

S B

395

SENATE STATE AFFAIRS COMMITTEE

Bill Number 395 Title LED Date received \_\_\_\_\_

Fiscal Note	Position Paper	Date requested	From	Amount	Date Rec'd	
					Note	Paper

CONTACTS

Backup list

- ① Barry Best 2/10/84  
to Will Now, A Black Community, Philli.
- ② Ed Cronick

- 1) copy of the Bill
- 2) fiscal note
- 3) copy of the statutes
- 4) LBT A Summary of 4/29/83 on LED

HEARING INFORMATION

Barry Best (will speak in Department's position) will provide justification

NOTES:

FINAL ACTION \_\_\_\_\_ DATE \_\_\_\_\_



*Grand Camp*  
*Alaska Native Brotherhood*

71ST, ANNUAL ANB-ANS GRAND CAMP CONVENTION  
JUNEAU, ALASKA  
NOVEMBER 14-19, 1983

RESOLUTION NO. 53

WHEREAS, The State of Alaska is a major employer in the State, and

WHEREAS, The State population is comprised of approximately 23% Alaska Natives, and

WHEREAS, The State (of Alaska) instituted an Alaska local hire policy in State funded public works projects, and

WHEREAS, There are qualified and eligible Alaska Natives capable of serving in State employment, NOW

THEREFORE BE IT RESOLVED that the 71st Annual Grand Camp Convention of the Alaska Native Brotherhood and Sisterhood assembled in Juneau, Alaska recommend the following:

That the State of Alaska institute and enforce an affirmative action program designed to bring Alaska Natives into the State work force; and

That the Tlingit and Haida Central Council - Manpower Division be instructed to establish constant communication with the State Job Service, State Personnel Division, the University of Alaska, Alaska Court System, and the Equal Employment Opportunity Division to advise names, addresses, and telephone contact of eligible Alaska Natives; and

That the Sealaska Corporation (Shareholder Relations Division) present a listing to the Alaska Department of Administration of the names, addresses and telephone contact numbers of qualified Alaska Natives in the Southeast; and

BE IT FURTHER RESOLVED that Governor Bill Sheffield be held personally responsible for the success, or failure, of a program to bring the State of Alaska into compliance in equal employment opportunity in State government for Alaska Natives. Copies of this resolution be presented to the Honorable Bill Sheffield, Governor of Alaska; Commission of Administration Lisa Rudd; all departments of the State; Sealaska Corporation, Tlingit and Haida Central Council.

ATTEST:

I certify that this resolution was adopted by the ANB ANS Grand Camp in Convention at Juneau during the week of November 14-19, 1983.

*Ronald Williams*

Ronald Williams, Grand President

*Albert Kookesh*

Albert Kookesh, Grand Secretary

Past ANB Grand Presidents  
Roy Peratrovich  
Alfred Widmark  
Cyrus Peck

Frank Peratrovich  
Patrick J. Paul  
Thomas Jackson  
John Hope

Frank See  
Walter Soboleff  
Richard Stitt  
Steven V. Hotch

Nelson D. Frank  
Frank O. Williams  
Herbert Hope  
Robert A. Martin

Roy Peratrovich, Grand President Emeritus  
Cyrus Peck, Sr., Grand Secretary Emeritus  
Alfred Widmark, ANS Grand President Emeritus

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF ADMINISTRATION

POUCH C - 0201  
JUNEAU, ALASKA 99811  
PHONE:

### DIVISION OF PERSONNEL

(907) 465-4430

February 17, 1984

Honorable Vic Fischer  
Chairman  
Senate State Affairs Committee  
Pouch V  
Juneau, AK 99811

Dear Mr. Chairman:

The Division of Equal Employment Opportunity has forwarded to us three questions regarding SB 395. That Division indicated the desire of your Committee to have these answers from the Division of Personnel.

The questions, as I understand them and the answers follow:

1. Is there a conflict between a merit system and equal employment opportunity?

No. The merit principle of employment (see AS 39.25.010) provides for such things as recruiting, selecting and advancing employees based on relative ability, knowledge and skill; retention of employees based on adequacy of performance; and equal treatment of applicants and employees. There is no place in a merit system for those things which are prohibited by antidiscrimination laws. Equal employment opportunity/affirmative action efforts by any employer are intended to insure that discriminatory practices are not used, intentionally or accidentally, by the employer and to overcome or correct the results of former discriminatory practices. A merit system and equal employment opportunity complement each other rather than conflict.

2. Does the Division of Personnel support SB 395?

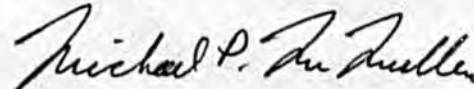
Yes. The bill will formalize in statute the existing Division as well as procedures generally required by various compliance agencies or dictated by good management practices. Formalizing the Division and its practices will give it higher visibility and authority, and clarify any confusion or resistance to its authority and responsibility.

3. Is there any conflict between the Personnel Act and SB 395?

No. See the answer to question 1, above, with regard to the compatible purposes. There are no specific provisions in the Personnel Act or this bill that would cause conflict.

I would be happy to answer any further questions you or your Committee may have regarding SB 395 as it affects the Division of Personnel.

Sincerely,



Michael P. McMullen  
Deputy Director

MPM/cfm  
1/4D2/0217-01

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

April 29, 1983

SUMMARY OF: A Special Report on the Department of Administration, Division of Equal Employment Opportunity, September 1981 - March 1983.

### PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee request and Title 24 of the Alaska Statutes, this special report has been prepared to evaluate the Division of Equal Employment Opportunity's performance in promoting and achieving equal employment opportunity in the executive branch departments of the State of Alaska.

### FINDINGS AND RECOMMENDATION

1. The Department of Administration, Division of Equal Employment Opportunity (DEEO) needs more support and authority from the Governor to increase its effectiveness.

DEEO has no specific statutory responsibility or support. The Division derives what authority and responsibilities it has from administrative order. Consequently, the effectiveness of the Division depends on the nature and extent of the governor's leadership. Commitment and leadership are especially vital to a function that requires coordination and direction of various executive branch departments.

