

Introduced: 3/6/81
Referred: State Affairs

1 IN THE SENATE

BY FERGUSON

2 SENATE BILL NO. 248

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to equal employment opportunity in
7 the executive branch of the state government; and
8 providing for an effective date."

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

10 * Section 1. FINDINGS AND PURPOSE. (a) There is evidence of continued
11 lack of opportunity for members of Alaska's racial minorities and women to
12 obtain appointment to and employment in responsible positions in the execu-
13 tive branch of the state government.

14 (b) In furtherance of the commitment of the state to human rights and
15 employment opportunity, it is the policy of the state that there shall be
16 equal opportunity in the employment activities, programs, and decisions of
17 the executive branch of the state government, and that aggressive measures
18 are required by executive branch agencies, individually and collectively, to
19 improve equal employment opportunities for all Alaskans in those agencies.

20 * Sec. 2. AS 44.21.020(9) is amended to read:

21 (9) administer a statewide personnel program, consisting of
22 [INCLUDING]

23 (A) central personnel services, including but not
24 limited to [SUCH AS] recruitment, examination, position classi-
25 fication, and pay administration; and

26 (B) the equal employment opportunity program estab-
27 lished in AS 39.28;

28 * Sec. 3. AS 39 is amended by adding a new chapter to read:

29 CHAPTER 28. EQUAL EMPLOYMENT OPPORTUNITY IN STATE EMPLOYMENT.

1 Sec. 39.28.010. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY. The
2 division of equal employment opportunity is established in the Depart-
3 ment of Administration. The director of equal employment opportunity
4 shall administer the programs of the division.

5 Sec. 39.28.020. DUTIES OF DIRECTOR. The director shall

6 (1) administer the equal employment opportunity program for
7 the executive branch of state government;

8 (2) implement state policies with respect to nondiscrimina-
9 tion in employment, equal employment opportunity, and affirmative
10 action;

11 (3) develop and implement standards and procedures for the
12 preparation, timely submission, and review of affirmative action plans
13 by each department;

14 (4) review and approve affirmative action plans submitted by
15 each department;

16 (5) monitor employment practices of each department to
17 assure that terms and conditions of employment do not violate affirma-
18 tive action standards and procedures;

19 (6) enforce equal employment opportunity by filing a legal
20 action against a state officer or employee who violates affirmative
21 action standards and procedures; for purposes of a legal action under
22 this paragraph, the director may employ independent legal counsel not
23 associated with the Department of Law;

24 (7) maintain contact with each department, and provide
25 training to management, supervisors, and employees to improve their
26 knowledge and understanding of laws prohibiting discrimination in
27 public employment and affirmative action standards and practices;

28 (8) cooperate with the director of the division of personnel
29 to assure that the state personnel system operates to assist appointing

1 authorities in each department in meeting affirmative action goals, and
2 that the policies, practices, and regulations of the personnel system
3 comply with affirmative action requirements;

4 (9) advise the director of the division of labor relations
5 on equal employment opportunity matters which pertain to contract
6 negotiations and the management of the affairs of the division of labor
7 relations;

8 (10) prepare, adopt, and implement procedures to investigate,
9 determine, and resolve issues related to affirmative action plans; and

10 (11) prepare the annual affirmative action plan and report
11 for the executive branch of state government as required by AS 39.28.-
12 030.

13 Sec. 39.28.030. ANNUAL PLAN AND REPORT. The director shall
14 prepare the annual plan and annual report. The plan and report shall
15 be presented to the commissioner of administration, the governor, and
16 the legislature by January 31 of each year. The annual plan and report
17 shall include, but is not limited to,

18 (1) a comprehensive plan, establishing goals and objectives
19 for equal employment opportunity through compliance with affirmative
20 action standards and procedures;

21 (2) identification of problems and concerns, and of efforts
22 which have been considered or implemented to address or correct those
23 problems and concerns;

24 (3) a summary of efforts to eliminate the effects of past or
25 present discriminatory practices in the terms, conditions, and privi-
26 leges of employment; and

27 (4) an evaluation of the efforts of the division of equal
28 employment opportunity, and of the efforts of each state department, to
29 achieve equal employment opportunity in employment in a department

1 through affirmative action standards and procedures.

2 Sec. 39.28.040. DEFINITIONS. In this chapter,

3 (1) "affirmative action" means a set of specific procedures
4 to which a department commits itself to secure equal employment oppor-
5 tunity, including but not limited to the identification and analysis of
6 problems inherent in the employment of women and members of racial
7 minorities and an evaluation of the opportunities for employment of
8 women and members of racial minorities;

9 (2) "department" means a department or agency in the execu-
10 tive branch of state government;

11 (3) "director" means the director of the division of equal
12 employment opportunity.

13 * Sec. 4. AS 44.17 is amended by adding a new section to read:

14 Sec. 44.17.090. RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY.

15 (a) The principal executive officer of each state department is
16 responsible for the activities, programs, and decisions of that depart-
17 ment which relate to equal opportunity in employment of persons in that
18 department.

19 (b) The principal executive officer of each state department
20 shall

21 (1) prepare, adopt, and implement an equal employment op-
22 portunity plan for the department, including

23 (A) a comprehensive plan, establishing goals and ob-
24 jectives for equal employment opportunity through compliance with
25 affirmative action standards and procedures;

26 (B) identification of problems and concerns, and of
27 efforts which have been considered or implemented to address or
28 correct those problems and concerns;

29 (C) a summary of efforts to eliminate the effects of

1 past or present discriminatory practices in the terms, conditions,
2 and privileges of employment; and

3 (D) an evaluation of the department's efforts to achieve
4 equal employment opportunity in employment in the department
5 through affirmative action standards and procedures; and

6 (2) select an official of the department, who is a division
7 director or holds an equivalent position, and assign that official the
8 duties of an equal employment opportunity representative to supervise
9 the development and implementation of the department's affirmative
10 action program.

11 * Sec. 5. AS 18.80.060(6) is amended to read:

12 (6) make an overall assessment, at least once every three
13 years, of the progress made toward equal employment opportunity by each
14 [EVERY] department of state government, and of the affirmative action
15 plan for employment in the executive branch of the state government;
16 the assessment [. RESULTS OF THE ASSESSMENT] shall be included in the
17 annual report made under AS 18.80.150.

18 * Sec. 6. This Act takes effect July 1, 1981.
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