

ANCHORAGE EQUAL RIGHTS COMMISSION

AERC

Anchorage Equal Rights Commission
Ensuring Equality



2013 ANNUAL REPORT



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2013 COMMISSION MEMBERS

Robert Churchill, Chair
Yronelly Sanchez, Vice Chair
Darrel Hess, Secretary
Herbert J. Turner, Member
Cassie Atwell, Member
Edith Bailey, Member
Wanda Laws, Member
Shirley Tuzroyluke, Member
Wa Kou Yang, Member

2013 STAFF MEMBERS

Pamela T. Basler, Executive Director
Belinda A. Davis, Senior Investigator
Eric M. McGhee, Senior Investigator
Andrew B. Sundboom, Investigator
Xavier A. Frost, Investigator
Stephanie M. Horvat, Intake & Outreach Coordinator
Dawnyale L. Bolds, Docket Clerk

CONTACT INFORMATION

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Anchorage, Alaska 99519-6650

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Fax: (907) 249-7328

Email: AERC@muni.org

Deaf and Hard of Hearing Persons:

Dial 711 for Alaska Relay Services

Website: www.muni.org/aerc

Facebook: www.facebook.com/AnchorageEqualRightsCommission

Twitter: 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.

What is the Anchorage Equal Rights Commission?

The Anchorage Equal Rights Commission (AERC) was established in the Anchorage Charter in 1975 and is the municipal civil enforcement agency charged with preventing and eliminating unlawful discrimination under Title 5 of the Anchorage Municipal Code. The AERC also enforces the Americans with Disabilities Act of 1990 and Title VII of the Civil Rights Act of 1964 through a work-share agreement with the federal Equal Employment Opportunity Commission.

How does the AERC enforce the law?

The AERC and its staff enforce the law by impartially investigating complaints alleging illegal discrimination or harassment based on:

- Race
- Religion
- National origin
- Color
- Sex
- Pregnancy
- Parenthood
- Physical disability
- Mental disability
- Marital status
- Age
- Retaliation

It is unlawful to discriminate in:

- Employment
- Housing
- Public accommodations
- Educational institutions
- Financial institutions
- Practices of the Municipality of Anchorage

What constitutes discrimination?

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal or denial or any other act or practice of differentiation or preference in the treatment of a person because of race, color, religion, national origin, age, sex, marital status or physical or mental disability, or the aiding, abetting, inciting, coercing, or compelling thereof.

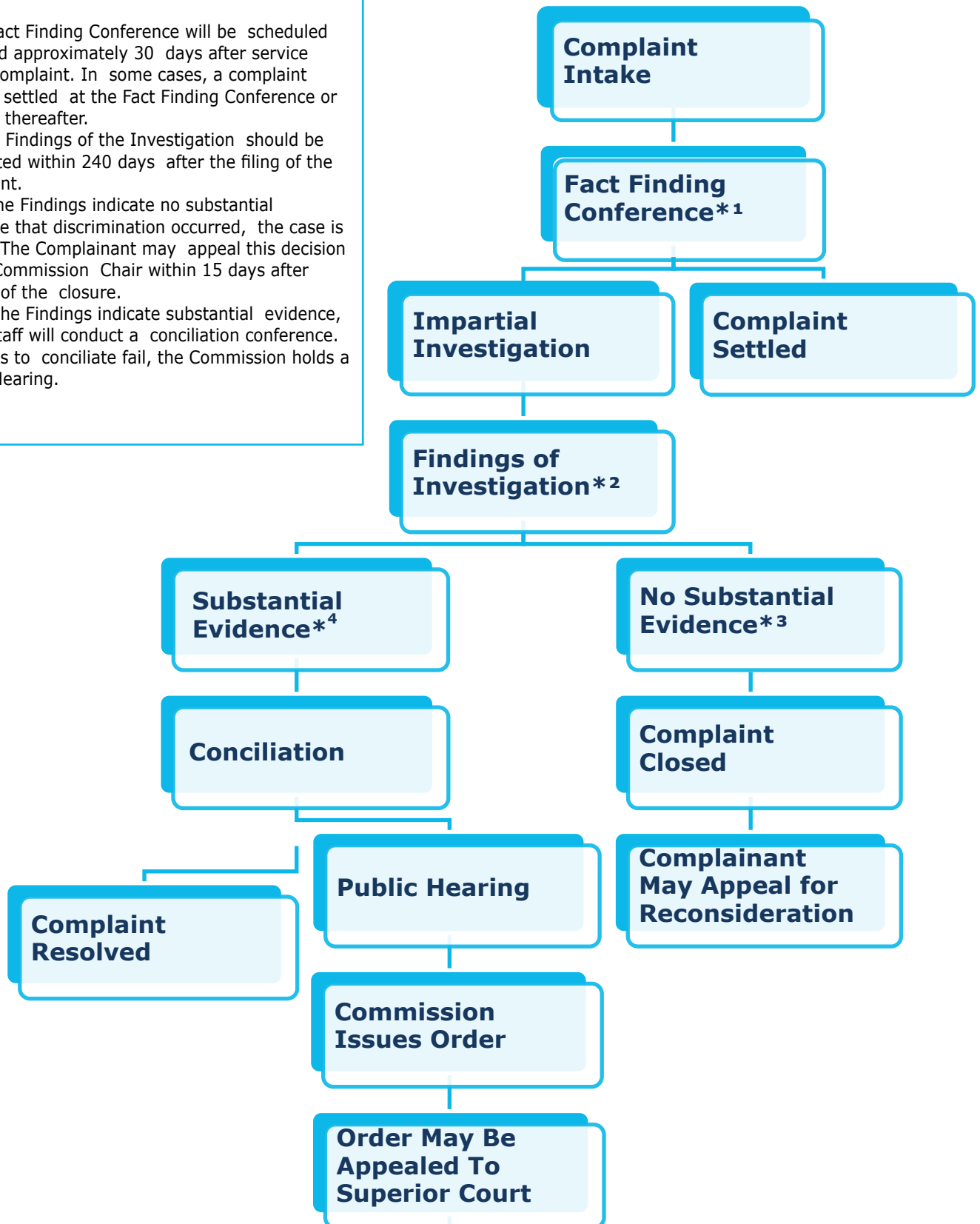
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What is the AERC complaint process?