2. DEEO should improve Affirmative Action Plan (AAP) procedures and elicit more cooperation from executive branch departments.

The Commissioner of Administration should consider writing a centralized, statewide AAP for the executive branch as a whole and establishing statewide hiring goals and timetables. Departments would still play a significant role in developing the goals, particularly departments with unique underutilized jobs. However, the overall approach would shift from the current decentralized method to a more centrally directed effort.

3. The Department of Administration (DOA) should assume central administrative control over the use and release of expanded certification registers.

4. DEEO should develop and use data that analyzes the availability of women and minorities in a more consistent and useful manner.
5. DEEO should establish a comprehensive internal complaint procedure to be utilized by all executive branch departments.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 14, 1984

SUBJECT: Protected Class Status for  
Vietnam era veterans (SB 395)

TO: Senator V. Fischer  
Chairman, State Affairs

FROM: Teresa B. Cramer *TBCramer*  
Legislative Counsel

You have asked whether the legislature may constitutionally include Vietnam era veterans within a protected class as defined in SB 395. The legislature may decide that Vietnam era veterans need the special consideration created for members of protected classes because of their experience in Vietnam and therefore include them within the definition.

Under Sec. 44.21.410(1) of the bill, the division of equal employment opportunity is required to "ensure the recruitment of members of protected classes for employment," and, in paragraph (4), the division is directed to advise the governor on procedures to ensure effective recruitment, to identify and eliminate barriers to employment and advancement, and to provide assistance to members of protected classes who are applying for positions in the executive branch. Under the bill, membership in a protected class enhances an individual's chance of being informed about employment opportunities with the executive branch and of being able to apply properly for them. It does not provide a preference in securing employment. (A general preference for veterans is already part of state law, see AS 39.25.150(19)).

In Isakson v. Rickey, 550 P.2d 359, 362, (1976), the Alaska Supreme Court held that a challenge to a statute based on denial of equal protection should be decided by using a "rational basis" standard where the right allegedly denied was not a fundamental right. The court stated:

under the rational basis test, in order for a classification to survive judicial scrutiny, the classification "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike."

The court has not recognized an interest in employment as a fundamental right entitled to compelling interest scrutiny under equal protection standards. Hilbers v. Municipality of Anchorage, 611 P.2d 31 (1980). Therefore the rational basis standard is appropriate and the issue is whether the classification of Vietnam era veterans is reasonable and not arbitrary and based on a difference related to an object sought by the legislation. The court would also examine whether the classification is over or under inclusive.

The legislation seeks to promote equal employment opportunity in the executive branch of state government and to assist individuals having particular difficulties in employment (handicapped individuals) or having suffered past discrimination (minority persons and women) to gain greater access to state employment. The legislature could reasonably find that Vietnam era veterans have particular difficulty arising from their military service in finding employment during the four years after their discharge and that because of their service to the country it is appropriate to offer them assistance in finding employment with the state during their reentry into civilian life.

TC:ojb  
J3/091

TO: The State of Affairs Committee of the 13th Alaska Legislature

FROM: Rosalee T. Walker

7677 North Douglas Road Juneau, Alaska 99801

586 - 2873

RE: Senate Bill #395

The following statement is being offered in opposition to SB 395. This is in addition to the comments made at the Committee hearing on February 14, 1984. Although I am currently active in several organizations that are concerned with Civil Rights issues, my comments are submitted as an individual who is a retired State employee. The comments are being submitted as constructive criticism and I am available to work toward the strengthening of the EEO office.

Senate Bill 395 suggests many areas of concern, as I stated during the hearing. Additional points are as follows:

The State already has a comprehensive antidiscrimination statute (A.S. 18.80) administered by the Commissioners and staff of the Alaska State Commission for Human Rights. The Commission is charged with the responsibility for enforcement of A.S. 18.80 and review/assessment of the progress of EEO in State government. A.S. 18.80 and Title VII of the Civil Rights Act of 1964 (as amended) cover the activities of most of Alaska's employers in the public and private sectors. Why is an additional statute necessary?

P.2, line 7 (12) Sec.44.21.020 - This is a very nebulous statement. At any rate, the time for study, formulate, review, etc. is long past due. The division of EEO is responsible for ENSURING that the executive branch of Alaska State government is an equal opportunity employer. To accomplish this, the Division must take assertive and affirmative actions to eliminate State employment policies, practices, procedures, regulations, conditions and benefits which do not treat

all employees and applicants for employment in an equitable manner.

P2, line 14 Sec. 44.21.405(a) - What guarantee is there that the Commissioner of Administration will appoint a Director who is qualified for the job? The EEO Division has run through a series of Directors since its concept. All but one of these people have been members of a minority group. I suspect that in the majority of these hires, being a member of a minority group has been the only criteria used in the selection of a Director. I would recommend that a group or a committee composed of people who are knowledgeable in Civil Rights law and affirmative action be consulted to review the applications of people who apply for the Director's position. This group could select the three most qualified persons and submit these names to the Governor for consideration.

P2, line 24 Sec. 44.21.410(a) (1) - Recruitment is a direct responsibility of the Division of Personnel. The Division of Personnel and Departmental Personnel officers are supposed to conduct targeted recruitment for qualified minorities and women when they do not appear on State registers, and when there are position vacancies. It is my understanding that under both Federal and State law, targeted recruitment is limited to minorities and women, and does not apply to ALL protected groups.

P2, line 28 Sec 44.21.410 (3) - Every agency of the executive branch should have a written affirmative action plan. This is especially true for those agencies that receive federal funds as mandated by Presidential Executive Order No. 11246, Rev. Order No. 4 for grant-in-aid agencies (i.e. Dept. of Labor, Health and Social Services, etc. ).

P3, line 5 Sec. 44.21.410 (4) (b) - During FY 1981 or 1982 there was a capital budget appropriation to the Division of EEO for the development of a computerized system to identify barriers in the personnel system. What happened to this plan? Will it ever be

implemented?

Administrative Order No. 75, signed by the Governor, clearly delineates EEO roles and responsibilities, very little of which has ever been carried out. Re: P3, lines 22 - 29 - Why not abide by the Administrative Order long enough to see if it is operational? Where is the EEO report to the Governor and Legislature for December 1983?

