

ANCHORAGE EQUAL RIGHTS COMMISSION



2008 Annual Report

PEOPLE

2008 COMMISSION MEMBERS

John M. Brower, Chair
Herbert Turner, Vice-Chair
Arthur Yang, Secretary
Dawnyale Bolds, Member
Susan Brady, Member
Rosalie Sandoval, Member
Shirley Tuzroyluke, Member
Robert C. Heffle, Member

2008 STAFF MEMBERS

Barbara A. Jones, Executive Director
Belinda A. Davis, Investigator
Eric M. McGhee, Investigator
Yvonne M. Gutierrez, Investigator
Marie C. Husa, Investigator
Teneeshia M. Marshall, Administrative Assistant
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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 2008 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 are the result of many hours of hard work by our professional and dedicated staff and Commission members. In 2008, the staff and Commission worked hard to implement the detailed action steps in its Strategic Plan. The action steps taken appear successful given the statistical measures discussed in Section IV of this report.

Even with statistical improvements in case processing, we know that this 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's efforts to eradicate discrimination including the YWCA's noble efforts in the "Opening Hearts and Mind" series where Anchorage community members talk about racism, and in the APU/UAA Community Education Program "Engaging Muslims" where Anchorage residents worked to understand Islam in our world and in our neighborhoods. 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 these and 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,



John M. Brower, Anchorage Equal Rights Commission, Chair

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I. EXECUTIVE SUMMARY

The Anchorage Equal Rights Commission has a new look! The Commission staff endured a summer of renovations to its space in City Hall, but the results were worth it. The new office space is smaller but more efficient for both the staff and the public.

The Commission hosted an Open House on September 18, 2008, to show off the new space and to kick off an outreach campaign to inform the public about the Commission's services. (See II. Strategic Plan.) The staff unveiled new logo that appears on the front cover of this annual report, on the Commission's new business cards, brochures and letterhead. The Commission's new brochure is printed in English, Spanish and Tagalog - the top three spoken languages in Anchorage – and can be downloaded from the Commission's website at www.muni.org/aerc. The AERC's new poster, which is utilized by businesses in Anchorage, is available in English and Spanish and is also available on the website.

The Commission recognized and thanked Jim Przeczewski, a local artist, for his talented volunteer work in creating the new logo for the AERC. The Commission also thanked the MOA Reprographics Department for its professional assistance in developing the digital version of the logo, business cards and other projects.

The two key staff goals in the Commission's Strategic Plan are to respond to inquiries and complaints in a timely manner. The staff's most significant accomplishment towards these goals was reducing the number of cases over 240 days to fewer than 10 cases in 2008. (See IV. Enforcement Actions and Statistics.)

The Commission's work in implementing its outreach plan was recognized when the **AERC Staff received the Multicultural & Diversity Group of the Year Award at the Municipality's 2008 Employee of the Year Celebration.** (See III. Outreach and Education.)

ANCHORAGE EQUAL RIGHTS COMMISSION STRATEGIC PLAN

Five-Year Plan for 2007-2011

Document Control

Prepared by

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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

Shirley Tuzroyluke, 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

Respect

Commitment to Excellence

Teamwork is how we do business

III. REPORT ON OUTREACH ACTIVITIES AND EDUCATION PROGRAMS

The Anchorage Equal Rights Commission staff received the **Multicultural and Diversity Group of the Year Award at the Municipality's 2008 Employee of the Year Ceremony** because of outstanding work conducting outreach to diverse groups of citizens and organizations in Anchorage. During 2008, the Commission staff conducted outreach to ethnic community groups, youth, religious groups, women, and organizations supporting persons with disabilities, among others, including the following:

