

Introduced: 3/14/88
Referred: Health, Education and Social
Services and Finance

5-2024A

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

SENATE BILL NO. 488

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the State Board for Human
Rights; eliminating the State Commission for Human
Rights, the division of equal employment opportunity,
and the Alaska Women's Commission; and providing for
an effective date."

10

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

11

* Section 1. AS 18.80 is amended by adding a new section to read:

12

Sec. 18.80.011. CREATION AND ORGANIZATION. (a) There is cre-

13

ated in the Office of the Governor a State Board for Human Rights.

14

The board consists of three members appointed by the governor for

15

staggered terms of five years and confirmed by the legislature.

16

(b) The board members shall elect one of the members as chair-
person.

17

(c) The board shall hold a regular annual meeting and shall hold

18

special meetings as required by AS 18.80.120.

19

(d) The members of the board are entitled to per diem and travel

20

expenses authorized for members of boards and commissions under

21

AS 39.20.180.

22

* Sec. 2. AS 18.80 is amended by adding a new section to read:

23

Sec. 18.80.065. POWERS AS TO THE STATUS OF WOMEN. To accomplish

24

its purpose under AS 18.80.200(c), the board may

25

(1) act as a clearinghouse and coordinating body for gov-

26

ernmental and nongovernmental information relating to the status of

27

women;

- 1 (2) cooperate with public and private agencies in joint
2 efforts to study and resolve problems relating to the status of women
3 in the state;
- 4 (3) accumulate and compile information concerning dis-
5 crimination against women and disseminate the results of the research
6 and compilation of data;
- 7 (4) study and analyze all facts relating to state laws,
8 regulations, and guidelines with respect to equal protection for women
9 under the state constitution;
- 10 (5) recommend legislative and administrative action on
11 equal treatment and opportunities for women;
- 12 (6) select and retain the services of consultants whose
13 advice is considered necessary to assist the board in obtaining infor-
14 mation;
- 15 (7) encourage women to utilize their capabilities and to
16 assume leadership roles;
- 17 (8) establish standing committees among the members to
18 investigate and make recommendations on various areas of concern;
- 19 (9) create task forces composed of board members and other
20 experts as needed;
- 21 (10) accept monetary gifts or grants from the federal gov-
22 ernment or an agency of it, from any charitable foundation or profes-
23 sional association, or from any other reputable sources for implemen-
24 tation of any program necessary or desirable for carrying out the gen-
25 eral purposes of the board; and
- 26 (11) encourage the development of regional and municipal
27 women's councils or commissions.
- 28 * Sec. 3. AS 18.80.200 is amended by adding a new subsection to read:
29 (c) In its focus on the status of women in the state, the

1 purpose of the board is to continue the work of the former Commission
2 on the Status of Women and to improve the status of women in the state
3 by conducting further research and by making and implementing addi-
4 tional recommendations on the opportunities, needs, problems, and
5 contributions of women in the state, including recommendations in the
6 areas of education, homemaking, civil and legal rights, and labor and
7 employment.

8 * Sec. 4. AS 18.80.300 is amended by adding a new paragraph to read:

9 (17) "board" means the State Board for Human Rights.

10 * Sec. 5. AS 18.80 is amended by adding new sections to read:

11 ARTICLE 6. EQUAL EMPLOYMENT OPPORTUNITY IN STATE GOVERNMENT.

12 Sec. 18.80.350. POWERS AND DUTIES OF THE BOARD AS TO OTHER STATE
13 AGENCIES. (a) The board shall administer the equal employment oppor-
14 tunity program for the executive branch of state government to ensure
15 compliance with AS 18.80.350 - 18.80.400 and shall

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

20 (2) train state managers and supervisors in their equal
21 employment opportunity and affirmative action responsibilities and
22 offer orientation programs to employees to inform them of their rights
23 and responsibilities under AS 18.80.350 - 18.80.400;

24 (3) monitor records of state personnel actions, develop
25 auditing and reporting systems to acquire statistical information, and
26 prepare federal and state reports concerning the composition of the
27 work force;

28 (4) prepare and submit the affirmative action plan for
29 employment in the executive branch of state government to the

1 governor;

2 (5) prepare guidelines for the affirmative action programs
3 of state agencies and review, audit and make recommendations concern-
4 ing the programs;

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

7 (7) implement standards by which performance evaluations of
8 executive branch supervisors reflect compliance with affirmative
9 action plans and objectives, including the granting or denial of merit
10 increases;

11 (8) assist the division of labor relations in the Depart-
12 ment of Administration in collective bargaining negotiations between
13 the state and employee bargaining organizations to ensure that each
14 collective bargaining agreement negotiated by the state ensures equal
15 employment opportunity;

16 (9) file quarterly reports with the governor and the legis-
17 lature concerning state agency compliance with and progress in its
18 affirmative action program, the affirmative action plan, state and
19 federal equal employment opportunity laws and regulations;

20 (10) accept, investigate, and resolve complaints of dis-
21 crimination from state employees, previous state employees, or appli-
22 cants for state employment; and

23 (11) serve as primary liaison between the executive branch
24 of state government and state and federal agencies, minority and
25 women's organizations, and community groups concerned with equal
26 employment opportunity.

