



ANCHORAGE EQUAL RIGHTS COMMISSION



2007 Annual Report

PEOPLE

2007 COMMISSION MEMBERS

Denise R. Morris, Chair
John M. Brower, Vice-Chair
Shirley Tuzroyluke, Secretary
Rosalie Sandoval, Member
Susan Brady, Member
Herbert Turner, Member
Arthur Yang, Member
Michael Gutierrez, Member
Dawnyale Bolds, Member

2007 STAFF MEMBERS

Barbara A. Jones, Executive Director
Belinda A. Davis, Investigator
Eric M. McGhee, Investigator
Yvonne M. Gutierrez, Investigator and Outreach Coordinator
Forrest Schroeder-Einwiller, Administrative Assistant
Merianne V. Thomas, Docket Clerk

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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 Mark Begich, 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 2007 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.

The Commission's accomplishments, in particular the 2007-2011 Strategic Plan, are the result of many hours of hard work by our professional and dedicated staff and Commission members. The Strategic Plan is a working document that sets out a framework, with detailed action steps for the staff and Commission to direct the future of the Commission. The success of the Strategic Plan relies primarily on the Anchorage Equal Rights Commission staff and on the support of the Commission members.

Even with the Strategic Plan in place, we know that this document alone does 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 our community efforts to eradicate racism through the YWCA's noble efforts in the "Opening Hearts and Mind" series where Anchorage community members talk about racism. We support the Leadership Anchorage Class of 2007, which created the video "Anchorage is Our Home" in partnership with Healing Racism in Anchorage to allow our community to discuss race and ethnic discrimination. We support individuals who look into their hearts and lives to make changes every day to eliminate discrimination for all reasons against all people.

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

Sincerely,



John M. Brower, Anchorage Equal Rights Commission, Chair

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I. EXECUTIVE SUMMARY

The most significant accomplishment of the Anchorage Equal Rights Commission in 2007 was completing a strategic plan. The key component of the Strategic Plan is to “Develop an outreach and marketing plan to inform the public about the Commission services.” (See II. Strategic Plan.) Implementation of the plan has begun and will continue over the next five years.

Other significant accomplishments included completing several action steps in the outreach and marketing plan. First, the staff created a new logo and new brochure. The new logo is featured on the cover page of this annual report and the new brochure is available for download on the Commission website at the <http://www.muni.org/aerc/Publications.cfm>. **Second, the Anchorage Equal Rights staff was reorganized to create a new Investigator and Outreach Coordinator position to assist with the outreach and marketing campaign.** The new Outreach Coordinator completed several action steps in the outreach and marketing plan to target outreach to specific groups and strengthen and create new partnerships in our community. **One significant outreach event was a partnership with the Equal Employment Opportunity Commission (EEOC) to present the EEOC’s Youth@Work initiative to over 400 students at the Anchorage School District** (See III. Outreach and Education).

The staff’s goals in the 2007-2011 Strategic Plan are to respond to inquiries and complaints in a timely manner. The Anchorage Equal Rights staff reports regularly to the Commission and annually to the Mayor, the Assembly and the public on its case production statistics. (See IV. Enforcement Actions and Statistics.)

Another highlight of the Commission’s work in 2007 included recognition by the National League of Cities for the work of the Anchorage Community Police Relations task Force (ACPRTF), for which the Commission serves as an advisory member and provides administrative support. (See III. Outreach and Education.)

**ANCHORAGE EQUAL RIGHTS COMMISSION
STRATEGIC PLAN**

Five-Year Plan for 2007-2011

Document Control

Prepared by

Commission Members

Denise R. Morris, Commission Chair 2005-2006

John Brower, Vice-Chair 2005-2006

Rosalie Sandoval, Member

Susan Brady, Member

Mike Gutierrez, Member

Herbert Turner, Member

Arthur Yang, Member

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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