P4, Sec. 44.21.430 - The EEO Division is not supposed to be a law enforcement agency. Why should an executive branch agency or department ask EEO's permission to solve their own problems? If the EEO office has done its job effectively, the agencies and departments should have the skills and knowledge to do that which is necessary. The EEO Division should not have to initiate complaints, if it is aware of discrimination in the executive branch or departments, then it is EEO's responsibility to inform those responsible of the possible violation

P5, Sec. 44.21.450 (f) (g) (h) - This is also covered in the Administrative Order No. 75. Under SB395, the EEO office would still be within the Department of Administration. Would there not be a conflict of interest if the appealing party had to appeal to the same people who made the initial findings and recommendations? It stands to reason that the Commissioner of Administration would uphold the EEO Director who would be a part of the Department of Administration.

P6, Sec. 44.21.450 line 1, (i) - Does this violate the Confidentiality law? This type of information is privy only to the client and official compliance agencies that have power to subpoena. Only with the clients' permission can this type of information be disclosed to others.

P.7, Sec. 44.21.480 line 10 (4) - This definition is not consistant with either state or federal laws. What about age, marital status, pregnancy, etc.?

P.7, line 16 Sec. 44.21.480 (A)(I,II,III,IV) - Although these definitions are very unpopular, they are definitions that are currently used by the federal Equal Employment Opportunity Commission. (1) describes American Indian and Alaskan Natives; (2)describes Black, (3) describes Spanish surnamed or Hispanic, and, (4) describes Asians or Pacific Islanders.

P. 7 & 8, line 29, Sec. 44.21.480. (B) - This is the definition of the "physically handicapped" as promugated in 18.80. The division is also responsible for following the definition of "handicapped" under the U.S. Rehabilitation Act of 1973 which is different.

P.8. line 3, Sec. 44.21.480 (C) - This definition should be verified. I feel that this definition may be applicable only in certain cases of veteran preference in hiring. It is commonly accepted that "once a veteran, always a veteran".

#### POSITION PAPER AND FISCAL NOTE

It is just incomprehensible to me that a division in state government feels that it must have statutory powers in order to carry out its responsibilities that are specifically stated by Administrative Order. Will statutory status and/or authority guarantee that the division will be more effective in carrying out its responsibilities?

Agency EEO representatives should be trained by the Division of EEO staff members, conducted in the representatives' own agencies. Is the travel budget (for training) inflated? Historically, the agencies of the executive branch have borne the expenses for travel incurred by EEO Division staff for complaint investigation and resolution. Why should this arrangement change?

I respectfully suggest that this Committee carefully scrutinize SB 395, the accompanying fiscal note and the Division's operating budget request. I further recommend that SB 395 not pass and that no additional money or positions be appropriated for the EEO Division until it proves that it can fulfill its current responsibilities as stipulated in Administrative Order No. 75. There has been little public accountability of affirmative action in our executive branch agencies. In view of the constant reports of budget restraints, and the ineffectiveness of the EEO Division in the past; there should be some assurance of improvements before establishing a new statute and authorizing the expenditure of more funds.



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V

Juneau, Alaska 99811

(907) 465-4954

Official Business

### MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

DATE: March 19, 1984

RE: CSSB 395 (State Affairs) creating the division of Equal Employment Opportunity

The proposed committee substitute for SB 395 (attached) extensively amends the original bill. The cs places the emphasis of the division on efforts to employ members of protected classes in state government, whereas much of the emphasis of the original bill addressed internal complaint proceedings.

Page 1

44.21.410 outlines the powers and duties of the division as:

- a) 1) establishing and reviewing an affirmative action plan.  
2) advising agencies on the recruitment of protected classes.  
3) consulting departments on matters of EEO.  
4) adopting regulations.
- b) recommending to the governor or the commissioner legislative or administrative action on EEO matters.

Page 2

44.21.420

- a) requires the division to annually develop and submit to the governor an affirmative action plan. This plan would become effective upon signature by the governor, and would remain in effect until the next plan was approved.
- b) requires the departments to comply with the plan, and to report to the division quarterly on their compliance with the plan.
- c) requires the division to annually report to the legislature and governor on the implementation of the plan.

44.21.430 outlines the internal complaint procedures, and states that the investigation shall be impartial and for the purpose of determining facts.

Page 3

44.21.440 allows the division to have access to certain records.

44.21.450 is the definition section.

Fiscal information

The bill has a zero fiscal note.

New back-up information

New fiscal note

New CS



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

### MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff *ST*

RE: SB 395

DATE: February 14, 1984

SB 395 was introduced to put into law a division created by an administrative order. Since the Division of Equal Employment Opportunity was created, its strength has been determined by the level of the Governor's commitment.

In a 1983 LB&A report, Commissioner Rudd responded that "perhaps the only solution to the wavering support for EEO is the promulgation of legislation or regulation which would clearly state the division's authorities and responsibilities."

### SECTIONAL ANALYSIS

- Section 1: Adds to the duties of the Department of Administration the duties and responsibilities of the Division of Equal Employment Opportunity.
- Section 2: Creates the division; states that the director shall advise the governor on matters of equal employment, and affirmative action programs.
- pg. 2, lines 11-19
- pg. 2, lines 19-26 Outlines the powers and duties of the division.
- pg. 4, lines 1-7 Outlines the division's role as liaison with state agencies.
- Pg.4, lines 8-17 States that the division shall be asked to advise other executive branch departments and agencies on complaints of discrimination and other EEO questions.
- pg. 4, lines 18-22 States that individuals filing charges against a state agency or department on discrimination matters shall also serve the division of EEO.

pg. 4 and 5 Gives guidelines on how the division shall resolve internal complaints. States who the division can accept claims from, and outlines how the claims can be resolved.

pg. 6,        Outlines the rights of complainants, and the prohibitions  
lines 5-21    of those cited in the complaint.

pg. 6,        Gives the division access to certain confidential records.  
lines 22-28

pg. 6,        Defines terms necessary for the creation of the  
lines 29... division.

Fiscal information

FY '84 \$124.5 thousand.

