

Introduced: 1/19/87  
Referred: State Affairs, Judiciary  
and Finance

1 IN THE HOUSE

BY MARTIN

2 HOUSE BILL NO. 25

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to affirmative action."

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

8 \* Section 1. AS 44.19.442(b) is amended to read:

9 (b) The office may

10 (1) recommend legislative or administrative action to the  
11 governor relating to equal employment opportunity and affirmative  
12 action matters;

13 (2) require the division of personnel in the Department of  
14 Administration to purge records from an employee's personnel file if  
15 the records are the direct or indirect result of complaint of unlawful  
16 discrimination by a state official or employee;

17 (3) forbid an agency to hire or promote employees and  
18 require an agency to reverse a personnel action including a hiring  
19 decision if it finds that the action was based on a discriminatory  
20 employment practice;

21 (4) require an agency to change its selection procedures if  
22 it finds that the procedures have a discriminatory affect on members  
23 of a protected class; and

24 (5) require an agency to hold a disciplinary hearing to  
25 determine whether an employee has violated this subsection; the office  
26 may participate in the hearing.

27 \* Sec. 2. AS 44.19.442 is amended by adding a new subsection to read:

28 (c) A collective bargaining agreement adopted under AS 23.40.-  
29 070 - 23.40.260 (Public Employment Relations Act) may not contradict

1 the provisions of AS 44.19.441 - 44.19.449. AS 44.19.441 - 44.19.449  
2 supercede the provisions of AS 39.25 (State Personnel Act).

3 \* Sec. 3. AS 44.19.444 is amended to read:

4 Sec. 44.19.444. AFFIRMATIVE ACTION PLAN. The governor shall  
5 establish an equal employment opportunity program and adopt annually  
6 an affirmative action plan for the executive branch of state govern-  
7 ment. The plan remains in effect until the governor adopts a subse-  
8 quent plan. The office shall work with each agency to enhance equal  
9 employment opportunity.

10 \* Sec. 4. AS 44.19.445 is amended by adding a new subsection to read:

11 (b) When the office finds that an agency has violated the affir-  
12 mative action plan or its affirmative action program, the office may

13 (1) suspend the hiring authority of the agency; and

14 (2) impose mandatory affirmative action measures on the  
15 agency to bring the agency into compliance.