

ANCHORAGE EQUAL RIGHTS COMMISSION

AERC

Anchorage Equal Rights Commission
Ensuring Equality



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2015 ANNUAL REPORT



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2015 COMMISSION MEMBERS

Edith Bailey, Chair
Wanda Greene, Vice Chair
Marie Husa, Secretary
Cassie Atwell, Member
Darrel Hess, Member
Herbert J. Turner, Member
Lucy Hansen, Member
Robert Churchill, Member
Shirley Tuzroyluke, Member

2015 STAFF MEMBERS

Pamela T. Basler, Executive Director
Belinda A. Davis, Senior Investigator
Andrew B. Sundboom, Senior Investigator
Stephanie M. Horvat, Investigator
John M. Main, Investigator
Donte J. Powell, Intake & Outreach Coordinator
Natalie K. Day, Senior Office Associate

CONTACT INFORMATION

Anchorage Equal Rights Commission
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P.O. Box 196650
Anchorage, Alaska 99519-6650

Complaint Hotline: (907) 343-4343
Office: (907) 343-4342
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.



II. A MESSAGE FROM THE CHAIR AND EXECUTIVE DIRECTOR

A Message from the Chair and Executive Director

To the Honorable Mayor Ethan Berkowitz, the Anchorage Assembly and the Community of Anchorage,

On behalf of the Anchorage Equal Rights Commission (AERC), we are pleased to present AERC's 2015 Annual Report. The report delineates the actions which the Commission engaged in throughout 2015 to further the mission of the AERC to eliminate discrimination within the municipality and 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 the Americans with Disabilities Act (ADA) as amended, and Title VII of the Civil Rights Act of 1964.

The Commission's accomplishments are the result of many hours of hard work by our professional and dedicated staff and by Commission members who volunteered their time in reviewing case appeals and attending outreach events to represent AERC in the community. Some of the 2015 outreach events attended by Commissioners were: Project Homeless Connect, Bridge Builders Meet the World, Reasonable Accommodations Under the Fair Housing Act, the LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Homeless Youth Forum, Stand Against Racism Day Event, PrideFest, the Anchorage Welcoming Week Community Celebration and the UAA Disability Awareness Fair.

During 2015, the AERC staff continued to focus on complaint processing, investigation and settlement of cases. The AERC recorded 431 inquiries made by individuals contacting the AERC. Of those inquiries, 99 resulted in new complaints being filed. 97 cases were closed by settlement, investigation, or conciliation. The Assembly added two additional protected classes to Title 5 in 2015: Gender Identity and Sexual Orientation. Staff spent considerable time revising its materials to reflect the new additional protected classes.

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

The AERC staff and commissioners will continue to work to ensure that the AERC is readily accessible to the community and that our goal of eliminating and preventing discrimination for all persons in Anchorage is achieved!

Sincerely,

A handwritten signature in black ink that reads 'Edith Bailey'.

Edith Bailey, Chair

A handwritten signature in black ink that reads 'Pamela T. Basler'.

Pamela T. Basler, Executive Director



III. FUNCTIONS OF THE ANCHORAGE EQUAL RIGHTS COMMISSION

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
- Gender Identity
- Sexual Orientation
- 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, gender identity, sexual orientation, marital status or physical or mental disability, or the aiding, abetting, inciting, coercing, or compelling thereof.

AMC 5.20.010

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.