If you feel that you are being treated differently, call our office and a staff member will listen to your concerns. If the AERC determines that it has jurisdiction over your complaint, an Intake Interview will be scheduled. Please see the complaint process flow chart for more information on the complaint process.

If the AERC does not have jurisdiction over your complaint, a staff member will refer you to the appropriate agency.

- 1.* A Fact Finding Conference will be scheduled and held approximately 30 days after service of the complaint. In some cases, a complaint may be settled at the Fact Finding Conference or shortly thereafter.
- 2.* The Findings of the Investigation should be completed within 240 days after the filing of the complaint.
- 3.* If the Findings indicate no substantial evidence that discrimination occurred, the case is closed. The Complainant may appeal this decision to the Commission Chair within 15 days after service of the closure.
- 4.* If the Findings indicate substantial evidence, AERC staff will conduct a conciliation conference. If efforts to conciliate fail, the Commission holds a Public Hearing.



TO THE HONORABLE MAYOR DAN SULLIVAN, THE ANCHORAGE ASSEMBLY AND THE COMMUNITY OF ANCHORAGE.

I am pleased to present the AERC's 2013 Annual Report. The report reflects many of the actions taken and the activities participated in to further the mission of the AERC to eliminate discrimination within the municipality. Our primary methods to achieve our mission have been through education, enforcement, outreach, counseling, and serving as a resource for individuals, groups and businesses. We are provided direction and guidance by Title 5 of the Anchorage Municipal Code, Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act as amended, as well as other relevant laws and regulations.

The AERC's professional staff continues to focus on complaint processing, investigation and settlement of cases. The staff and commissioners also facilitate community forums where issues related to our mission are discussed and addressed. In an effort to better serve the community, we have increased our outreach and expanded our relationship building with other organizations, including the Anchorage School District, the Anchorage Chamber of Commerce, and Anchorage's community councils. This has allowed us to both learn from these organizations, and to provide information consistent with creating a discrimination-free community. In addition, many organizations have made presentations to the Commission regarding their rich cultures and ethnic communities, and have invited the AERC to participate in their events and activities.

We are proud of the staff's accomplishments over the past year, and how efficiently they processed complaints. Staff has been essential in the Commission's facilitation of community meetings and educational forums, and in expanding our outreach and improving our community presence through social media, including Facebook and Twitter. These efforts have allowed the Commission to better inform and educate the community, and to receive timely community feedback.

