!

A visually impaired individual who utilized curb-to-curb transportation services filed a complaint alleging that a bus driver forced him and his guide dog to sit in the back of the bus. The transportation company manager acknowledged that the bus driver did not follow proper procedure by forcing the passenger to sit in the back of the bus and stated that passengers with service animals are permitted to sit wherever there are available seats. The investigation showed that the company disciplined the bus driver for failing to follow procedures. The company agreed to settle the matter by providing its bus drivers with training on how to interact with individuals with visual impairments and service animals.

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

ENFORCEMENT STATISTICS 2004 – 2008

INQUIRIES AND NEW COMPLAINTS					
TABLE 1	2005	2006	2007	2008	2009 ²
Inquiries	653	650	547 ¹	601	677
New Complaints	48	73	53	84	107
Percentage of Perfected Complaints from Inquiries	7.4%	11.2%	9.7%	13.9%	15.8%

COMPLAINT FILINGS BY TYPE					
TABLE 2	2005	2006	2007	2008	2009
Employment	41	61	43	79	94
Housing	3	4	3	2	0
Public Accommodations	4	3	5	0	13
Financing	0	0	0	0	0
Educational Institutions	0	1	2	3	0
Practices of the Municipality	0	4	0	0	0
TOTALS	48	73	53	84	107

FOOTNOTES

¹ There was a nation-wide decrease in inquiries reported by civil rights agencies. Some officials attribute part of the decrease to a lack of referrals from EEOC national call center. The National Call Center was created in 2005 and ended in 2007.

² There were four (4) inquiries from August 1 - December 31, 2009 regarding sexual orientation discrimination.

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

COMPLAINT FILINGS BY BASIS									
TABLE 3	Race/ Color	Religion	National Origin	Sex (includes pregnancy & parenthood)	Physical or Mental Disability	Age	Marital Status	Retaliation	Familial Status
Complaints 2005 ¹	12	0	3	8	18	1	0	10	0
Complaints 2006	37	3	9	17	16	1	1	8	0
Complaints 2007	17	0	8	17	9	0	0	8	0
Complaints 2008	38	2	14	17	13	1	2	14	0
Complaints 2009	49	2	11	29	13	10	0	13	0

CASE AGE									
TABLE 4		Current			Over 240			Total Cases	Total %
		80 or Less	81 190	191- 240	241- 320	321- 400	400 or More		Over 240
2006	# of Cases	15	18	6	7	1	5	52	13
	% of Cases	28.8%	34.6%	11.5%	13.5%	1.9%	9.6%	100%	25.0%
2007	# of Cases	11	6	2	5	3	12	39	20
	% of Cases	28.2%	15.4%	5.1%	12.8%	7.7%	30.8%	100%	51.3%
2008	# of Cases	18	22	3	4	2	1	50	7
	% of Cases	36.0%	44.0%	6.0%	8.0%	4.0%	2.0%	100%	14.0%
2009	# of Cases	15	29	5	7	6	1	63	13
	% of Cases	23.8%	46%	8%	11.1%	9.5%	1.6%	100%	22.2%

FOOTNOTES

¹ Data includes cases filed on multiple bases and thus does not equal the total complaints filed.

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

RESOLUTIONS PROVIDING FOR ELIMINATION OF DISCRIMINATORY PRACTICES					
TABLE 5	2005	2006	2007	2008	2009
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	13/13	21/21	26/26	20/20	35/35
Percent of Case Resolutions providing for Elimination of Discriminatory Practices	100%	100%	100%	100%	100%
Total Dollars in Settlements	\$35,566	\$74,298	\$98,305	\$104,815	\$68,948

DETERMINATIONS AND CASE CLOSURES					
TABLE 6	2005	2006	2007	2008	2009
Total Determinations and Case Closures	93	60	67	74	91

services
Discrimination training referral
prohibiting complaints Enforce
laws investigating information
Educate
business discrimination
Enforcement community Anchorage
entities regarding law providing
Eliminate Education
public
Provide



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