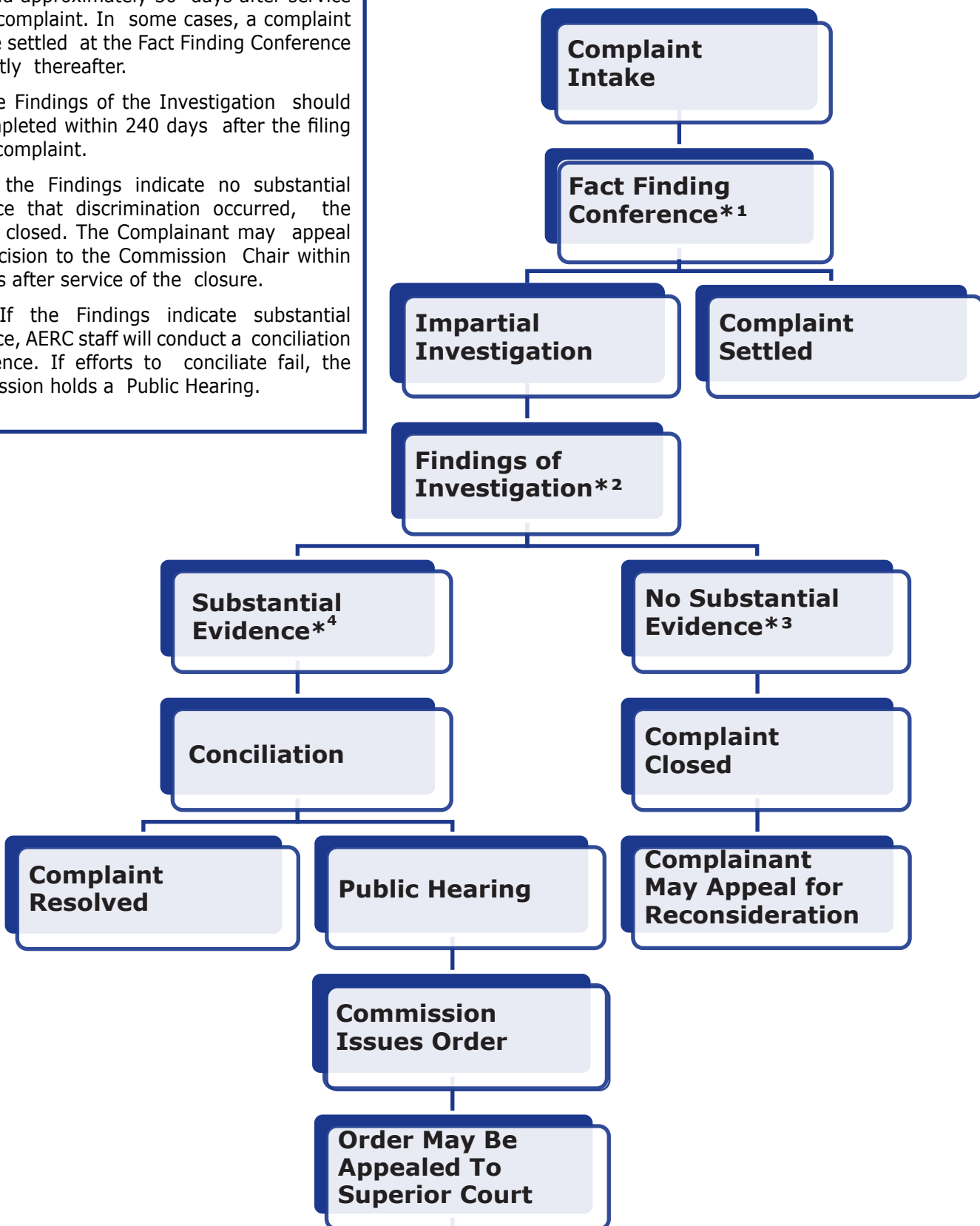
If the AERC does not have jurisdiction over your complaint, a staff member will refer you to the appropriate agency.

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.





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 2014

Cassie Atwell, Member

Edie Bailey, Member

Herbert J. Turner, Member

Shirley Tuzroyluke, Member

Wa Kou Yang, Member

Staff

Pamela T. Basler, Executive Director

Belinda A. Davis, Investigator

Eric M. McGhee, Investigator

Andrew B. Sundboom, Investigator

Stephanie M. Horvat, Intake and Outreach Coordinator

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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Plan 2014-2019\Strategic Plan 20140317.doc

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 2015, AERC staff and commissioners continued their outreach and education efforts by attending, tabling, and sponsoring events and outreach campaigns and by presenting information on AERC's services and its complaint process to community organizations.