The Commissioners primary focus continues to be community outreach. Commissioners have been involved in numerous community efforts which help advance the Commission's mission to eliminate discrimination in Anchorage. The AERC staff and commissioners will continue to work to ensure that the AERC is readily accessible to the community.

Sincerely,



Bob Churchill, Chair

Anchorage Equal Rights Commission



Robert Churchill has been involved with organizations that have equal rights as a core value for approximately 35 years. Bob lives in Anchorage with his wife and together they have two adult children, one of whom lives in Alaska and the other outside. Bob has been active with the public school system both as a parent and volunteer for many years and is currently on the board of one of ASD's high schools. Bob is also very active with the community council system. Bob is aware of the strength and richness that Anchorage's cultural diversity offers as well as Alaska in general and has been able to travel throughout the state in a variety of capacities. Bob values the mission of the Anchorage Equal Rights commission and believes that partnering with other organizations and groups is key to achieving the AERC's mission. Bob has served on the Commission since October 2008 and was elected as Chair in 2013.



Yronelly Sanchez is a Licensed Professional Counselor in the Anchorage area and is one in a handful of fluent Spanish speaking counselors in the entire State of Alaska. Elly received her B.A. in Psychology at UAA and proceeded to attain her M.S. in Counseling Psychology from Alaska Pacific University. One of her areas of interest is cross cultural relationships as well impact of environment on immigrant populations. Elly was elected as Vice Chair in 2013 and served on the Anchorage Equal Rights Commission from October 2008 to September 2013.



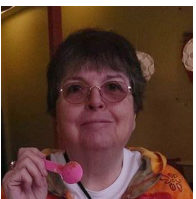
Darrel W. Hess was born at Edwards Air Force Base in California. Darrel has called Anchorage home since 1965, and has lived in the Fairview neighborhood since 1987. Darrel worked in restaurant management before joining Carrs Quality Centers in 1989. Since 2008 Darrel has worked for the Municipality of Anchorage, and currently serves as Municipal Ombudsman. Darrel has served the community in a variety of volunteer positions, including Treasurer of the NAACP Anchorage Unit, the Board of Anchorage Neighborhood Housing Services, the Board of Identity, Inc., President of the Fairview Community Council, the Housing and Neighborhood Development Commission, the Brother Francis Shelter Advisory Council, the Bridge Builders Anchorage Board, the Board of the Anchorage Coalition to End Homelessness, and the Advisory Council for UAA's Center for Community Engagement and Learning. Darrel has served on the Anchorage Equal Rights Commission since December 2010 and was elected as Secretary in 2013.



Wanda Laws moved to Anchorage, Alaska, in August of 1974. As a dependent in the military, Wanda has lived in Turkey, England, New Mexico, Louisiana, Kansas and South Carolina. Wanda graduated from Bartlett High School and received a baccalaureate degree in criminal justice and minored in psychology. Wanda is currently a juvenile probation officer employed by the State of Alaska. Wanda has served as the president of the NAACP Anchorage since January 2010 and currently serves as vice-chair of the Anchorage Equal Rights Commission.



Herbert Turner, a resident of Anchorage, Alaska, for the past 42 years is retired U.S. Air Force, retired Director of Operations at the Anchorage School District, and retired Federal Emergency Management Agency personnel. Herb has served on the Anchorage Equal Rights Commission since 2005 as well as numerous other boards, including Crime Stoppers, and as Grand Master of the Most Worshipful Prince Hall Grand Lodge, F&AM of Alaska and its jurisdiction. Herb is also a founding member and President Emeritus of Brotherhood, Inc., a non-profit organization dedicated to supporting charitable works in the Anchorage area. Over the past several years, Brotherhood, Inc. has given a half million dollars to deserving high school graduates within the Anchorage School District.



Edith Bailey is a retired Captain (0-6) from the US Public Health Service and has served on the Anchorage Equal Rights Commission since 2008. Edith grew up in the South in the 1960's and could never figure what the color of one's skin had to do with anything and now fills her life with volunteer work including being on several boards of non-profits. Edith has also raised approximately 40 foster adolescents in her therapeutic foster home and has been "paying it forward" for all of the encouragement, mentoring, and financial help that she received as an adolescent.



Shirley Tuzroyluke of Tlingit and Nisga'a descent, currently manages the RAISE Program at Southcentral Foundation and has served Alaska Native youth in educational programs since 1978. Shirley is a past board member of the National Indian Education Association and currently serves on the Anchorage Equal Rights Commission as a Commissioner; Anchorage Community Police Relations Task Force as a task force member; and serves on the following boards: National Indian Parent Information Center and the Education for Parents of Indian Children with Special Needs. Shirley was recognized by the Alaska Association for Bilingual Education as the 2008 Supporter of Bilingual Education "for her statewide leadership and national advocacy for Alaska Native Education."

