

Introduced: 2/13/68
Referred: Labor &
Management

1 IN THE SENATE

BY BLODGETT

2 SENATE BILL NO. 311

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to equal employment opportunity."

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

8 * Section 1. DECLARATION OF INTENT. It is the purpose of this chapter
9 to correct present discriminatory hiring practices in relation to the Alaska
10 Native and to impose on the state an obligation to determine that a person
11 is an "equal employment opportunity" employer before allowing the person to
12 participate in state financed employment.

13 * Sec. 2. AS 23 is amended by adding a new chapter to read:

14 CHAPTER 11. ALASKA EQUAL EMPLOYMENT OPPORTUNITY ACT.

15 Sec. 23.11.010. DISCRIMINATION PROHIBITED. No employer, employee,
16 labor organization, employment agency or other person may discriminate
17 in the employment, processing for employment or employment related
18 membership of a person because of race, religion, color or national
19 origin.

20 Sec. 23.11.020. CERTIFICATION. (a) The department shall in-
21 vestigate the hiring practices of all persons seeking state contracts
22 where the contracts are financed in whole or in part by the state. A
23 person found to have a percentage of Alaskan Natives on his payroll
24 which is less than the percentage of Alaskan Natives to the whole labor
25 force in the labor market available to the employer shall be presumed
26 to practice discrimination in violation of this chapter and upon fail-
27 ure by the person to overcome this presumption he shall be denied
28 certification by the department. A person may overcome the presumption
29 of discrimination in this section by showing that there is not

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available in the local labor market a large enough number of equally qualified Alaskan Natives to fulfill the requirements set out in this chapter.

(b) The department may hold hearings to enable it to make determinations in the issuance of certification. If the department denies certification to a person it shall, upon request, hold a hearing to receive evidence of the reason for the person's failure to comply with this chapter. If the commissioner determines that the person denied certification is excused under this chapter for failure to have employed the requisite percentage of Alaskan Natives then it shall issue certification without delay. If the determination by the commissioner is that certification is to be withheld due to unexcused failure to comply with the provisions of this chapter the person denied certification may reapply for certification by the department after a six-month lapse from the time of the denial.

(c) No person or agency of the state, otherwise having authority to do so, may let a contract, or employ or cause to be employed, a person who has not first received certification from the department.

Sec. 23.11.030. PENALTIES. The department shall investigate all persons presently holding contracts with the state to determine their compliance with this chapter. If a person fails to meet the standards set out in this chapter or if an employer, having received certification, falls below these standards while working under an existing contract with the state, the department shall impose a daily penalty on the employer in an amount equal to the wages paid to that number of employees which fairly represents the extent of the employers failure to comply with this chapter.