

# ANCHORAGE EQUAL RIGHTS COMMISSION

# AERC

**AERC**

Anchorage Equal Rights Commission  
*Ensuring Equality*

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**2019 ANNUAL REPORT**

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## **2019 COMMISSION MEMBERS**

Kimberly Pace, Chair  
Diane Heaney-Mead, Vice-Chair  
Joshua Vo, Secretary  
Darrel Hess, Member  
Albert Berke, Member  
Lea McDermid, Member  
Gabriela Olmos, Member  
Minoo Minaei, Member

## **2019 STAFF MEMBERS**

Mitzi Bolaños Anderson, Executive Director (October 2019 – Current)  
Pamela T. Basler, Executive Director (through May 2019)  
Andrew B. Sundboom, Senior Investigator  
Stephanie M. Jedlicka, Senior Investigator  
Gita Franklin, Investigator  
Joshua S. Blalock, Intake & Outreach Coordinator/Investigator  
Natalie K. Day, Senior Office Associate

## **CONTACT INFORMATION**

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Deaf and Hard of  
Hearing Persons: Dial 711 for Alaska Relay Services  
Website: [www.muni.org/aerc](http://www.muni.org/aerc)  
Facebook: [www.facebook.com/AnchorageEqualRightsCommission](https://www.facebook.com/AnchorageEqualRightsCommission)  
Twitter: [www.twitter.com/AnchorageERC](https://www.twitter.com/AnchorageERC)

## **MEETING DATES AND LOCATIONS**

The AERC Commissioners regularly meet at 6:00 p.m. on the third Thursday of odd months in the Mayor's Conference Room, Suite 830 in City Hall. Meeting information is posted on the MOA Public Notices website, the AERC website, and under Upcoming Events on the MOA Boards and Commissions website.



## 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 2019 Annual Report. The report reflects the work of Commissioners and staff throughout the year in furtherance of AERC's mission to eliminate and prevent discrimination within the Municipality and to provide education to the public about municipal and federal anti-discrimination laws.

During 2019, our Commissioners and staff attended numerous outreach events, including the Diversity Community Health Awareness Day, 2019 MLK Holiday Commemoration, Disability Pride Celebration, 2019 PrideFest, Bridge Builders' Meet the World, Welcoming Week, and Parade of Nations. Additionally, staff members participated in the Hate Crimes Forum, facilitated by the U.S. Department of Justice, as well as in the "Your Right to be Harassment Free" panel discussion at the University of Alaska Anchorage and the "Stand Against Racism" panel discussion at the YWCA.

Staff members kept their skills sharp this year by attending training at the International Association of Official Human Rights Agencies (IAOHRA) National Conference in Orlando, Florida, and at the U.S. Equal Employment Opportunity Commission (EEOC) and Fair Employment Practices Agencies (FEPA) National Annual Training Conference in San Diego, California.

Pursuant to our mandate to enforce Title 5 of the Anchorage Municipal Code and federal anti-discrimination laws, such as the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964, AERC staff processed 516 inquiries from residents and visitors to Anchorage and the surrounding areas during 2019. Of those inquires, 130 new discrimination complaints were filed with our agency, and 110 of those were co-filed with the EEOC. Additionally, 108 pending cases were closed by settlement, investigation, or conciliation in 2019.

The Commission and AERC staff look forward to continuing our work to eliminate and prevent discrimination in our community through public education and enforcement of local and federal anti-discrimination laws.

Sincerely,

*Kimberly J. H. Pace*

Kimberly J. H. Pace, Chair

*Mitzi B. Anderson*

Mitzi B. Anderson, Executive Director



### 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
- Color
- Religion
- National Origin
- Age
- Sex (Pregnancy and Parenthood)
- Sexual Orientation
- Gender Identity
- Marital Status
- Physical Disability
- Mental Disability
- 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, sexual orientation, gender identity, marital status, or physical or mental disability, or the aiding, abetting, inciting, coercing, or compelling thereof.