Cassie Atwell was born in Kansas but has lived in Alaska for over 40 years. Cassie's current position is as an Epic Business System Analyst for lab systems for Providence Hospital. A graduate of the University of Alaska Justice Program, she previously worked as a Research Associate, concentrating on Juvenile Justice Issues and disproportionate incarceration of minorities. She and her husband enjoy traveling in their spare time, especially to the deserts of Arizona. She is a former Commissioner with the Anchorage Women's Commission and has served on the Anchorage Equal Rights Commission since January 2012.

Wa Kou Yang was appointed to the Anchorage Equal Rights Commission in January 2013 and served until March 2014.

The Anchorage Equal Rights Commission pursued activities in 2013 aimed at maintaining the Charter's promise of equal opportunity for all. We strive to support the community's expressed desire for a vibrant, welcoming, inclusive city that provides clear, consistent and transparent communications to its citizens, encourages their civic involvement, and promotes fairness, especially in matters involving jobs, education, housing, financing, transportation, and services provided by public and business entities.

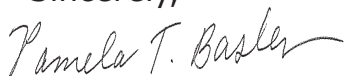
In 2013, AERC staff provided the event planning, staging and, together with its strategic partners, sponsored public forums on the new state Stand Your Ground law and on Bullying in Schools and the Workplace. As an outgrowth of its involvement in public forums on Police Use of Force and on Racial Profiling in 2012, AERC hosted a subcommittee of the Anchorage Community Police Relations Task Force (ACRPTF), which reviewed the Anchorage Police Department's Use of Force policies. The review brief and recommendations are available to read on AERC's website.

We welcomed a new Outreach and Education Coordinator in May 2013 who undertook an extensive social media campaign and we are now on Facebook and Twitter! Check it out! AERC staff and IT experts professionally planned for and installed a new electronic records case management system to track and manage our cases which we are now fine tuning. Staff also continued to be a resource, especially in employment matters, for businesses and citizens in Anchorage who need information about anti-discrimination laws and the Americans with Disabilities Act, as amended.

Investigative staff negotiated monetary settlements during this reporting period totaling \$262,983. This total includes a single settlement amount of \$88,666. Negotiated additional non-monetary relief frequently includes provisions to prevent future discrimination, training for employers and businesses, posters of employee rights to display in common areas to inform workers of their rights, and changes to employment records to reflect resignation instead of termination. Staff also reduced the age of active cases in 2013 by closing 92 cases while filing 96 new cases.

AERC's Commissioners made concerted efforts to strengthen ties with strategic partners and spent significant time volunteering at events supporting the Commission's outreach and educational goals. Thank you to our wonderful Commissioners! The Commission truly appreciates the support of our mission by so many of our strategic partners, community user groups, and the Anchorage Assembly, Mayor's Office and MOA administration. Anchorage is very fortunate to have so many citizens dedicated to equality and community engagement and we look forward to accomplishing further work and community goals with them in 2014.

Sincerely,



Pamela Basler, Executive Director

ANCHORAGE EQUAL RIGHTS COMMISSION STRATEGIC PLAN

Five-Year Plan for 2014-2019

DOCUMENT CONTROL

Prepared by

Commission Members

Robert Churchill, Commission Chair 2014

Wanda Laws, Vice-Chair 2014

Darrel Hess, Secretary

Cassie Atwell, Member

Edie Bailey, Member

Herbert J. Turner, Member

Shirley Tuzroyluke, Member

Wa Kou Yang, Member

Staff

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Dawnyale L. Bolds, Docket Clerk

Distribution control

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Document location

Anchorage Equal Rights Commission

632 W. Sixth Avenue, City Hall, Suite 110 - Anchorage, Alaska 99501

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Mission The Anchorage Equal Rights Commission enforces municipal and other anti-discrimination laws on behalf of all citizens and visitors to Anchorage. The Commission also educates the public about anti-discrimination laws and seeks to increase voluntary compliance with such laws and to uphold the vision of equal opportunity for all.

Vision To support and maintain a community in which each person values the rights of others to live, work and play in peace and dignity, and all persons have equal opportunity to realize their full potential both as individuals and as members of society.

