

# ANCHORAGE EQUAL RIGHTS COMMISSION

# AERC

Anchorage Equal Rights Commission  
*Ensuring Equality*



**AERC**

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*Ensuring Equality*

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**2012 ANNUAL REPORT**

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## **2012 COMMISSION MEMBERS**

Herbert J. Turner, Chair  
Robert Churchill, Vice Chair  
Darrel Hess, Secretary  
Cassie Atwell, Member  
Edith Bailey, Member  
Dawnyale Bundy-Hale, Member  
Yronelly Sanchez, Member  
Shirley Tuzroyluke, Member  
Arthur C. Yang, Member

## **2012 STAFF MEMBERS**

Pamela T. Basler, Executive Director  
Belinda A. Davis, Senior Investigator  
Eric M. McGhee, Senior Investigator  
Xavier A. Frost, Investigator  
Yvonne M. Gutierrez, Investigator & Outreach Coordinator  
Merianne V. Thomas, Docket Clerk  
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## **CONTACT INFORMATION**

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Deaf and Hard of Hearing Persons:

Dial 711 for Alaska Relay Services

Website: [www.muni.org/aerc](http://www.muni.org/aerc)

Facebook: [www.facebook.com/AnchorageEqualRightsCommission](http://www.facebook.com/AnchorageEqualRightsCommission)

Twitter: [www.twitter.com/AnchorageERC](http://www.twitter.com/AnchorageERC)

## **MEETING DATES AND LOCATIONS**

The AERC Commission regularly meets at 6:00 p.m. on the third Thursday of odd months (except July) in the Mayor's Conference Room, Suite 830 in City Hall. The meetings are listed on the MOA website under Public Notices and on the Mayor's Page at [www.muni.org/Departments/Mayor/Boards/events](http://www.muni.org/Departments/Mayor/Boards/events).



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

On behalf of the Anchorage Equal Rights Commission (AERC), I am pleased to present AERC's 2012 Annual Report. The report delineates the actions which the Commission engaged in throughout 2012 to fulfill its mandate to enforce laws that prohibit discrimination under Title 5 of the Anchorage Municipal Code, as well as federal laws such as Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA), as amended.

AERC's major focus was on individual complaint processing, investigation and settlement. The Commission also provided anti-discrimination training and education to several businesses in our community to inform them of their legal obligations to employees and the public and to assist them in ensuring equal opportunity.

The Commission's accomplishments are the result of many hours of hard work by our professional and dedicated staff. Additionally, individual Commissioners volunteered their time and reviewed case appeals and issued decisions and attended outreach events to represent AERC in the community. In May and December of 2012, the Commission refilled an investigator position as well as our docket clerk position, respectively, which assisted AERC in its efforts to process and investigate complaints and enabled it to reduce its complaint processing time.

The Commission looks forward to carrying out the important work of eliminating and preventing discrimination in the Anchorage community through its education and enforcement efforts in 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "H. J. Turner", written in a cursive style.

Herbert J. Turner, Chair

Anchorage Equal Rights Commission



## II. EXECUTIVE SUMMARY

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The most significant accomplishments of the Anchorage Equal Rights Commission in 2012 are as follows: the investigative staff negotiated settlements during this reporting period which total \$246,606.10. This total included a single settlement amount of \$200,000, which is the agency's largest single settlement amount to date. Non-monetary relief is also negotiated in most settlements, which includes training for employers and businesses, the providing of posters of employee rights for display in common areas so that workers may contact the AERC if they feel their rights are being violated, and making changes in employment records to reflect resignation instead of termination. Staff also significantly reduced the number of cases over 400 days old in 2012 while opening 76 new cases and closing 84 cases total. Finally, the AERC provided the event planning and staging support for the Anchorage Community Police Relations Task Force (ACRPTF), AERC, Department of Justice, and Municipality of Anchorage public forums on police use of force and racial profiling.

In March 2012, the Alaska Superior Court rendered a decision upholding the Commission's determinations in complaints where an individual alleged a hostile work environment and failure to accommodate mental disabilities for both the individual and the individual's minor child.

