



MUNICIPALITY OF ANCHORAGE

Assembly Information Memorandum

No. AIM 128-2022

Meeting Date: July 26, 2022

From: **MAYOR**

Subject: ANCHORAGE EQUAL RIGHTS COMMISSION 2021 ANNUAL REPORT

The Anchorage Equal Rights Commission members and staff respectfully submit the Commission's 2021 Annual Report to the Anchorage Assembly.

Prepared and approved by: Marie C. Husa, Acting Executive Director
Concur: Amy Demboski, Municipal Manager
Respectfully submitted: Dave Bronson, Mayor

ANCHORAGE EQUAL RIGHTS COMMISSION

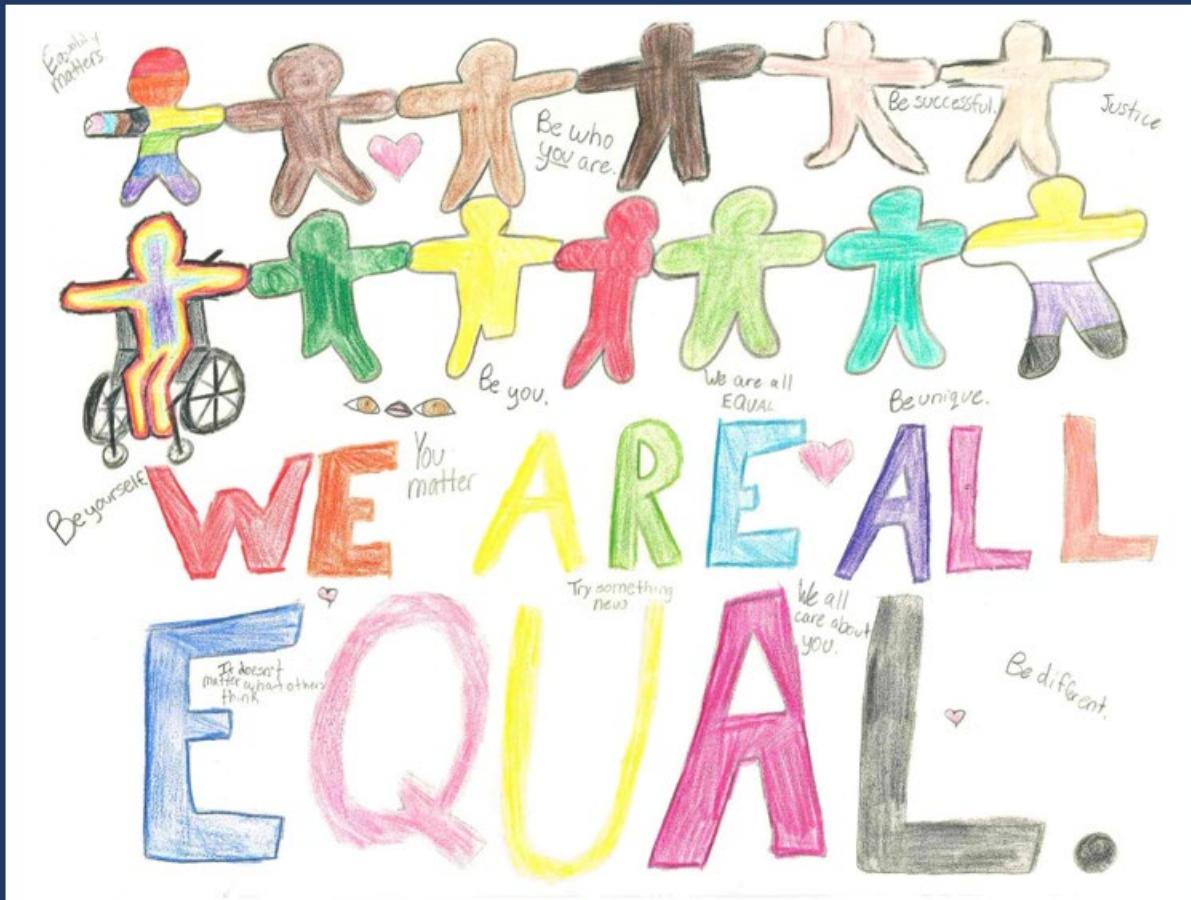
AERC



2021 ANNUAL REPORT

Anchorage Equal Rights Commission

Preventing and Eliminating Discrimination



Artwork created by Erika Travis, ASD Sixth Grade

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I. PEOPLE

2021 COMMISSION MEMBERS

Diane Heaney-Mead, Chair
Minoo Minaei, Vice-Chair
Eric Talbert, Secretary
Kimberly Pace, Member
Joshua Vo, Member
Darrel Hess, Member
Lea McKenna, Member
Gabriela Olmos, Member
Heather Barbour, Member