#### **AMC 5.20.010**

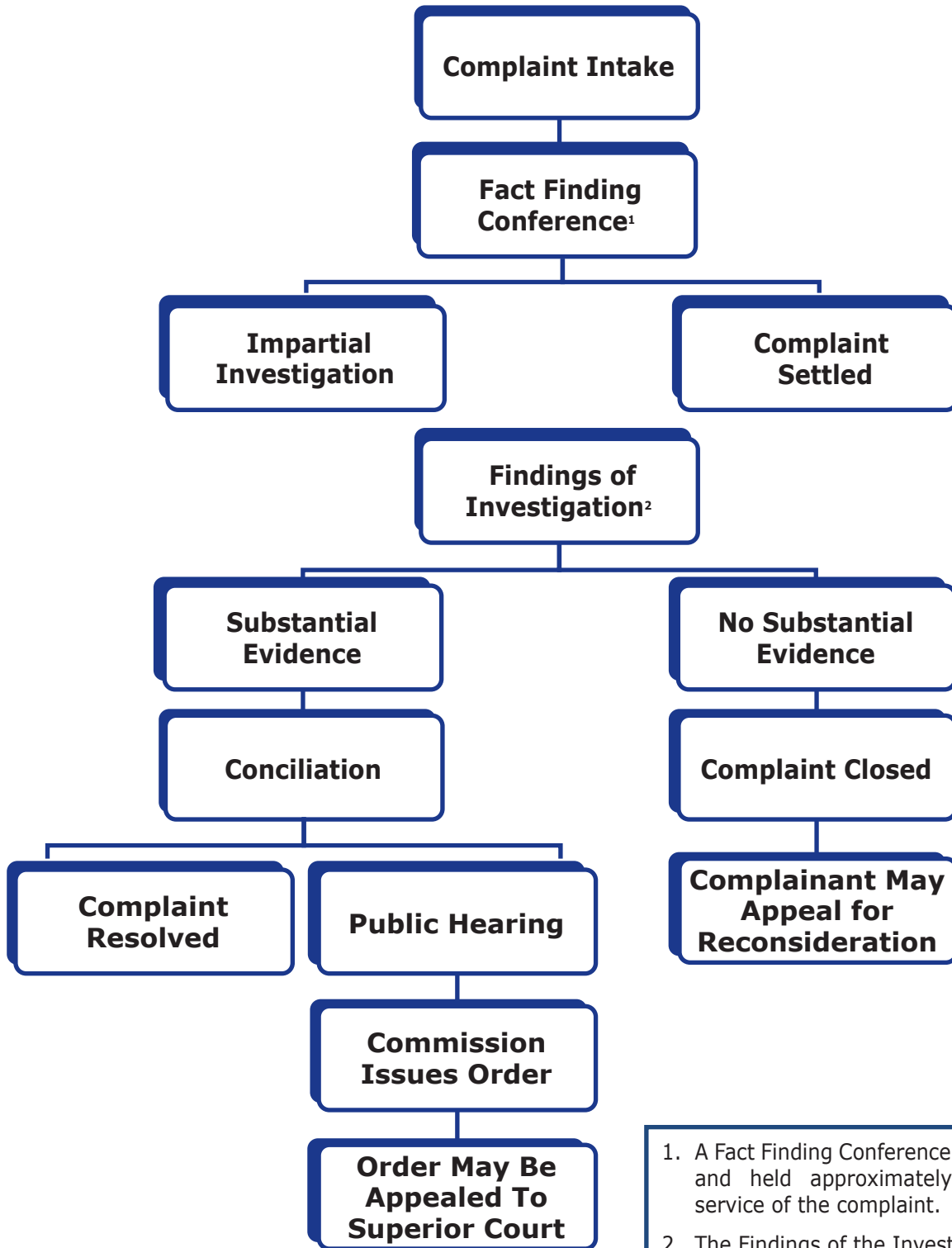
Discrimination also includes retaliating against someone for engaging in a protected activity, such as complaining of discrimination or requesting a reasonable accommodation.