The AERC also reached out to new communities by attending various cultural events such as those sponsored during the Municipality of Anchorage's "Welcoming Anchorage" initiative, and hosted forums that addressed public concerns.

AT-A-GLANCE

262	Number of events attended by AERC staff or commissioners
7	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

- **The AERC increased its outreach efforts to refugee communities.** To promote Anchorage's welcoming nature to its refugee and immigrant populations, the AERC attended partnership meetings and events that were focused on understanding and reaching out to refugee communities. Additionally, the AERC tabled and participated in many events directed towards celebrating the diversity of Anchorage, and highlighting resources and organizations that benefit immigrant and refugee communities. AERC also helped plan events for Anchorage's "Welcoming Week" initiative, including the related #welcomingweek and #welcomingAnchorage media campaigns.
- **The AERC co-sponsored several events concerning hot topic issues.** In order to keep the public informed about various issues and to be visible to the Anchorage Community, AERC co-sponsored a Hate Crimes and a Cultural Professionalism forum facilitated by Knight Sor, Conciliation Specialist of the U.S. Department of Justice, Community Relations Service. Additionally the AERC co-sponsored a YWCA Stand Against Racism social media campaign and event with the Anchorage School District and other organizations to spread a national message of speaking out against discrimination.
- **The AERC staff and commissioners provided interactive opportunities at tabling events.** In addition to distributing AERC informational materials and educating the public, the AERC created a #AERC social media campaign to actively get people involved with the AERC Facebook page and website.



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 2015 include:

Community Forums: On June 11 and June 12, 2015, the ACPRTF and AERC co-sponsored two community forums on Hate Incidents and Hate Crimes and on Cultural Professionalism. The forums were open to the public and were held at the Fairview Recreation Center. The community forums featured presentations by Knight Sor, U.S. Department of Justice, Community Relations Service. The forums also included a public question and answer segment where attendees were given the opportunity to ask the presenter questions about the forum topic.

APD Police Academy: ACPRTF members were invited to attend and present at two APD Police Academies in March and October 2015.

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



Anchorage Community Police Relations Task Force

KABOOM!

A material handler filed a complaint alleging that his employer terminated him because of his race and that a second material handler, who was also involved in the same incident and not of the material handler's race, was not terminated. The employer is a distributor of chemicals for industrial end users and as such, safety is a high priority and personal protective equipment (PPE) is mandated. The type of PPE an employee utilizes is specified by the type of chemical that an employee handles and all package containers are "clearly marked" as to the level of PPE required to be used when handling the chemical. Also, there are signs posted throughout the warehouse reiterating this information and the employer conducts weekly safety meetings and employees receive annual PPE and safety training. The material handler stated he was clothed in the minimum PPE (safety glasses, a hard hat, a high visible vest and steel-toed boots) when he began cleaning the warehouse floor with a scrubber. The material handler further stated after he made two passes on the warehouse floor the scrubber bogged down so he took it to the charging station to check the batteries and found that the fluid levels were low. Evidence indicated that upon the instruction of the second material handler, a 14 year employee, the material handler added water to the batteries but the scrubber failed to start again. Evidence indicated that material handler then took some acid from a shelf and began to add it to the batteries without getting approval from the second material handler or any other employee. Evidence indicated that after adding the acid to one battery it began to "bubble" and the material handler quickly solicited the assistance of an outside company contractor as to what he should do next. Evidence indicated that the material handler withheld this information from his employer when questioned about the incident. Evidence indicated that the material handler solicited another co-worker to help him take the scrubber to the wash bay room where the battery was dumped and flushed by the second material handler. The material handler stated the "bubbling" battery was the result of dirt accidentally getting into it. Evidence indicated that the material handler was required to don a safety shield when adding acid to the battery. The material handler proclaimed that he had a safety shield on. However, when interviewed by the agency's investigator, the outside contractor stated the material handler did not have on a safety shield and also told him that he added muriatic acid to the battery. The employer stated that there was a container in the scrubber area which was clearly marked "battery acid" and the battery itself is labeled with the words "sulfuric acid." The second material handler stated that the battery was 10 degrees higher than normal and appeared that it could blow up when it was brought to the wash bay room. The second material handler stated that adding muriatic acid to sulfuric acid caused a chemical reaction which could have resulted in the material handler being burnt, being scarred for life, or dying if he had come in contact with the battery acid or if the battery blew up without the material handler donning the proper PPE. No evidence indicated that the second material handler failed to don the required PPE. The impartial investigation resulted in a Determination of No Substantial Evidence.