Commission Goals

Goal One

Continue to develop our outreach and marketing plan to improve ways to inform the community about the Commission’s services via technology.

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

Advance staff professionalism by creating and implementing individualized professional development plans.

The Principles & Values that Guide Our Work

Honesty and Integrity

Respect

Commitment to Excellence

Teamwork is How We Do Business

Community Outreach

In 2013, AERC staff and commissioners continued their outreach and education efforts via presentations, meetings, and events. Outreach and education efforts were also expanded on the Internet. Such efforts included updating the AERC website and publishing social media pages on Facebook and Twitter. Finally, the AERC brought its informational materials up-to-date. Highlights from outreach and education efforts in 2013 include the following:

- **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 Denver, Colorado from August 26 to August 29, 2013.
- **The AERC sponsored and co-sponsored several events throughout 2013.** The AERC hosted its Second Annual Dr. Martin Luther King Jr. Essay Contest, in which two eighth grade student winners were awarded prizes at the January 17, 2013, Anchorage Equal Rights Commission Regular Meeting. In December 2013, the AERC sponsored a community forum on School and Workplace Bullies at the Fairview Recreation Center. The forum was open to the public and featured five panelists who discussed a range of topics related to bullying, such as how to identify bullies, strategies on how to deal with workplace bullies, and what anti-bullying programs the Anchorage School District has in place.
- **The AERC staff and commissioners tabled at various community events and distributed AERC informational materials. Events included:**
 - Alaska Bar Association (ABA): AERC staff tabled at the ABA Free Legal Clinic and HUGGs event, where they distributed informational materials, confidentially met with potential complainants and discussed discrimination issues.
 - Bridge Builders Meet the World: AERC staff and commissioners distributed AERC brochures in eight different languages and provided attendees with information about AERC's services.
 - University of Alaska, Anchorage Campus: AERC staff participated in various events at UAA, including tabling at both the UAA Alaska Civil Rights Resource Fair and UAA Kickoff event. AERC staff and commissioners were able to interact with students, faculty and members of the public and distribute AERC brochures and promotional materials.

AT-A-GLANCE

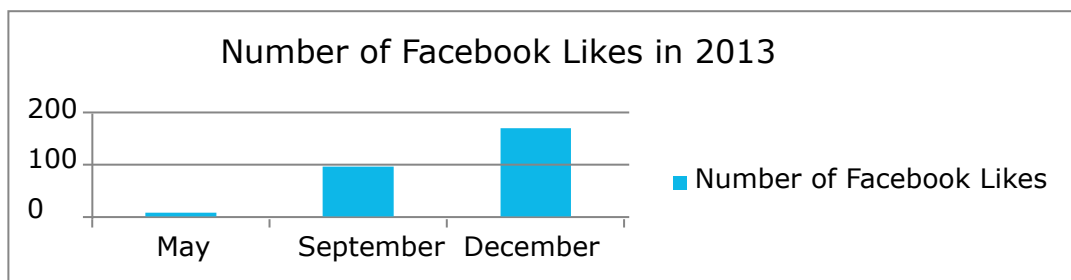
- 207** Number of events attended by AERC staff or commissioners
- 12** Number of events the AERC tabled
- 4** Number of events where AERC staff presented information on AERC jurisdiction and case processing procedures
- 4** Number of events sponsored or co-sponsored by the AERC

- **AERC staff provided free training** on issues involving AERC’s jurisdiction and its complaint process for several community organizations, including the Alaska Society of Human Resource Management, the Alaska Association of Paralegals and the Anchorage Assembly.
- **The AERC was actively involved with its partner agencies throughout 2013**, including the following:
 - Americans with Disabilities Act (ADA) Advisory Commission: The AERC is a long-standing member of the ADA Advisory Commission and, throughout 2013, the AERC Executive Director or her designee attended monthly meetings of the Commission.
 - National Association for the Advancement of Colored People (NAACP): The AERC is a strategic partner of the NAACP, and AERC commissioners attended monthly NAACP meetings in 2013. The AERC also sponsored a Stand Against Racism Day Panel Discussion in April 2013 with the NAACP and the Municipal Ombudsman.
 - Polynesian Association of Alaska (PAA): The AERC is a partner and supporter of the PAA. The AERC participated in PAA’s Flag Day Celebration in June 2013, which featured cultural food and performances as well as an opportunity for the AERC to provide information on its services and jurisdiction.