### What is the AERC complaint process?

If you feel that you are being discriminated against, call our office and a staff member will listen to your concerns. A complaint will be drafted for you if the AERC determines that it has jurisdiction over your concerns. Please see the complaint process flow chart for more information.

If the AERC does not have jurisdiction over your concerns, 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.  
 2. The Findings of the Investigation should be completed within 240 days after the filing of the complaint.

## **AERC STRATEGIC PLAN 2020 - 2025**

### **Commission Members**

Kimberly J. H. Pace, Chair  
Diane Heaney-Mead, Vice Chair  
Joshua Vo, Secretary  
Lea McDermid McKenna  
Gabriela Olmos  
Minoos Minaei  
Darrel Hess  
Heather R. Barbour  
Eric Talbert

### **Staff**

Mitzi Bolaños Anderson, Executive Director  
Stephanie M. Jedlicka, Investigator  
Gita Franklin, Investigator  
Marie C. Husa, Investigator  
Joshua S. Blalock, Investigator  
Natalie K. Day, Senior Office Associate

### **Distribution control**

Version 3.0

### **Document location**

Anchorage Equal Rights Commission  
632 W. Sixth Avenue, City Hall  
Suite 110  
Anchorage, Alaska 99501

### **Mission**

The Anchorage Equal Rights Commission enforces municipal and other anti-discrimination laws on behalf of all residents 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 collaboration and technology.

**Goal Two**

Review Title 5 annually and recommend revisions, if necessary, to ensure code is accurate, facilitates staff work, and is responsive to the community.

**Goal Three**

Develop and maintain Commission Development and Orientation Committee to ensure qualified Commission members are timely appointed and trained.

**Staff Goals****Goal One**

Respond to inquiries in a timely manner.

**Goal Two**

Timely investigate allegations of discrimination.

**Goal Three**

Eliminate and prevent 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 Fairness and Impartiality

Teamwork is How We Do Business



### Community Outreach

In 2019, AERC staff and commissioners continued their outreach and education efforts by attending, tabling, or sponsoring events and outreach campaigns, and by presenting information on AMC Title 5 and AERC's services to different community organizations.

The AERC also participated in multiple cultural events and reached out to new communities by facilitating, sponsoring, and collaborating with our community partner organizations.

#### AT-A-GLANCE

184	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
4	Number of events sponsored or co-sponsored by the AERC

- **The AERC increased its outreach efforts to multiple communities.** The AERC attended and helped facilitate partnership meetings and events focused on reaching out to multiple communities and understanding the concerns raised by each. On September 21, 2019, the AERC participated in a Hate Crimes Forum, facilitated by the U.S. Department of Justice, to better understand the state of bias and hate crime in our community, while hearing from community members about specific challenges facing their diverse groups. The Forum also offered resources for the community in the aftermath of hate. Multiple partner organizations participated.
- **The AERC developed and coordinated a joint AERC/EEOC Community Engagement Project.** The AERC coordinated a 3-week-long radio advertisement campaign targeting communities that may be unaware of AERC services. The campaign also advertised the September 2019 Hate Crimes Forum. Two different radio ads were aired on Alaska Public Media (KSKA Radio) throughout the three-week period, resulting in an increase in AERC filings, greater community awareness of AERC services, and a well-attended Hate Crimes Forum.
- **The AERC staff and commissioners continued to be active in the community and online.** The AERC tabled at various events throughout the Anchorage community, including PrideFest, Anchorage Bridge Builders' Meet the World, and Anchorage Welcoming Week. The AERC also continued to post informative articles and engage with the community on its social media platforms.