ROAD TRIP!

A warehouseman filed a complaint alleging that he was terminated because of his race. Evidence showed that the warehouseman was initially hired as a company driver to pick up tire equipment from various vendors that the company purchased from or supplied to. Evidence also showed that the warehouseman delivered tires to the company stores located in Soldotna, Alaska and Wasilla, Alaska and transported scrap metal back to the company store located in Anchorage, Alaska for the employer to sell. During the course of the impartial investigation, the employer stated that the warehouseman was instructed to drive to the store located in Soldotna, Alaska to deliver paperwork and supplies. Upon his arrival at the Soldotna store, its Soldotna Operations Manager directed the warehouseman to bring back scrap metal to Anchorage and the warehouseman refused. The warehouseman admitted that he refused to transport the scrap metal from Soldotna, Alaska to Anchorage based on his assessment that (1) it was unsafe because the brake pads, rotators and suspension parts would not be covered by a net or cover and could possibly fly out of the truck if he hit a bump while driving; (2) the directive was from a management member who was not his direct supervisor, and (3) there was another individual who could have transported the scrap metal. The employer stated that the truck was safe to transport the scrap metal. Evidence showed that the warehouseman failed to follow a direct order and the employer offered a legitimate reason for terminating the warehouseman. Staff found no substantial evidence to support the warehouseman's allegation of race discrimination.

RELIGION AT WORK

An employee who worked for a company for over a decade filed a complaint alleging that his employer terminated him because of his religion. The employer stated that it had been aware of the employee's religious beliefs for many years and provided him a convenient and private location to perform daily religious observances. In addition, the employer stated when the employee requested leave to observe religious holidays, it was granted. The employee concurred with the employer's statement. The employer also stated that the employee was a relatively valuable and reliable employee for many years. However, the employer stated that the employee's performance had begun to falter. Evidence showed that the employee has serious problems with his attendance and punctuality for three years prior to his termination and that he received numerous write-ups, suspensions, and was placed on probation, subject to termination. Evidence showed that the employee failed to comply with the terms of his probation and was subsequently terminated. Evidence showed that the employer had terminated other employees for attendance issues but that the religion of the other employees was not known to the employer. Staff found no substantial evidence to support the employee's allegation of religious discrimination.

ROCKABYE BABY

An assistant teacher filed a complaint alleging that she was terminated by her employer based on her race and age. Evidence indicated that the assistant teacher was employed by a licensed child care facility whose operation is governed by the Municipality of Anchorage, Department of Health and Human Services, Child Care Licensing Program (CCLP). The CCLP routinely monitors both child care homes and centers through on-site inspections. The CCLP has authority to investigate all complaints filed against a licensed child care home or center. Evidence showed that prior to the assistant teacher filing her complaint with the Anchorage Equal Rights Commission, the CCLP had received a complaint against the assistant teacher alleging that she exhibited inappropriate behaviors in the classroom and the employer was advised by the CCLP to suspend the assistant teacher pending the outcome of its investigation. Evidence showed that CCLP conducted an unannounced on-site investigation and found (1) no violation of one alleged inappropriate behavior; (2) insufficient evidence of a second alleged inappropriate behavior; and (3) several violations of the law of other alleged inappropriate behaviors. The CCLP advised the employer that the assistant teacher could no longer work at its facility. Evidence showed that the employer terminated the assistant teacher based on the outcome of the CCLP's investigation. Evidence also showed that the employer had previously terminated employees not of the assistant teacher's same race and age. The impartial investigation resulted in a Determination of No Substantial Evidence.

