

ANCHORAGE EQUAL RIGHTS COMMISSION

AERC

Anchorage Equal Rights Commission
Ensuring Equality



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Ensuring Equality

2018 ANNUAL REPORT



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2018 COMMISSION MEMBERS

Wanda Greene, Chair
Kimberly Pace, Vice-Chair
Joshua Vo, Secretary
Darrel Hess, Member
Diane Heaney-Mead, Member
Albert Berke, Member
Lea McDermid, Member
Robert Churchill, Member
Marie Husa, Member

2018 STAFF MEMBERS

Pamela T. Basler, Executive Director
Belinda A. Davis, Senior Investigator
Andrew B. Sundboom, Senior Investigator
Stephanie M. Jedlicka, Investigator
Gita Franklin, Investigator
Joshua S. Blalock, Intake & Outreach Coordinator
Natalie K. Day, Senior Office Associate

CONTACT INFORMATION

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Anchorage, Alaska 99501-6312
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 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

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 2018 Annual Report. The report reflects many of the actions taken and the activities participated in to further the mission of AERC to eliminate discrimination within the Municipality by enforcing the 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, and to provide education to the public about anti-discrimination laws.

During 2018, our Commissioners and staff attended numerous outreach events such as: the Disability Pride Celebration, the 2018 PrideFest, the Anchorage Women's Commission Meeting - Rights and Responsibilities for a Discrimination-Free Workplace in Alaska, Bridge Builders Meet the World, the 2018 MLK Community Celebration, the Women's March 2.0 and Welcoming Week.

Staff members also attended training at the International Association of Official Human Rights Agencies (IAOHRA) National Conference in Cincinnati, Ohio, the EEOC/FEPA National Conference in San Antonio, Texas and an EEOC Seminar in Seattle, Washington. Additionally staff members participated in the following co-sponsored events: "Rights and Responsibilities for a Discrimination-Free Workplace in Alaska" panel with Rural Alaska Community Environmental Job Training Program (RACEJT), "What is the Anchorage Equal Rights Commission?" panel with the ARC of Anchorage and the 2018 Alaska Federation of Natives Convention with Alaska Legal Services.

In enforcement activities, AERC staff processed 498 inquiries from residents and visitors to Anchorage and the surrounding areas who contacted our office during 2018. Of those inquires, 119 new complaints were filed. Additionally, 126 pending cases were closed by settlement, investigation or conciliation in 2018.

In 2019, Commissioners and AERC staff will continue their work to eliminate and prevent discrimination in our community through public education and enforcement of the anti-discrimination laws.

Sincerely,

A handwritten signature in cursive script that reads "Wanda V. Greene".

Wanda Greene, 2018 Chair

A handwritten signature in cursive script 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 law 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.