**The Anchorage Community Police Relations Task Force (ACPRTF)** was established in 1981 after lengthy community discussions took place following a police incident that involved the use of deadly force against 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 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 interactions with APD.

**Significant accomplishments by the Task Force during 2019 include:**

**Meeting Focus:** During 2019, the ACPRTF held 9 regular meetings that were open to the public. During those meetings, local area law enforcement shared presentations on various topics, including Property Crime and Vehicle Theft, Unsolved Homicides, and Traffic Enforcement.

**APD Police Academy:** ACPRTF members were invited to attend and present information about the Task Force at the APD Officer Academy in November of 2019.

**Membership:** The ACPRTF continued to seek membership from new community organizations in 2019.



**DRUG TEST: POSITIVE VS. DILUTED**

An employee alleged that after she returned to work from disability-related medical leave, her employer demoted her from her full-time Monday-through-Friday schedule and transferred her into a sporadic schedule with less desirable work hours. The employee alleged that when she complained to her employer, she was subjected to urine analysis drug tests. The employee filed an AERC complaint alleging that her employer refused to acknowledge her valid prescription for a medication related to her disability, suspended her without pay, and terminated her employment.

Evidence showed that the employer determined that it was necessary to adjust its employees' work schedules to meet its budgetary goals and notified staff about this change before the Complainant went on her medical leave. Evidence showed that the employer's third-party drug testing administrator randomly selected the Complainant for a drug test and that she failed the test because her urine sample was diluted. Evidence showed that the Complainant provided to the third-party administrator's medical review officer the names of all prescription medications she had taken and submitted another urine sample, but again failed the test because of a diluted sample. Evidence showed that based on the failed drug test, the employer suspended the Complainant without pay pending the outcome of an investigation, and ultimately terminated the Complainant's employment for violation of its Drug Policy. Staff found no substantial evidence to support the employee's allegation of discrimination and dismissed the case.

**RESPECT YOUR NEIGHBORS**

A hotel guest alleged that he was kicked out of his hotel room because of his race. The hotel denied the Complainant's allegations, stating that it asked the Complainant to leave because of excessive noise.

Evidence showed that multiple hotel employees asked the Complainant to quiet down throughout their shifts and verbally warned the Complainant that if he continued to disturb other guests, he would be asked to leave the property. Evidence showed that despite multiple requests, the Complainant continued to disturb other guests, and Respondent contacted the Anchorage Police Department for assistance. Evidence showed that the next day, Respondent's General Manager informed the Complainant that he would not be allowed to stay at the hotel a second night because of the disturbance he made the night prior. Staff found no substantial evidence that the Complainant was removed from Respondent's property based on his race.

**LESS THAN PERFECT ATTENDANCE**

An employee alleged that his employer discriminated against him on the basis of his disability and age when his managers made negative comments to him about taking medical leave and ultimately terminated his employment. The employee further alleged that his employer treated younger employees more favorably and did not terminate those employees for similar issues.

Respondent asserted that Complainant's employment was terminated because he failed to provide it with proper notice for his tardiness and absences. Evidence showed that Respondent counseled Complainant multiple times about his attendance, but despite this counseling, Complainant continued to be late, absent, or leave work early. Investigation failed to show that the absences or tardiness were related to a disability. Evidence showed that Respondent also terminated 37 other employees, belonging to multiple age groups, over the previous 4 years for similar reasons. Staff found no substantial evidence that the Complainant was discriminated against on the basis of disability or age.

**VIOLENCE IS NOT THE ANSWER**

An employee alleged discrimination based on sex and retaliation, stating that his concerns were dismissed when he complained to his employer about a female coworker harassing and displaying physical aggression towards him. The employee also alleged that when the female coworker later complained about him, the employer terminated his employment.