Teamwork is how we do business

Commitment to Excellence

Respect

III. REPORT ON OUTREACH ACTIVITIES AND EDUCATION PROGRAMS

- **New Outreach and Education Coordinator** – In January 2007, the Commission hired Yvonne Gutierrez as its new Outreach and Education Coordinator.
- **YWCA – Opening Hearts and Minds** – The Anchorage Equal Rights Commission has been a co-sponsor of the YWCA’s Opening Hearts and Minds series, which included presentations on Older Women and Aging, Hmong Women, Bi-racial Women, Asian Women, Teens Talking About Race, and Women with Disabilities.
- **Alaska Bar Association Employment Law Section** – On February 7, 2007, AERC staff made a presentation to the Employment Law Section with the Alaska State Commission for Human Rights (ASCHR).
- **Youth@Work Initiative** – On April 10, 2007, the Anchorage Equal Rights staff collaborated with representatives from the U.S. Equal Employment Opportunity Commission (EEOC) to present the Youth@Work initiative to 400 students in the Anchorage School District!
- **Youth Career and Job Fair at Mountain View Boys and Girls Club** – The Anchorage Equal Rights Commission staffed a booth at the Youth Career and Job Fair on April 20, 2007 to provide information to young people about their rights and responsibilities in the work force through our materials and the EEOC’s Youth@Work materials.
- **Anchorage Chamber “Make It Monday” Forum with EEOC Chair Naomi C. Earp** – The Anchorage Equal Rights Commission was a co-sponsor with the YWCA, the Alaska State Commission for Human Rights (ASCHR), and the Anchorage Chamber of Commerce to host U.S. EEOC Chair Naomi C. Earp, who spoke about the EEOC’s Youth@Work Initiative on June 18, 2007.
- **Workshop on EEOC’s E-RACE Initiative** - The AERC was again a co-sponsor with the YWCA, ASCHR, and the EEOC to present EEOC Chair Naomi C. Earp and the EEOC’s San Francisco Region Deputy Director Michael Baldonado, who spoke on the EEOC’s E-RACE Initiative at the Wilda Marston Theater on June 18, 2007.
- **Diversity Coalition Gathering** – On June 28, 2007, the Anchorage Equal Rights staff gave a presentation to the Municipality’s Diversity Coalition Gathering at the John Thomas Building.
- **Covenant House** – On October 2, 2007, the Anchorage Equal Rights staff gave a presentation on “Youth@Work” to a group of young people and staff at Covenant House’s “Legal Street.”
- **Anchorage Community Diversity Advisory Commission** – The Anchorage Equal Rights staff gave a presentation to the Community Diversity Advisory Commission on November 14, 2007.
- **International Human Rights Day** – On December 10, 2007, the Commission provided information to over 2000 people, including municipal employees, about the significance of International Human Rights Day and the work of the Anchorage Equal Rights Commission.

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 M CPRFT since its formation.

On October 1, 2007, the Task Force changed its name to the **Anchorage Community Police Relations Task Force** to promote inclusion of all citizens. In 2007, the Task Force was listed in the National League of Cities' Awards for Municipal Excellence as a community organization, through effective policies and thoughtful planning, that has preserved and/or enriched a high quality of life.

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 its investigations and actions taken with respect to incidents involving members of the Anchorage community.



Anchorage Community Police Relations Task Force

IV. ENFORCEMENT ACTIONS AND STATISTICS

Back Pay for Back Dating

An employee filed a complaint of discrimination alleging that her employer terminated her based on her race after she was off one week for scheduled surgery. The supervisor told the employee he terminated her for excessive absences. After her termination, the employee filed for unemployment and found out the employer reported to unemployment that she was terminated for a “no call-no show” the week before her surgery. As part of the investigation, staff requested the employer’s records showing when employees scanned their IDs in and out of the secure workplace. The records showed that the employee actually scanned her ID on a date after the supervisor reported to unemployment that she was terminated. This employer agreed to change the employee’s termination to a resignation and paid the employee approximately \$27,000 in back pay and benefits.

Tell the Truth

A female cashier filed a complaint alleging that her boss, who regularly hugged her and asked her to marry him, subjected her to sexual harassment. The cashier claimed that when she refused, she was terminated. The employer admitted that he talked to the female cashier about his health and its affect on his sexual performance, and witnesses confirmed that the employer also talked to male employees about sex. Yet, the employer asserted that the cashier was terminated when it found out that approximately \$5,000 was missing during times that she was either working or had come into the business on her off days. The employer also found out that the female cashier lied on her job application stating that she had no felony convictions; in fact, she had been convicted of embezzling \$40,000 from her previous employer and was on probation. This case was resolved when the employer agreed to and completed sexual harassment training for its owners and managers.

Boy, Oh Boy!

A six-year employee filed a complaint that he was subjected to a hostile environment when one of his co-workers called him “boy,” a “dumb n-----,” and used the term “n----- rigging.” The investigation into the allegations also showed that another employee was called “chink,” among other things. The employer’s supervisor attended the Commission’s fact-finding conference early in the investigation and indicated his concerns about what had happened to the complaining employee. The supervisor stated that he had developed an action plan to prevent this type of conduct from happening again. The employer and employee agreed to settle the case after the employer conducted anti-discrimination training for supervisors, provided diversity training for employees, as well as distributed a memo to all employees regarding the employer’s anti-discrimination policy with a warning that violations of the policy could result in discipline up to and including termination.