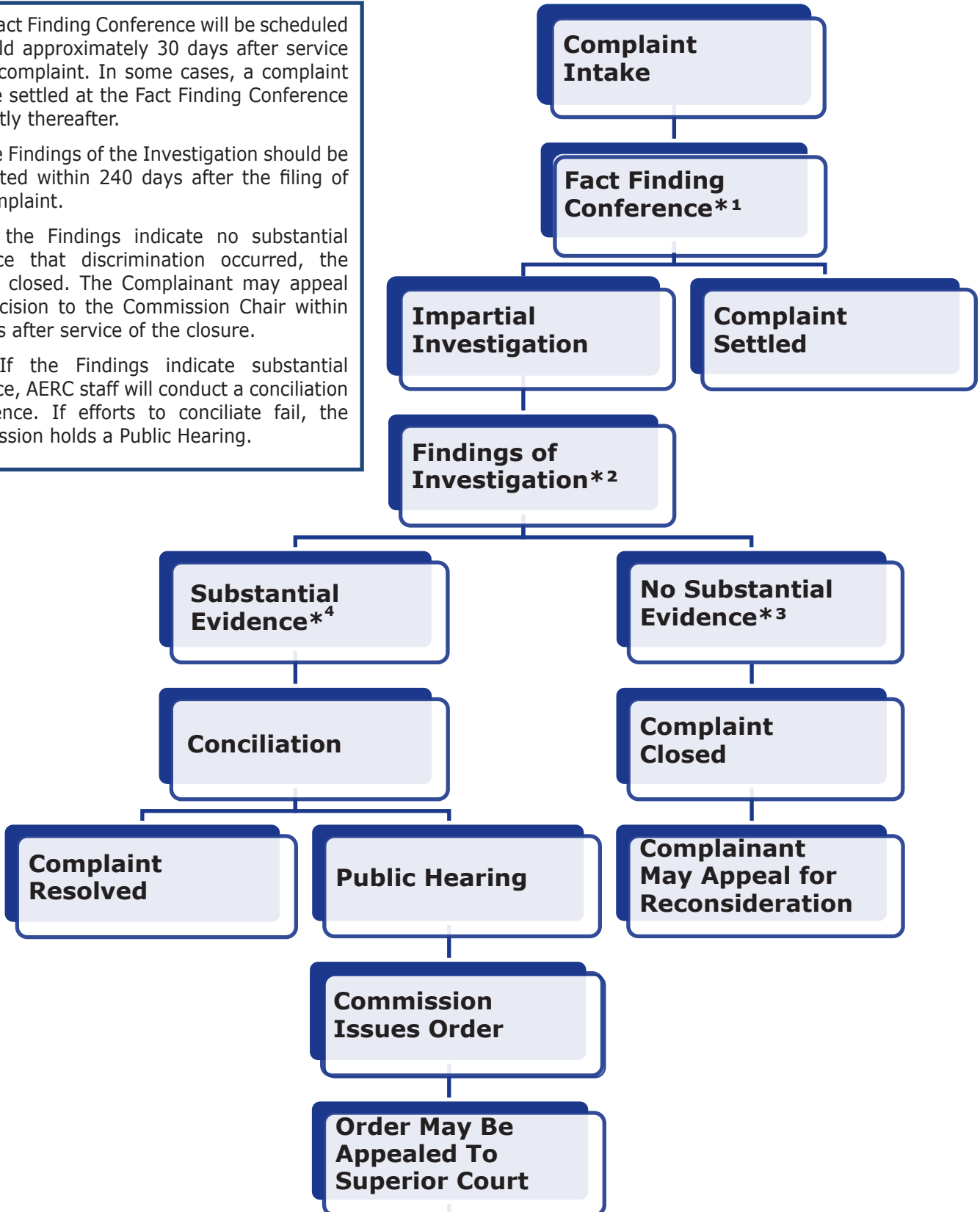
AERC COMPLAINT PROCESS FLOWCHART

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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IV. STRATEGIC PLAN (CONTINUED)

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 to 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 for Everyone

Commitment to Excellence

Teamwork is How We Do Business



Community Outreach

In 2018, AERC staff and commissioners continued their outreach and education efforts by attending, tabling, or sponsoring events and outreach campaigns, and by presenting information on AERC's services and its complaint process to community organizations.

The AERC also participated in multiple cultural events and reached out to new communities by facilitating and sponsoring community partner organizations outreach effort.

AT-A-GLANCE

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

- **The AERC increased its outreach efforts to multiple communities.** The AERC attended partnership meetings and events that were focused on understanding concerns and reaching out to multiple communities. Additionally, the AERC tabled and participated in many events, using creative marketing tactics, such as custom button creation for event attendees, to provide a lasting memory.
- **The AERC developed and coordinated a joint AERC/EEOC Community Engagement Project.** The AERC coordinated a month long radio advertisement campaign in an effort to target communities that may not know of AERC services. Three different radio ads were aired equally in rotation throughout the month of September on Alaska Public Media (KSKA Radio 91.1). The campaign resulted in an increase in AERC filings, greater community awareness of AERC services, and the ads reached over 40,000 different people.
- **The AERC staff and commissioners continued to be active in the community and online.** The AERC tabled at various events throughout the Anchorage community, such as at Anchorage Welcoming Week events, Anchorage Bridge Builder's Meet the World and at PrideFest, among many others. The AERC also continued to post informative articles and videos on its social media accounts to actively get people involved with the AERC Facebook page and website.

