



ANCHORAGE EQUAL RIGHTS COMMISSION

2005 Annual Report
2006 Annual Report

PEOPLE

2006 COMMISSION MEMBERS

Denise R. Morris, Chair
John M. Brower, Vice-Chair
Rey Alvarez, Secretary
Rosalie Sandoval, Member
Susan Brady, Member
Julie Eaton, Member
Herbert Turner, Member
Arthur Yang, Member
Shirley Tuzroyluke, Member

2006 STAFF MEMBERS

Barbara A. Jones, Executive Director
Belinda A. Davis, Investigator
Norma M. Lucero, Investigator
Eric M. McGhee, Investigator
Yvonne M. Gutierrez, Administrative Assistant
Merianne V. Thomas, Office Assistant

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MEETING DATES AND LOCATIONS

The Commission meets on the fourth Thursday of odd months except July 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>.

RE: 2005 & 2006 Annual Report of the Anchorage Equal Rights Commission

On behalf of the Anchorage Equal Rights Commissioners and staff, I'm pleased to present the Anchorage Equal Rights Commission's 2005-2006 Annual Report. The report and statistics explain the Commission's accomplishments towards our mission.

These accomplishments are the result of many hours of hard work by our professional and dedicated staff, commission members, and volunteers. The Commission celebrated the 30th Anniversary of the passage of Title 5, on November 9, 2006. I hope you feel a sense of pride and agree that we are truly working to eliminate illegal discrimination and intolerance in our community.

The Anchorage Equal Rights Commission has faced many challenges, but we anticipate many new opportunities. The Commission is working in partnership with other entities, organizations and citizens to achieve our goals to eliminate and prevent discrimination and provide equal opportunity for all persons in Anchorage.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise R. Morris". The signature is fluid and cursive, written in a professional style.

Denise R. Morris, Anchorage Equal Rights Commission Chair

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I. EXECUTIVE SUMMARY

The most significant accomplishment of the Equal Rights Commission in 2006 was its Thirtieth Anniversary Celebration. The Anchorage Assembly passed Title 5, the Municipality's Anti-Discrimination Law, on November 9, 1976. The Commission created a Planning Committee, which started research in 2005, and developed an incredible program for November 9, 2006. This program highlighted presentations about civil rights leaders in the United States and Alaska. (See II. Thirtieth Anniversary Celebration.)

The Equal Rights Commission held a retreat in January 2006, which resulted in the development of three goals: (1) creation of a Commission Development Committee; (2) ongoing review of Title 5; and (3) development of a public relations campaign. In addition to the Commission's three goals, the Commission created a Strategic Planning Committee in 2006 and began work on developing a five year **Strategic Plan**, which will be complete in 2007. (See III. Mission Statement.)

In 2005 and 2006, the Equal Rights Commission held many Outreach and Education events, but two outstanding events included the Asian Pacific American Celebrations in May. The 2005 celebration unveiled a "Filipinos in Alaska" photo display, which chronicles Filipino history in Alaska. The 2006 celebration unveiled the "Japanese in Alaska" photo display, which details Japanese history in Alaska. (See IV. Report on Outreach Activities).

The Equal Rights Commission is continuing to reduce the number of cases over 240 days old. In 2005, the staff had only 22 cases over 240 days; in 2006, the staff had only 13 cases over 240 days. Through the mission statement and goals, the staff strives to maintain or increase other case production statistics as well. (See V. Enforcement Actions and Statistics.)

II. THIRTIETH ANNIVERSARY CELEBRATION

On Thursday, November 9, 2006, the Anchorage Equal Rights Commission celebrated the 30th anniversary of passage of Title 5 of the Anchorage Municipal Code, the Municipality's anti-discrimination law. The celebration transformed the Fairview Recreation Center.



A highlight of the celebration were the presentations about civil rights leaders in the United States and Alaska. The presentations included Cesar Chavez, Latino Civil Rights Leader, presented by Richard Benevides; Elizabeth Peratrovich, Alaska Native Civil Rights Leader, presented by Diane Benson; Yuri Kochimachi, Asian Civil Rights Leader, presented by Mari Ogimachi; Thurgood Marshall, African-American Civil Rights Leader, presented by Cal Williams.