Back-up information

A position paper from the Department of Administration  
A fiscal note from the Department of Administration  
A LB&A Report and attached summary (April 29, 1983)  
A copy of the statutes

Create a division.

Powers and duties of the Director

Director shall solicit and take into account the comments of departmental Equal Employment Opportunity officers.

Create a plan for affirmative action for the state.

Develop a plan and advise the Division of Personnel and other agencies on targeted recruitment.

Plan developed under (a) shall be submitted to the Governor once a year for approval by the Governor.

The affirmative action plan shall be in effect for one year from the date of approval or until a new plan is approved by the Governor.

Each department shall comply with the plan.

Each commissioner shall make a quarterly report to the division reflecting their compliance with the plans.

Departmental Equal Employment Opportunity officers shall notify the division of EEO of all complaints.

The division shall conduct an impartial fact finding investigation of all complaints reported to that division.

The complainant must be notified that they may also take their complaints to the Ombudsman or the Human Rights Commission.

The Human Rights Commission, and the Ombudsman's office shall have access to files and persons involved in the complaint, if the complainant seeks those avenues of recourse.

What is the Division Director to do if a department is not complying with the plan.

Authority to promulgate regulations in compliance with this act.

Should we include a section stating that all State employees shall be notified of how they can make a complaint of discrimination, and what their rights are after they make a complaint.

Sec. 44.19.970. DEFINITIONS. As used in secs. 960 - 970 of this chapter, "members of the protected classes" means those persons protected by federal or state anti-discrimination laws.

Sec. 2. This Act takes effect July 1, 1978.

Original sponsor: State Affairs Committee

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 395 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment  
7 opportunity 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 8. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

11 Sec. 44.21.400. DIVISION CREATED. The division of equal employ-  
12 ment opportunity is established in the Department of Administration.

13 Sec. 44.21.405. DIRECTOR. The division shall be administered by  
14 a director appointed by the commissioner.

15 Sec. 44.21.410. POWERS AND DUTIES OF THE DIVISION. (a) The  
16 division 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 and other departments  
20 and agencies on methods to promote the recruitment of members of  
21 protected classes for employment in the executive branch of state  
22 government;

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

26 (4) adopt regulations necessary to carry out the duties  
27 imposed by AS 44.21.400 - 44.21.450 in accordance with the Administra-  
28 tive Procedure Act (AS 44.62).

29 (b) The division may recommend legislative or administrative

1 action to the governor and the commissioner relating to equal employ-  
2 ment opportunity and affirmative action matters.

3 Sec. 44.21.420. AFFIRMATIVE ACTION PLAN. (a) The division  
4 shall annually develop and submit to the governor an affirmative  
5 action plan for the executive branch of state government. The plan  
6 becomes effective upon the signature of the governor and remains in  
7 effect until a subsequent plan is approved by the governor.

8 (b) Each executive branch department and agency shall comply  
9 with the affirmative action plan. Each commissioner or executive head  
10 of an agency shall report quarterly to the division about activities  
11 to implement and comply with the plan.

12 (c) The division shall report annually to the governor and the  
13 legislature on the content and implementation of the affirmative  
14 action plan.

15 Sec. 44.21.430. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The  
16 division shall conduct an impartial fact-finding investigation of each  
17 complaint of employment discrimination in the executive branch of  
18 state government reported to the division.

19 (b) An equal employment opportunity officer in an executive  
20 branch, department, or agency shall notify the division when the  
21 officer receives a complaint alleging employment discrimination.

22 (c) The division may not make public the records of an ongoing  
23 investigation. However, the division shall release records of an on-  
24 going investigation to the Alaska State Commission on Human Rights or  
25 the Office of the Ombudsman if the complainant authorizes the release  
26 in writing and if the commission or the office is pursuing an inves-  
27 tigation on behalf of the complainant. After a case is closed the  
28 division shall release information that is not otherwise confidential  
29 upon request to do so.

1           Sec. 44.21.440. ACCESS TO CONFIDENTIAL RECORDS. (a) Notwith-  
2 standing AS 39.25.080, the division may have access to all records  
3 necessary to carry out its functions under AS 44.21.400 - 44.21.450.

4           (b) The division may not make public any confidential informa-  
5 tion obtained under (a) of this section. However, the division may  
6 make public statistical information compiled from confidential re-  
7 cords.

8           Sec. 44.21.450. DEFINITIONS. In AS 44.21.400 - 44.21.450

9           (1) "commissioner" means the commissioner of administra-  
10 tion;

11           (2) "employment in the executive branch of state govern-  
12 ment" includes employment as a permanent, probationary, provisional,  
13 or nonpermanent employee in the classified, partially exempt, and  
14 exempt services in the executive branch of state government;

15           (3) "member of a protected class" means a person protected  
16 by federal or state laws that prohibit discrimination in employment.  
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# STATE OF ALASKA

AUDIT DIVISION  
POUCH W—ALASKA OFFICE BUILDING

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

March 18, 1983

SUMMARY OF: A Report on the Department of Administration,  
For the Fiscal Year Ended June 30, 1982.

### PURPOSE OF THE REPORT

In accordance with the provisions of Title 24 of the Alaska Statutes, an examination of the Department of Administration was conducted to determine:

1. If the financial statements appearing in the State's Annual Financial Report for the 1982 Fiscal Year are fairly presented.
2. The compliance by the Department of Administration with applicable State statutes and regulations governing fiscal activities.

### FINANCIAL STATEMENTS

We do not express an opinion on the Agency Trust Funds' Statement of Changes in Fund Balance. In our opinion, the Statement of Revenues - Budget and Actual and the Statement of Expenditures and Encumbrances Compared with Appropriations are fairly stated, and the program is in compliance with major statutes and regulations governing fiscal activities.

### FINDINGS AND RECOMMENDATIONS

1. The Department of Administration should establish a formal written policy and procedures manual and properly train and supervise employees to ensure its implementation.

The Department of Administration can strengthen its central accountability and protect against any future problems by proceeding with a departmental policy and procedures manual to provide its various fiscal officers with a standard, uniform guideline by which to follow.

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment  
7 opportunity 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:

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11 Sec. 44.21.400. DIVISION CREATED. The division of equal employ-  
12 ment opportunity is established in the Department of Administration.