The Anchorage Community Police Relations Task Force (ACPRTF) 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:

<http://www.muni.org/Departments/AERC/Pages/AnchorageCommunityPoliceRelationsTaskForce.aspx>.

Significant accomplishments by the Task Force during 2018 include:

Meeting Focus: During 2018, the ACPRTF held twelve regular meetings that were open to the public. During those meetings, the ACPRTF heard various presentations from local area law enforcement. The presentation topics included subjects such as: Neighborhood Watch/ Crime Prevention, Property Crime Investigation/Prevention, Unsolved Homicides, and Gangs in Anchorage.

APD Police Academy: ACPRTF members were invited to attend and present at one APD Police Academy in May of 2018.

Incident Reports: The ACPRTF addressed one incident report made by a citizen regarding their contact with local law enforcement.

Membership: The ACPRTF continues to seek membership from new community organizations.



Anchorage Community Police Relations Task Force

OLDER JOB SEEKER'S TIME OUT OF THE INDUSTRY AFFECTED HIS EMPLOYABILITY

An older job seeker applied for several open positions with an employer in the health care industry after being out of the industry for over twenty years. The employer did not hire the older job seeker for any of the positions, citing large gaps in the individuals' employment history, lapsed certifications, and lack of recent experience in the industry. The older job seeker alleged discrimination based on his age, among other things, stating that his pre-millennium work experience made him better qualified for the positions than the younger applicants who had more recent work experience in the industry, but less years of experience in total in the industry. The Commission, noting the older job seeker's lack of critical credentials for the positions and lack of recent experience in an industry that requires its professionals to stay up-to-date with evolving practices and life-saving technologies, determined that there was not substantial evidence to support the older job seeker's allegations.

NEW FEMALE EMPLOYEE FIRED AFTER OBJECTING TO FEMALE COWORKER'S WATER COOLER CONVERSATIONS

After suffering a female coworker's crass and sexually offensive office banter for as long as she could take it, a newer female employee finally complained to her managers after her repeated requests to the female coworker to knock it off were unsuccessful. Soon thereafter, the employer terminated the newer female employee stating that it was due to an unexpected change in the employer's staffing levels. The newer female (now former) employee, filed a complaint with the Commission alleging a hostile work environment based on sex and that the employer retaliated against her when it terminated her employment shortly after she complained about the coworker's misconduct. The employer and former newer female employee successfully resolved the dispute through a settlement agreement which satisfied the Commission's concerns about the serious allegations of same-sex sexual harassment and potential retaliation by the employer.

PAY YOUR BILLS ON TIME

A storage rental customer alleged that she was denied full and equal enjoyment of her storage unit based on her sex and race. The customer stated that the business charged her late fees incorrectly and subsequently locked her unit. The business denied that it discriminated against the Complainant and asserted that their business followed its policy as it relates to assessing late fees and locking a customer's unit.

The investigation showed that the Complainant entered into a Rental Contract with Respondent for a rental unit. Evidence showed that the Complainant entered into this contract willingly and was made aware of the terms and conditions when entering into the contract. Evidence showed that the Complainant was late paying her rent multiple times, which resulted in two late fees being added to her account. Evidence showed that the Complainant paid the original bill amount, but failed to pay the late fee amount. Evidence showed that by not paying her late fees, her account became delinquent and eventually the business placed an overlock on her unit. Evidence showed that Respondent followed its policies when assessing late fees to Complainant's rental account. The Complainant was granted access to her unit when the account balance was finally paid in full and AERC found that the Respondent did not discriminate against the Complainant based on her race or sex.

FIRST COME, FIRST SERVE

A passenger complained that he was denied services because of his race/color and disability when a bus driver asked him to move so that another individual could sit in the passenger's seat. Evidence showed that the passenger sat in the side-facing priority seating available for senior citizens and for persons with disabilities located at the front of the bus. Evidence showed that a recurrent passenger with a visual impairment and a white cane entered the bus. Under the Americans with Disabilities Act policy, bus operators cannot force customers in the priority seating area seats to move in order to accommodate senior citizens or persons with disabilities. Evidence showed that the bus driver informed the passenger that the vision impaired passenger needed to sit in the priority seating and the passenger voluntarily moved to the priority seating across the way.