Follow the Rules

An employee filed a complaint alleging that her employer discriminated against her based on her race when it terminated her for violation of its work rule regarding appropriate use of its computers. The employer provided documentary evidence that an outside organization notified the employer that the organization blocked a pornographic image sent from the employee’s work computer. The employer initiated an internal investigation and discovered that the original inappropriate email and image were forwarded to the employee from a co-worker. The co-worker was also terminated. Because the employer terminated other employees, who were not the employee’s race for violations of its work rules, the staff found no substantial evidence of discrimination.

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

Keep on Truckin'!

A female truck driver filed a complaint that her employer of 15 years discriminated against her based on her sex when it failed to offer her a transfer to another position. When the position came open, the supervisor placed a male with less seniority and experience in the shift because the male employee lived closer to the work station. The truck driver and her employer agreed to settle the case when the employer agreed not to use an employee's or applicant's residence address as a factor in hiring or shift assignments unless it is a requirement in the job description.

Achoo!

A tenant claimed that a property management company discriminated against her and failed to accommodate her disability – multiple chemical sensitivities – when it used cleaning compounds with certain chemicals and perfumes to clean the common areas and her apartment. The tenant and property management company entered into an innovative settlement agreement where the property manager designated the tenant's building as a "No Smoking" building and agreed to clean her apartment with products from a list of recommended cleaning products provided by the tenant. The property management company also posted signs in several languages in its laundry room requesting that other tenants use low chemical and perfume free cleaning products.

Pay Up Front

A taxi cab driver filed a complaint alleging that he was denied use of services at a gas station based on his national origin. The driver stated he was required to pre-pay for gasoline before an employee would turn on the gas pump. Because the employee would not turn on the pump, the driver became upset and there were obscenities exchanged, resulting in the driver being cited for Disorderly Conduct. The driver acknowledged that at other gas stations owned by the same corporation, he was allowed to pump gas before he paid. During the investigation, the gas station confirmed that it was possible that certain store employees who were familiar with the driver may have permitted him to get gas without pre-paying. To do so was a violation of its practice that requires that a customer pre-pay for gas with cash or a credit card, or through its reward program. The investigation found that the practice is used in the corporation's 24 Alaska locations for all persons regardless of race or ethnicity. Staff issued a determination of no substantial evidence of discrimination.

Pull Your Weight

An Anchorage employer advertised promotional opportunities that required lifting 100 pounds. Three women, who held similar positions, applied but were not selected for the promotions. Three men were selected for the positions instead. Because the 100-pound lifting requirement is a neutral criteria that has a disparate impact on women and was not job related, the employer agreed to promote the women into the new positions. The employer also provided back pay and benefits, including adjusting seniority. The employer also agreed not to use the 100-pound lifting requirement in the position description in the future unless the requirement is job related and consistent with business necessity.

Ladies and Gentlemen!

Three women filed separate complaints alleging that an Anchorage oil spill response contractor refused to hire any more female employees because the company it contracted with on the North Slope allegedly didn't have enough toilet facilities for women. The Anchorage company entered into a private settlement agreement with each of the three women and agreed to settle the complaint with the Commission by conducting anti-discrimination and equal opportunity training for its officers and managers.

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

ENFORCEMENT STATISTICS 2003 – 2007

INQUIRIES AND NEW COMPLAINTS					
TABLE 1	2003	2004	2005	2006	2007
Inquiries	908	802	653	650	547 ¹
New Complaints	73	89	52	73	53
Percentage of Perfected Complaints from Inquiries	8.04%	11.1%	7.96%	11.2%	10.3%

COMPLAINT FILINGS BY TYPE					
TABLE 2	2003	2004	2005	2006	2007
Employment	60	69	41	61	43
Housing	1	7	3	4	3
Public Accommodations	10	4	4	3	5
Financing	0	2	0	0	0
Educational Institutions	2	4	0	1	2
Practices of the Municipality	0	3	0	4	0
TOTALS	73	89	48	73	53

FOOTNOTES

¹ There has been 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.

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 2003 ¹	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
Complaints 2007	17	0	8	17	9	0	0	8	0

DETERMINATIONS AND CASE CLOSURES					
TABLE 4	2003	2004	2005	2006	2007
Total Determinations and Case Closures	79	81	93	60	67

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	2003	2004	2005	2006	2007
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	15/19	29/29	13/13	21/21	26/26
Percent of Case Resolutions providing for Elimination of Discriminatory Practices	78.95%	100%	100%	100%	100%
Total Dollars in Settlements	N/A	\$107,824	\$35,566	\$74,298	\$98,305

TABLE 6		CURRENT			OVER 240		
		< 80 days	81-190	190-240	241-320	320-400	> 400
2003	# of Cases	24	19	7	5	5	14
2004	# of Cases	15	22	8	20	6	11
2005	# of Cases	7	6	3	6	6	10
2006	# of Cases	15	18	6	7	1	5
2007	# of Cases	11	6	2	5	3	12



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