13 Sec. 44.21.405. DIRECTOR. (a) The office is administered by a

14 director appointed by the commissioner of Administration

15 needs  
Def is

16 (b) The director advises the governor and the commissioner on  
17 equal employment policies and practices and on the ~~program of the~~  
18 state for affirmative action. *programs & policies*

19 Sec. 44.21.410. POWERS AND DUTIES OF THE DIRECTOR. (a) The

20 director shall act to ensure the recruitment of members of protected

21 Def.

22 classes for employment and to ensure that all employees and applicants  
23 for employment are treated fairly and not subjected to discrimination  
24 prohibited by state or federal law as to employment, applications for  
25 employment or recruitment.

26 (b) The director shall formulate policies and programs to pro-  
27 mote equal employment opportunity and affirmative action and shall  
28 establish and periodically review an affirmative action plan for  
29 employment in the executive branch of state government.

(c) The director shall advise the governor and the commissioner  
on procedures

IT is redundant

none it and was. Is it necessary

(1) to ensure the effective ~~recruitment~~ recruitment of members of protected classes into the work force of the executive branch;

(2) to identify and eliminate barriers in departments and agencies and in the personnel system to the employment and advancement of members of protected classes and ~~underrepresented~~ underutilized groups;

Head  
Def

(3) to review periodically the activities of departments and agencies to implement affirmative action and equal employment opportunity; and

(4) to provide direct assistance to members of protected classes and underutilized groups who are applying for employment in the executive branch of state government.

(d) The director shall provide information and training on equal employment opportunity ~~and~~ <sup>principles</sup> affirmative action <sup>requirements</sup> ~~to~~ departments, agencies and employees and assist them <sup>in evaluating</sup> ~~to~~ discriminatory procedures and practices.

(e) The director shall provide technical advice to agencies in the executive branch of state government on compliance with AS 18.80 and with provisions of federal law prohibiting <sup>unlawful</sup> discrimination.

(f) The director shall adopt ~~an~~ internal discrimination complaint procedures <sup>for the resolution of</sup> ~~to address~~ complaints of employment discrimination in the executive branch of state government. <sup>as described in AS 18.80 and federal laws.</sup>

(g) The director shall report annually to the governor and the commissioner on equal employment opportunity and affirmative action matters <sup>by the Division</sup> ~~it has~~ encountered in the previous year and may recommend legislative or administrative action.

(h) The director may adopt regulations necessary to perform the duties imposed by AS 44.21.400 - 44.21.450.

Insert?

(i) Sec. 44.21.420. INTERNAL DISCRIMINATION COMPLAINTS. (a) The

Want these two the same -2- want your procedures go in here

1 division shall accept complaints of employment discrimination from  
2 employees or applicants for employment in the executive branch of  
3 state government including permanent, probationary, and nonpermanent  
4 employees within the classified, partially exempt, and exempt services  
5 who believe that they have been discriminated against because of race,  
6 religion, color or national origin, age, physical handicap, sex,  
7 marital status, changes in marital status, pregnancy or parenthood.

8 (b) The division may accept complaints filed by individuals who  
9 are not themselves directly affected by an alleged discriminatory  
10 activity on behalf of an employee or applicant.

11 (c) The division may not accept a complaint until the complain-  
12 ant has made reasonable efforts to resolve the dispute within the  
13 complainant's department or agency. ~~within 30 days~~

14 (d) The division shall investigate complaints accepted for  
15 processing and notify the parties of its findings of fact. If it  
16 finds evidence of substantial discrimination, the division may recom-  
17 mend a settlement to the parties.

18 (e) Either party may appeal the findings of fact or the recom-  
19 mended settlement to the commissioner. If the division is unable to  
20 bring about a settlement between the parties, it may certify the  
21 dispute to the commissioner. After reviewing the dispute, the commis-  
22 sioner shall issue a ruling. ~~within 30 days~~

23 (f) The internal discrimination complaint procedure supplements  
24 any other complaint procedures available to complainants.

25 (g) The division may not make public the records of an ongoing  
26 investigation or conciliation. After a case is closed the division  
27 ~~shall~~ <sup>must</sup> release information that is not otherwise <sup>made</sup> confidentially ~~by stat.~~  
28 request to do so. <sup>By stat. regulation</sup>

29 Sec. 44.21.430. RIGHTS AND PROHIBITIONS. (a) Complainants may

1 have an individual of their choice present during an interview, dis-  
2 cussion, or other conference held during the investigation and con-  
3 ciliation of their complaint. *this word seems too strong*

4 (b) A complainant may ~~require~~ <sup>request</sup> the division to close an inves- *what if you don't want to close it?*  
5 tigation or conciliation by filing a written request with the divi-  
6 sion.

7 (c) Retaliation for exercising rights provided under AS 44.21.  
8 400 - 44.21.450, threats of retaliation or any other form of coercion  
9 that discourages or attempts to discourage a person from filing or  
10 cooperating in an investigation of a complaint or that incites or  
11 compels or attempts to incite or compel an act forbidden by state or  
12 federal anti-discrimination law is prohibited.

13 (d) A person who violates <sup>C</sup> (b) of this section may be discipl-  
14 *By whom?* ~~ined. The discipline may include termination of state employment.~~  
*By whom? their immediate supervisor.*

15 Sec. 44.21.440. ACCESS TO CONFIDENTIAL RECORDS. (a) Notwith-  
16 standing AS 39.25.080, the division may have access to all records  
17 necessary to carry out its functions under AS 44.21.400 - 44.21.450.

18 (b) The division may not make public confidential information  
19 *Good!* obtained under (a) of this section. However, the division may make  
20 public statistical information compiled from confidential records.

21 Sec. 44.21.450. LIAISON WITH AGENCIES. (a) The division is the  
22 primary liaison between the executive branch and other government  
23 agencies for all equal employment opportunity and affirmative action  
24 matters. Executive branch agencies and departments receiving in-  
25 *from external agencies* quires concerning an equal employment opportunity or affirmative  
26 action matter shall refer the inquiry to the division. Executive  
27 branch agencies and departments shall notify the division before  
28 *This implies first Amendment problems - don't you mean "conducting"*  
~~communicating~~ *conducting official business* with any civil or human rights compliance agency. *business*

29 (b) An agency or individual filing charges of discrimination

1 against any department, agency or official in the executive branch  
2 shall serve the charge on the division with a copy to the respondent.