The AERC co-sponsored several events highlighting community and police relationships surrounding the issue of police use of deadly force. These events are detailed under the "ACRPTF" section on pages 7 and 8 of this report.

Staff also continues to educate the citizens of Anchorage by conducting outreach at cultural events and presenting at seminars on anti-discrimination law and the Americans with Disabilities Act.

We appreciate the interest in and support of our mission by many of our strategic partners, user groups, the Anchorage Assembly and personnel in the MOA administration and various departments.

Finally, the AERC's Commissioners have dedicated significant personal time volunteering at events supporting our outreach and educational goals. THANK YOU to all of the community members who have generously donated time and effort on behalf of the Commission!



### 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

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**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 AERC 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



## IV. REPORT ON OUTREACH ACTIVITIES AND EDUCATION PROGRAMS

During 2012, the AERC staff and commissioners conducted outreach and education to various community groups, including the following:

- **Equal Employment Opportunity Commission** – The AERC has a work-share agreement with the Equal Employment Opportunity Commission (EEOC) to enforce Title VII of the Civil Rights Act and Title I of the Americans with Disabilities Act. Each year, the federal contract mandates training for its Fair Employment Practice Agencies, which the AERC Executive Director attended in St. Louis, Missouri from May 29 –June 1, 2012.
- **Alaska Construction Academy** – On January 11, 2012, AERC staff conducted an anti-discrimination training class and provided an overview of AERC services to instructors and managers at the Academy.
- **First Annual AERC Dr. Martin Luther King Jr. Essay Contest** – At the end of 2011, the AERC announced the first annual Dr. Martin Luther King Jr. essay contest and requested that all public and private eighth-grade social studies and language arts teachers provide their students with information and rules for the AERC contest. The essay contest provided students with an opportunity to think critically about Dr. King’s legacy of peace and justice. AERC staff members and two Commissioners judged the essays. The winners of the essay contest were announced at the January 19, 2012, AERC Commission meeting.
- **Bridge Builders Meet the World Cultural Extravaganza** – On February 25, 2012, AERC staff and commissioners attended the annual “Meet the World” multicultural event hosted by Bridge Builders. The AERC staffed an information booth, distributed AERC brochures in eight different languages, and provided attendees with information about the AERC’s services.
- **NeighborWorks Anchorage Community Leadership Training Workshop at NWA** - On March 24, 2012, AERC Commissioner Darrel Hess spoke at a workshop that focused on how citizens can engage in the public process, interact with elected officials and government employees, and identify community resources such as the AERC.
- **Did You Know that April 17th is Equal Pay Day?** - On April 17, 2012, a “Did You Know?” announcement regarding Equal Pay Day was sent to AERC partners and the media. The announcement was researched and drafted by AERC staff and was also highlighted in the weekly MOA Bulletin Board newsletter that is circulated to the entire Municipality of Anchorage workforce.
- **AERC’s Stand against Racism** – On April 27, 2012, AERC staff organized the AERC’s Stand against Racism roundtable discussion in conjunction with the YWCA. The roundtable discussion focused on the “Stereotype Threat Phenomenon.” AERC commissioners also attended the YWCA’s Stand against Racism luncheon, which featured four panelists who discussed the Trayvon Martin case and the Stand Your Ground law in Alaska.





