

HOUSE BILL NO. 226

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KELLY, Rokeberg

Introduced: 3/3/95

Referred: State Affairs, Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act permitting the provision of different retirement and health benefits to
2 employees based on marital status."

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

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

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

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

14 (2) a labor organization, because of a person's sex, marital status,

1 changes in marital status, pregnancy, parenthood, age, race, religion, physical or mental
2 disability, color, or national origin, to exclude or to expel a person from its
3 membership, or to discriminate in any way against one of its members or an employer
4 or an employee;

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

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

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

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

26 * **Sec. 2.** AS 18.80.220 is amended by adding a new subsection to read:

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

29 (1) an employer may refuse to provide benefits to a person because the
30 person is not legally married to an employee of the employer without violating this
31 chapter; and

1 (2) a labor organization may negotiate to preclude or may directly
2 preclude the provision of benefits to a person because the person is not legally married
3 to a member of the labor organization, an employee of the labor organization, or an
4 employee represented by the labor organization without violating this chapter.