27 (b) The board may recommend legislative or administrative action
28 to the governor relating to equal employment opportunity and affirma-
29 tive action matters.

1 Sec. 18.80.360. AFFIRMATIVE ACTION PLAN. The governor shall
2 establish an equal employment opportunity program and adopt annually
3 an affirmative action plan for the executive branch of state govern-
4 ment. The plan remains in effect until the governor adopts a subse-
5 quent plan.

6 Sec. 18.80.370. COMPLIANCE WITH AFFIRMATIVE ACTION PLAN. Each
7 state agency shall comply with the affirmative action plan. Each
8 commissioner or executive head of an agency shall adopt an affirmative
9 action program to implement the plan within the agency. At the re-
10 quest of the board, a state official shall report to the board about
11 agency employment practices and activities to implement and comply
12 with the plan or program.

13 Sec. 18.80.380. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The
14 board shall accept complaints of employment discrimination in the
15 executive branch of state government and shall confer with the com-
16 plainant and the agency involved to bring about an informal resolution
17 of complaint.

18 (b) An agency shall notify the board when the agency receives a
19 complaint alleging employment discrimination.

20 (c) The board may not make public the records of a complaint or
21 investigation.

22 Sec. 18.80.390. ACCESS TO CONFIDENTIAL RECORDS. The board may
23 have access to all data, records, and reports necessary to carry out
24 its functions under AS 18.80.350 - 18.80.400. The board may not make
25 public information designated as confidential by AS 39.25.080 or
26 another law. However, the board may make public statistical infor-
27 mation compiled from confidential records.

28 Sec. 18.80.400. DEFINITIONS. In AS 18.80.350 - 18.80.400

29 (1) "state agency" means a department, office, agency,

1 public corporation, board, commission, authority, or other organiza-
2 tional unit of the executive branch of state government;

3 (2) "employment in the executive branch of state govern-
4 ment" includes employment as a permanent, probationary, provisional,
5 nonpermanent, or temporary employee in the classified, partially
6 exempt, or exempt services in the executive branch of state govern-
7 ment;

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

13 * Sec. 6. AS 39.50.200(b)(13) is amended to read:

14 (13) State Board [COMMISSION] for Human Rights (AS 18.80.011
15 [AS 18.80.010]);

16 * Sec. 7. TRANSITION. All litigation, hearings, investigations, and
17 other proceedings pending under a law amended or repealed by this Act, or
18 in connection with functions transferred by this Act, continue in effect
19 and may be continued and completed notwithstanding a transfer or amendment
20 or repeal provided for in this Act. Orders and regulations issued or
21 adopted under authority of a law amended or repealed by this Act remain in
22 effect for the term issued, or until revoked, vacated, or otherwise mod-
23 ified under the provisions of this Act. All contracts, rights, liabil-
24 ities, and obligations created by or under a law amended or repealed by
25 this Act, and in effect on July 1, 1988, remain in effect notwithstanding
26 this Act's taking effect. Records, equipment, and other property of
27 agencies of the state whose functions are transferred under this Act shall
28 be transferred commensurate with the provisions of this Act.

29 * Sec. 8. Wherever in the Alaska Statutes and in regulations adopted

1 under those statutes "State Human Rights Commission" or "Alaska Commission
2 for Human Rights," "division of equal employment opportunity," or "Commis-
3 sion on the Status of Women" occurs, and other terms identifying the com-
4 missions or division are used, they must be read as referring to the "State
5 Board for Human Rights"; under AS 01.05.031, the revisor of statutes shall
6 implement this section in the statutes and under AS 44.62.125(b)(6), the
7 regulations attorney shall implement this section in the administrative
8 regulations.

9 * Sec. 9. AS 18.80.010, 18.80.020, 18.80.030, 18.80.040, 18.80.070,
10 18.80.300(2); AS 44.19.165, 44.19.166, 44.19.167, 44.19.168, 44.19.169,
11 44.19.170, 44.19.171, 44.19.175, 44.19.180, 44.19.441, 44.19.442, 44.19.-
12 443, 44.19.444, 44.19.445, 44.19.446, 44.19.447, 44.19.448, and 44.19.449
13 are repealed.

14 * Sec. 10. This Act takes effect July 1, 1988.