2021 STAFF MEMBERS

Mitzi Bolaños Anderson, Executive Director
Stephanie M. Jedlicka, Senior Investigator
Marie Husa, Investigator
Gita Franklin, Investigator
Megan N. Moffitt, Investigator / Intake & Outreach Coordinator
Natalie K. Day, Executive Assistant

CONTACT INFORMATION

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Anchorage, Alaska 99519-6650

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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

MEETING DATES AND LOCATION INFORMATION

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, or virtually via Microsoft Teams. 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 Dave Bronson, the Anchorage Assembly, and the Community of Anchorage:

On behalf of the Anchorage Equal Rights Commission (AERC), we are pleased to present AERC's 2021 Annual Report. The report reflects the work of Commissioners and staff throughout the year in furtherance of AERC's mission to prevent and eliminate discrimination within the Municipality and to provide education to the public about municipal and federal anti-discrimination laws.

This year, AERC focused its outreach efforts on Alaska's youth. We shared presentations with young Alaskan leaders regarding anti-discrimination laws at the Bettye Davis 2021 Youth Leadership Summit and also collaborated with the Anchorage School District on an art contest where students were asked to submit designs that conveyed AERC's core values of inclusion, access, and opportunity. Their artwork is featured within this Report.

During Pride Month, AERC collaborated with See Stories, Bitanga Productions, Identity Alaska, Alaska State Council on the Arts, Spirit of Youth, and the U.S. Equal Employment Opportunity Commission (EEOC) to create a series of videos to celebrate the LGBTQ+ community in Anchorage and to highlight the resources that AERC can provide. We also partnered with the Alaska State Commission for Human Rights once again this year to provide a Disability Discrimination training for the Alaska Small Business Development Center.

Staff kept their skills sharp in 2021 by engaging in virtual training, including: (1) EEOC's Annual Training Conference; (2) EEOC's COVID-19 Vaccines and Safety Training; (3) EEOC's Moving Forward: Race and National Origin in the Workplace Training; and (4) Women's Power League of Alaska's Sexual Misconduct in the Workplace Training.

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 385 inquiries from residents and visitors to Anchorage and the surrounding areas during 2021. Of those inquiries, 72 new discrimination complaints were filed with our agency, and 45 of those were co-filed with the EEOC. Additionally, 97 cases were closed by settlement, investigation, or conciliation in 2021.

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

Sincerely,

Diane Heaney-Mead

Diane Heaney-Mead, Chair

Mitzi B. Anderson

Mitzi B. Anderson, 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
- 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