II. THIRTIETH ANNIVERSARY CELEBRATION (CONTINUED)

The celebration was an opportunity to recognize the many individuals who have served on the Anchorage Equal Rights Commission over the last 30 years, including the following:

Original Anchorage Equal Rights Commission Members Appointed January 13, 1977

Deborah Sedwick, Chair
Charles R. Barlow
Zola Strzelewicz
George Williams
Jack Simpson
Jane Yamashito
Richard Watts
Joe Armstrong
Johnnie Gay

Members of the Anchorage Equal Rights Commission Past & Present

Julie Alfred Troiano	Holly Hill	Edward Ramirez
-Rey Alvarez	Wilbur Hooks	Junior Ramos*
Joe Armstrong	Garry Horton	Harry L. Rosenfeld
Dorothy Awes-Haal	Dixie Hudish	Hank Rosenthal
Charles Barlow	Cheri Jacobus*	-Rosalie Sandoval
-Susan Brady	Michael Johnston	Lewis J. Sears*
-John Brower	Lydia A. Jones	Deborah Sedwick*
Patricia Browner	James Kelly	Geraldine Simon
Terry Bryan*	Parnell Kelly	Karen Cory Slack
Sylvia Carlson	John Lehe	David Strong
Bonnie Carroll	David M. Levy	Zola Strzelewicz
David Cavitt	Jerry Lexer	David Thompson
Esther Combs	Edward Lum*	Bruce Tiedman*
Edward Cordova*	Chris Lyou*	-Herbert Turner
Julie Eaton	Alton J. Malvo	-Shirley Tuzroyluke
Kevin Finnigan*	Joe Marks	Elizabeth Vazquez
William Fowler*	Sharon Mitchell	Margaret Ward
John Franklin	Valorie Moore	George Williams
Duane M. French*	-Denise Morris*	Allen Williams
James Gaines	Lisa Murkowski	Marva Williams*
Johnnie Gay	Camilleann Nelson	Gerald Wolf
Elary Gromoff*	Manual Norat	Jane Yamashiro
-Mike Gutierrez	Shelby Nuenke-Davison*	Breddy Yang
Beatrice Halkett	Rinna Poeshn	-Arthur Yang

* Members who served as chair
- Current Commission member

We apologize in advance if we missed the name of any person who served as a Commission member or chair. Please contact us at 343-4342 or WWERC@ci.anchorage.ak.us.

III. MISSION STATEMENT

*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 Commission and staff are committed to the Commission's mission statement. In 2005 and 2006, the staff monitored overall agency case closures, inquiry and complaint filings, and the timeliness of cases. The staff reports regularly to the Commission on its progress towards meeting its goals in these areas.

The Commission developed three goals in 2006, including (1) creation of a Commission Development Committee; (2) ongoing review of Title 5; and (3) development of a public relations campaign. Four Commission members volunteered to serve on the new Commission Development Committee. They worked to recruit and recommend new Commission members to the Mayor. The Anchorage Assembly appointed three new Commission members in October 2006. In the process of conducting a review of Title 5, the Commission approved a draft of changes to Title 5, which including several technical corrections, but a substantive change to the confidentiality provision allowing the staff to disclose "imminent threats of harm" to the appropriate authorities. The Commission's third goal was to develop a public relations campaign. The first step in that process is complete by hiring an Investigator to work part-time as an Outreach Coordinator.

The Commission created a Strategic Planning Committee in 2006 and began work on developing a five-year Strategic Plan. The Strategic Planning Committee is reviewing the mission statement, creating a vision statement, and developing an action plan for the Commission. The Strategic Plan will be complete in 2007.

IV. REPORT ON OUTREACH ACTIVITIES

In 2005 and 2006, the Anchorage Equal Rights Commission members, staff, and volunteers 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.

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 duty to develop programs to eliminate discrimination, the AERC staff and the Commission members have been involved in the following outreach and education activities:

AERC TRAINING PROGRAMS

- **Training at Cook Inlet Tribal Council (CITC)** – On April 5, 2005, the AERC joined with the Equal Employment Opportunity Commission (EEOC) in presenting training at Cook Inlet Tribal Council in Anchorage.
- **State of Alaska, Department of Labor, Job Service** – On June 15, 2005, the AERC conducted a one-hour training session for approximately 40 job service counselors.
- **Equal Rights Commission, Non-Discrimination Training** – March 21, 2006, the AERC conducted a training session on non-discrimination to the Anchorage Fire Department Executive Staff.
- **Workplace Non-discrimination Clinic at Mountain View Boys and Girls Club** – On March 29, 2006, the AERC conducted the first community workplace non-discrimination clinic in conjunction with Alaska Legal Services at Mountain View Boys and Girls Club.
- **ADA Advisory Commission Meeting** – On April 11, 2006, the AERC presented a training session on non-discrimination to the members of the ADA Advisory Commission.
- **Equal Rights Commission, Non-Discrimination Training** – April 13, 2006, the AERC conducted a training session non-discrimination to the Traffic Engineering Division, Transportation Planning and Communications Division Executive Staff.
- **Disability Law Center** – On June 1, 2006, the AERC made a presentation to the staff of the Disability Law Center regarding the Equal Rights Commission and the laws we enforce.

