



ANCHORAGE EQUAL RIGHTS COMMISSION

2003 Annual Report
2004 Annual Report

2004 COMMISSION MEMBERS

Elary Gromoff, Jr., Chair
Denise Morris, Vice-Chair
Rosalie Sandoval, Secretary
Julie Eaton, Member
Wilbur Hooks, Member
Susan Brady, Member
Breddy Yang, Member
John M. Brower, Member
Rey Alvarez, Member

2004 MEMBERS OF THE STANDING COMMITTEE ON THE PROMOTION OF TOLERANCE & DIVERSITY

Debbie Fullenwider, Chair	Toni Kahklen-Jones
Ida F. Nelson, Vice-Chair	Susan Churchill
Norma Lucero, Secretary	Joe R. Fitchett, Jr.
Richard Benavides	Patty Hickok
Kevin Holmes	Susan Magestro
Mary Price	

2004 STAFF MEMBERS

Barbara A. Jones, Executive Director
Paula Williams, Staff Attorney
Erin L. Shepherd-Ham, Investigator
Belinda A. Davis, Investigator
Bruce M. Richards, Investigator
Yvonne M. Gutierrez, Administrative Assistant
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RE: 2003/2004 Annual Report of the Anchorage Equal Rights Commission

On behalf of the Anchorage Equal Rights Commissioners, staff, and the members of the Standing Committee on the Promotion of Tolerance and Diversity, I'm pleased to present this report on the activities of the Commission and Standing Committee from January 1, 2003 through December 31, 2004. The following report and statistics explain the Commission's and Standing Committee's accomplishments towards their respective missions.

The Anchorage Equal Rights Commission staff created, and the Commission embraced, a new mission statement in January 2002 to demonstrate our dedication and commitment to civil rights in Anchorage. "The mission of the Anchorage Equal Rights Commission is to enforce municipal anti-discrimination laws and provide equal opportunity to all persons in Anchorage." In January 2004, the Standing Committee adopted the following mission statement: "[T]o increase the community's awareness of and appreciation for the unique racial and ethnic diversity of Anchorage and to eliminate intolerance as well as unlawful discrimination in Anchorage." A.M.C. 5.10.050

The Anchorage Equal Rights Commission has faced many challenges in 2003 and 2004, but we anticipate many new opportunities in this and upcoming years. The Commission is working in partnership with other entities, organizations and citizens to achieve our goals to eliminate and prevent discrimination in the Municipality of Anchorage.

Sincerely,

A handwritten signature in black ink, appearing to read "Elary Gromoff Jr.", written in a cursive style.

Elary Gromoff Jr., Chair, Anchorage Equal Rights Commission

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The most significant accomplishments of the Equal Rights Commission in 2004 are reflected in the outstanding work of the Standing Committee on the Promotion of Tolerance and Diversity. The Standing Committee's Hate Crimes Task Force created and made a number of presentations to community groups to help prevent hate crimes and to develop positive responses in our community if hate crimes occur. The Standing Committee's Media Task Force, in partnership with the University of Alaska, Journalism and Public Communications Department, created a series of public service announcements (PSAs) celebrating diversity in Anchorage. The first PSA was unveiled at the Mayor's Diversity Awards Appreciation Dinner on October 1, 2004; the theme of the PSAs is "We Are Anchorage!" (See also V. Report on Outreach Activities.)

Another significant accomplishment for the Equal Rights Commission in 2004 is continuing to maintain or increase case production statistics. The staff has increased the number of new complaints filed from 73 in 2003 to 89 in 2004. It has increased the percentage of inquiries converted to perfected complaints from 8% in 2003 to 11% in 2004. Very importantly because there is federal funding involved, the staff has increased investigative case closures from 79 cases closed in 2003 to 81 in 2004. (See also VI. 2003 and 2004 Enforcement Actions and Statistics.)

One of the most significant accomplishments for the Equal Rights Commission in 2003 was the redrafting and presentation of amendments to Title 5 to the Anchorage Assembly. The amendments were adopted by the Assembly in January 2003. (See also III. Amendments to Title 5.)