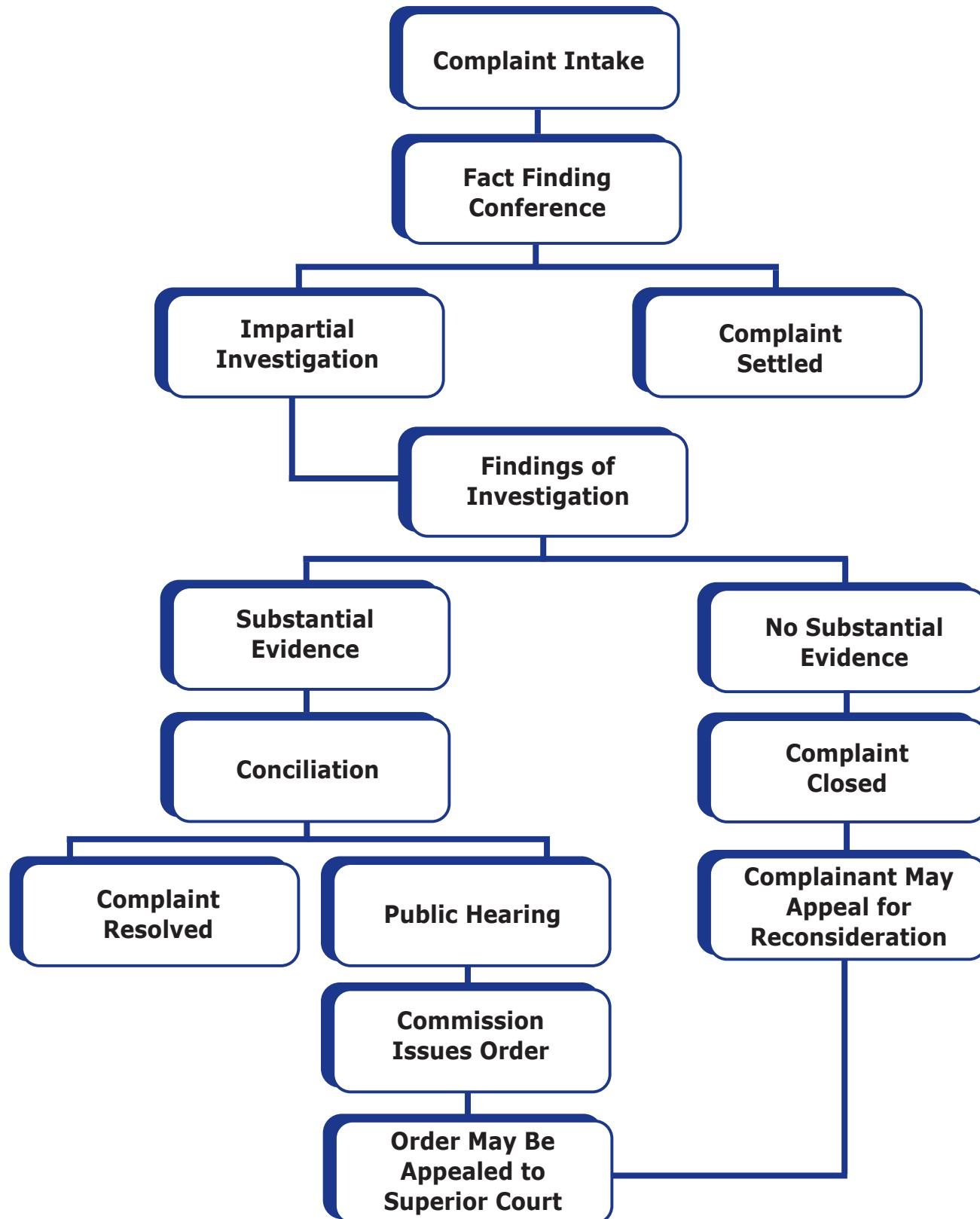
Discrimination also includes retaliating against someone for engaging in a protected activity, such as complaining of discrimination or requesting a reasonable accommodation.

What is the AERC complaint process?

If you feel that you are being discriminated against, call our office or fill out our online intake questionnaire, and a staff member will review your concerns within 24 hours. 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 FLOW CHART





IV. STRATEGIC PLAN

AERC STRATEGIC PLAN 2020 - 2025

Document Control

Prepared by

Commission Members

Kimberly J. H. Pace, Chair
Diane Heaney-Mead, Vice-Chair
Joshua Vo, Secretary
Lea McDermid McKenna
Gabriela Olmos
Minoo 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

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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.



IV. STRATEGIC PLAN (CONTINUED)

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



V. REPORT ON OUTREACH ACTIVITIES AND EDUCATION PROGRAMS

In 2021, the COVID-19 pandemic continued to highlight health and economic disparities, among others, that exist in our community. It also strengthened our commitment to acknowledging these inequities and exploring ways to engage our community about these challenges in our own communities.

Our staff continued to engage in trainings that expanded our own knowledge and capacity. We also developed new partnerships, both externally in the community and internally with other municipal departments.

This year, we saw a return to limited in-person events, and we were grateful for the opportunities to greet our neighbors. Lastly, we continued to direct individuals to appropriate resources as we received calls about a variety of concerns.

Training for Municipal Prosecutor's Office:

The AERC worked closely with the Municipal Prosecutor's Office to coordinate an implicit bias training for their staff. After an extensive search, the AERC facilitated four trainings with Professor Sarah Redfield, a law professor and author who specializes in implicit bias within the legal system. Prof. Redfield also hosted debrief sessions after her trainings. The AERC was grateful for the opportunity to support another municipal agency in their equity and inclusion efforts.

Anchorage School District Collaboration:

The AERC and Anchorage School District collaborated to provide a contest with ASD's middle school and high school students. Classrooms were asked to submit designs that conveyed the AERC's core values of inclusion, access, and opportunity. The winning students were presented with certificates and Barbara Lavallee prints in recognition of their talent. Their artwork is also featured within this report.

