

Rights Commission-

Age Discrimination Leads to Back Pay

ANCHORAGE — The State of Alaska has been ordered to award back pay amounting to \$9,325.48 to a woman whose age discrimination case was upheld by the Alaska Human Rights Commission, according to Executive Director Robert Willard.

The case is that which was filed by Bessie A. Stevens of Anchorage in which she charged that the McLaughlin Youth Center, Alaska Department of Health and Social Services, discriminated against her on account of her age for a position she applied for three years ago.

The Commission staff spent many months investigating the matter and informal efforts to conciliate a settlement failed.

Cyril W. George of Angoon, Chairman of the five-member Board of Commissioners, ordered a formal public hearing which

was held on March 15, 1972, in Anchorage before the Board of Commissioners.

This is the first formal order that came as a result of a formal

(Continued on Page 6)

Age Discrimination . . .

(Continued from page 1)

public hearing in which the Board of Commissioners sat as a quasi-judicial body and ruled on a case.

"The Commission has informally (out-of-court) settled back pay cases before," Willard explained, "this is the first formal order as provided for in the State Laws Against Discrimination."

In handing down the decision, the Commission said:

"We hold that the McLaughlin Youth Center arbitrarily and capriciously used an administrative tool to overtly discriminate against the plaintiff (Stevens)."

Not all the Commissioners agreed that the discriminatory act was based solely on age, however. In a dissenting opinion, (Mrs.) Shirley A. Woodrow of Anchorage said:

"I believe the employer should have the right to select the best qualified candidate for a given position. In this case, the respondents, at the outset, could not justify passing over the plaintiff and the decision was made to apply the Hunt Memorandum.

"With respect to the application of the Hunt Memorandum, I agree, the respondents should be held accountable for their action — and for that reason, I concur with the Order. Had respondents not applied the Hunt Memorandum, there would be no cause to find that a discriminatory act took place, as the respondents justifiably could have passed over plaintiff as plaintiff was less qualified than others on the eligible register.

"Respondents should never have to resort to a procedure that ultimately could result in violation of the civil rights as defined in the Alaska Statutes, as was the case now before us."

In the end, however, Commissioner Woodrow also signed the Order.

The monetary settlement represents one-year back pay Mrs. Stevens would have received had McLaughlin Center not discriminated against her, Willard explained further.

By Statute, the Commission has power to subpoena witnesses and records and rule on a case. It may order reinstatement, upgrading, or promotion, with or without back pay.

In this case, the Commission ordered back pay and recertification of Mrs. Stevens to the eligible register, that of Group Worker I — the position in question. It did not order her on the job.

"To discriminate so blatantly against a person does harm to the State and the society it governs," the Commission said.

Willard said that Chairman George has ordered stepped-up enforcement of all forms of discriminatory acts of practices brought to the attention of the Commission. He said he is now in the process of reviewing all cases now pending for advancement to formal public hearings.

The Commission's jurisdiction is extended to all departments and agencies in state government and all private business and industry in the state.

Ruling on the Stevens case were: Cyril W. George of Anchorage; Shirley A. Woodrow, Anchorage; Thomas Johnson of Nome, and Willie Ratcliff of Fairbanks. Benny Estepa of Juneau was not present.

EDITOR'S NOTE: Pursuant to applicable statutes, the Order and Decision are available for public inspection at the Anchorage Human Rights Commission Office.