3 *(need to spell out who is respondent)*

*P. 1.1*

*He*



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • 1024 W. 6th Ave., Suite 204 C,  
Anchorage, Alaska 99501  
(907) 278-3654

Official Business

August 12, 1983

Fred Johnson, Chairman  
Alaska Black Caucus  
P.O. Box 3342  
Anchorage, Alaska 99510

Dear Mr. Johnson,

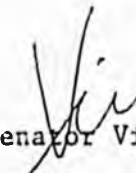
Attached is a summary of the Legislative Budget & Audit report on the Department of Administration, Division of Equal Employment Opportunity. I have requested the full report and will forward you a copy when I receive it.

While the auditors fell short of recommending that the DEEO be moved to the Governor's office, they do indicate a strong need for more executive branch support and active interest.

The State Affairs Committee is continuing to work with the Governor's office responsible for appointments to boards and commissions to provide the information and overview you requested in your previous letter.

I will forward that information as soon as it is complete.

Best regards,

  
Senator Vic Fischer

VF/gb  
attachment

1983 Interim  
File

April 20, 1983

Fred Johnson, Chairman  
E. Louis Overstreet, President  
Alaska Black Caucus  
P.O. Box 3342  
Anchorage, AK 99510

Gentlemen:

Many thanks for your April 13 letter about state hiring practices and the progress of the audit that I've requested. I share your concern that the audit will not extend to all agencies in need of review.

I agree that little can be done before the end of session. Rather than wait until next year, however, I'd like to pursue this during the interim.

In addition, the Governor's office responsible for appointments to boards and commissions will be conducting a review of past appointments and developing recommendations for future appointments, specifically in view of increasing participation of women and minorities. I will be working with them on this project during the interim.

Thanks again for your letter and your kind words. My aide, Ginger Buim will contact you when we get back to Anchorage to work out some coordinated strategy to make the state assume responsibility for their hiring practices and to eliminate systemic discrimination against women and minorities. Together we can do something about this, alone I can hardly make a dent.

Best regards,

Senator Vic Fishcer

- see ltr. from Nina Harding  
in file also

DSK: GINGER  
DOC: EEO DRAFT REQUEST  
DATE OUT: 9/2/83

September 1, 1983

To: Billy Berrier, Director  
Legislative Legal Services

From: Senator Vic Fischer

Re: Drafting request/ Equal Employment Opportunity

Recently Legislative Audit completed a review of the Division of Equal Employment Opportunity in the Department of Administration. I refer you the report released April 29, 1983 under Audit Control Number 02-4164-83-R.

The report makes several references to the need for statutory authority clearly stating the divisions scope and responsibilities. Specifically, Commissioner Rudd suggests this may be the best solution to "wavering" support for EEO (see page 33).

I would like a bill drafted that clearly states the divisions authority and responsibilities, which heretofore have been essentially administrative functions. Please consult with Commissioner Rudd to assure that the draft appropriately and completely addresses the issues raised in the audit.

Please contact my aide, Ginger Baim, at 278-3654 should you have any questions.

cc: Lisa Rudd, Commissioner DOA  
E.Louis Overstreet, Alaska Black Caucus

SB 248 (State Affairs 1981) 4737 1526

KEYWORDS: employment  
labor relations/labor  
government organization

ASSIGNED TO 9070

REQUEST FOR: BILL  RESOLUTION  RESEARCH  OTHER

SUBJECT EEO Division Authority

REQUESTED FOR Sen. V. Fischer BY Sen. Fischer EXT. \_\_\_\_\_

\* DELIVER TO Senator V. Fischer TAKEN BY Barnes

INSTRUCTIONS, EXPLANATIONS \_\_\_\_\_

Draft bill clearly stating the authority and responsibilities  
of the Division of Equal Employment Opportunity in the Department  
of Administration. See attached letter. If you have any questions  
call Ginger Daim at 278-3654.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH \_\_\_\_\_  
Lisa Eudd, Commissioner  
Department of Administration

RETURN \_\_\_\_\_  
\_\_\_\_\_ TO REQUESTER

APPROVED: BOB Director, Legal Services

REVIEWED \_\_\_\_\_

IN 9/8 DUE \_\_\_\_\_

TYPED - Draft \_\_\_\_\_ DATE \_\_\_\_\_

Final \_\_\_\_\_ DATE \_\_\_\_\_

PROOFED \_\_\_\_\_ DELIVERED \_\_\_\_\_

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT  FINAL

13-1525  
Cramer  
1/27/84 ✓

1 IN THE SENATE

2 SENATE BILL NO. 395

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment  
7 opportunity in the Department of Administration."

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

9 \* Section 1. AS 44.21.020 is amended to read:

10 Sec. 44.21.020. DUTIES OF DEPARTMENT. The Department of Adminis-  
11 tration shall

12 [(1) Repealed.]

13 (1) [(2)] make surveys and studies to improve administra-  
14 tive procedures, methods, and organization;

15 (2) [(3)] keep general accounts;

16 (3) [(4)] approve vouchers and disburse funds for all  
17 purposes;

18 (4) [(5)] operate centralized purchasing and supply ser-  
19 vices, and necessary storerooms and warehouses;

20 (5) [(6)] allot space in state buildings to the various  
21 departments according to need and available space;

22 (6) [(7)] supervise telephone, mailing, messenger, duplicat-  
23 ing, and similar services adaptable to centralized management;

24 (7) [(8)] administer the public employees' retirement  
25 system and teachers' retirement system;

26 (8) [(9)] administer a statewide personnel program, includ-  
27 ing central personnel services such as recruitment, examination,  
28 position classification, and pay administration;

29 (9) [(10)] administer the Alaska Pioneers' Homes;

1           (10) [(11)] administer and supervise a statewide automatic  
2 data processing program;

3           [(12) Repealed.]