Pride Month Videos:

The AERC connected with several community partners to create three videos to celebrate the LGBTQ+ community in Anchorage and to highlight the resources that AERC can provide. We are grateful to See Stories, Bitanga Productions, Identity Alaska, Alaska State Council on the Arts, Spirit of Youth, and U.S. Equal Employment Opportunity Commission for their collaboration and support.



Discrimination hurts
Discrimination divides
Discrimination is illegal





V. REPORT ON OUTREACH ACTIVITIES AND EDUCATION PROGRAMS (CONTINUED)

Staff Training Highlights:

- Anchorage Assembly Anti-Racism/Racial Equity Training hosted by Anchorage School District and First Alaskans Institute
- Sexual Misconduct in the Workplace Training presented by the Women's Power League of Alaska
- Allyship in Action Training hosted by the Anti-Defamation League.
- EEOC's COVID-19 Vaccines and Safety: What Employers Need to Know Now Webinar
- Leading Organizational Change Training presented by the Municipality of Anchorage
- EEOC's Annual Investigator Conference and New Investigator Intensive Training
- Practicing Inclusive Engagement Webinar hosted by Civic Plus and Civic Space
- FBI Citizens Academy
- EEOC's Moving Forward: Race and National Origin in the Workplace
- Implicit Bias Training led by Professor Sarah Redfield

Community Trainings:

- Small Business Administration: The AERC presented at the Small Business Administration's Biz Power Hour together with the Alaska State Commission for Human Rights. The presentation covered the Americans with Disabilities Act, focusing on what small businesses should know when receiving requests for accommodations by employees or patrons.
- Alaska Literacy Program: The AERC conducted a presentation about AERC services for community members as part of the "Understanding Municipal Government Community Series" hosted by Alaska Literacy Program, Catholic Social Services, and the Anchorage Public Library.
- Alaska Bar Association: The AERC shared updates and answered questions regarding the AERC at an Alaska Bar Employment Section monthly meeting.
- Alaska State Commission for Human Rights (ASCHR): The AERC gave a presentation about the AERC's process and effective strategies for Fact Finding Conferences.
- Bettye Davis 2021 Youth Leadership Summit: The AERC shared two presentations with young leaders regarding anti-discrimination laws and answered questions.

Municipal Engagement:

- Equity Cabinet: This group of department heads initially came together to discuss equity issues arising from pandemic relief efforts, but later expanded to analyze and make recommendations on other equity-related community and staff concerns.
- Equity and Inclusion Subcommittee: Part of the Economic Resiliency Task Force (ERTF), this subcommittee discusses and develops outreach activities to ensure that information related to pandemic relief efforts is appropriately communicated throughout the community.

EEOC: AERC staff committed significant time and expertise in testing and providing valuable feedback to the EEOC for their new Agency Records Center. The AERC was instrumental in ensuring that FEPAs had the same level of access and features within the EEOC recordkeeping system.

IAOHRA: Executive Director Mitzi Bolaños Anderson was elected the Western Region Representative for the International Association of Official Human Rights Agencies (IAOHRA).



VI. ENFORCEMENT ACTIONS AND STATISTICS

SAY YES TO THE ADDRESS

Complainant filed an AERC complaint alleging that her landlord discriminated against her on the basis of disability when they did not transfer her to a different apartment unit as part of her reasonable accommodation request. Complainant also alleged that her landlord harassed her and retaliated against her for reporting her discrimination concerns. Investigation showed that the landlord offered a unit to Complainant that fit her requirements, and after Complainant declined the unit, the landlord continued to offer other options to Complainant. Investigation showed that the landlord continued to attempt to find solutions for Complainant's housing concerns and followed their accommodation policies. Investigation did not produce evidence to show that Respondent failed to accommodate or attempted to harass or retaliate against Complainant. The AERC issued a no substantial evidence finding.

HALLWAY HAVOC

Complainant filed an AERC complaint alleging that his employer discriminated against him based on race when he was the only employee terminated after a heated hallway argument with his coworker. Complainant alleged that his coworker misheard a comment and then falsely accused him of disrespectful behavior. Complainant claimed that both employees used inappropriate language and raised their voices during their argument, but he was unfairly punished with termination. Respondent asserted that Complainant was perceived as the aggressor since he physically pursued his coworker down the hallway, and Respondent denied that race was a factor. A Fact Finding Conference was held in the matter, and the parties reached a settlement agreement. The agreement included allowing Complainant back onto the property as a customer.