- **Ford Motor Presents Freedom’s Sisters Dinner** – On April 28, 2012, AERC staff attended this event, at which the Ford Motor Company Fund, one of the sponsors of the National Freedom’s Sisters Exhibit, honored 20 local women as Anchorage’s Freedom’s Sisters. The project recognizes strong women who have worked for equality and justice in Anchorage.
- **Local Plumbers and Pipe Fitters Union Shop Steward Meeting** – On May 16, 2012, AERC staff presented training on “Hostile Environment in the Workplace” to the union stewards. The training covered what to do and not do in a hostile work environment, how to recognize such an environment, and what the AERC looks for if a harassment complaint is filed.
- **Martin Luther King, Jr. Living Memorial Renovation Ribbon Cutting Ceremony** – On June 20, 2012, AERC staff and commissioners attended the Ribbon Cutting for the newly renovated Martin Luther King, Jr. Memorial.
- **Polynesian Cultural Center (PCC)** – The AERC is a strategic partner and supporter of the PCC. Highlights from 2012 include the One Voice, One Cause rally and Know Your Rights and Use Them, an educational event on police stops and citizens’ rights. The AERC Executive Director also met with a PCC representative in December 2012 to exchange information about developmental asset programs for minority youth.
- **Americans with Disabilities Act (ADA) Advisory Commission** – The AERC is a long-standing member of the ADA Advisory Commission, and throughout 2012 the AERC Executive Director or her designee attended monthly meetings of the Commission. Agenda items included creating an emergency evacuation plan for people with disabilities, upgrading trails, sidewalks, and roadways to make them handicap accessible, hearing impaired community accessibility issues, and service animal accessibility issues. The AERC Executive Director and staff also participated in an ADA webinar on “Mental Illness and Depression under the ADA.”
- **National Association for the Advancement of Colored People (NAACP)** - AERC commissioners attended monthly NAACP meetings during 2012. The AERC is a longtime strategic partner of the NAACP. Highlights from 2012 NAACP meetings include: the Lessons from the Past event during Black History Month, where AERC staff and commissioners were able to enjoy performances by the Anchorage Afro-Academic Cultural Technical Scientific Olympics (ACTSO), which highlighted multi-talented youth expressing themselves in slam poetry, music and song.
- **University of Alaska, Anchorage Campus (UAA)** – Throughout 2012, AERC staff and commissioners attended various events at UAA, including the ENGAGE Conference, UAA’s Center for Community Engagement, and Learning Advisory Board Meeting and Open House. AERC staff also attended a Community Roundtable on the works of David Shipler, a Pulitzer prize-winning author whose works have focused on topics such as race and poverty.



- **Anchorage Society of Human Resources Management (ASHRM)** - AERC staff regularly attended ASHRM meetings and trainings during 2012. Topics included immigration 101 for HR professionals, emotional intelligence for leadership, employee handbook do's and don'ts, and responding to administrative agency complaints.
- **Respondent Training** – The AERC staff conducts free training to respondent organizations that have appeared before the Commission. In 2012 the AERC staff provided training on the laws prohibiting discrimination on July 30 and November 6, 2012.

### **ANCHORAGE COMMUNITY POLICE RELATIONS TASK FORCE**

- **The Anchorage Community Police Relations Task Force (ACPRTF)**, formerly known as the Minority Community Police Relations Task Force, was established in 1981 after lengthy community discussions took place following police use of deadly force during an incident involving a young African American man. Today the Task Force serves as a liaison between the ethnic minority community and local law enforcement agencies. Since its formation, the AERC has served as an advisory member and provided administrative support to the Task Force.

The Task Force meets on the second Friday of each month at 12:00 p.m. at the Fairview Recreation Center and provides a forum for input and constructive dialogue between Anchorage community members and the Anchorage Police Department (APD). Law enforcement members of the Task Force also provide updates on cold cases, gang activity, hate crimes and other related activities. The ACPRTF also investigates complaints lodged by citizens regarding their contact with the APD. Complaint forms are available at the AERC office located in City Hall or online at [www.muni.org/aerc](http://www.muni.org/aerc).

Significant accomplishments by the Task Force during 2012 include:

- Addressed seven (7) incident reports made by citizens regarding their contacts with law enforcement agencies and other matters of concern, such as predatory towing.

- Community Town Hall Meeting - In response to a use of deadly force incident where an APD officer shot and killed a citizen, the ACPRTF coordinated a community Town Hall meeting on July 19, 2012, which was attended by community members, members of the ACPRTF task force, and the Municipality of Anchorage's (MOA) upper management, including Mayor Dan Sullivan and Municipal Manager George Vakalis.

There were approximately 50 attendees, who were able to address the panel that consisted of the ACPRTF task force and members of the MOA management. The attendees asked the panel questions such as why deadly force was used, why a less lethal option was not available, what types of investigations would be conducted into the officer's conduct, and how APD intended to reduce the likelihood of a similar incident in the future.