- **Telemundo** – On January 11, 2008, AERC staff members were interviewed on the Spanish language station, Telemundo, to discuss the services of the Equal Rights Commission. The AERC staff was also interviewed on Channel 11 about the Anchorage Equal Rights Commission and the 2007 Annual Report.
- **YWCA Opening Hearts and Minds** – The Anchorage Equal Rights Commission is a co-sponsor of the YWCA's Opening Hearts and Minds series and attended programs on Jewish Women, Teens Speak about Race, among others.
- **Access Alaska** – On February 1, 2008, the AERC staff made a presentation on the laws prohibiting discrimination to about 30 members of the Access Alaska staff, an independent living organization. On February 19, 2008, Access Alaska conducted ADA training with the AERC staff.
- **Engaging Muslims – Religion, Culture and Politics** – On March 20, 2008, the Anchorage Equal Rights Commission hosted Archbishop Frank Hurley, who introduced APU and UAA's Community Education Project, "Engaging Muslims," and introduced several Muslim community members who participated in the program, including Heather Robertson and David Abuobaid, among others.
- **EEOC TAPS Conference** – On April 15, 2008, the AERC staff presented an afternoon workshop, complete with skits, on "A Day in the Life of a Case," for about 60 attendees at the conference.
- **UNITE HERE presentation** – On April 17, 2008, the AERC conducted training at the Hotel and Restaurant Workers Union, which represents over 1100 employees in Anchorage.
- **Youth@Work and Youth Employment in Parks** – On June 3, 2008, the AERC staff presented anti-discrimination information to 60 young people who were hired to work in the municipal parks. The staff presented information about the EEOC's award-winning Youth@Work Initiative to help educate young people about their rights and responsibilities in the workforce.
- **AWAIC** – On March 19, 2008, AERC staff, including Investigator Belinda Davis, conducted training for women who were residents of AWAIC, a women's shelter in Anchorage.
- **Covenant House** – On March 27, 2008, AERC staff, including Investigator Eric McGhee, conducted training for over 30 staff at Covenant House, an organization that serves thousands of homeless and runaway youth.
- **Asian Pacific American Month Kickoff Celebration** – On May 3, 2008, AERC Investigator Marie Husa played an important role in planning and organizing the APA Kickoff Celebration for the Municipality of Anchorage, sponsored by the Mayor's Office of Equal Opportunity. Marie Husa also made a presentation at the Filipino American National Historical Society (FANHS) Conference on July 3 & 4.

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

- **ESGR (Employer Support of the National Guard and Reserve) and National Guard Family Assistance Program** – On June 13, 2008, AERC Investigator Yvonne Gutierrez attended the Covenant signing at Fort Richardson between the Tri-Borough Mayors and shared information about the Anchorage Equal Rights Commission.
- **Women’s Equality Day program, featuring the film “Iron Jawed Angels” at the Anchorage Museum** on Monday, August 25, 2008. The AERC partnered with a number of organizations to create a fantastic Women’s Equality Day program. The list of partners included the YWCA, the League of Women Voters, the Anchorage Association of Women Lawyers, the Municipal Clerk’s Office, the Alaska Women’s Political Caucus, and many other great organizations. Our speakers included Janice Weiss, YWCA; Karen Bixer, Anchorage Women’s Commission, and Carol Dickason the League of Women Voters.
- **Fall Community Council Meetings** – In September through October, the Anchorage Equal Rights Commission staff provided information on our services at a number of community council meetings, including the North Star, the University Area, Taku-Campbell, Rogers Park, Midtown, and Tudor Area Community Councils.
- **APD Police Recruit Graduation** – On October 23, 2008, AERC staff presented information on the Commission’s services to graduating police recruits.
- **International Human Rights Day** – On December 10, 2008, 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 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 October 2008, the ACPRTF sponsored a standing room only panel discussion regarding a qualitative study on Disproportionate Minority Contact with the Juvenile Justice System. The speakers included UAA Professors Dr. Andre´ Rosay and Dr. Ron Everett, and Youth Counselor and foster parent Sharron Cross.

In December 2008, the ACPRTF members provided information about cultural sensitivity to assist APD's new officers avoid potential issues with ethnic community members.