SUCCESSFUL SETTLEMENT

Complainant filed an AERC complaint alleging that her employer discriminated against her based on her sex and national origin by subjecting her to unwelcome verbal and physical conduct, including inappropriate touching, comments about physical appearance, and calling her by the name of a cartoon character of Complainant's national origin. Complainant alleged that she involuntarily resigned due to the intolerable working conditions.

After the Fact Finding Conference, the parties reached a settlement that included: (1) Respondent affirming that it would not discriminate against any person on the basis of their protected class; (2) Respondent agreeing to post an AERC informational poster at the place of business; (3) Respondent agreeing to provide a minimum of two (2) hours of training to its board members, managers and supervisors in the laws prohibiting discrimination in employment; and (4) Respondent paying back wages to Complainant.



WASH YOUR HANDS BEFORE RETURNING TO WORK

A female African American employee alleged that after she notified her supervisor that she lost her identification and could not fly to her jobsite, she was informed that she would have to wait for her next hitch, even though her white male coworker was able to rearrange travel for the next available time after he missed his flight. The employee also alleged that her employer falsely accused her of a food safety violation and terminated her employment based on that, even though it does not terminate other employees for similar violations.

Investigation showed Complainant and her coworker missed their flights on or around the same day and that, because Complainant's coworker stayed at the airport, their supervisor was able to reschedule his flight for later that day. Investigation showed that the supervisor booked a flight for Complainant to leave two days later. Evidence showed that both employees received counseling for missing their flights. Investigation showed that Respondent had a record of Complainant's performance issues and that this was her final warning for missing her flight again.

Investigation showed that Respondent received a complaint that Complainant entered and exited the restroom wearing sanitary food preparation gloves during her shift. Investigation showed that Complainant was suspended pending an investigation, and that after reviewing Complainant's employment history, Respondent decided to terminate her. Evidence showed that Respondent has terminated at least three employees for unsatisfactory performance and policy violations, with at least two of those employees being white males.

Investigation did not show that Complainant was treated differently or terminated based on her race or sex, and the AERC issued a no substantial evidence finding.

SUPERVISORY TRAINING NEEDED

Complainant filed an AERC complaint alleging that his supervisor discriminated against him based on his race and sex by subjecting him to unwelcome verbal and physical conduct when his supervisor told him repeatedly that "he did not sound like a Black man" and would punch him on the arm and put him in a headlock, which he did not do with female employees. Complainant further alleged that he did not receive proper training or a raise because of his race, and that he involuntarily resigned after approximately six months of employment due to the intolerable working conditions.

Respondent asserted that it was not made aware of Complainant's concerns until after his resignation and immediately investigated, which resulted in mandatory training and a disciplinary warning for the supervisor. A Fact Finding Conference was held in the matter and the parties reached a settlement that included: (1) Respondent affirming that it would not discriminate against any person on the basis of their protected class (2) Respondent agreeing to post an AERC informational poster at the place of business; and (3) Respondent paying back wages to Complainant.



PROPER PRONOUNS

An employee filed a discrimination complaint alleging a hostile work environment on the basis of gender identity. Complainant transitioned to male after beginning employment and asked his employer's Vice President to refer to him in his male name and in male pronouns. Complainant alleged that he was quickly subjected to harassing conduct when the Vice President refused to honor his request and continued to call him by his previous name and use female pronouns. Complainant also disclosed his gender identity to his coworkers and alleged they then avoided him and stopped working with him. Complainant eventually resigned due to what he alleged were intolerable working conditions.

Respondent denied discriminating against Complainant and asserted that they were not given time to adjust to Complainant's new gender identity. A Fact Finding Conference was held, after which the parties reached a private settlement that included a monetary award to Complainant.

FAILURE TO HIRE FIASCO

An individual filed an AERC discrimination complaint alleging that a company failed to hire him because of his disability and because it perceived him as disabled because of a prior accident. A Fact Finding Conference was held in the matter and an investigation ensued.

Investigation showed that Complainant applied for the position and was the only applicant interviewed for it. Evidence did not show that Complainant disclosed a disability on his application. Investigation did show that the hiring manager was aware that Complainant had been in an accident, but not that he was aware of the details of the accident or of Complainant's disability.