4           (11) [(13)] study, design, implement, and manage the telecom-  
5 munications systems and services of the state under AS 44.21.300 -  
6 44.21.330;

7           (12) study, formulate, recommend, review, and administer equal  
8 employment opportunity and affirmative action programs, policies, and  
9 practices under AS 44.21.400 - 44.21.480.

10 \* Sec. 2. AS 44.21 is amended by adding new sections to read:

11           ARTICLE 8. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

12           Sec. 44.21.400. DIVISION CREATED. The division of equal employ-  
13 ment opportunity is established in the Department of Administration.

14           Sec. 44.21.405. DIRECTOR. (a) The division shall be adminis-  
15 tered by a director appointed by the commissioner.

16           (b) The director shall advise the governor and the commissioner  
17 on equal employment and affirmative action programs, policies, and  
18 practices.

19           Sec. 44.21.410. POWERS AND DUTIES OF THE DIVISION. (a) The  
20 division shall

21           (1) act to ensure the recruitment of members of protected  
22 classes for employment and to ensure that all employees and applicants  
23 for employment are treated fairly and not subjected to discrimination  
24 prohibited by state or federal law as to employment, applications for  
25 employment, or recruitment;

26           (2) formulate policies and programs to promote equal em-  
27 ployment opportunity and affirmative action;

28           (3) establish and periodically review an affirmative action  
29 plan for employment in the executive branch of state government;

1 (4) advise the governor and the commissioner on procedures  
2 to

3 (A) ensure the effective recruitment of members of  
4 protected classes into the work force of the executive branch;

5 (B) identify and eliminate barriers in departments and  
6 agencies; and in the personnel system to the employment and  
7 advancement of members of protected classes and under-represented  
8 groups; and

9 (C) provide assistance to members of protected  
10 classes, under-represented groups, and others who are applying  
11 for positions in the executive branch of state government;

12 (5) periodically review the activities of departments and  
13 agencies to implement affirmative action and equal employment oppor-  
14 tunity; and

15 (6) provide information and training on equal employment  
16 opportunity principles and affirmative action requirements to depart-  
17 ments, agencies, and employees and assist them in eliminating any  
18 discriminatory procedures and practices;

19 (7) provide technical advice to agencies in the executive  
20 branch of state government on compliance with AS 18.80 and provisions  
21 of federal law prohibiting discrimination;

22 (8) report annually to the governor and the commissioner on  
23 equal employment opportunity and affirmative action matters encoun-  
24 tered in the previous year;

25 (9) adopt regulations necessary to carry out the duties  
26 imposed by AS 44.21.400 - 44.21.480.

27 (b) The division may recommend legislative or administrative  
28 action to the governor and the commissioner relating to equal employ-  
29 ment opportunity and affirmative action matters.

1           Sec. 44.21.420. LIAISON WITH AGENCIES. The division is the  
2 primary liaison between the executive branch and other federal or  
3 state compliance agencies for all equal employment opportunity and  
4 affirmative action matters. Executive branch agencies and departments  
5 receiving inquiries from these compliance agencies concerning an equal  
6 employment opportunity or affirmative action matter shall refer the  
7 inquiry to the division.

8           Sec. 44.21.430. PARTICIPATION IN EMPLOYMENT DISCRIMINATION  
9 INQUIRIES AGAINST THE STATE. An executive branch agency or department  
10 that is the responding party in an official inquiry, complaint investi-  
11 gation, or hearing based on equal employment opportunity or affirma-  
12 tive action issues from a state or federal compliance agency shall ask  
13 for advice from the division before participating in the inquiry,  
14 investigation, or hearing. The division may take part in all conversa-  
15 tions and meetings between the parties and review all written communi-  
16 cations from the agency or department about the inquiry, investiga-  
17 tion, or hearing.

18           Sec. 44.21.440. SERVICE OF PROCESS IN ADMINISTRATIVE HEARINGS.  
19 An agency or individual filing charges of employment discrimination in  
20 an administrative proceeding against any department, agency, or offi-  
21 cial in the executive branch shall serve the charge on the division  
22 and deliver a copy to the respondent.

23           Sec. 44.21.450. INTERNAL DISCRIMINATION COMPLAINTS. (a) The  
24 division shall establish an internal discrimination complaint proce-  
25 dure for complaints of employment discrimination in the executive  
26 branch of state government. The procedures shall be informal and  
27 oriented toward resolution of complaints without resort to judicial  
28 proceedings. A complainant may pursue resolution of a complaint under  
29 AS 18.80 or other federal or state laws or regulations at the same

1 time the complainant is pursuing resolution of the complaint under  
2 this procedure.

3 (b) The division shall accept complaints of employment dis-  
4 crimination from employees or applicants for employment who believe  
5 that they have been discriminated against because of race, religion,  
6 color or national origin, age, physical handicap, sex, marital status,  
7 changes in marital status, pregnancy or parenthood.

8 (c) The division may accept a complaint filed by an employee who  
9 is not directly affected by an alleged discriminatory activity if the  
10 complaint is on behalf of an employee or applicant.

11 (d) The division may initiate a complaint if it has reason to  
12 believe prohibited employment discrimination has occurred.

13 (e) The division may not accept a complaint until the complain-  
14 ant has made reasonable efforts to resolve the dispute within the  
15 department or agency where the alleged discriminatory activity occur-  
16 red.

17 (f) The complaint shall be in writing on a form approved by the  
18 division.

19 (g) The division shall investigate complaints accepted for  
20 processing and notify the parties of its findings of fact. If it  
21 finds evidence of discrimination, the division shall try to resolve  
22 the dispute by conference, conciliation, and persuasion and may recom-  
23 mend a settlement to the parties.

24 (h) Either party may appeal the findings of fact or the recom-  
25 mended settlement to the commissioner. If the division is unable to  
26 bring about a settlement between the parties, it may certify the case  
27 to the commissioner. After reviewing the case, the commissioner shall  
28 issue a written ruling in which the commissioner approves, amends, or  
29 reverses the division's findings of fact and recommended settlement.

1 (i) The division may not make public the records of an ongoing  
2 investigation or conciliation. After a case is closed the division  
3 shall release information that is not otherwise confidential upon  
4 request to do so.