Another significant accomplishment in 2003 was the selection of eleven community leaders as the first members of the Standing Committee on the Promotion of Tolerance and Diversity. (See also VI. Standing Committee on the Promotion of Tolerance and Diversity.)

Meeting Dates and Locations

The Commission meets on the third or the fourth Thursday of odd months except July in the Mayor's Conference Room, Suite 820, City Hall, at 6:00 p.m.

The Standing Committee on the Promotion of Tolerance and Diversity meets on the third or fourth Thursday of even months in the Mayor's Conference Room, Suite 820, 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>.

The Mission Statement for the
Anchorage Equal Rights Commission
is to enforce municipal anti-discrimination laws
and provide equal opportunity to all persons in Anchorage.

The AERC staff created a mission statement in January of 2002. The staff also defined the Commission's core services, its key areas of focus, and developed some performance measurements.

In 2003 and 2004, the AERC staff refined it's performance measurements by setting new goals and beginning to set individual performance goals for staff, including increasing monthly investigator case closure goals, increasing the overall agency case closure goals, and setting goals regarding satisfaction with training and other programs provided by the AERC. The staff reports regularly to the Commission on its progress towards meeting these goals.

In January 2003, the Anchorage Assembly adopted amendments to Title 5 of the Municipal Code, which governs the Anchorage Equal Rights Commission. The general substantive and technical amendments became effective on January 7, and the Fair Housing amendments became effective on January 15, 2003.

The major substantive changes in the amendments include the following:

- Extending the time for filing a complaint from 120 to 180 days, former A.M.C. 5.30.010, new section 5.40.010;
- Eliminating an interim report called the “proposed” recommendation/findings of investigation, former A.M.C.R. 5.40.004;
- Limiting the motions that may be filed at the public hearing phase, former A.M.C.R. 5.60.007, new A.M.C. 5.70.080;
- Changing the exclusion for religious educational institutions to allow a hiring preference for members of that religion, former A.M.C. 5.20.060, now at A.M.C. 5.20.090.
- Changing the confidentiality provisions to require production of the evidence in the case file only in public hearing and reconsideration cases, or under a subpoena, former A.M.C.R. 5.70.002, new A.M.C. 5.80.050;
- Adding a new chapter (A.M.C. 5.25) providing for fair housing practices and enforcement. Those proposed amendments provide for completing housing investigations within 100 days, or if impracticable, within one year; adding a new protected class - familial status - to housing cases; allowing an election of a judicial forum or a public hearing in housing cases; and providing civil penalties for violations of the fair housing ordinance.

With the enactment of the new Fair Housing provisions of Title 5 (A.M.C. 5.25), the Commission applied to the U.S. Department of Housing and Urban Development (HUD) to participate in the Fair Housing Assistance Program (FHAP). Through the Fair Housing Assistance Program, the AERC would contract with HUD to enforce the Federal Fair Housing Act. The application is pending.

Although there were many minor technical revisions in the amendments, one significant technical change was to make new Title 5 easier to use by incorporating the municipal regulations (A.M.C.R. 5.10.001 – 5.70.007) into the code (A.M.C.).

IV. STANDING COMMITTEE ON THE PROMOTION OF TOLERANCE & DIVERSITY

The purpose of the Standing Committee on the Promotion of Tolerance and Diversity is to increase the community's awareness of and appreciation for the unique racial and ethnic diversity of Anchorage and to eliminate intolerance as well as unlawful discrimination in Anchorage. Anchorage Municipal Code (A.M.C.) 5.10.050.

The Standing Committee on the Promotion of Tolerance and Diversity was established by the Assembly in the 2002 and 2003 amendments to Title 5. The Committee is governed by the Anchorage Municipal Code, the By-Laws of the Anchorage Equal Rights Commission, and any guidelines provided and/or approved by the Commission.

The Commission selected eleven citizens to serve on the Standing Committee in the spring of 2003. The Commission held an initial introductory meeting with the new Standing Committee members on May 6, 2003, and a joint Commission/Standing Committee team building work session on May 22, 2003. At the team building meeting the participants brainstormed what actions could be taken to accomplish the goals the Assembly set for the Committee in Title 5. On June 20, 2003, the Commission held a work session with the Anchorage Assembly and announced the names of the eleven community leaders selected to serve on the Committee.

