

1 IN THE HOUSE

BY MR. KAY

2 HOUSE BILL NO. 8

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to and providing for the  
7 elimination of certain practices of dis-  
8 crimination because of race, color,  
9 religion or national origin; providing  
10 penalties; ~~and prescribing penalties~~

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. It is hereby found and declared to be the  
13 public policy of Alaska that practices of discrimination  
14 against any of its inhabitants because of race, religion,  
15 color or national origin are a matter of public concern and  
16 that such discrimination threatens not only the rights and  
17 privileges of its inhabitants but menaces the institutions and  
18 foundation of a free democratic government.

19 Section 2. The Department of Labor hereby is empowered to  
20 eliminate and prevent discrimination in employment because of  
21 race, religion, color or national origin by employers, employees,  
22 labor organizations, employment agencies or other persons and to  
23 take other actions against discrimination because of race,  
24 religion, color or national origin as herein provided, and the  
25 Department of Labor hereby is given general jurisdiction and  
26 power for such purposes, ~~as hereinafter provided.~~

27 ~~The Commissioner of Labor is hereby given authority to~~  
28 ~~employ such personnel as may be necessary to carry into effect~~  
29 ~~the provisions of this act, and to prescribe the duties and~~

1 ~~responsibilities of such employees.~~

2 Section 3. The opportunity to obtain employment without  
3 discrimination because of race, religion, color or national  
4 origin is hereby recognized and declared to be a civil right.

5 Section 4. When used in this act:

6 1. The term "person" includes one or more individuals,  
7 partnerships, associations, corporations, legal representatives,  
8 trustees, trustees in bankruptcy or receivers.

9 2. The term "employment agency" includes any person  
10 undertaking to procure employees or opportunities to work.

11 3. The term "labor organization" includes any organization  
12 which exists or may hereafter exist and which is constituted  
13 for the purpose, in whole or in part, of collective bargaining  
14 or in dealing with employers concerning grievances, terms or  
15 conditions of employment or of other mutual aid or protection  
16 in connection with employees.

17 4. The term "unlawful employment practice" includes only  
18 those unlawful employment practices hereafter specified and  
19 defined in this act.

20 5. The term "employer" does not include a club exclusive-  
21 ly social, or a fraternal, charitable, educational or religious  
22 association or corporation, if such a club, association or  
23 corporation is not organized for private profit, nor does it in-  
24 clude any employer with less than <sup>ten</sup> three persons in his employ.

25 6. The term "employee" does not include any individual  
26 employed by his or her parents, spouse or child or in the  
27 domestic service of any person.

28 7. The term "department" means the Department of Labor of  
29 Alaska.

1           8. The term "commissioner", unless a different meaning  
2 clearly appears in the context, means the Commissioner of Labor  
3 of Alaska.

4           9. The term "national origin" for the purposes of this  
5 act shall include ancestry.

6           Section 5. For the purpose of this act it shall be an  
7 unlawful employment practice:

8           1. For an employer, because of the race, religion, color  
9 or national origin of any individual, to refuse to hire or  
10 employ or to bar or discharge from employment such individual  
11 or to discriminate against such individual in compensation or  
12 in terms, conditions or privileges of employment.

13           2. For a labor organization, because of the race,  
14 religion, color or national origin of any individual to exclude  
15 or to expel from its membership such individual or to discrimi-  
16 nate in any way against any of its members or against any  
17 employer or any individual employed by the employer.

18           3. For any employer or employment agency to print or  
19 circulate or cause to be printed or circulated any statement,  
20 advertisement or publication, or to use any form of application  
21 for employment or to make any inquiry in connection with prospec-  
22 tive employment which expresses directly or indirectly any  
23 limitation, specification or discrimination as to race,  
24 religion, color or national origin, or any intent to make any  
25 such limitation, specification or discrimination, unless based  
26 upon a bona fide occupational qualification.

27           4. For an employer, labor organization or employment  
28 agency to discharge, expel or otherwise discriminate against  
29 any person because he has opposed any practices forbidden under

1 this act, or because he has filed a complaint, testified or  
2 assisted in any proceeding under this act.

3 45. For any person, whether an employer or an employee,  
4 or not, to aid, abet, incite, compel or coerce the doing of any  
5 of the acts forbidden under this act or to attempt to do so.

6 Section 6. Any person claiming to be aggrieved by an  
7 alleged unlawful employment practice, may, by himself or his  
8 attorney at law, make, sign and file with the commissioner a  
9 verified complaint in writing which shall state the name and  
10 address of the person, employer, labor organization or employ-  
11 ment agency alleged to have committed the unlawful employment  
12 practice complained of, and which complaint shall set forth  
13 the particulars thereof. The complainant <sup>shall</sup> ~~may~~ be required to  
14 set forth in the complaint such other information as the com-  
15 missioner may deem pertinent. Any employer whose employees or  
16 any of them, refuse or threaten to refuse to abide by the pro-  
17 visions of this act or to cooperate in carrying out its pur-  
18 poses may file with the commissioner a verified complaint re-  
19 questing assistance by conciliation or other remedial action,

20 Section 7. After the filing of any complaint, the com-  
21 missioner shall cause prompt <sup>investigation</sup> ~~investigation~~ to be made in con-  
22 nection therewith; and if the commissioner shall determine that  
23 the allegations of the complaint are supported by ~~any~~ substan-  
24 tial evidence he immediately shall endeavor to eliminate the  
25 unlawful practice complained of by conference, conciliation  
26 and persuasion.