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

IV. ENFORCEMENT ACTIONS AND STATISTICS

No More Meals!

A long time housekeeping manager at a hotel filed a complaint alleging she was treated differently based on her sex when her employer took away her free meals and would not allow her to even have tea, coffee, or juice in the restaurant. The employer acknowledged that its management staff received free meals but asserted that the housekeeping manager had threatened a kitchen worker after she ordered a salad that was not on the menu and the kitchen worker would not prepare it. Witnesses confirmed that the housekeeping manager threatened the kitchen worker. Although the employer terminated a male employee who had threatened another worker, the employer chose not to terminate the housekeeping manager because of her longevity with the company. Staff issued a determination of no substantial evidence of discrimination.

Under the Hair Dryer!

A hair stylist filed a complaint alleging that her employer made her perform menial tasks more often than other employees not of her national origin and color and that she was also terminated based on her national origin and color. Witnesses confirmed that all stylists are required to mop, clean, sell products. During the investigation, witnesses indicated that the hair stylist did fewer tasks because she was a slow stylist. During the investigation, it was also determined that the hair stylist caused a disturbance in the salon because she believed another stylist “stole a walk-in customer from her.” Witnesses indicated that the stylist was yelling at the salon manager and when she was asked to leave, she refused and security was summoned. The investigation revealed that the employer had terminated an employee not of the hair stylist’s national origin and color. Staff issued a determination of no substantial evidence of discrimination.

Men Can Be Sexually Harassed Too!

A male kitchen worker, who was black and from Africa, complained that several of his male co-workers and a male supervisor, who were Filipino, grabbed his “butt,” presented him with sexually explicit materials, and rubbed against his body and tried to kiss him. The kitchen worker told his co-workers to stop, but when they didn’t, he went to management. Management conducted an investigation and concluded there was no sexual harassment because the co-workers involved denied the allegations. However, a Caucasian co-worker admitted to management during the investigation that the Filipino co-workers were touching the kitchen worker and that both he and the kitchen worker told them to stop. About one month after reporting to management, the kitchen worker quit because the conduct hadn’t stopped. Before the Commission completed its investigation, the employer entered into a private settlement with the kitchen worker and agreed to pay him \$67,000 in back pay.

Reasonable Accommodations Must Be Reasonable

A six-year office employee fell on the ice in February while walking in the employer’s parking lot and hurt her head. She returned to work the next day. During the summer, the office worker had unrelated surgery on her shoulder and was out on leave for almost ten months. When she returned to work about one year after her head injury, her job duties changed because of a reorganization, and she was required to greet and assist the public. The employee requested a number of accommodations for her head injury upon her return to work, including a modified schedule, medical leave, a new computer mouse and tape recorder, among other items. She filed a complaint alleging that the employer changed her job because of her disability and failed to accommodate her disability. The employer requested medical documentation to support the employee’s claim of an ADA disability and upon receiving it, determined that the employee did not have an ADA disability. Even so, the employer allowed the employee to retain the accommodations it had already provided. The staff made a no substantial evidence determination since it found the employer did not reassign the employee based on her disability. The staff also found the employer’s efforts to accommodate the employee were more than reasonable.

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

Confidential Really Means Confidential

A young woman was hired to work at a fast food restaurant because she had two years prior experience at another fast food restaurant. After two days on the job, the employee disclosed to her manager that she was HIV positive. The manager appropriately disclosed this information to his boss and co-manager. Management then made a decision that the employee would not be allowed to cook, although she had experience cooking; she was restricted to cleaning the restaurant and working at the counter. The co-manager disclosed employee's HIV status to several of the employee's co-workers, who discussed it with the employee. The employee alleged she was humiliated and quit and filed a complaint alleging discrimination based on her disability, HIV positive. The Commission staff found substantial evidence of discrimination because the employer changed her job after finding out about her condition, and disclosed confidential medical information in violation of the confidentiality provisions of the Americans with Disabilities Act (ADA). The employer settled the case by agreeing to provide training to its management employees on the Center for Disease Control (CDC) Guidelines for Food Service Industries, which provides information for food industry employers on how to legally protect the public and employees, who have or may have communicable diseases. Guidance on "How to Comply with the Americans with Disabilities Act: A Guide for Restaurants and other Food Service Employers," can be found at http://www.eeoc.gov/facts/restaurant_guide.html.