The Standing Committee's first meeting was held on August 21, 2003, and the Standing Committee elected Mary Price as Chair, Debe Mahoney as Vice Chair, and Debbie Fullenwider as Secretary. The Standing Committee held special meetings on September 11 and 25, 2003, to develop its program for the next year. In addition, the Standing Committee met on October 16, November 3, November 20, and December 18, 2003.

In January of 2004, the Standing Committee developed three strategic goals to meet its goals including the following:

- Continue the work of the Media/Public Relations Subcommittee as the Media/Public Relations Task Force. The focus of this group was to develop a media plan for the Community Action Plan (CAP) with a due date in the summer of 2004.
- Continue the work of the Hate Crimes Subcommittee as the Hate Crimes Task force. This group's work would focus on making recommendations to the MOA to prevent and reduce hate crimes in Anchorage. The recommendations will be included in the Community Action Plan.
- Develop a programs task force to work with staff and other agencies to develop outreach and educational programs.

The Standing Committee held regular meetings on January - February 19; April 22; June 24; August 26; October 28; and December 16, 2004. In May 2004, the Commission appointed three new members to the Standing Committee: Joe R. Fitchett, Jr., Patty Hickok, and Susan Magestro. At their June 24, 2004 meeting, the Standing Committee elected Debbie Fullenwider as Chair, Ida Nelson as Vice Chair, and Norma Lucero as Secretary.

V. REPORT ON OUTREACH ACTIVITIES FOR 2003 AND 2004

In 2003 and 2004, the Anchorage Equal Rights Commission members, staff, and the Standing Committee on the Promotion of Tolerance and Diversity hosted numerous education, training and outreach events, and distributed AERC information at public events and to community organizations.

Elimination and prevention of discrimination occurs on many levels. Some of these educational activities occur during case processing. Often the Commission staff can provide inquirers (including landlords, businesses, and employers) with sufficient information to help prevent discriminatory action or procedures.

In addition to the assistance staff provides to inquirers, the Commission staff requires education and training in most settlement agreements. If the Commission staff becomes aware of policies or procedures that are or may be discriminatory, the staff may require a revision of the policies, procedures, or practices. Finally, when citizens and businesses call to request training from the Commission staff, these calls are handled on an individual basis and the Commission has provided training depending on resources.

In order to fulfill its mandate to develop and participate in activities and programs to eliminate and prevent discrimination, the AERC staff, Standing Committee on the Promotion of Tolerance and Diversity, and the Commission members have been involved in the following outreach and education activities:

AERC TRAINING PROGRAMS

- Training for NEA Alaska, January 28, 2003.
The staff conducted a two-hour training on workplace non-discrimination for approximately 25 NEA Alaska union representatives.
- Fair Housing White Paper, January 30, 2003, February 27, 2003, and August 5, 2003.
The AERC Staff Attorney made an excellent presentation to the Fair Housing White Paper Committee and the HUD organized Alaska Affordable Housing Partnership (AAHP).
- Presentation by the AERC to Job Services, February 27, 2003.
The staff made a presentation to 15 State of Alaska, Department of Labor Case Managers regarding the role of the Equal Rights Commission.
- Presentation to FedEx, October 1, 2003.
The staff made a 20 minute presentation at a well-attended Diversity Fair at FedEx.
- Presentation for non-profit Respondent, October 21, 2003.
The staff conducted a two-hour training session for a large non-profit employer. The training was very well received.
- Hmong New Year Celebration, December 26, 2003.
The AERC staff attended a colorful Hmong New Year Celebration and made a presentation on behalf of the Equal Rights Commission.
- Training for Small Employer, November 8, 2004.
The AERC staff conducted training for a small respondent where the staff found substantial evidence of discrimination and conciliated the case with back pay and training. The training was well-received.
- Immigration Training on November 16, 2004.
Anchorage Neighborhood Housing Services (ANHS) sponsored a program at Fairview Recreation Center to discuss Immigration laws with Catholic Social Services (CSS). It was a small turnout, but we look forward to working with ANHS and CSS again.

