SENATE CS FOR CS FOR HOUSE BILL NO. 226(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/27/96
Referred: Rules

Sponsor(s): REPRESENTATIVES KELLY, Rokeberg

A BILL

FOR AN ACT ENTITLED

"An Act permitting the provision of different retirement and health benefits to certain employees by differentiating between benefits provided to employees with spouses or children and to other employees."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18.80.220(a) is amended to read:

(a) Except as provided in (c) of this section, it is unlawful for

(1) an employer to refuse employment to a person, or to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment because of the person’s race, religion, color, or national origin, or because of the person’s age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood;

(2) a labor organization, because of a person’s sex, marital status,
changes in marital status, pregnancy, parenthood, age, race, religion, physical or mental
disability, color, or national origin, to exclude or to expel a person from its membership,
or to discriminate in any way against one of its members or an employer or an
employee;

(3) an employer or employment agency to print or circulate or cause to
be printed or circulated a statement, advertisement, or publication, or to use a form of
application for employment or to make an inquiry in connection with prospective
employment, that expresses, directly or indirectly, a limitation, specification, or
discrimination as to sex, physical or mental disability, marital status, changes in marital
status, pregnancy, parenthood, age, race, creed, color, or national origin, or an intent to
make the limitation, unless based upon a bona fide occupational qualification;

(4) an employer, labor organization, or employment agency to discharge,
expel, or otherwise discriminate against a person because the person has opposed any
practices forbidden under AS 18.80.200 - 18.80.280 or because the person has filed a
complaint, testified, or assisted in a proceeding under this chapter;

(5) an employer to discriminate in the payment of wages as between the
sexes, or to employ a female in an occupation in this state at a salary or wage rate less
than that paid to a male employee for work of comparable character or work in the same
operation, business, or type of work in the same locality; or

(6) a person to print, publish, broadcast, or otherwise circulate a
statement, inquiry, or advertisement in connection with prospective employment that
expresses directly a limitation, specification, or discrimination as to sex, physical or
mental disability, marital status, changes in marital status, pregnancy, parenthood, age,
race, religion, color, or national origin, unless based upon a bona fide occupational
qualification.

* Sec. 2. AS 18.80.220 is amended by adding new subsections to read:

(c) Notwithstanding the prohibition against employment discrimination on the
basis of marital status or parenthood under (a) of this section,

(1) an employer may, without violating this chapter, provide greater
health and retirement benefits to employees who have a spouse or dependent children
than are provided to other employees;

(2) a labor organization may, without violating this chapter, negotiate
greater health and retirement benefits for employees of an employer who have a spouse
or dependent children than are provided to other employees of the employer.

(d) In this section, "dependent child" means an unmarried child, including an
adopted child, who is dependent upon a parent for support and who is either
(1) less than 19 years old;
(2) less than 23 years old and registered at and attending on a full-time
basis an accredited educational or technical institution recognized by the Department of
Education; or
(3) of any age and totally and permanently disabled.