Investigation showed that Respondent's interview process consisted of a questionnaire, which Complainant completed and scored 60%, and then an in-person interview. Investigation showed that Respondent's hiring manager contacted four of Complainant's references, two of whom provided a negative reference. Investigation showed that Respondent determined Complainant was not the best qualified for the position and did not hire him. Investigation did not produce evidence to show that Respondent refused to hire Complainant because of a disability or because it perceived him as disabled, and the AERC issued a no substantial evidence finding.



A “KNEED” TO ENGAGE

Complainant filed a discrimination complaint alleging that Respondent discriminated against her based on her disability when it terminated her employment after she requested reasonable accommodations. Investigation showed that after a knee injury, Complainant missed work and later requested accommodations due to knee pain. Investigation showed that two days after receiving Complainant’s request, Respondent terminated Complainant for excessive absences, among other things, and informed Complainant that her accommodation request was denied.

The Commission found substantial evidence of discrimination for Respondent’s failure to engage in the interactive process with Complainant after receiving her request for accommodations. Once an accommodation request is made, employers are required to engage in good faith with employees to find an accommodation that is reasonable, if one is available.

The AERC conciliated the case and the Conciliation Agreement included: (1) Respondent affirming that it would not discriminate against any person on the basis of their protected class; (2) Respondent agreeing to post an AERC informational poster at its place of business; (3) Respondent adopting and disseminating to all its employees a nondiscrimination policy to specifically include the Americans with Disabilities Act, reasonable accommodation, and the interactive process; (4) Respondent’s managers and supervisors engaging in two hours of training regarding reasonable accommodations and the interactive process; and (5) Respondent paying back wages to Complainant in the sum of \$8,300.



VI. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

Inquiries and New Complaints

	2017	2018	2019	2020	2021
Inquiries	523	498	516	408	385
New Complaints	134	119	130	82	72
% of Perfected Complaints and Inquiries	25.6%	23.9%	25.2%	20.09%	18.70%

Complaint Filings by Area of Discrimination

	2017	2018	2019	2020	2021
Employment	125	106	116	68	57
Housing	3	5	6	7	7
Public Accommodations	6	6	4	6	7
Financing	0	0	0	0	0
Educational Institutions	0	0	0	1	0
Practices of the MOA	0	3	4	0	1
TOTALS:	134	119	130	82	72

Complaint Filings by Basis*

	2017	2018	2019	2020	2021
Race/Color	44	45	38	32	22
Retaliation	38	31	37	29	19
Physical or Mental Disability	49	43	50	28	30
Sex (includes Pregnancy and Parenthood)	30	33	28	25	11
Age	17	17	23	13	4
National Origin	10	6	11	7	8
Religion	3	1	4	2	2
Sexual Orientation	6	8	3	2	1
Gender Identity	1	2	1	2	0
Marital Status	1	2	1	2	3

*Many complaints were filed on more than one basis.



VI. ENFORCEMENT ACTIONS AND STATISTICS (CONTINUED)

Case Age

		80 or less	81- 190	191- 240	241- 320	321- 400	400 or more	Total Cases	Total # and % Over 240
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%
2019	# of Cases	28	28	18	12	3	6	95	21
	% of Cases	29.47%	29.47%	18.95%	12.63%	3.16%	6.32%	100%	22.18%
2020	# of Cases	12	19	8	8	12	36	95	56
	% of Cases	12.63%	20.0%	8.42%	8.42%	12.63%	37.89%	100%	58.94%
2021	# of Cases	14	12	6	9	7	22	70	38
	% of Cases	20.00%	17.14%	8.57%	12.86%	10.00%	31.43%	100%	54.28%

Resolutions Providing for Elimination of Discriminatory Practices

	2017	2018	2019	2020	2021
Total Predetermination Settlements, Conciliations or Settlements that include remedial measures provided by Title 5	39/39	41/41	33/33	23/23	21/21
Total Dollars in Settlements	\$234,778	\$195,644	\$161,481	\$55,476	\$106,707

2021 Post-Determination Cases as of 12/31/2021

Number of Cases in Conciliation status: 0 Number of CasesAppealed to Superior Court: 0

Determinations and Case Closures

	2017	2018	2019	2020	2021
Total Determinations and other Case Closures	126	126	108	83	97



VII. COMMENTS, THOUGHTS, IDEAS



Anchorage Equal Rights Commission

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Artwork created by Ezra G, ASD Sixth Grade

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