V. REPORT ON OUTREACH ACTIVITIES FOR 2003 AND 2004 (CONTINUED)

- Alaska Bar Association, Business Law Section, April 20, 2004.
AERC staff provided a one-hour training to the Business Law Section at their monthly meeting. We discussed procedures when appearing before the Commission, the law on sexual harassment, disparate treatment and retaliation, and finished with a discussion of the employer record keeping laws and laws limiting pre-employment inquiries.

AERC AND STANDING COMMITTEE OUTREACH & EDUCATIONAL PROGRAMS

HOUSING

- Fair Housing Cooperative of Anchorage, January 23, and May 15, 2003.
In conjunction with the Community Development Division, CDD, the AERC convened a group of interested citizens, many from faith based organizations, to discuss new ways to prevent housing discrimination.
- Predatory Lending Task Force Meeting and Freddie Mac Toolkit on Fighting Predatory Lending.
In 2003, the AERC staff met with the Alaska Predatory Lending Task Force. The AERC facilitated the Task Force's request for a Freddie Mac Tool Kit on Fighting Predatory Lending. In 2004, the AERC Staff renewed the request for the Freddie Mac Tool Kit on Fighting Predatory Lending.
- HAND (Housing and Neighborhood Development) Work Session.
The AERC made a presentation to the Hand Commission on Fair Housing in celebration of April 2003 as Fair Housing Month!
- April is Fair Housing Month!
In cooperation with the U.S. Department of Housing and Urban Development Alaska Office, a reception was held on April 30, 2003 at the BP Energy Center to commemorate April as Fair Housing Month.
- Alaska Housing Finance Corporation Training on Legal Issues in Assisted Living, February 24, 2004.
The presenters from the Corporation for Assisted Living in Minnesota offered the AERC staff 10 minutes on the program to explain and present the Fair Housing White Paper and offer copies to the attendees. This was an outstanding and surprising outreach opportunity for the AERC.

OTHER

- MLK, Jr. Day of Service, January 19, 2004.
The AERC staff contributed many hours to prepare for this program called the "Neighborhood Police Candidate School." Over 44 people attended the day-long program and rated the program as outstanding!
- Elizabeth Peratrovich Day, February 16, 2004.
The AERC staff contributed many hours to planning and preparing for the Elizabeth Peratrovich Day "Neighborhood Police and Fire Applicants School" in partnership with the Anchorage Police Department, the Mayor's Office of Equal Opportunity, the Anchorage Fire Department, and the Alaska Native Justice Center. Approximately 30 people attended this outstanding program at the beautiful Alaska Native Heritage Center.
- Black History Month and the Delany Sisters First 100 Years, "Having Our Say".
On February 2, 2004, the AERC, the Mayor's Office of Equal Opportunity, and Healing Racism in Anchorage partnered to highlight excerpts from the play by Emily Mann about the Delany Sisters First 100 Years.

