

Original sponsor: Martin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 25 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND 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 governor relating to equal employment opportunity and affirmative action matters;

11

12

13

(2) require the division of personnel in the Department of Administration to purge records from the personnel file of an employee who has filed a complaint of unlawful discrimination;

14

15

16

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

17

18

19

20

(4) require an agency to change its selection procedures if it finds that the procedures violate state or federal laws prohibiting employment discrimination; and

21

22

23

(5) require an agency to investigate whether an employee has violated this subsection and to impose discipline if the investigation reveals facts warranting it.

24

25

26

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

27

28

29

(c) A collective bargaining agreement adopted under AS 23.40.070 - 23.40.260 (Public Employment Relations Act) must be consistent with principles of equal employment opportunity and affirmative

1 action. AS 44.19.441 - 44.19.449 supercede the provisions of AS 39.25
2 (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.