- Community Forum – On September 13, 2012, the ACPRTF and AERC co-sponsored a community forum that was moderated by the Department of Justice Community Relations Service (DOJCRS) Regional Director from Seattle, Rosa Melendez. The forum included presentations by the Anchorage Police Department on Police Behavior 101, Police Stops, and Police Use of Force. The forum also included public question and answer segments after each topic to assist in community building and to give citizens an opportunity to raise specific concerns about policing in their neighborhoods.
- Racial Profiling Public Forum – On September 14, 2012, the ACPRTF, the AERC and the Department of Justice sponsored a forum featuring a presentation by DOJCRS Regional Director Rosa Melendez on Racial Profiling. Attendees were able to analyze and discuss scenarios involving police contact with minority citizens and whether the scenarios presented involved racial profiling.
- The outcome of ACPRTF activity surrounding police Use of Force incidents in 2012 was the formation of an ACPRTF subcommittee tasked with reviewing APD's Use of Force policies. The review is ongoing.





### **THE EYES ARE WATCHING!**

An environmental service attendant who worked for a health care facility filed a complaint alleging that based on his national origin he was terminated for being late to work while other employees not of his protected class were not terminated. The investigation indicated that the attendant's employer utilized a computer-based time and attendance system for its employees to punch in and out for their assigned work schedules. However, in the event that an employee failed to punch in and out using the computer system, the employee was required to contact a supervisor and complete a time correction card form. Evidence showed that the attendant was late on numerous occasions and was counseled by his supervisor. During the course of the investigation, the supervisor stated that he did not recall seeing the attendant's motorcycle in the designated parking area so the supervisor went to the area where the attendant was assigned to work. The supervisor found that the attendant had not checked out any equipment to perform his job duties. In addition, the supervisor reviewed security videos to determine when the attendant arrived at work. The supervisor then asked the attendant to complete a time correction card form. Evidence showed that the attendant's time correction card indicated that he arrived at work at 7:04 a.m. However, the security video showed him entering the parking facility at 7:20 a.m. The attendant acknowledged being late to work but he did not know how late because he did not wear a watch. Evidence found that attendant was terminated for falsifying his timesheet and not for being tardy. The employer acknowledged that the attendant would have only received a write up if he had accurately completed his time correction card form. Evidence showed that the attendant was the first and only employee terminated for falsifying a timesheet.

### **WATCH YOUR MOUTH!**

A food clerk filed a complaint that he was subjected to verbal conduct related to his national origin. The clerk stated that he and his supervisor were sitting on a bench outside taking a break when a grocery manager approached them and asked the clerk's supervisor to move so she could sit down. According to the clerk, his supervisor moved to one side of the bench so that the grocery manager could sit in the middle. However, the grocery manager told the supervisor to scoot over the other way, and then said, "I don't want to sit next to no stinking Russian." Evidence showed that the employer promptly investigated the allegation, took appropriate personnel action against the grocery manager, and that the conduct ceased. However, the evidence showed that the employer's delay in informing the food clerk regarding the results of the investigation contributed to him filing the complaint. The Commission admonished the employer to review its investigation practices, especially, how it communicates with employees who file internal complaints of discrimination.

**RUF! RUF!**

A female alleged that because of her age she was denied the opportunity to adopt a Chihuahua that she met at an animal adoption clinic. The female also complained that the adoption application was personally invasive because it asked questions about the applicant's finances and her housing situation and the adoption process also required a home visitation prior to the adoption. AERC staff reviewed the adoption application and determined that the majority of questions asked were pertinent to the safe adoption of dogs. However, the Commission found that the volunteer rescue animal organization should remove the age-related question from its application form. A representative from the organization indicated that an applicant's "age" was needed because it received a grant that permits the organization to waive the animal adoption fee for seniors. Based on these facts, the parties entered into a Pre-Determination Settlement Agreement, and AERC staff provided anti-discrimination training to the organization. In addition, AERC staff also assisted the organization in revising the "age" question to comply with the anti-discrimination law while still being able to utilize the grant funds for seniors. Unfortunately, the female decided not to adopt the Chihuahua.