AERC OUTREACH EVENTS & PROGRAMS

- **Black History Program, a Tribute to George Harper for his Contributions to Black History in Alaska** – On February 23, 2005, the AERC sponsored a Tribute to George Harper for his contributions to Black History in Alaska through a display of his photograph collection called “Blacks in the Gold Rush” in City Hall. The photos, courtesy of UAA, were also displayed for several days in the Atrium at BP for Alyeska Pipeline Service Company’s Black History Month Celebration.

IV. REPORT ON OUTREACH ACTIVITIES (CONTINUED)

- **Housing Opportunity Fair** – April 2, 2005, the AERC set up information at the Housing Opportunity Fair at the Muldoon Mall to provide information to people about the housing discrimination provisions of Title 5.
- **MCPRTF Public Forum** – On September 26, 2005, the AERC Staff supported the MCPRTF at its Public Forum and Gang Task Force Presentation from APD during Mayor’s Diversity Week 2005.
- **Mayor’s Diversity Week 2005, "We Are Anchorage" Kickoff at Nordstrom** – The Equal Rights Commission helped kick off the “We Are Anchorage” public service announcements during Mayor’s Diversity week. The three PSAs feature diverse people in diverse occupations in Anchorage, and were broadcast on Channel 2 throughout the month of May 2006. The PSAs, which were created in partnership with the University of Alaska, Anchorage, Department of Journalism and Public Communication, were nominated for a “Heart of Anchorage” award and a Student Emmy award.
- **Kick-off For the “Don’t Borrow Trouble-Alaska” Campaign** – The AERC worked on the planning committee to kick-off the “Don’t Borrow Trouble-Alaska” anti-predatory lending campaign on November 16, 2005 at the Anchorage Board of Realtors luncheon with Mayor Mark Begich presenting the keynote address. The Municipality is hosting the “Don’t Borrow Trouble–Alaska” website at <http://www.muni.org/dontborrowtroublealaska/>.
- **Fair Housing Conference in April 2006** – On April 24, 2006, the AERC, the YWCA, the Alaska State Commission for Human Rights (ASCHR) and the US Department of Housing and Urban Development (HUD) held a free **Fair Housing Conference**. The program featured Assistant Secretary for Housing and Urban Development, Kim Kendrick, from Washington, D.C.; Executive Director of the Fair Housing Training Academy, Beverly Watts, from Washington, D.C.; Region X Director of Fair Housing and Equal Opportunity, Judith Keelor, from Seattle, Washington; as well as Mayor Mark Begich. A second Fair Housing program was presented on, April 25, 2006, at Mountain View Boys and Girls Club.
- **Fair Housing Public Service Announcements** – During April 2006, Municipal Channel 10 ran two fair housing public service announcements referring individuals to the Equal Rights Commission.
- **Asian Pacific American Celebration** – On May 1, 2006, the AERC sponsored a celebration for Asian Pacific American month, with participation from the Mayor’s Office of Equal Opportunity, the Japanese American Citizen’s League, and the MOA Diversity Council. The highlight of the program in the City Hall lobby was unveiling the “Japanese in Alaska” display, which chronicles Japanese history in Alaska. In 2005 AERC sponsored a celebration for Asian Pacific American Month. The highlight of the program was the “Filipinos In Alaska” display, which details Filipino history in Alaska.
- **Women’s Equality Day Celebration** – On August 28, 2006, the Equal Rights Commission co-sponsored a Women’s Equality Day program with the Mayor’s Office of Equal Opportunity and the Anchorage Women’s Commission.
- **MCPRTF Panel Discussion** – On September 26, 2006, the AERC Staff supported the MCPRTF for a Panel Discussion on Gang Violence in Anchorage during Mayor’s Diversity Week 2006.
- **Hmong New Year Celebration** – On December 28, 2006, the AERC made a presentation at the Hmong New Year Celebration as a guest of AERC Commissioner Arthur Yang. There was good food and dancing, and an opportunity to learn more about the important relationship the Hmong people have with the United States.

ENFORCEMENT ACTIONS

1. Responding to Inquiries or Informational Outreach

The Commission staff receives approximately 600-700 calls on an annual basis from citizens of and visitors to Anchorage who are seeking information and assistance. Typical inquiries include an employee questioning a situation in the workplace that is believed to be discriminatory, 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 situation is not within the Commission's jurisdiction, the reason for lack of jurisdiction is explained and the caller is referred to other resources.

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

When the Anchorage Equal Rights Commission has jurisdiction over an allegation of discrimination, 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 2006, the staff opened 73 complaints: 61 or 83% of which were employment claims, (See Table 1 and Table 2.) The basis for filing included 37 complaints (60%) alleging race discrimination; 17 (23%) alleging sex discrimination; 16 (22%) alleging disability discrimination; and 9 (12%) 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 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 2005, the staff issued Determinations or closed 93 cases. (See Table 4.) In 2006 the staff issued Determinations or closed 60 cases. (Table 4.)