Media Outreach and Informational Materials

During 2013, the AERC continued to update its informational materials and strived to increase its online presence. Activities in these areas included the following:

- The AERC updated its website to make the site more user-friendly. Updates included reorganizing the website pages, clearly identifying AERC’s services and adding a fillable Intake Questionnaire form.
- The AERC launched two social media accounts on Twitter and Facebook. These social media accounts provide information on discrimination issues, AERC’s jurisdiction and case processing procedures, and also on upcoming community events. The sites are intended to be educational and provide users with information relevant to the AERC’s work.
- The AERC updated its English-language brochure and business cards.
- The AERC created a new informational poster that is used at outreach events and was included in the NAACP Freedom Fund Gala brochure.



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 a police use of deadly force incident involving Cassel Williams, a young African American male. Today the Task Force serves as a liaison between the Anchorage 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). The ACPRTF also investigates complaints lodged by citizens regarding their contacts with the APD. Complaint forms are available at the AERC office located in City Hall or online at www.muni.org/aerc.

Significant accomplishments by the Task Force during 2013 include:

Community Forum: On November 7, 2013, the ACPRTF and AERC co-sponsored a community forum on the new state Stand Your Ground law in Alaska. The forum was open to the public and was held at Clark Middle School. The community forum featured a panel discussion that included presentations by John Skidmore, State Department of Law, Dr. Troy Payne, University of Alaska Anchorage Justice Center, Chief Mark Mew, Anchorage Police Department and Wanda Greene and Kevin McGee, National Association for the Advancement of Colored People. The forum also included a public question and answer segment where attendees were given the opportunity to ask the panelists questions about Alaska's Stand Your Ground law.

Anchorage Police Department Use of Force Policy Review Brief and Recommendations: Following the Anchorage Police Department's (APD) Use of Force incidents in 2012, the ACPRTF created a Use of Force subcommittee tasked by the Mayor with reviewing APD's Use of Force Policies. The subcommittee met monthly and its Anchorage Police Department Use of Force Policy Review Brief and Recommendations were approved by the ACPRTF and the Mayor in December 2013. The Review Brief can now be found online at www.muni.org/aerc.

Incident Reports: The ACPRTF addressed two incident reports made by citizens regarding their contacts with law enforcement agencies.



You are Due When?

A pregnant woman filed a complaint alleging that she was not hired by a health provider for a dietary supervisor position because of her pregnancy. She alleged that after the initial job interview was completed, the director of dietary services asked her if she would like to tour the provider's on-site kitchen which she agreed to. She states they walked through the on-site kitchen and tray line which took about 45 minutes. After the tour, the woman states that the director asked her if she was expecting. After pausing from the shock of the initial question, the woman said that the director repeated the question and then proceeded to ask if this was her first child to which she replied, "No." The woman said that she told the director it was her third child and he replied that he had three kids also and his third child was unexpected. The woman stated that they both chuckled and she then asked the director what was the next step of the interview process. According to the woman, the director said that he would call her later as he believed there was another applicant to be interviewed. But, the woman said that the director hinted that because of her prior food delivery experience, she was more qualified than the other people that had been interviewed up to that point. The pregnant woman and another female applicant were selected for second interviews. The director admitted that he did ask the woman about her pregnancy.

During the course of the impartial investigation, evidence showed that the employer used an interview panel consisting of four supervisory personnel to conduct the second interviews and each applicant was asked the same series of questions. Each panel member then rated each applicant and the scores were averaged and multiplied by a percentage skill set. Based on the final ranking and job experience, the other female applicant was selected to fill the dietary supervisor position and she did have more job experience than the pregnant applicant. Evidence showed that the director had no previous disciplinary actions and the employer took appropriate personnel action to include requiring the director to attend the Anchorage Equal Rights Commission's Fact Finding Conference to respond directly to the woman's concerns. While the impartial investigation and evidence found did not ultimately support the woman's allegation, the employer was cautioned that a different fact pattern may have resulted in a Determination of Substantial Evidence and the employer was strongly admonished to refrain from asking questions prohibited by law.