**CRIES FOR HELP!**

A housekeeper/inspector alleged that she was sexually harassed by a cook when she went to the employer's kitchen to get her lunch each day. According to the housekeeper/inspector, the cook made comments that the employer did not serve "southern fried chicken," called her a "ghetto broad," mimicked her southern accent, and asked her if she needed something extra in her soup as he groped his groin area. The housekeeper/inspector stated that the comments continued on a daily basis even after she filed an internal complaint with the employer. Evidence showed that the employer had a policy and procedure to file harassment complaints and that the housekeeper/inspector appropriately followed the procedure. Evidence showed that the employer failed to conduct a prompt and adequate investigation as required by law. The housekeeper/inspector filed a complaint of discrimination with the Anchorage Equal Rights Commission alleging that her employer retaliated against her when it laid her off after she complained of sexual harassment. Based on these facts, the parties entered into a Pre-Determination Settlement Agreement wherein the housekeeper/inspector received \$15,000 in back wages and the employer was required to post an Anchorage Equal Rights Commission informational poster at its job location. No further action was taken against the employer, as evidence showed that all management staff who had failed to investigate the housekeeper/inspector's allegations were terminated prior to the Pre-Determination Settlement Agreement being executed.

**YUM! YUM!**

A cook at a local restaurant filed a complaint stating he was treated differently than other employees who were not of his protected national origin. The cook alleged he was not progressively disciplined but that he was written up and suspended for 30 days for eating “a French fry” on the food line. The cook admitted to eating the French fry because the restaurant was busy, and he was unable to take a lunch break. The restaurant owner stated that his manager had observed employees eating on the food line and warned them to cease the practice because it was a health violation. In addition, the restaurant owner said that he considered eating food to be theft. The restaurant owner noted that if all employees ate the food products, the owner’s profits would diminish. Prior to the completion of an impartial investigation, the employee apologized for his actions, and the parties agreed to a Pre-Determination Settlement Agreement which resulted in the cook’s write-up being removed from his personnel file with the understanding that he must comply with the employer’s policies, rules, or regulations in the future.

**INTERACT, INTERACT, INTERACT!**

A medical technologist filed a complaint against her employer alleging that the employer failed to accommodate her physical disability and subsequently terminated her because of her physical disability. Evidence showed that the medical technologist exhausted her Family Medical Leave Act leave but continued to work for another two weeks to cover for another employee’s vacation time. The medical technologist stated that her physician authorized her to return to work in a sedentary position and that she provided a copy of the physician’s note to her employer. The employer denied that it received a copy of the physician’s note. During the course of the investigation, evidence showed that the medical technologist had e-mailed her supervisor regarding her release to return to work with an accommodation and that the supervisor advised the medical technologist that no positions were available that would allow her to primarily sit for her entire shift. The supervisor encouraged the medical technologist to apply for other positions with the employer, but the medical technologist was subsequently terminated.

When the medical technologist told her employer about her need for a reasonable accommodation of working a sedentary job, this constituted a request to engage in the interactive process as required under the American with Disabilities Act (ADA), and similarly, Anchorage Municipal Code Title 5. The investigation found that the employer failed to engage in the interactive process and AERC issued a substantial evidence determination. Based on the determination, the medical technologist received a \$200,000 settlement which included back-wages, forgiveness of medical expenses, and reimbursement of medical expenses.



**AERC PREVAILS!**

This is a history of two complaints that were filed with the AERC which were later appealed to the Alaska Superior Court.

Complainant, who worked for her employer as an administrative secretary for about seven years, filed a discrimination complaint in March 2008, alleging that during her employment she had been subjected to a hostile environment based on her mental disability and that the employer failed to accommodate her based on her mental disability and her son's mental disability. In addition, the administrative secretary alleged that the employer retaliated against her for filing complaints with her union and the employer's human resources department regarding its failure to accommodate her and her son's disabilities. Finally, the administrative secretary alleged that she was terminated because of her mental disability and in retaliation for filing internal complaints.

The employer denied all of the allegations and stated that over the course of her seven years of employment, the administrative secretary had been granted leave and accommodations in accordance with federal, state, and local law even though the employee failed to provide the appropriate medical information which would normally trigger the above protections. The employer also stated that it had granted absences and accommodations that were above and beyond what the employer was obligated to provide by law. The employer stated that the administrative secretary had a history of performance issues and disruptive and disrespectful behaviors in the workplace. The employer acknowledged that the administrative secretary was ultimately terminated when she sent her immediate supervisor an e-mail which was insubordinate in nature.