Evidence showed that the vision impaired passenger sat in the forward facing priority seating and the bus driver then informed the first passenger that he could have his seat back and thanked the passenger for being compassionate. Evidence showed that the passenger responded that "it was not about being compassionate, it was about first come, first serve." Evidence showed that the passenger rode the bus and got off at his destination.

Based on the impartial investigation, AERC staff determined that the passenger was not denied services regarding riding the bus and found no substantial evidence to support the passenger's allegations.

AGE AIN'T NOTHING BUT A NUMBER

A 64-year old employee alleged that his employer failed to hire him for a lateral transfer work assignment because of his age. The employee stated that he verbally applied for the new work assignment with his management team and was initially approved for the assignment. However, the employee stated that after one day of training, his employer notified him that it had given the assignment to a younger employee because that individual "would be around longer."

The employee filed an AERC age discrimination complaint and a Fact Finding Conference was held in the matter. The employer asserted that another employee, who was younger than the Complainant, was given the work assignment not because of his age, but because he was better qualified to perform that type of work given his previous work experience. However, before the case was investigated, the employee and employer entered into a Pre-Determination Settlement (PDS) Agreement. The terms included that 1) the employer agreed to train and employ the Complainant in the new work assignment, and 2) the Complainant would begin working in the new work assignment within 10 days of execution of the PDS. Additionally, the employer agreed to post an AERC informational poster in the workplace. No further action was taken by staff and the case was dismissed as settled.

JOB PERFORMANCE MATTERS

A server alleged that he was denied terms and conditions of employment and terminated based on his sexual orientation. The server stated that Respondent's management forbid him from speaking about his personal life including about his boyfriend, and subsequently terminated him. The Respondent denied that it discriminated against the Complainant and asserted that their business slowed down and they had to eliminate a server

position. The investigation showed that the Complainant was not performing according to the Respondent's legitimate job expectations when he repeatedly arrived to work late, did not follow the Respondent's phone policy, was not able to correctly split tabs and discussed his personal life at work and/or talked inappropriately about male guests. Complainant's time cards showed that he arrived to work late approximately 16 times in a span of two months. Evidence also showed that the Complainant received repeated trainings from his employer on his job duties and continued performing his duties incorrectly. Investigation did show that the Complainant arrived to work on one occasion upset that his boyfriend had ended their relationship and the Respondent advised the Complainant that its employees should act professionally while at work. The employer stated that it does not utilize a seniority system and that when their business slowed down, they reviewed each of their server's work performance. Evidence showed that the Complainant was the only server who had job performance issues. Investigation did not show that the Complainant was denied any terms or conditions of employment or terminated because of his sexual orientation or any other protected class covered by Title 5 of the Anchorage Municipal Code and a no substantial evidence of discrimination finding was issued.

REPORT HARRASSMENT, BUT DON'T RETALIATE DURING THE INVESTIGATION

An employee filed a harassment complaint with his employer alleging that his coworker subjected him to unwelcome comments regarding his sexual orientation. Evidence showed that employer immediately began to investigate the employee's allegations and interviewed the alleged harasser and the employees who were identified as potential witnesses by the employee. All the witnesses were advised to not discuss the complaint with each other or with other co-workers. The employer could not substantiate the allegations and closed the complaint, but did not inform the employee immediately about the findings.

Evidence showed that, in the meantime, the employee returned to the employer's facility after his work shift had ended and attempted to engage with the alleged harasser in conversation while he was working. The alleged harasser ignored the employee, but the employee followed him around and provoked him by singing. The alleged harasser texted his supervisor about the employee's actions and let the employee know that he was recording him. Investigation showed that the following day, the employer reviewed the text messages, recordings and the video from the previous night and decided to terminate the employee's employment for his behavior. When the employee heard that he was being terminated for his actions the previous night, he became irate, raised his voice and the employer felt uncomfortable telling him that his allegations were not substantiated during the internal investigation. Investigation showed that the employee told the employer that this was retaliation and the employer was not addressing the real subject and was trying to cover it up with something else. Investigation showed that the employer mistakenly told the employee that his sexual harassment allegations were still under investigation and were taken into consideration, but that it was irrelevant to the actions the employee had taken on the previous night. Investigation showed that the employee did not calm down, was eventually told by another manager that the investigation was closed, and was escorted out of the facility.

