

1 IN THE HOUSE

BY RUDD

2 HOUSE BILL NO. 777

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to equal employment opportunity in
7 construction contracts with the state; and providing
8 for an effective date."

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

10 * Section 1. INTENT. Because denial of equal employment opportunity in
11 violation of sec. 220 of this chapter deprives residents of the state of
12 earnings necessary to maintain a reasonable standard of living, causes resi-
13 dents to resort to public welfare, and leads to situations which are poten-
14 tially injurious to the public safety, health, and welfare, the legislature
15 declares its intent that equal employment opportunity shall be ensured under
16 state contracts.

17 * Sec. 2. AS 18.80 is amended by adding new sections to read:

18 ARTICLE 6. PUBLIC CONTRACT PRACTICES.

19 Sec. 18.80.400. PUBLIC CONTRACTS. Every construction contract to
20 which the state is a party shall be conditioned upon the requirement
21 that the contractor and his subcontractors comply with the policy estab-
22 lished under secs. 400 - 450 of this chapter and commit no unlawful em-
23 ployment practice in this state as defined in sec. 220 or 260 of this
24 chapter.

25 Sec. 18.80.410. ENFORCEMENT. (a) The commission shall have the
26 authority to adopt regulations, conduct investigations, hold hearings,
27 and issue orders for the purposes of enforcement and administration of
28 sec. 400 of this chapter.

29 (b) For each violation of sec. 400 of this chapter by a contractor

1 or by those whose hiring practices are subject to supervision or control
2 of the contractor there may be deducted from the amount payable to the
3 contractor by the state a penalty of \$100 for each calendar day that
4 each violation persists. The state may also at its option void such a
5 contract or issue a stop work order, and it may sue and shall recover
6 the profits earned on the contract.

7 (c) No contract may be awarded by the state to any employer found
8 by the commission to have violated sec. 400 of this chapter until the
9 commission certifies that the violation has ceased.

10 (d) The commission may adopt regulations that

11 (1) require that contracts entered into by the state include
12 an equal employment opportunity clause established by the commission;

13 (2) require employers contracting with the state to supply
14 the commission with information requested by the commission concerning
15 their work forces;

16 (3) require employers contracting with the state whose work
17 force reflects disproportionately low numbers of minorities, women, or
18 men to adopt an affirmative action plan acceptable to the commission;

19 (4) establish procedures by which an affirmative action plan
20 of an employer awarded a major contract may be approved by the commis-
21 sion before commencing work;

22 (5) establish a procedure under which contractors determined
23 to have violated sec. 400 of this chapter or regulations of the commis-
24 sion implementing sec. 400 of this chapter may be debarred from bidding
25 on contracts with the state; a determination of the commission under
26 this paragraph is subject to a right of appeal to the superior court in
27 accordance with AS 44.62.560 - 44.62.570.

28 Sec. 18.80.420. VETERANS. Nothing in secs. 400 - 450 of this
29 chapter precludes a preferential treatment to veterans by employers that

1 is required by law or regulation of the United States or the state.

2 Sec. 18.80.430. RIGHTS AND REMEDIES AS CUMULATIVE. The rights and
3 remedies of the state under secs. 400 - 450 of this chapter are cumu-
4 lative and not exclusive and do not affect rights or remedies provided
5 elsewhere by law, regulation, or contract.

6 Sec. 18.80.440. POLICY OF THE LEGISLATURE. The legislature adopts
7 this legislation conscious of the existence of regulation on this sub-
8 ject by federal agencies and by administratively established state
9 requirements. It adopts secs. 400 - 450 of this chapter to establish a
10 uniform policy for the state in these areas of substantial concern to
11 it. It therefore directs the commission, in the exercise of its dis-
12 cretion, to establish its regulations and requirements to the maximum
13 extent possible so that they are consistent with federal laws and regu-
14 lations governing contract compliance.

15 Sec. 18.80.450. DEFINITIONS. For the purposes of secs. 400 - 450
16 of this chapter,

17 (1) "contractor" means an employer offering to contract with
18 the state;

19 (2) "employer" means any person as defined in sec. 300(1) of
20 this chapter employing 30 or more persons in the state within each of 20
21 or more calendar weeks; "employer" does not include any religious
22 corporation, association, educational institution or society which
23 employs individuals of a particular religion to perform work connected
24 with the carrying on by the corporation, association, institution or
25 society of its activities;

26 (3) "state" means all departments and agencies in the execu-
27 tive branch of the state government, the legislative and judicial
28 branches of the state government, and the University of Alaska.

29 * Sec. 3. This Act takes effect January 1, 1979.