V. REPORT ON OUTREACH ACTIVITIES FOR 2003 AND 2004 (CONTINUED)

- Multicultural and Diversity Calendar at www.muni.org/aerc.
On September 8, 2004, Standing Committee members participated in the Wells Fargo Press Conference to kick off the first annual Mayor's Diversity Week and unveiled the Standing Committee's web-based interactive Multicultural and Diversity Calendar. The calendar can be accessed through a link on the AERC's website at www.muni.org/aerc.
- Public Service Announcements "We Are Anchorage!"
On October 1, 2004, at the Mayor's Diversity Awards Appreciation Dinner during Mayor's Diversity Week, the Standing Committee unveiled the first of three video public service announcements highlighting the diversity in Anchorage.
- Hate Crimes Task Force, Committee Response to Hate Crimes.
During 2004, the Standing Committee's Hate Crimes Task Force developed a presentation to educate the public about hate crimes and developed a community response to hate crimes. The first presentation occurred on Monday, September 27, 2004, at the Minority Community Police Relations Task Force Public Forum, to highlight Mayor's Diversity Week. The task force also made presentations at the Alaska Federation of Natives (AFN) Convention on October 29-30, 2004 and to the Bridge Builders Board of Directors on November 3, 2004.
- Hispanic Heritage Month "Neighborhood Police and Fire Applicant School," October 2, 2004.
The AERC staff, Standing Committee members, Anchorage Police Department, Anchorage Fire Department, Mayor's Office of Equal Opportunity, and the Hispanic/Latino Coalition and others, presented the third "Neighborhood Police and Fire Applicant School" during both Mayor's Diversity Week and Hispanic Heritage Month on Saturday, October 2, 2004 from 8-4 p.m. at the Fairview Rec Center. The evaluations for this program were outstanding!
- Diversity Ribbons!
The Standing Committee developed the idea of blue and yellow "diversity" ribbons at the Diversity Rally Against Racism in November 2003. The ribbons were so well received that the Standing Committee was asked to produce 1000 Diversity Ribbons for Mayor's Diversity Week. The beautiful ribbons were distributed as table favors at the Mayor's Diversity Awards Appreciation Dinner on October 1, 2004. In addition, the Standing Committee, AERC staff and the Municipality's Employee Diversity Council prepared an additional 750 Diversity Ribbons for the Alaska Federation of Natives, Youth and Elders Delegate Bags in October, 2004.
- AFN Interview, October 28, 2004.
The Standing Committee, Commission members and AERC staff participated in a live interview during AFN on Thursday, October 28, 2004.
- US Department of Justice, Office of Special Counsel for Immigration Related Unfair Employment Practices, September 28, 2004.
In conjunction with Mayor's Diversity Week, the AERC co-sponsored two presentations from Byron Wong, Senior Trial Attorney, with the US Department of Justice in Washington, D.C., to educate employers and the general public on their rights and responsibilities under the law to prevent immigration related discrimination and document abuse. This program was co-sponsored by the Immigration Law Section of the Alaska Bar Association and the Immigrant Rights Coalition.

V. REPORT ON OUTREACH ACTIVITIES FOR 2003 AND 2004 (CONTINUED)

- Alaska Native/American Indian Heritage Month Celebration, November 3, 2004.
The Standing Committee and AERC staff were co-sponsors to an outstanding program celebrating Alaska Native and American Indian Heritage Month. Shirley Jimerson demonstrated her outstanding skills as an Alaska Native Storyteller. This program was co-sponsored by Healing Racism in Anchorage, the Alaska Native Heritage Center, and the Mayor's Office of Equal Opportunity.
- Interview on Jack Frost and Friends Radio Program, June 30, 2004.
AERC staff and the Standing Committee chair participated in an interview at Harry's Restaurant about the Equal Rights Commission and the Standing Committee.
- Minority Community Police Relations Task Force (MCPRTF).
The AERC staff provides technical assistance to the MCPRTF. The staff attended most monthly meetings of the Task Force in 2003 and 2004. The AERC staff worked with members of the MCPRTF to plan a public forum for Monday, February 10, 2003, in conjunction with the NAACP and Black History Month. The AERC staff assisted the MCPRTF in presenting a special evening public forum on Monday, September 17, 2004 in conjunction with Mayor's Diversity Week.
- Women's History Celebration – on March 27, 2003.
The AERC, the MOA Diversity Council, and the Office of Equal Opportunity planned an event for City employees to celebrate Women's History Month in 2003, with the theme of "Pioneering Women."
- EEOC Technical Assistance Program (TAPs).
On April 23, 2003, the AERC participated in the EEOC Technical Assistance Program.
- Anchorage Women's Commission, May 6, 2003.
the AERC staff made a presentation to the Anchorage Women's Commission. The presentation was informative in nature, and we discussed partnering with the Women's Commission on future events.
- Interviews on KSKA Intercambios, October 12 and November 9, 2003.
Standing Committee members and staff participated in interviews on KSKA's Spanish-language program, Intercambios.
- Facilitation of Meetings on Taxi Cab Service for Disabled Persons.
The Anchorage Equal Rights Commission (AERC), through the Commission's Attorney Conni Livsey, facilitated several meetings with the "stakeholders" through May 2003.
- Women's Equality Day Celebration, August 26, 2003 and 2004.
In 2003, the AERC, the MOA Office of Equal Opportunity, the YWCA, the League of Women Voters, the MOA Women's Advisory Commission, and the Alaska Federation of Business and Professional Women co-sponsored a celebration, which included the excellent video called "Votes for Women!" On August 26, 2004 the Standing Committee on the Promotion of Tolerance and Diversity celebrated women's Equality Day with the Anchorage Women's Commission and others. Assembly Chair Dick Traini presented Standing Committee Chair Debbie Fullenwider with a resolution from the Anchorage Assembly.

