

Offered: 3/21/84
Referred: Finance

Original sponsor: State Affairs Committee

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 395 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment
7 opportunity in the Department of Administration."

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

9 * Section 1. AS 44.21 is amended by adding new sections to read:

10 ARTICLE 8. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

11 Sec. 44.21.400. DIVISION CREATED. The division of equal employ-
12 ment opportunity is established in the Department of Administration.

13 Sec. 44.21.405. DIRECTOR. The division shall be administered by
14 a director appointed by the commissioner.

15 Sec. 44.21.410. POWERS AND DUTIES OF THE DIVISION. (a) The
16 division shall

17 (1) establish and periodically review an affirmative action
18 plan for employment in the executive branch of state government;

19 (2) advise the division of personnel and other departments
20 and agencies on methods to promote the recruitment of members of
21 protected classes for employment in the executive branch of state
22 government;

23 (3) consult with departmental equal employment opportunity
24 officers about equal employment opportunity, affirmative action, and
25 recruitment matters; and

26 (4) adopt regulations necessary to carry out the duties
27 imposed by AS 44.21.400 - 44.21.450 in accordance with the Administra-
28 tive Procedure Act (AS 44.62).

29 (b) The division may recommend legislative or administrative

1 action to the governor and the commissioner relating to equal employ-
2 ment opportunity and affirmative action matters.

3 Sec. 44.21.420. AFFIRMATIVE ACTION PLAN. (a) The division
4 shall annually develop and submit to the governor an affirmative
5 action plan for the executive branch of state government. The plan
6 becomes effective upon the signature of the governor and remains in
7 effect until a subsequent plan is approved by the governor.

8 (b) Each executive branch department and agency shall comply
9 with the affirmative action plan. Each commissioner or executive head
10 of an agency shall report quarterly to the division about activities
11 to implement and comply with the plan.

12 (c) The division shall report annually to the governor and the
13 legislature on the content and implementation of the affirmative
14 action plan.

15 Sec. 44.21.430. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The
16 division shall conduct an impartial fact-finding investigation of each
17 complaint of employment discrimination in the executive branch of
18 state government reported to the division and shall work with the
19 complainant and the department or agency involved to bring about an
20 informal resolution of the complaint.

21 (b) An equal employment opportunity officer in an executive
22 branch department or agency shall notify the division when the officer
23 receives a complaint alleging employment discrimination.

24 (c) The division may not make public the records of an ongoing
25 investigation. After a case is closed the division shall release
26 information that is not otherwise confidential upon request to do so
27 and shall return documents furnished by a complainant or respondent
28 upon the party's request.

29 Sec. 44.21.440. ACCESS TO CONFIDENTIAL RECORDS. The division

1 may have access to all records necessary to carry out its functions
2 under AS 44.21.400 - 44.21.450. The division may not make public
3 information designated as confidential by AS 39.25.080. However, the
4 division may make public statistical information compiled from confi-
5 dential records.

6 Sec. 44.21.450. DEFINITIONS. In AS 44.21.400 - 44.21.450

7 (1) "commissioner" means the commissioner of administra-
8 tion;

9 (2) "employment in the executive branch of state govern-
10 ment" includes employment as a permanent, probationary, provisional,
11 or nonpermanent employee in the classified, partially exempt, and
12 exempt services in the executive branch of state government;

13 (3) "member of a protected class" means a person protected
14 by federal or state laws that prohibit discrimination in employment.