Island Music

A journeyman pipefitter filed a complaint alleging that based on his national origin he was subject to a hostile work environment after his supervisor made unwelcome comments about Hawaiian music, which the supervisor described as "bubblegum" music that puts employees to sleep, and made a reference to "Don Ho," a family friend. Finally, the pipefitter alleged that his supervisor retaliated against him when he was laid off after the supervisor made the unwelcome comments and the employer hired three other employees. Witnesses contacted during the course of the impartial investigation failed to corroborate the pipefitter's allegation regarding the hostile work environment. However, the investigation confirmed that the

employer hired three other employees for another job site and transferred another employee to a different job site. The investigation found that the journeyman pipefitter did not have the necessary skill set required to complete the job with the deadline necessary for the employer to comply with its contract obligations. Staff did not find evidence to support the journeyman pipefitter's allegations.

Give Me a Job!

A former female employee alleged that a telecommunications company retaliated against her when it failed to hire her as a retail sales consultant in Seattle, Washington, after she filed a complaint of discrimination with the Anchorage Equal Rights Commission (AERC), a protected activity. Evidence showed that the retail sales consultant position was advertised both internally and externally on the company's website and the company also held a job fair to recruit applicants. Evidence showed that the store manager in Seattle, Washington contacted the former female employee to determine if she was interested in the position and conducted a short interview and a video conference call was scheduled. Prior to the call, the store manager requested the former employee provide the names of her former Anchorage store managers, which included the store manager that the former employee filed the complaint of discrimination against. During the course of the impartial investigation, the Seattle Store Manager testified that he did not speak to the Anchorage Store Manager but when contacted by AERC staff the Anchorage Store Manager said she had advised the Seattle Store Manager that the former employee would not be suitable for the position because she did not have the skill set for the retail sales consultant position and that she never divulged that the former female employee had filed a complaint of discrimination. AERC staff found that the Seattle Store Manager did not have the authority to hire for the position and that the former female employee was not the most qualified of the interviewed applicants. Thus, AERC staff issued a no substantial evidence determination. AERC staff also recommended that the employer take appropriate action regarding the Seattle Store Manager's lack of veracity during the investigation.

Technology Clinch

A local union apprentice filed a complaint alleging that a construction company delayed hiring him due to his race and this resulted in lost wages. The apprentice stated that on December 3, 2012, he was dispatched for a prestigious apprentice position. The apprentice states that he completed hiring paperwork on December 4, 2012, and that the position required that he pass a drug screen and job-related motor vehicle/driving record check. Evidence showed that the apprentice completed his drug test on December 4, 2012, and was given a Chain of Custody Form to return to the construction company. During the course of the impartial investigation, the construction company representative testified that its background checks are conducted by a firm located in Orlando, Florida and the results of most background checks are usually received within a few days to a week depending upon the day of the week. The construction company representative stated when he did not

get the results back as expected he contacted the Orlando firm, who advised him that the results of the drug test were not back yet. Evidence showed that the construction company representative followed up with the outside company on several occasions. Eventually, it was determined that the reason for the delay was that an obsolete Chain of Custody form had been used which contained an old account number. Once the error was discovered, the request for the apprentice's drug test was moved to the construction company's correct account number. Evidence showed that the apprentice was hired on December 19, 2012. Staff found no substantial evidence of discrimination and that the apprentice was not entitled to receive wages until the construction company completed its albeit delayed hiring process.

Engage! Engage! Engage!

A physically disabled flight paramedic filed a complaint alleging that his employer violated the Americans with Disabilities Act (ADA) when the employer denied his reasonable accommodation request to be allowed to use a specific medication during his work day and instead immediately terminated him because of the medication used for his physical disability.

Under the ADA, and similarly Anchorage Municipal Code Title 5, an employer is required to engage in the interactive process when employees request changes in their work due to medical conditions. The interactive process is the first step that allows an employer to request certain medical information to determine if an employee has a disability covered by the ADA. The interactive process requires both the employer and the employee to review the essential functions of the employee's position and explore options for reasonable accommodations to determine whether a reasonable accommodation would allow the employee to perform the essential functions of the job.

Prior to the completion of an impartial investigation, the parties agreed to a Pre-Determination Settlement Agreement which resulted in the flight paramedic receiving \$57,500.60 in back wages, reimbursement for per diem payments, and reimbursement of COBRA payments. The employer was also required to provide its managers with training regarding the ADA. AERC staff admonishes all employers to engage in the interactive process whenever employees request changes in their work due to medical conditions. IT'S THE LAW!