V. REPORT ON OUTREACH ACTIVITIES FOR 2003 AND 2004 (CONTINUED)

- YWCA Diversity Conference Sponsorship, October 16, 2003 and October 2004.
The AERC worked with the YWCA Social Justice Committee to sponsor its 2003 YWCA's Annual Diversity Conference and Breakfast in October. In 2004, Mayor Mark Begich was one of the keynote speakers and highlighted many of the successful events during the Mayor's Diversity Week.
- Diversity town Hall Meetings, October 24 and November 15, 2003.
The Standing Committee was a co-sponsor of these events with the Mayor's Office of Equal Opportunity.
- Diversity Rally Against Racism, November 15, 2003.
The Standing Committee co-sponsored a Diversity Rally Against Racism - attended by over 100 people - to demonstrate a positive community response and support to an Alaska Native woman who was hit by a paint ball.
- ADA Advisory Commission Meetings.
The AERC staff participated with other municipal employees to support the new ADA Advisory Commission. On January 8, 2003, the Commission's Attorney, Conni Livsey, made an excellent presentation on the ADA.
- Dr. Barbara Love, Healing Racism Reception on April 24, 2003.
The AERC hosted a reception for Dr. Barbara Love, of Amherst University in Massachusetts. The AERC co-sponsored the Healing Racism workshop by Dr. Love on Saturday, April 26, 2003.
- AERC Poster Contest.
On December 21, 2003, the AERC held a grand reception at the Anchorage Museum to celebrate the winners of the AERC Poster Contest. The contest began in November and closed during International Human Rights Week, with final judging on December 10, 2004. The reception was attended by students and teachers throughout the Anchorage School District, as well as our Commissioners and Standing Committee members who served as judges for the contest. Mayor Mark Begich presented the awards to the many winners in the contest.

VI. 2003 AND 2004 ENFORCEMENT ACTIONS AND STATISTICS

ENFORCEMENT ACTIONS

1. Responding to Inquiries or Informational Outreach

The Commission staff receives approximately 900 calls on an annual basis from citizens of and visitors to Anchorage who are seeking information and assistance, usually because of a problem or concern, such as an employee questioning a situation in the workplace that is believed to be discriminatory, or a community member seeking information about housing discrimination laws, or a business entity seeking to ensure compliance with the non-discrimination requirements of the municipal code. If the issue is not within the Commission's jurisdiction, the reason for lack of jurisdiction is explained and the caller is referred to the appropriate forums.

2. Responding to Complaints and Investigating Allegations of Discrimination; New Complaints and Caseload

When the Anchorage Equal Rights Commission has jurisdiction of an allegation of discrimination brought before it, an investigator assists the individual making the allegation to write a complaint. The investigator then impartially investigates the allegation by interviewing witnesses, collecting and reviewing documents and, in many cases, analyzing comparative information.

In 2003, the staff opened 73 complaints: 60 employment, 10 public accommodation, and 3 other. (See Table 1 and Table 2.) The bases for filing the complaints included 26 (35%) complaints alleging race discrimination; 12 (18%) alleging retaliation; 12 (18%) alleging sex discrimination; and 16 (16%) alleging disability discrimination. (See Table 3.)

In 2004, the staff opened 89 complaints: 69 employment, 9 public accommodation, and 1 other. (See Table 1 and Table 2.) The basis for filing included 38 (43%) alleging race discrimination; 17 (19%) alleging sex discrimination; 14 (16%) alleging retaliation and national origin discrimination; and 13 (15%) alleging disability discrimination. (See Table 3.)

3. Completing Investigations and Time Periods

After completing the investigation, the staff is required by Title 5 to issue written findings, titled a Determination, within 240 days from filing the complaint. The Determination recommends either that the complaint be closed for lack of substantial evidence of discrimination, or that conciliation be attempted if the recommendation is there is substantial evidence to support the allegations of the complaint. If the case is not conciliated, the complaint is taken to a public hearing. In 2003, the staff issued Determinations or closed 79 cases. (See Table 4.) In 2004 the staff issued Determinations or closed 81 cases. (Table 4.)

