

Offered: 4/22/85
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 147 (Finance)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing an equal employment opportunity
7 program for the executive branch of state government
8 and creating an office of equal employment oppor-
9 tunity in the Office of the Governor."

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

11 * Section 1. This Act establishes the office of equal employment oppor-
12 tunity in the Office of the Governor to ensure fair employment practices
13 and eliminate barriers to employment in state government and to monitor the
14 state's progress in accomplishing the goals set out in the state
15 affirmative action plan and in reaching equal employment opportunity.

16 * Sec. 2. AS 44.19 is amended by adding new sections to read:

17

ARTICLE 9. EQUAL EMPLOYMENT OPPORTUNITY.

18

Sec. 44.19.441. OFFICE AND DIRECTOR. The office of equal
19 employment opportunity is established in the Office of the Governor.
20 The governor shall appoint a director to administer the office.

21

Sec. 44.19.442. POWERS AND DUTIES OF THE OFFICE. (a) The
22 office shall administer the equal employment opportunity program for
23 the executive branch of state government to ensure compliance with
24 AS 44.19.441 - 44.19.449 and shall

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(1) assist state officials to carry out their equal employ-
26 ment opportunity responsibilities, including promoting the recruit-
27 ment, employment, training, and retention of members of protected
28 classes, and recommend solutions to any problems identified;

29

(2) train state managers and supervisors in their equal

1 employment opportunity and affirmative action responsibilities and
2 offer orientation programs to employees to inform them of their rights
3 and responsibilities under AS 44.19.441 - 44.19.449;

4 (3) monitor records of personnel actions, develop auditing
5 and reporting systems to acquire statistical information, and prepare
6 federal and state reports concerning the composition of the work
7 force;

8 (4) prepare and submit the affirmative action plan for
9 employment in the executive branch of state government to the gover-
10 nor;

11 (5) prepare guidelines for the affirmative action programs
12 of agencies and review, audit and make recommendations concerning the
13 programs;

14 (6) ensure that agencies comply with the affirmative action
15 plan and with the agency affirmative action program;

16 (7) implement standards by which performance evaluations of
17 supervisors reflect compliance with affirmative action plans and
18 objectives, including the granting or denial of merit increases;

19 (8) 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 (9) assist the division of labor relations in collective
25 bargaining negotiations between the state and employee bargaining
26 organizations to ensure that each collective bargaining agreement
27 negotiated by the state ensures equal employment opportunity;

28 (10) file quarterly reports with the governor and the legis-
29 lature concerning agency compliance with and progress in its

1 affirmative action program, the affirmative action plan, state and
2 federal equal employment opportunity laws and regulations;

3 (11) accept, investigate, and resolve complaints of dis-
4 crimination from employees, previous employees, or applicants for
5 employment;

6 (12) serve as primary liaison between the executive branch
7 and state and federal agencies, minority and women's organizations,
8 and community groups concerned with equal employment opportunity; and

9 (13) prepare and submit an annual report to the governor and
10 the legislature by February 15 on the progress and problem areas in
11 the equal employment opportunity program and the implementation of the
12 affirmative action plan.

13 (b) The office may recommend legislative or administrative
14 action to the governor relating to equal employment opportunity and
15 affirmative action matters.

16 Sec. 44.19.443. ADMINISTRATIVE REGULATIONS. The director shall
17 adopt regulations under the Administrative Procedure Act (AS 44.62) to
18 carry out the office's duties.

19 Sec. 44.19.444. AFFIRMATIVE ACTION PLAN. The governor shall
20 establish an equal employment opportunity program and adopt annually
21 an affirmative action plan for the executive branch of state govern-
22 ment. The plan remains in effect until the governor adopts a subse-
23 quent plan.

24 Sec. 44.19.445. COMPLIANCE WITH AFFIRMATIVE ACTION PLAN. Each
25 agency shall comply with the affirmative action plan. Each commis-
26 sioner or executive head of an agency shall adopt an affirmative
27 action program to implement the plan within the agency. At the re-
28 quest of the office, a state official shall report to the office about
29 agency employment practices and activities to implement and comply

1 with the plan or program.

2 Sec. 44.19.446. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The
3 office shall accept complaints of employment discrimination in the
4 executive branch of state government and shall confer with the com-
5 plainant and the agency involved to bring about an informal resolution
6 of the complaint.

7 (b) An agency shall notify the office when the agency receives a
8 complaint alleging employment discrimination.

9 (c) The office may not make public the records of a complaint or
10 investigation.

11 Sec. 44.19.447. RETALIATION PROHIBITED. (a) An agency, offi-
12 cer, or state employee may not directly or indirectly refuse to hire,
13 transfer or promote, or dismiss, demote, suspend, lay off, or other-
14 wise discipline a person for filing a complaint with the office for a
15 failure to comply with affirmative action or equal employment oppor-
16 tunity or for assisting the office in an investigation of a complaint.

17 (b) A person who knowingly violates this section is liable for a
18 civil penalty of not more than \$1,000.

19 Sec. 44.19.448. ACCESS TO CONFIDENTIAL RECORDS. The office may
20 have access to all data, records, and reports necessary to carry out
21 its functions under AS 44.19.441 - 44.19.449. The office may not make
22 public information designated as confidential by AS 39.25.080 or
23 another law. However, the office may make public statistical informa-
24 tion compiled from confidential records.

25 Sec. 44.19.449 DEFINITIONS. In AS 44.19.441 - 44.19.449,

26 (1) "agency" means a department, office, agency, public
27 corporation, board, commission, authority, or other organizational
28 unit of the executive branch;

29 (2) "employment in the executive branch of state

1 government" includes employment as a permanent, probationary, provi-
2 sional, nonpermanent, or temporary employee in the classified, par-
3 tially exempt, or exempt services in the executive branch of state
4 government;

5 (3) "member of a protected class" means a person protected
6 by federal or state laws that prohibit discrimination in employment or
7 a person who experiences or has experienced difficulty in obtaining
8 employment or advancement in employment because of another factor not
9 related to merit;

10 (4) "office" means the office of equal employment oppor-
11 tunity in the Office of the Governor.

12 * Sec. 2. This Act may not be applied to limit the right of a person to
13 file a complaint with the State Commission for Human Rights under AS 18.-
14 80.100.