Investigation showed that the employer addressed the Complainant's concerns regarding his female coworker and found the issue to be a personality conflict. Investigation showed that both employees had trouble communicating professionally, but investigation did not produce evidence that the female coworker harassed or displayed physical aggression towards the Complainant. Investigation showed that the Complainant initiated and engaged in a verbal confrontation with the female coworker and threatened her with physical violence during the confrontation. Evidence showed that the employer terminated the Complainant's employment for threatening violence against his coworker. Staff found no substantial evidence to support the employee's allegation of discrimination based on sex or retaliation and dismissed the case.

**NO MEANS NO!**

A part-time Customer Service Representative alleged that his employer created a false allegation against him and terminated his employment because he was the oldest employee and the only employee of his race working for the employer.

Investigation showed that shortly after the employee was hired, he began to behave inappropriately and subjected two female co-workers to unwelcome touching. Investigation showed that Respondent's Manager took immediate action and counseled the Complainant regarding the employer's harassment policy. Investigation showed that the Complainant began to report to a new Manager, and the new Manager received new complaints about the Complainant subjecting two employees to unwelcome sexual comments and conduct. Investigation showed that the employer immediately investigated the matter, the allegations were substantiated, and as a result, the Complainant was terminated. Staff found that the Complainant's inappropriate behavior towards his female co-workers was a clear violation of the employer's Harassment Policy and that such violation warranted immediate action. Staff found no substantial evidence that the Complainant was terminated because of his age or race.

**SCHEDULE CHANGE SUCCESS**

An employee with a disability alleged that she requested a reasonable accommodation from her employer in the form of a schedule change. The employee alleged that the employer failed to engage in the interactive process with her, as it is required to do under the law, and informed her that it did not have to accommodate her schedule change request.

The employee filed an AERC disability discrimination complaint and a Fact Finding Conference was held in the matter. The employer asserted that it had not discriminated against the employee, but had engaged in the interactive process with her and had determined that the employee's schedule change request related to the employee's transportation to and from her place of work. Before the case could be investigated, the employee and employer entered into a Pre-Determination Settlement Agreement. The terms included that 1) the employer adjust the employee's work shifts on Saturdays and Sundays to fit within Anchor Rides' current pickup and delivery times; and 2) if Anchor Rides ceased to operate on the weekends or reduced its routes to less than 8.5 hours per day, the employee and employer would engage in the interactive process to determine if another reasonable accommodation would be feasible. 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.

**LOCKERS FIRST, PLEASE**

A member of the public alleged she was discriminated against on the basis of her race when a retail store refused to allow her to enter the store with her backpack. The Respondent asserted that, for security purposes and to prevent theft, it requires customers to place large bags in its lockers before shopping, and that this policy is applied to all customers.

A Fact Finding Conference was held in the matter and the case proceeded to an impartial investigation. During the investigation, video evidence showed that Respondent required other customers, regardless of race, to place large bags in the store's lockers upon entering. Staff found no substantial evidence of discrimination against the Complainant.

**IT'S CLOSING TIME!**

A female patron alleged that she was at her former employer's place of business – a hotel bar – and that she was denied full and equal enjoyment of the facilities when the bar's security guards asked her to leave and escorted her out of the building. The Complainant asserts that she was removed from the premises because the Respondent was aware of her race and sexual orientation based on her prior employment there. The Respondent denied the Complainant's allegations and stated that it was closing time and the bar was being cleared of all patrons.

Investigation showed that Respondent's Director asked security to begin clearing the hotel bar at 2:00 a.m. Investigation showed that the Complainant was asked to leave the bar and that she became upset because others were still in the facility. Investigation showed that one male guest was allowed to remain in the bar as he was a "VIP" and required a security escort to his room. Video and audio evidence showed that at 2:07 a.m., the Complainant was escorted out of the bar by two security officers and that she was cursing and threatening to harm Respondent's Director. Evidence showed that five other people also left the bar at this time. Evidence showed that the Complainant was trespassed from the property for one year for threatening to harm an employee. Investigation did not show that the Complainant was treated differently based on her race, sexual orientation or any other protected class, and a no substantial evidence of discrimination finding was issued.