The Commission's investigation into the administrative secretary's allegations began on March 26, 2008. The administrative secretary filed two separate complaints, one against her employer and one against her union. The investigations ran concurrent, with separate analyses.

The employment analysis looked at whether the administrative secretary had a disability which was covered by Title I of the Americans with Disabilities Act. In this case, the Commission assumed without deciding that the employee's stated disability was a qualified disability. The employer did not present a defense that it was not aware of the administrative secretary's mental disability. Both parties agreed that she had informed the employer in formal and informal manners of her mental disability

The issues which were investigated were:

- 1) Was the administrative secretary subjected to a hostile environment because of her mental disability?
- 2) Did the employer fail to accommodate the administrative secretary?

- 3) Was the administrative secretary retaliated against for filing complaints regarding her treatment based on her mental disability?
- 4) Was the administrative secretary terminated because of her mental disability? In all four of these issues, the employee also indicated that the employer's alleged actions were due to her son's mental disability (discrimination by association).

The administrative secretary alleged that she was called the "village idiot" and in an internal safety investigation, one of the administrative secretary's co-workers stated that she was afraid of the employee because she might go "postal." The Commission found no evidence to support by whom or when the "village idiot" comment was made or that the administrative secretary reported this comment to the employer. The Commission reviewed the safety investigation which was requested by the administrative secretary. The safety investigation interviewed all of the administrative secretary's co-workers and in fact one of her female co-workers did state that she thought the administrative secretary might go "postal." The Commission did not view this as evidence of a hostile environment.

The evidence presented by the administrative secretary and the employer showed that over the course of seven years she had been granted leave of absences that were covered by federal law and granted absences that were not covered by any specific law or ordinance. The Commission found that in many instances the administrative secretary failed to provide the appropriate medical information, however, the employer erred on the side of caution and granted the requests for leave without having the medical information that it was entitled to.

The Commission found evidence to support that during the time in which the administrative secretary was experiencing absences from work for herself and her son, she was also having difficulty performing her job to the standard set by the employer. The employer provided several e-mails and memos indicating that the employee's deficiencies were discussed with her and steps were taken to more closely monitor her performance and to aid in indentifying where she needed more supervision or training to accomplish her job duties.

The evidence provided by both parties showed that the administrative secretary was resistive to the coaching's, write-ups, and increased supervision. In addition, there was a tension between the administrative secretary and her immediate supervisor. The disciplinary record showed that the administrative secretary had been warned, counseled, written-up, and suspended, and that upon being notified that she was being suspended a second time she sent an e-mail to her immediate supervisor which stated, "I won't be in tomorrow because you make me sick." The employer indicated that this was completely inappropriate, disrespectful and insubordinate and the administrative secretary was terminated in October 2007.



The Commission agreed with the employer and, given that the evidence provided by both parties showed that there was no hostile environment, the administrative secretary had been accommodated, she had not been retaliated against, and was terminated for a non-discriminatory reason, the Commission issued a no substantial evidence determination in December 2009.

The administrative secretary requested that her complaints be reviewed by the AERC Commissioners. After two extensions, she submitted a Request for Reconsideration in June 2010. A panel consisting of three AERC Commissioners reviewed the file and concurred with the investigator's findings. In August 2010, the Commissioners denied the administrative secretary's reconsideration request.

The administrative secretary then filed an appeal of the Commission's decision to the Alaska Superior Court. After a series of extensions, she filed her brief in May 2011. The AERC after receiving its own extensions filed its brief in July 2011.

In March 2012, the Superior Court affirmed the AERC's decision from August 2010 and indicated that the court's decision was supported by the record, "which demonstrates a careful and comprehensive review of the evidence. . ."

