

Original sponsor: Ferguson

Offered: 4/29/81
Referred: Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 248 (State Affairs)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to equal employment opportunity in
7 the executive branch of the state government."

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

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* Section 1. FINDINGS AND PURPOSE. (a) There is evidence of continued
10 lack of opportunity for members of Alaska's protected classes to obtain
11 appointment to and employment in responsible positions in the executive
12 branch of the state government.

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

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(c) Affirmative action requires that steps be taken in all executive
21 branch departments to eliminate discriminatory barriers to employment on the
22 grounds of race, religion, color, national origin, age, sex, handicap,
23 marital status, changes in marital status, pregnancy, parenthood, or any
24 other reason not related to merit. It also requires positive, aggressive
25 measures to ensure that all terms and conditions of employment including,
26 but not limited to, the areas of recruitment, hiring, assignments, evalua-
27 tion, promotion or transfer, layoff, termination, training, compensation,
28 and treatment are not arbitrarily discriminatory on the grounds listed in
29 this subsection.

1 * Sec. 2. AS 44.21.020 is amended by adding a new paragraph to read:

2 (13) administer the equal employment opportunity program
3 established in AS 39.28.

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

5 CHAPTER 28. EQUAL EMPLOYMENT OPPORTUNITY IN STATE EMPLOYMENT.

6 Sec. 39.28.010. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY. The
7 division of equal employment opportunity is established in the Depart-
8 ment of Administration. The director of the division of equal employ-
9 ment opportunity shall administer the programs of the division.

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

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

13 (2) implement state policies with respect to nondiscrimina-
14 tion in employment, equal employment opportunity, and affirmative
15 action;

16 (3) develop and implement standards and procedures for the
17 preparation, timely submission, and review of affirmative action plans
18 by each department;

19 (4) review and approve affirmative action plans submitted by
20 each department;

21 (5) monitor employment practices of each department to
22 assure that terms and conditions of employment are nondiscriminatory;

23 (6) implement standards by which performance evaluations of
24 supervisors reflect compliance with affirmative action plans and objec-
25 tives, including the granting or denial of merit increases;

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

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(8) cooperate with the director of the division of personnel to assure that the state personnel system operates to assist appointing authorities in each department in meeting affirmative action goals, and to assure that the policies, practices, and regulations of the personnel system are nondiscriminatory;

(9) develop recruitment techniques designed to reach minorities, women, handicapped persons, and other protected classes;

(10) develop a procedure to identify improper discriminatory selection and promotion devices and recommendations for the elimination of those discriminatory practices;

(11) develop specific procedures to identify and eliminate artificial or customary practices not justified by operational necessity which operate to exclude protected classes;

(12) cooperate with the director of the division of labor relations on equal employment opportunity matters;

(13) maintain contacts with state and federal law enforcement agencies;

(14) prepare, adopt, and implement procedures to assist departments to determine and resolve issues related to affirmative action plans; and

(15) prepare the annual affirmative action plan and report for the executive branch of state government as required by AS 39.28.030.

Sec. 39.28.030. ANNUAL PLAN AND REPORT. (a) The director shall prepare the annual affirmative action plan and annual report. The plan and report shall be presented to the commissioner of administration, the governor, and the legislature by January 31 of each year.

(b) The annual plan and report includes, but is not limited to

(1) a comprehensive plan, establishing goals and objectives

1 for equal employment opportunity through compliance with affirmative
2 action standards and procedures;

3 (2) identification of problems and concerns, and of efforts
4 which have been considered or implemented to address or correct those
5 problems and concerns;

6 (3) a summary of department efforts to eliminate the effects
7 of past or present discriminatory practices in the terms, conditions,
8 and privileges of employment;

9 (4) an evaluation of the efforts of the division of equal
10 employment opportunity, and of the efforts of each state department, to
11 achieve equal opportunity in employment in each department;

12 (5) a set of achievable goals within reasonable time frames
13 for each department to fully employ protected classes consistent with
14 their availability at all pay grades;

15 (6) an assessment of current work force utilization as
16 compared to the availability of protected classes in the relevant labor
17 market; and

18 (7) goals, time tables, or some other formula which defines
19 objective hiring aims.

20 Sec. 39.28.040. DEFINITIONS. In this chapter

21 (1) "department" means a department or agency in the execu-
22 tive branch of state government;

23 (2) "director" means the director of the division of equal
24 employment opportunity.

25 (3) "protected class" means people who experience, or who
26 have experienced, difficulty in obtaining employment because of

27 (A) race;

28 (B) religion;

29 (C) color;

- 1 (D) national origin;
2 (E) age;
3 (F) sex;
4 (G) physical handicap;
5 (H) marital status or a change in marital status;
6 (I) pregnancy;
7 (J) the fact that they have children; or
8 (K) other factors not related to merit.

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

10 Sec. 44.17.090. RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY.

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

15 (b) The principal executive officer of each state department
16 shall

17 (1) prepare, adopt, and implement an affirmative action plan
18 for the department, including

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

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

25 (C) a summary of efforts to eliminate the effects of
26 past or present improper discriminatory practices in the terms,
27 conditions, and privileges of employment; and

28 (D) an evaluation of the department's efforts to
29 achieve equal employment opportunity in employment in the depart-

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ment through affirmative action standards and procedures; and
(2) employ an equal employment opportunity officer to supervise the development and implementation of the department's affirmative action program.