Missing Vehicle

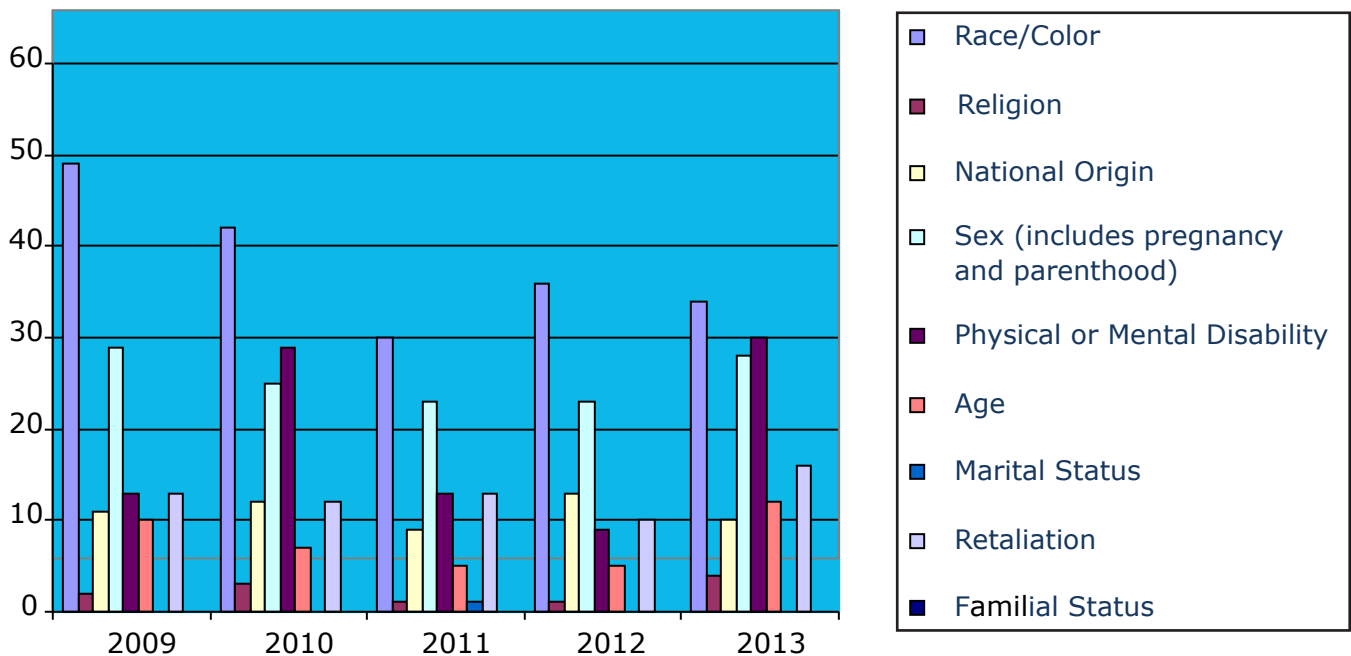
A mobile home park tenant filed a complaint alleging that the park's management company authorized a local tow company to tow his vehicle from his driveway because of his race. After the filing of the complaint, the management company voluntarily changed its parking rules to address a number of issues. Staff found no substantial evidence of discrimination.

Inquiries and New Complaints

	2009	2010	2011	2012	2013
Inquiries	677	615	486	499	441
New Complaints	107	107	75	76	96
Percentage of Perfected Complaints from Inquiries	15.8%	17.3%	15.4%	15.2%	21.5%

Complaint Filings By Area Of Discrimination

	2009	2010	2011	2012	2013
Employment	94	102	66	65	81
Housing	0	5	3	5	4
Public Accommodations	13	13	4	6	7
Financing	0	0	0	0	1
Educational Institutions	0	0	1	0	3
Practices of the MOA	0	0	1	0	0
TOTALS	107	107	75	76	96

Complaints Filings by Basis


Case Age

		Current			Over 240			Total Cases	Total % over 240
		80 or less	81-190	191-240	241-320	321-400	400 or more		
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%
2013	# of Cases	20	19	7	12	5	1	64	18
	% of Cases	31.7%	30.1%	11%	19%	8%	1%	100%	28.5%

Resolutions Providing For Elimination of Discriminatory Practices

	2009	2010	2011	2012	2013
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	35/35	22/22	32/32	23/23	38/38
Percent of Case Resolutions providing for Elimination of Discriminatory Practices	100%	100%	100%	100%	100%
Total Dollars in Settlements	\$68,948	\$69,479	\$106,556	\$246,606	\$262,983

Determinations and Case Closures

	2009	2010	2011	2012	2013
Total Determinations and Case Closures	91	85	96	84	92

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



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