TO REQUEST IN WRITING OR NOT

A student with a mental disability filed a complaint alleging that the educational institution in which she was enrolled failed to accommodate her when she requested to substitute an online class for a lecture/on-campus style class. The Complainant stated that she informed the Respondent that she was having difficulty passing the online course as a result of her disability, and that the Respondent did not inform her she was required to complete and submit a written request for reasonable accommodation waiver. While a written request for reasonable accommodation waiver is not required to trigger the interactive process under the Americans with Disabilities Act or Title 5 of the Anchorage Municipal Code, it can establish proof that a Complainant requested an accommodation from a Respondent. The Complainant alleged that she eventually failed the course three times and was subsequently dismissed from her program. The Respondent disputed that the Complainant informed the Respondent of Complainant's disability prior to her dismissal. The Respondent asserted that, based on its academic policies, a student cannot attempt a course more than three times, that the Complainant failed to complete the course in question three times, and that the Complainant was therefore dismissed from and not eligible for re-entry into her program. Prior to the completion of the impartial investigation, the parties agreed to allow the Complainant to re-enroll in Respondent's academic program, contingent upon the Complainant submitting a request for reasonable accommodation waiver form to the Respondent.

COMMUNICATION BREAKDOWN

An employer offered a janitorial position to a qualified applicant. The applicant had over twenty years of experience doing janitorial work. The applicant also was completely deaf, having been born with no hearing ability, and had successfully worked in similar positions for most of his career. Before hiring the applicant, the employer required him to attend training where he would need to watch a video and take a quiz based on what he learned during the video. Unfortunately, the video was not produced using closed captions and the employer did not have a translator to help explain the content of the video. The applicant, after his attempts to understand the contents of the video were frustrated, asked the employer to provide a translator so he could complete the training. The employer asked the applicant to come back the next Monday and told the applicant that an interpreter would be provided for his training.

The parties disagreed about the chain of events and communications between the parties, or lack thereof, that occurred after this point. The applicant stated that the employer informed him on that Monday that it did not have a translator available. The applicant stated that he attempted to contact the employer several times over the next couple of weeks about completing his training, but that he did not receive any response from the employer. The applicant stated that he finally went to the employer's offices more than two weeks after his last communication from the employer, with an advocate to help translate, and that the employer informed him that the position he had been offered was no longer available because it was given to someone else. The applicant filed a complaint against the employer alleging that it had failed to accommodate his disability by not providing a translator so that he could complete the employer's training program, and that it discriminated against him on the basis of his disability by revoking the job offer and giving the job to someone else.

In responding to the complaint, the employer stated that it was attempting to accommodate the applicant's request for a translator to help him complete his training, but that it was not able to find a translator, and thus not able to schedule the applicant's training during the approximately two weeks it had been given. The employer stated that the applicant, when he visited the employer's office and spoke to its staff member, informed the staff member that he had found employment elsewhere and could not accept the job. Despite their differing perspectives on the causes of the communication breakdown between the employer and job applicant, the parties were able to resolve the dispute through a settlement agreement. The employer also agreed to seek training for the involved human resource employees on the interactive process that is required to address requests for reasonable accommodations by disabled job applicants and employees.