**Inquiries and New Complaints**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Inquiries</b>	431	442	523	498	<b>516</b>
<b>New Complaints</b>	99	111	134	119	<b>130</b>
<b>% of Perfected Complaints and Inquiries</b>	23.0%	25.1%	25.6%	23.9%	<b>25.2%</b>

**Complaint Filings By Area Of Discrimination**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Employment</b>	88	100	125	106	<b>116</b>
<b>Housing</b>	3	4	3	5	<b>6</b>
<b>Public Accommodations</b>	6	6	5	6	<b>4</b>
<b>Financing</b>	0	0	0	0	<b>0</b>
<b>Educational Institutions</b>	2	0	0	0	<b>0</b>
<b>Practices of the MOA</b>	0	1	0	2	<b>4</b>
<b>TOTALS:</b>	99	111	134	119	<b>130</b>

**Complaint Filings by Basis \***

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Physical or Mental Disability</b>	32	38	49	43	<b>50</b>
<b>Race/Color</b>	34	47	44	45	<b>38</b>
<b>Retaliation</b>	21	22	38	31	<b>37</b>
<b>Sex (includes pregnancy and parenthood)</b>	24	32	31	32	<b>28</b>
<b>Age</b>	21	17	20	17	<b>23</b>
<b>National Origin</b>	7	12	10	6	<b>11</b>
<b>Religion</b>	8	7	3	1	<b>4</b>
<b>Sexual Orientation</b>	1	5	6	8	<b>3</b>
<b>Gender Identity</b>	0	1	1	2	<b>1</b>
<b>Marital Status</b>	0	2	1	2	<b>1</b>

\* Many complaints were filed on more than one basis



**Case Age**

		<b>Current 80 or less</b>	<b>Current 81- 190</b>	<b>Current 191- 240</b>	<b>Over 241- 320</b>	<b>Over 321- 400</b>	<b>Over 400 or more</b>	<b>Total Cases</b>	<b>Total # and % Over 240</b>
<b>2015</b>	<b># of Cases</b>	13	31	6	10	7	2	69	19
	<b>% of Cases</b>	18.8%	44.9%	8.7%	14.5%	10.2%	2.9%	100%	27.5%
<b>2016</b>	<b># of Cases</b>	25	25	12	3	1	4	70	8
	<b>% of Cases</b>	35.7%	35.7%	17.15%	4.3%	1.43%	5.7%	100%	11.43%
<b>2017</b>	<b># of Cases</b>	31	30	6	4	5	4	80	13
	<b>% of Cases</b>	38.75%	37.5%	7.5%	5%	6.25%	5%	100%	16.25%
<b>2018</b>	<b># of Cases</b>	11	33	9	7	7	4	71	18
	<b>% of Cases</b>	15.49%	46.48%	12.68%	9.86%	9.86%	5.63%	100%	25.35%
<b>2019</b>	<b># of Cases</b>	<b>28</b>	<b>28</b>	<b>18</b>	<b>12</b>	<b>3</b>	<b>6</b>	<b>95</b>	<b>21</b>
	<b>% of Cases</b>	<b>29.47%</b>	<b>29.47%</b>	<b>18.95%</b>	<b>12.63%</b>	<b>3.16%</b>	<b>6.32%</b>	<b>100%</b>	<b>22.18%</b>

**Resolutions Providing For Elimination of Discriminatory Practices**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5</b>	33/33	34/34	39/39	41/41	<b>33/33</b>
<b>Total Dollars in Settlements</b>	\$339,701	\$105,263	\$234,778	\$195,644	\$161,481

**2019 Post-Determination Cases As Of 12/31/2019**

Number Of Cases In Conciliation Status: 1      Number Of Cases Appealed to State Court: 2

**Determinations and Case Closures**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Total Determinations and other Case Closures</b>	97	107	126	126	<b>108</b>





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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