After the Stork Delivered!

A female receptionist filed a complaint alleging that she was laid off by her employer based on her sex because she was on maternity leave. According to the receptionist, other employees went on leave and were not laid off. During the investigation, it was found that the employer failed to receive continued funding on a federal contract. As a result, it was forced to lay off 14 employees, including the receptionist. The employer provided the receptionist with a reference letter and offered to help her obtain other employment. Staff issued a determination of no substantial evidence of discrimination.

Enough is Enough

A female employee filed a complaint stating that a male co-worker told her about a sexual dream. The female employee stated that she told her supervisor about the incident. The following day, the supervisor interviewed the male co-worker with a male assistant manager and the co-worker admitted his conduct. The male assistant manager stated during the investigation that since it was the male co-worker's first incident of alleged sexual harassment, he administered a verbal counseling. The investigation showed no documentation of the verbal counseling and that it was not considered disciplinary by the employer's personnel rules. During the investigation, the AERC staff interviewed most of the employer's female employees who reported the male co-worker regularly engaged in verbal or physical sexual conduct in the workplace. The female employees stated they reported the conduct to several supervisors over the years, but stopped reporting the conduct because nothing ever happened. The most striking report involved another female employee who reported that the male co-worker told her about a sexual dream several years earlier. This female employee stated she immediately reported the conduct to her supervisor, who inferred to her that he reported that incident to the same male assistant manager. The employer had no documentation that this earlier incident was reported or investigated. The AERC found substantial evidence of a sexually hostile environment. The parties settled the complaint in exchange for reimbursement of the complainant's legal fees, medical expenses, and sick and annual leave. In addition, the employer also agreed to develop a more formal protocol for investigating allegations of sexual harassment, including conducting training for its managers and supervisors. The employer agreed to send a memo to all employees that verbal or physical sexual conduct in the workplace may be a violation of its policy, signaling that it intended to respond vigorously to any future allegations.

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

ENFORCEMENT STATISTICS 2004 – 2008

INQUIRIES AND NEW COMPLAINTS					
TABLE 1	2004	2005	2006	2007	2008
Inquiries	802	653	650	547 ¹	601
New Complaints	89	48	73	53	84
Percentage of Perfected Complaints from Inquiries	11.1%	7.4%	11.2%	9.7%	13.9%

COMPLAINT FILINGS BY TYPE					
TABLE 2	2004	2005	2006	2007	2008
Employment	69	41	61	43	79
Housing	7	3	4	3	2
Public Accommodations	4	4	3	5	0
Financing	2	0	0	0	0
Educational Institutions	4	0	1	2	3
Practices of the Municipality	3	0	4	0	0
TOTALS	89	48	73	53	84

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.

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 2004 ¹	38	2	14	17	13	1	2	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
Complaints 2008	38	2	14	17	13	1	2	14	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
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%
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%
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%

IV. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

RESOLUTIONS PROVIDING FOR ELIMINATION OF DISCRIMINATORY PRACTICES					
TABLE 5	2004	2005	2006	2007	2008
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	29/29	13/13	21/21	26/26	20/20
Percent of Case Resolutions providing for Elimination of Discriminatory Practices	100%	100%	100%	100%	100%
Total Dollars in Settlements	\$107,824	\$35,566	\$74,298	\$98,305	\$104,815

DETERMINATIONS AND CASE CLOSURES					
TABLE 6	2004	2005	2006	2007	2008
Total Determinations and Case Closures	81	93	60	67	74

FOOTNOTES

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



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