A review of the status of other employees' employment showed that the employer had terminated other employees for cause. Based on its own impartial investigation, AERC staff determined that the employer terminated the employee for legitimate reasons and found no substantial evidence to support the employee's allegation of retaliation. AERC staff advised the employer that it should have informed the employee about the findings of their investigation before terminating him and that any internal complaint must be investigated and concluded even after an employee is terminated.

BE CAREFUL WHAT YOU LOOK FOR

A Front Desk Receptionist alleged that her employment was terminated based on her sex because she used to be an escort and her employer found out about it. The employee stated that her employer informed her it conducted an internal investigation, found enough evidence to link her to prostitution, thus she was fired. The employee indicated that before terminating her employment, the employer informed her that being associated with this type of crime would put its business in an unfavorable light. She alleged the business employed a number of male ex-convicts.

The employee filed an AERC sex discrimination complaint and a Fact Finding Conference was held in the matter. The employer asserted that it thought she had active escort service advertisements on the internet which she denied. Furthermore, the employer indicated that the Complainant was not terminated because she was actively working as an escort, but because the information found on the internet reflected negatively on the business. However, before the case was investigated, the employee and employer entered into a Pre-Determination Settlement (PDS) Agreement. The terms included that 1) the employer agreed to give the Complainant full backpay, and 2) the Complainant would be reinstated to her original position at a different location. The employer also agreed to post an AERC informational poster in the workplace. No further action was taken by staff and the case was dismissed as settled.

MATERNITY LEAVE RETURN WOES

An Administrative Assistant alleged that she was discriminated against based on her sex because she was terminated before she was supposed to return to work from her maternity leave. The employee stated that her employer originally granted her maternity leave request and that she was told that her position would still be available upon her return. The employee stated that right before she was supposed to return to work, her employer contacted her via telephone and told her that she would no longer be needed. The employee alleged that the employer stated during the phone conversation that she was a fantastic employee and that the employer offered to write her an outstanding recommendation letter. The employee also stated that when she inquired as to why she was being terminated, the employer indicated that it could pay the new girl that had been working in her position temporarily \$3.00 less an hour.

The employee filed an AERC sex discrimination complaint based on pregnancy and a Fact Finding Conference was held in the matter. The employer asserted that it was going through financial difficulties and could no longer support paying the Complainant at the rate it was previously paying her. The employer indicated that it called the Complainant, terminated her employment, and offered to write her a recommendation letter. The employer confirmed that it hired a new individual into the Complainant's position while she was on maternity leave and that the employer was paying this individual \$3.00 less an hour. The employer was asked if it had offered the Complainant an opportunity to return to work with a pay reduction. It then indicated that it did not. However, before the case was investigated, the employee and employer entered into a Pre-Determination Settlement (PDS) Agreement. The terms included that 1) the employer would give the Complainant full backpay, and 2) the Complainant would be given a neutral reference. The employer also agreed to post an AERC informational poster in the workplace. No further action was taken by staff and the case was dismissed as settled.