In 2002, the Commission staff initiated as a measure of its success, reporting the number of cases closed within 240 days. Currently, the greatest challenges before the Commission are to (1) increase the number of cases closed within 240 days and (2) increase agency case closures. With the new charge priority processing provisions in Title 5, the staff has continued to increase its case closures and reduce the age of cases in the backlog. In 2002, there were nine cases over 500 days old. In 2003, there were seven cases over 500 days old. In 2004, there were only four cases over 500 days old.

At the beginning of 2002, the AERC had 54 cases over 240 days. By the end of 2002, the staff reduced the number to 35 cases over 240 days. By the end of 2003, the staff again reduced the number of cases over 240 days to 22 cases. However as of December 2004, the number of cases over 240 days was 37 cases. An aging table is provided in Table 6. The staff is continuing to carefully monitor the age of cases and to manage investigator caseloads to complete cases as timely as possible. Case processing information on cases closed, including cases over 240 days, is provided to the Commissioners every other month (except in the summer).

VI. 2003 AND 2004 ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

4. Integrity of the Investigative Process

To ensure the integrity of the investigative process, the Commission requires that staff maintain confidentiality, and provide notice of rights to the parties. All complaints, including the names of the parties, remain confidential unless the complaint is taken to a public hearing. After a Determination is issued, the complainant may ask the Commission for reconsideration of the staff's findings. Further, after exhausting the reconsideration procedures, the complainant has a right to appeal the Commission's decision to the Alaska Superior Court.

In 2002, to measure the completeness, thoroughness and impartiality of investigations, staff articulated as two measures of success: (1) the number of cases not appealed or reconsidered, and (2) the Equal Employment Opportunity Commission (EEOC) acceptance of co-filed closed cases. In 2003, 93.4% of the AERC cases were not reconsidered or appealed. In 2004, 93.8% of the AERC cases were not reconsidered or appealed. In 2003 and 2004, the EEOC accepted 100% of the AERC's co-filed cases.

5. Case Resolutions Geared to Eliminate and Prevent Discrimination

The resolution of most complaints is brought about at the end of the investigation by a finding of either substantial or not substantial evidence of discrimination. However, there are a number of other resolutions of complaints authorized by Title 5, including resolutions agreed to by the parties.

In cases that were resolved by an agreement of the parties, the Commission was successful in requiring terms designed to prevent and eliminate discrimination in 78.95% of the cases in which parties reached a resolution in 2003. (See Table 5.) In 2004, 100% of the cases settled or included terms to prevent or eliminate discrimination. The terms that the Commission was successful in obtaining include the following:

- A Respondent paid \$11,000 for back pay in a case alleging disability discrimination in employment. In addition, the Respondent agreed to and did provide disability training to its employees, supervisors and managers. The Respondent also revised its personnel files and application files so that all information regarding the medical condition of employees is kept in separate medical files and treated as confidential medical records.
- A Respondent paid \$6,721 in back pay, plus interest for one year, in a case alleging sex discrimination in employment. This Respondent agreed to and provided workplace non-discrimination training to its employees, supervisors and others.
- Another Respondent provided a corrected W-2 form to a Complainant alleging sex discrimination for the reason that males were provided different employment benefits than females. This Respondent also agreed to pay the Complainant's attorney and accountant fees and agreed to provide notice to employees in the future if it changed the benefits that were the subject of the complaint.
- A Respondent paid a Complainant \$50,000 for back pay in a case alleging sexual harassment and retaliation in employment. This Respondent also agreed to provide workplace non-discrimination training.
- The Respondent paid a Complainant \$35,000 in back pay in a case alleging race discrimination in the complainant's termination. This Respondent also agreed to provide workplace non-discrimination training.