27 In case of failure to so eliminate such practice, the  
28 commissioner shall cause to be issued and served a written  
29 notice, together with a copy of the complaint, requiring the

1 person, employer, labor organization or employment agency named  
2 in the complaint, hereinafter referred to as respondent, to  
3 answer such charges at a hearing before the commissioner at a  
4 time and place which shall be specified in said notice. Such  
5 hearing may be held at any public place within the Territory  
6 of Alaska designated by the commissioner. <sup>within the precinct</sup> The respondent may  
7 file a verified answer to the allegations of the complaint and  
8 may appear at such hearing in person and with or without counsel.  
9 Testimony or other evidence may be introduced by either party.  
10 All evidence shall be under oath and a record thereof shall be  
11 made and preserved. If, after considering all the evidence,  
12 the commissioner shall find that the respondent has engaged in  
13 an unlawful employment practice as alleged in the complaint, he  
14 shall serve a certified copy of such finding on the respondent,  
15 together with an order requiring respondent to cease and desist  
16 from such unlawful employment practice. If, on the other hand,  
17 the commissioner shall find the respondent has not engaged  
18 in an unlawful employment practice as alleged in the complaint,  
19 he shall serve a certified copy of his finding on the complain-  
20 ant, together with an order dismissing such complaint.

21 Section 8. Any order issued by the commissioner as afore-  
22 said may be enforced by mandamus or injunction or by a suit in  
23 equity to compel specific performance of such order.

24 Section 9. Any party aggrieved by an order of the commis-  
25 sioner issued after hearing, as provided herein, may appeal from  
26 such order to the District Court of the Territory of Alaska for  
27 the division in which the unlawful employment practice is alleged  
28 to have occurred, within 20 days after receipt of service of  
29 such order. Such appeal may be taken by serving upon the com-

1 missioner and filing with the clerk of said court a notice of  
2 appeal, together with a copy of the order appealed from, a copy  
3 of the notice of hearing and an undertaking in the sum of two  
4 hundred dollars (\$200.00), conditioned to pay all costs that  
5 may be awarded against appellant on such appeal. Upon the  
6 ~~motion of either the commissioner or the appellant, the court~~  
7 ~~shall determine whether or not~~ the filing of the appeal shall  
8 operate as a stay of the order appealed from. Upon a notice  
9 of an appeal being filed in the office of the commissioner, a  
10 certified transcript of the entire record taken at the hearing  
11 shall promptly be filed with the clerk of said court.

12 Section 10. The appeal shall be determined and tried de  
13 novo in the manner provided by law for the trial of suits in  
14 equity. Such appeal ~~shall have precedence over other causes~~  
15 ~~and shall be heard promptly.~~

16 Section 11. Any person, employer, labor organization or  
17 employment agency who or which shall willfully resist, prevent,  
18 impede or interfere with the commissioner or any of his author-  
19 ized agents in the performance of duty under this act, or shall  
20 willfully violate an order of the commissioner, shall be guilty  
21 of a misdemeanor and be punishable by imprisonment in jail for  
22 not more than one year, or by a fine of not more than five  
23 hundred dollars (\$500.00), or by both such imprisonment and  
24 fine; but an appeal or other procedure for the review of any  
25 such order shall not be deemed to be such willful conduct.

26 Section 12. The Governor shall <sup>immediately</sup> appoint three persons <sup>subject to</sup> who  
27 shall constitute an advisory committee, which committee shall  
28 act in an advisory capacity to the commissioner of labor con-  
29 cerning all matters referred to in this act. On such committee,

1 there shall be one representative of labor; one member shall be  
2 representative of business and industrial management, and the  
3 remaining member shall be representative of the public at large.

4 The term of office of the members of the original advisory  
5 committee shall be as follows: one shall serve for one year,  
6 one for two years, and one for three years, such terms to be de-  
7 cided by lot as the first order of business at the first meeting  
8 of such advisory committee. Subsequently, the term of each  
9 member of the committee shall be for four years. The represen-  
10 tation on such committee herein provided for shall be maintained  
11 by the governor in making reappointments to fill vacancies  
12 caused by the expiration of tenure or otherwise.

13 The advisory committee shall:

14 1. Investigate the existence, character, causes and ex-  
15 tent of discrimination in this Territory and the extent to  
16 which the same is susceptible of elimination.

17 2. Study the best and most practicable ways of eliminating  
18 any discrimination found to exist, and formulate plans for the  
19 elimination thereof by education or other practicable means.

20 3. Publish and disseminate reports embodying its findings  
21 and the results of its investigations and studies relating to  
22 discrimination and ways or means of reducing or eliminating it.

23 4. Confer, cooperate with and furnish technical assis-  
24 tance to the commissioner and to employers, labor unions,  
25 educational institutions and other public or private agencies  
26 in formulating plans for the elimination of discrimination.

27 5. Transmit to the governor and to the legislature re-  
28 commendations as to procedure, plans and legislation which such  
29 committee may deem desirable as a result of its findings as to

1 the existence, character and causes of any discrimination.

2 Section 13. The members of the advisory committee originally  
3 appointed shall meet within 30 days after their appointment for  
4 the purpose of organization and the adoption of a procedural  
5 program; thereafter, such committee shall meet at least once  
6 each year at such place within the Territory of Alaska as the  
7 committee shall designate. At its initial meeting and annually  
8 thereafter, the committee shall elect one of its own members to  
9 act as chairman and another to act as secretary. Two members  
10 of the committee shall constitute a quorum.

11 The members of the committee shall receive no compensation  
12 but each shall be reimbursed actual expenses incurred in and  
13 incident to attendance at meetings of the committee.

14 ~~Section 14. In emergency~~  
15 ~~hereby declared to speak and this~~  
16 ~~Act shall have some effect in immediately~~  
17 ~~upon the passage and approval.~~

18  
19 *for use 7/24/53*