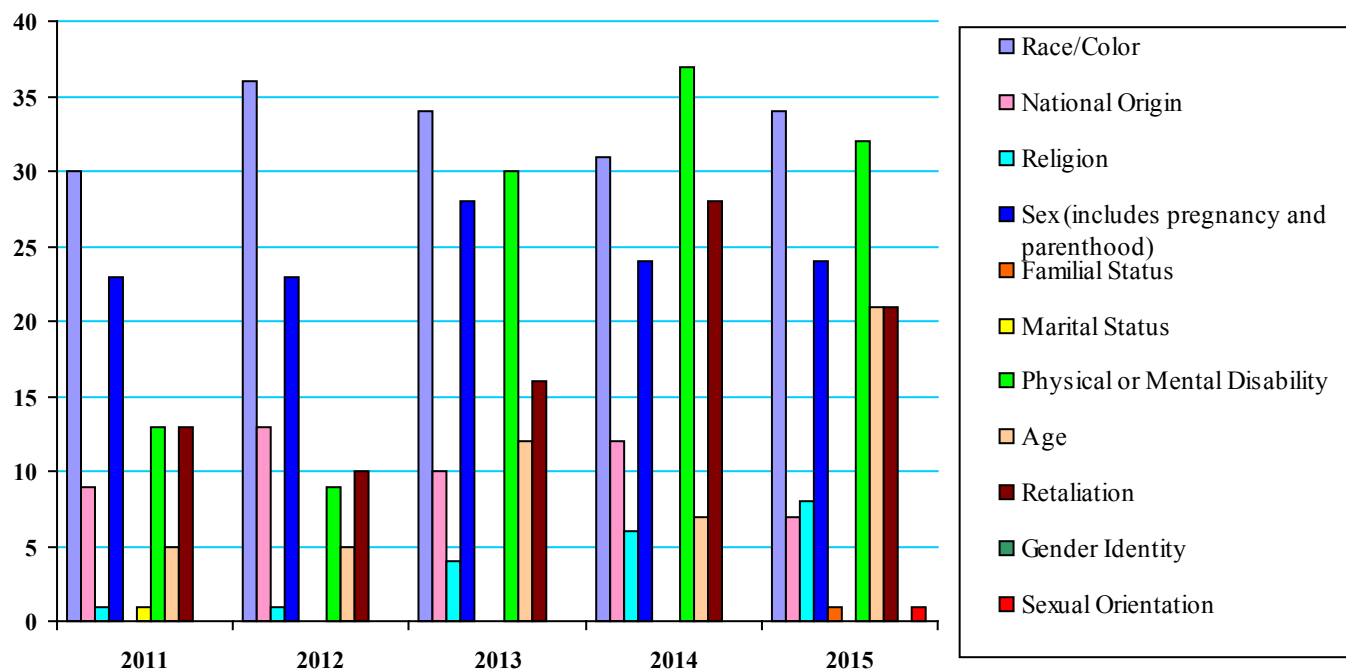
Inquiries and New Complaints

	2011	2012	2013	2014	2015
Inquiries	486	499	441	406	431
New Complaints	75	76	96	107	99
Percentage of Perfected Complaints from Inquiries	15.4%	15.2%	21.5%	26.4%	23.0%

Complaint Filings By Area Of Discrimination

	2011	2012	2013	2014	2015
Employment	66	65	81	98	88
Housing	3	5	4	4	3
Public Accommodations	4	6	7	4	6
Financing	0	0	1	0	0
Educational Institutions	1	0	3	0	2
Practices of the MOA	1	0	0	1	0
TOTALS	75	76	96	107	99

Complaint Filings by Basis *



* Many complaints were filed on more than one 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		
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%
2014	# of Cases	17	17	6	13	7	7	67	27
	% of Cases	25.4%	25.4%	9%	19.4%	10.4%	10.4%	100%	40.3%
2015	# of Cases	13	31	6	10	7	2	69	19
	% of Cases	18.8%	44.9%	8.7%	14.5%	10.2%	2.9%	100%	27.5%

Resolutions Providing For Elimination of Discriminatory Practices

	2011	2012	2013	2014	2015
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	32/32	23/23	38/38	53/53	33/33
Total Dollars in Settlements	\$106,556	\$246,606	\$262,983	\$975,722	\$339,701

Determinations and Case Closures

	2011	2012	2013	2014	2015
Total Determinations and Case Closures	96	84	92	105	97

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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