In 2005, 57% of the case inventory was over 240 days old. In 2006, only 25% of the case inventory was over 240 days old. An aging table is provided in Table 6. The staff is continuing to monitor the age of cases and to manage investigator caseloads to complete cases as timely as possible.

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.

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 100% of the cases in which parties reached a resolution. (See Table 5.) The terms that the Commission was successful in obtaining include the following:

- A Respondent paid approximately \$23,000, which included back wages, reimbursement

V. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

for medical expenses, and a tool allowance, to a Complainant who was terminated after he had a heart attack.

- Another Respondent paid over \$3,000 to an employee alleging hostile environment race and religious discrimination and retaliation in his termination. This Respondent agreed to provide its employees, supervisors, and managers with anti-discrimination training in its Anchorage office.
- A Respondent paid \$58,000 in a private settlement to a Complainant alleging sexual harassment in her employment. The Respondent provided information to the Commission that addressed public policy issues demonstrating the Respondent's commitment to prevent potential future discrimination complaints.
- Another Respondent paid \$1,000 to a Complainant in a case alleging disability discrimination and provided training to its managers, supervisors, and employees. This Respondent reviewed its personnel files to ensure that no confidential medical information was being maintained in those files and reviewed its leave policies to consider how those policies may affect employees with disabilities.

6. Public Hearings and Litigation

The Anchorage Equal Rights Commission takes cases to public hearing if there is a finding of substantial evidence of discrimination and conciliation is unsuccessful. 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 2005 and 2006 included the following:

Drake v. Wal-Mart, Inc., involves allegations of race discrimination in a public accommodation. A public hearing was held on March 16, 2004, and a proposed decision from the hearing panel was issued on March 10, 2005. The final decision was issued on May 23, 2005. The Commission ordered training for all Wal-Mart customer service reps; \$43.00 plus interest from June 1, 2001 for the price of a video game; notice of non-discrimination posted at stores; a written apology to Ms. Drake; and an award of attorney's fees up to \$10,000.

LeSueur v. Columbia AK Regional, involves an appeal of the AERC staff's decision to adopt a 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 complaint. The case was argued before the Superior Court on July 1, 2006, and the court dismissed the AERC and remanded the matter to ASCHR.

Williams v. VFW Post No. 9978, involves a finding of no substantial evidence of sexual harassment, but substantial evidence of retaliation. A public hearing was scheduled for August 9, 2005. Prior to the public hearing, the parties agreed to settle for \$3,000, anti-discrimination training and posting anti-discrimination notices. The Commission approved the settlement in July 2005.

V. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

ENFORCEMENT STATISTICS 2005 – 2006

INQUIRIES AND NEW COMPLAINTS					
TABLE 1	2002	2003	2004	2005	2006
Inquiries	958	908	802	653	650
New Complaints	67	73	89	52	73
Percentage of Perfected Complaints from Inquiries	6.8%	8.04%	11.1%	7.96%	11.2%

COMPLAINT FILINGS BY TYPE					
TABLE 2	2002	2003	2004	2005	2006
Employment	53	60	69	41	61
Housing	7	1	7	3	4
Public Accommodations	2	10	4	4	3
Financing	0	0	2	0	0
Educational Institutions	3	2	4	0	1
Practices of the Municipality	2	0	3	0	4
TOTALS	67	73	89	48	73

V. 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 2002 ¹	30	0	10	18	13	2	0	9	0
Complaints 2003	26	0	6	12	16	4	1	12	0
Complaints 2004	38	2	14	17	13	1	0	14	0
Complaints 2005	12	0	3	8	18	1	0	10	0
Complaints 2006	37	3	9	17	16	1	1	8	0

DETERMINATIONS AND CASE CLOSURES					
TABLE 4	2002	2003	2004	2005	2006
Total Determinations and Case Closures	70	79	81	93	60

FOOTNOTES

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

V. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

RESOLUTIONS PROVIDING FOR ELIMINATION OF DISCRIMINATORY PRACTICES					
TABLE 5	2002	2003	2004	2005	2006
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	12/13	15/19	29/29	13/13	21/21
Percent of Case Resolutions providing for Elimination of Discriminatory Practices	92.3%	78.95%	100%	100%	100%
Total Dollars in Settlements	N/A	N/A	\$107,824	\$35,566	\$74,298

TABLE 6		CURRENT			OVER 240			TOTAL CASES
		< 80 days	81-190	190-240	241-320	320-400	> 400	
2006	# of Cases	15	18	6	7	1	5	52
2005	# of Cases	7	6	3	6	6	10	38
2004	# of Cases	15	22	8	20	6	11	82
2003	# of Cases	24	19	7	5	5	14	74
2002	# of Cases	18	16	14	12	4	19	83