6. Public Hearings and Litigation

The Anchorage Equal Rights Commission takes cases in which there is a finding of substantial evidence of discrimination and conciliation is unsuccessful to public hearing. The Commission also may enforce settlement agreements and defend decisions of the Commission in appeals to superior court, and may be involved in other litigation. The public hearings and litigation involving the Commission in 2003 and 2004 included the following:

VI. 2003 AND 2004 ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

Thomas et al. v. AERC et al., was filed by plaintiffs seeking a declaratory judgment that the provisions of Title 5's housing law prohibiting discrimination based on marital status violated their religious rights. After oral argument before the Alaska Supreme Court in November 2003, a decision was issued on December 10, 2004 upholding the constitutionality of the Municipal Ordinance Title 5.

Drake v. Wal-Mart, Inc., is a public hearing case alleging race discrimination in a public accommodation. A public hearing was held on March 16, 2004 and a decision from the hearing panel was issued on March 10, 2005. The proposed decision found in favor of the staff and Ms. Drake, and proposed training, an apology, replacement merchandise, and up to \$10,000 in attorney fees. The final decision is expected by the end of June 2005.

Jenkins-Welch v. MOA/AERC, is an appeal in superior court of the Commission's decision to administratively close the underlying discrimination case because the complainant filed a complaint in court. The record on appeal was filed in October 2003. Ms. Jenkins-Welch voluntarily dismissed her appeal on September 9, 2004.

Stiving v. Park Ridge Condominium Association, is a public hearing case alleging age discrimination in housing. The staff found substantial evidence of discrimination due to Respondent's failure to answer requests for information or a subpoena. At the public hearing on October 16, 2004, the parties stipulated to a settlement resolving the case with training and a letter of explanation for Respondent's decision to the Complainant.

LeSueur v. Columbia AK Regional, is an appeal the AERC staff's decision to adopt the no substantial evidence finding of the Alaska State Commission on Human Rights (ASCHR). The main issue on appeal for the AERC concerns whether the Complainant was denied light duty work in retaliation for a prior sexual harassment claim. Briefs on appeal were due in early 2005.

Williams v. VFW Post No. 9978, is a public hearing case where staff found no substantial evidence of sexual harassment, but did find substantial evidence of retaliation. The public hearing is scheduled for August 9, 2005.

ENFORCEMENT STATISTICS

INQUIRIES AND NEW COMPLAINTS					
TABLE 1	2000	2001	2002	2003	2004
Inquiries	898	982 ¹	958	908	802
New Complaints	58	77	67	73	89
Percentage of Perfected Complaints from Inquiries	6.45%	7.88%	6.8%	8.04%	11.1%

FOOTNOTES

¹ This number has been adjusted to reflect a more accurate method of recording inquiries in 2001.

VI. 2003 AND 2004 ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

COMPLAINT FILINGS BY TYPE

TABLE 2	2002	2003	2004
Employment	53	60	69
Housing	7	1	7
Public Accommodations	2	10	4
Financing	0	0	2
Educational Institutions	3	2	4
Practices of the Municipality	2	0	3
TOTALS	67	73	89

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 2002 ²	30	0	10	18	13	2	0	9	0
Complaints 2003 ²	26	0	6	12	16	4	1	12	0
Complaints 2004 ²	38	2	14	17	13	1	0	14	0

DETERMINATIONS AND CASE CLOSURES

TABLE 4	2000	2001	2002	2003	2004
Total Determinations and Case Closures	67	33	70	79	81

FOOTNOTES

¹ This number has been adjusted to reflect a more accurate method of recording inquiries in 2001.

² Data includes cases filed on multiple bases and thus does not equal the total complaints filed.

VI. 2003 AND 2004 ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

RESOLUTIONS PROVIDING FOR ELIMINATION OF DISCRIMINATORY PRACTICES			
TABLE 5	2002	2003	2004
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	12/13	15/19	29/29
Percent of Case Resolutions providing for Elimination of Discriminatory Practices	92.3%	78.95%	100%
Total Dollars in Settlements	N/A	N/A	\$107,824

TABLE 6		CURRENT			OVER 240			TOTAL CASES
		< 80 days	81-190	190-240	241-320	320-400	> 400	
2004	# of Cases	15	22	8	20	6	11	82
	%	18%	27%	10%	24%	7%	13%	100%
2003	# of Cases	24	19	7	5	5	14	74
	%	32%	26%	9%	7%	7%	19%	100%
2002	# of Cases	18	16	14	12	4	19	83
	%	22%	19%	17%	14%	5%	23%	100%

