

Introduced: 1/30/85
Referred: State Affairs and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 147

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment op-
7 portunity 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 9. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

11 Sec. 44.21.450. DIVISION CREATED. The division of equal employ-
12 ment opportunity is established in the Department of Administration.

13 Sec. 44.21.455. DIRECTOR. The division must be administered by
14 a director appointed by the commissioner.

15 Sec. 44.21.460. POWERS AND DUTIES OF THE DIVISION. (a) The di-
16 vision 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 in the Department of
20 Administration, and other departments and agencies, on methods to
21 promote the recruitment of members of protected classes for employment
22 in the executive branch of state government;

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

26 (4) meet and confer with minority groups and individuals
27 regarding employment with the state.

28 (b) The division may recommend legislative or administrative
29 action to the governor and the commissioner relating to equal

1 employment opportunity and affirmative action matters.

2 Sec. 44.21.465. ADMINISTRATIVE REGULATIONS. The commissioner
3 shall, in accordance with the Administrative Procedure Act (AS 44.62),
4 adopt regulations necessary to carry out the duties imposed on the
5 division by AS 44.21.450 -- 44.21.485.

6 Sec. 44.21.470. AFFIRMATIVE ACTION PLAN. (a) The division
7 shall annually develop and submit to the governor an affirmative ac-
8 tion plan for the executive branch of state government. The plan be-
9 comes effective upon the signature of the governor, and remains in
10 effect until a subsequent plan is approved by the governor.

11 (b) Each executive branch department and agency shall comply
12 with the affirmative action plan. Each commissioner or executive head
13 of an agency shall report to the division about activities to imple-
14 ment and comply with the plan.

15 (c) The division shall report annually to the governor and the
16 legislature on the content and implementation of the affirmative ac-
17 tion plan.

18 Sec. 44.21.475. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The
19 division shall conduct an impartial investigation of each complaint of
20 employment discrimination in the executive branch of state government
21 reported to the division, and shall work with the complainant and the
22 department or agency involved to bring about an informal resolution of
23 the complaint.

24 (b) An equal employment opportunity officer in an executive
25 branch department or agency shall notify the division if the officer
26 receives a complaint alleging employment discrimination.

27 (c) The division may not make public the records of an ongoing
28 investigation. After a case is closed, the division shall, upon
29 request to do so, release information that is not otherwise

1 confidential, and shall, upon the party's request, return documents
2 furnished by a complainant or respondent.

3 Sec. 44.21.480. ACCESS TO CONFIDENTIAL RECORDS. The division
4 may have access to all records necessary to carry out its functions
5 under AS 44.21.450 -- 44.21.485. The division may not make public any
6 information designated as confidential by AS 39.25.080 or any other
7 statute. However, the division may make public any statistical infor-
8 mation compiled from confidential records.

9 Sec. 44.21.485. DEFINITIONS. In AS 44.21.450 -- 44.21.485,

10 (1) "commissioner" means the commissioner of the Department
11 of Administration;

12 (2) "division" means the division of equal employment
13 opportunity in the Department of Administration;

14 (3) "employment in the executive branch of state govern-
15 ment" includes employment as a permanent, probationary, provisional,
16 or nonpermanent employee in the classified, partially exempt, or
17 exempt services in the executive branch of state government;

18 (4) "member of a protected class" means a person protected
19 by federal or state laws that prohibit discrimination in employment.