**INQUIRIES AND NEW COMPLAINTS**

<b>TABLE 1</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Inquiries</b>	<b>601</b>	<b>677</b>	<b>615</b>	<b>486</b>	<b>499</b>
<b>New Complaints</b>	<b>84</b>	<b>107</b>	<b>107</b>	<b>75</b>	<b>76</b>
<b>Percentage of Perfected Complaints from Inquiries</b>	<b>13.9%</b>	<b>15.8%</b>	<b>17.3%</b>	<b>15.4%</b>	<b>15.2%</b>

**COMPLAINT FILINGS BY AREA OF DISCRIMINATION**

<b>TABLE 2</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Employment</b>	<b>79</b>	<b>94</b>	<b>102</b>	<b>66</b>	<b>65</b>
<b>Housing</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>5</b>
<b>Public Accommodations</b>	<b>0</b>	<b>13</b>	<b>13</b>	<b>4</b>	<b>6</b>
<b>Financing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Educational Institutions</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Practices of the MOA</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>TOTALS</b>	<b>84</b>	<b>107</b>	<b>107</b>	<b>75</b>	<b>76</b>

**COMPLAINT FILINGS BY BASIS**

<b>TABLE 3</b>	<b>Race/Color</b>	<b>Religion</b>	<b>National Origin</b>	<b>Sex (includes pregnancy &amp; parenthood)</b>	<b>Physical or Mental Disability</b>	<b>Age</b>	<b>Marital Status</b>	<b>Retaliation</b>	<b>Familial Status</b>
<b>Complaints 2008<sup>1</sup></b>	<b>38</b>	<b>2</b>	<b>14</b>	<b>17</b>	<b>13</b>	<b>1</b>	<b>2</b>	<b>14</b>	<b>0</b>
<b>Complaints 2009<sup>1</sup></b>	<b>49</b>	<b>2</b>	<b>11</b>	<b>29</b>	<b>13</b>	<b>10</b>	<b>0</b>	<b>13</b>	<b>0</b>
<b>Complaints 2010<sup>1</sup></b>	<b>42</b>	<b>3</b>	<b>12</b>	<b>25</b>	<b>29</b>	<b>7</b>	<b>0</b>	<b>12</b>	<b>0</b>
<b>Complaints 2011<sup>1</sup></b>	<b>30</b>	<b>1</b>	<b>9</b>	<b>23</b>	<b>13</b>	<b>5</b>	<b>1</b>	<b>13</b>	<b>0</b>
<b>Complaints 2012<sup>1</sup></b>	<b>36</b>	<b>1</b>	<b>13</b>	<b>23</b>	<b>9</b>	<b>5</b>	<b>0</b>	<b>10</b>	<b>0</b>

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

**CASE AGE**

TABLE 4		Current			Over 240			Total Cases	Total % over 240
		80 or less	81-190	191-240	241-320	321-400	400 or more		
2008	# of Cases	18	22	3	4	2	1	50	7
	% of Cases	36%	44%	6%	8%	4%	2%	100%	14%
2009	# of Cases	15	29	5	7	6	1	63	14
	% of Cases	23.8%	46%	8%	11.1%	9.5%	1.6%	100%	22.2%
2010	# of Cases	14	24	20	16	3	10	87	29
	% of Cases	16%	27.5%	22.9%	18.3%	3.2%	11.4%	100%	33.3%
2011	# of Cases	13	12	3	6	8	25	67	39
	% of Cases	19.4%	17.9%	4.4%	8.9%	11.9%	37.3%	100%	58.2%
2012	# of Cases	15	13	5	10	8	9	60	27
	% of Cases	25%	21.6%	8.3%	16.6%	13.3%	15%	100%	45%

**RESOLUTIONS PROVIDING FOR ELIMINATION OF DISCRIMINATORY PRACTICES**

TABLE 5	2008	2009	2010	2011	2012
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	20/20	35/35	22/22	32/32	23/23
Percent of Case Resolutions providing for Elimination of Discriminatory Practices	100%	100%	100%	100%	100%
Total Dollars in Settlements	\$104,815	\$68,948	\$69,479	\$106,556	\$246,606

**DETERMINATIONS AND CASE CLOSURES**

TABLE 6	2008	2009	2010	2011	2012
Total Determinations and Case Closures	74	91	85	96	84

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



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