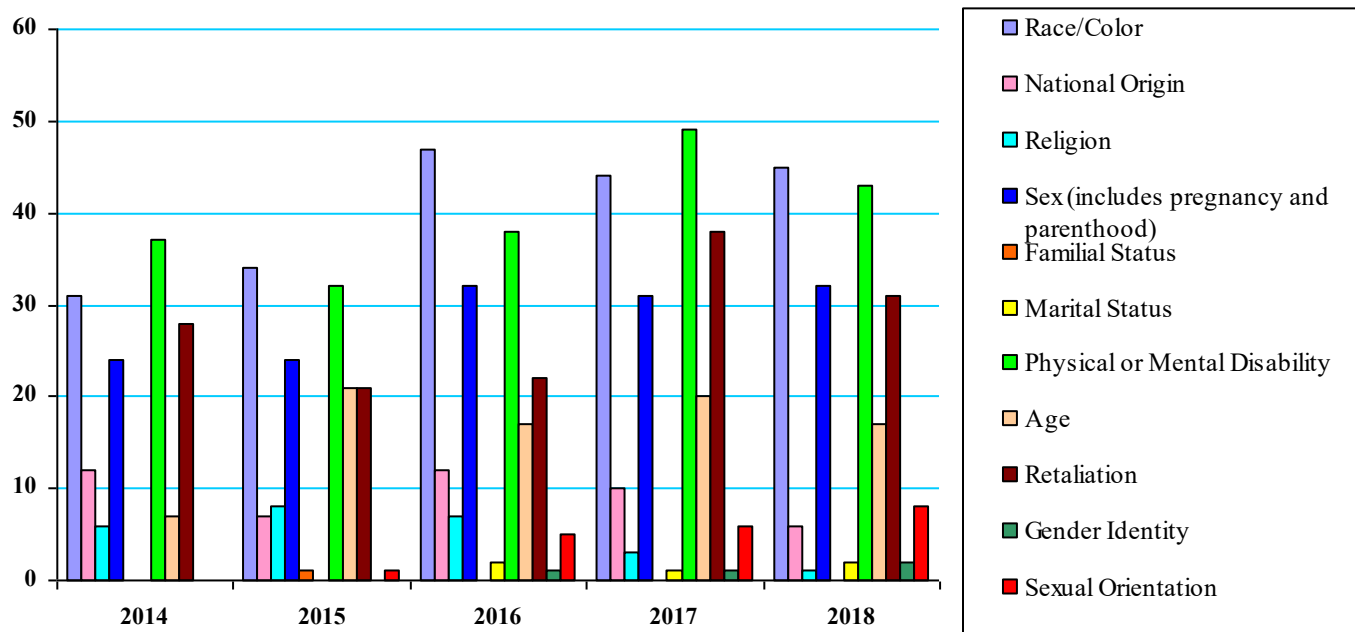
Inquiries and New Complaints

	2014	2015	2016	2017	2018
Inquiries	406	431	442	523	498
New Complaints	107	99	111	134	119
% of Perfected Complaints and Inquiries	26.4%	23.0%	25.1%	25.6%	23.9%

Complaint Filings By Area Of Discrimination

	2014	2015	2016	2017	2018
Employment	98	88	100	125	106
Housing	4	3	4	3	5
Public Accommodations	4	6	6	5	6
Financing	0	0	0	0	0
Educational Institutions	0	2	0	0	0
Practices of the MOA	1	0	1	0	2
TOTALS	107	99	111	134	119

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		
2014	# of Cases	17	17	6	13	7	7	68	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%
2016	# of Cases	25	25	12	3	1	4	70	8
	% of Cases	35.7%	35.7%	17.15%	4.3%	1.43%	5.7%	100%	11.43%
2017	# of Cases	31	30	6	4	5	4	80	13
	% of Cases	38.75%	37.5%	7.5%	5%	6.25%	5%	100%	16.25%
2018	# of Cases	11	33	9	7	7	4	71	18
	% of Cases	15.49%	46.48%	12.68%	9.86%	9.86%	5.63%	100%	25.35%

Resolutions Providing For Elimination of Discriminatory Practices

	2014	2015	2016	2017	2018
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	53/53	33/33	34/34	39/39	41/41
Total Dollars in Settlements	\$975,722	\$339,701	\$105,263	\$234,778	\$195,644

2018 Post-Determination Cases As Of 12/31/2018

Number Of Cases In Conciliation Status: 3 Number Of Cases Appealed to State Court: 2

Determinations and Case Closures

	2014	2015	2016	2017	2018
Total Determinations and Case Closures	105	97	107	126	126

VII. COMMENTS, THOUGHTS, IDEAS

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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