5 Sec. 44.21.460. RIGHTS AND PROHIBITIONS. (a) Complainants may  
6 have an individual of their choice present at an interview, discus-  
7 sion, or other conference held during the investigation and concilia-  
8 tion of their complaint.

9 (b) A complainant may request the division to close an inves-  
10 tigation or conciliation by filing a written request with the divi-  
11 sion.

12 (c) Retaliation for exercising rights provided under AS 44.21.-  
13 400 - 44.21.480, threats of retaliation, or any other form of coer-  
14 cion that discourages or attempts to discourage a person from filing  
15 or cooperating in an investigation of a complaint or that incites or  
16 compels or attempts to incite or compel an act forbidden by state or  
17 federal anti-discrimination law is prohibited.

18 (d) The immediate supervisor of an employee who violates (c) of  
19 this section may discipline the employee under AS 39.25, or an agree-  
20 ment entered under AS 23.40, or other disciplinary procedures and  
21 regulations that apply to that employee.

22 Sec. 44.21.470. ACCESS TO CONFIDENTIAL RECORDS. (a) Notwith-  
23 standing AS 39.25.080, the division may have access to all records  
24 necessary to carry out its functions under AS 44.21.400 - 44.21.480.

25 (b) The division may not make public any confidential informa-  
26 tion obtained under (a) of this section. However, the division may  
27 make public statistical information compiled from confidential re-  
28 cords.

29 Sec. 44.21.480. DEFINITIONS. In AS 44.21.400 - 44.21.480,

1 (1) "applicant" includes applicants for positions in the  
2 classified, partially exempt, and exempt services in the executive  
3 branch of state government;

4 (2) "commissioner" means the commissioner of administra-  
5 tion;

6 (3) "employee" includes permanent, probationary, provi-  
7 sional, and nonpermanent employees in the classified, partially  
8 exempt, and exempt services in the executive branch of state govern-  
9 ment;

10 (4) "member of a protected class" means a woman, a minority  
11 person, a handicapped person, a Viet Nam era veteran, a disabled  
12 veteran, or a man who is an applicant for a position in which men have  
13 not been traditionally employed. As used in this paragraph

14 (A) "minority person" means a member of one or more of  
15 the following groups:

16 (i) a person having origins in any of the origi-  
17 nal peoples of North America and who maintains cultural  
18 identification through tribal affiliation or community  
19 recognition with those peoples;

20 (ii) a person having origins in any of the black  
21 racial groups of Africa;

22 (iii) a person of Mexican, Puerto Rican, Cuban,  
23 South American, or other Spanish culture origin, regardless  
24 of race; or

25 (iv) a person with ancestry in the Indian subcon-  
26 tinent, the region referred to as the Far East, Southeast  
27 Asia, or the Pacific Islands, but not the region referred to  
28 as the Middle East;

29 (B) "handicapped person" means a person who has a

1 physical, sensory, mental, or emotional disability that substan-  
2 tially limits one or more major life activities;

3 (C) "Viet Nam era veteran" means a person with 181  
4 days or more active service in the armed forces of the United  
5 States who has been honorably discharged after having served  
6 during any period between August 4, 1964, and November 7, 1975;  
7 membership in the class lasts for a period of four years from the  
8 date on which the veteran is honorably discharged from the armed  
9 forces;

10 (D) "disabled veteran" has the meaning given in AS 39.-  
11 25.150(19)(B).  
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*same or different plan?*

Cramer  
3/13/84

*ST - much better - when have clear CS, pls circulate to committee w/ cover memo + original bill BY THE STATE AFFAIRS COMMITTEE + ask for comments prior to committee review. Thx V. 3/14*

Original sponsor: State Affairs Committee

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 395 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment  
7 opportunity 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 8. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

11 Sec. 44.21.400. DIVISION CREATED. The division of equal employ-  
12 ment opportunity is established in the Department of Administration.

13 Sec. 44.21.405. DIRECTOR. The division shall be administered by  
14 a director appointed by the commissioner.

15 Sec. 44.21.410. POWERS AND DUTIES OF THE DIVISION. (a) The  
16 division shall

17 (1) ~~establish~~ establish and periodically review an affirmative action  
18 plan for employment in the executive branch of state government;

19 (2) develop a plan to promote the recruitment of members of  
20 protected classes for employment in the executive branch of state  
21 government, <sup>(D)</sup> and advise the division of personnel in the Department of  
22 Administration and other departments, and agencies <sup>on how to best</sup> about the plan;

23 (3) consult with departmental equal employment opportunity  
24 officers about equal employment opportunity, affirmative action, and  
25 recruitment matters; <sup>and</sup> and

26 ~~(4) adopt regulations necessary to carry out the duties~~  
27 (4) adopt regulations necessary to carry out the duties  
28 imposed by AS 44.21.400 - 44.21.450 in accordance with the Administra-  
29 tive Procedure Act (AS 44.62).

(b) The division may recommend legislative or administrative

*Annually  
Div prepare  
report → gov & leg  
on the plan and  
its implementation  
- date for report?*

1 action to the governor and the commissioner relating to equal employ-  
2 ment opportunity and affirmative action matters.

3 ✓ Sec. 44.21.420. AFFIRMATIVE ACTION PLAN. (a) The division  
4 shall annually develop and submit to the governor an affirmative  
5 action plan for the executive branch of state government. The plan  
6 becomes effective upon the signature of the governor and remains in  
7 effect until a subsequent plan is approved by the governor.

8 ✓ (b) Each executive branch department and agency shall comply  
9 with the affirmative action plan. Each commissioner or executive head  
10 of an agency shall report quarterly to the division about activities  
11 to implement and comply with the plan.

12 (c) Sec. 44.21.430. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The  
13 division shall conduct an impartial fact-finding investigation of each  
14 complaint of employment discrimination in the executive branch of  
15 state government reported to the division. *the process will be informal*

16 (b) An equal employment opportunity officer in an executive  
17 branch, department, or agency shall notify the division when the  
18 officer receives a complaint alleging employment discrimination.

19 (c) The division may not make public the records of an ongoing  
20 investigation. However, the division <sup>shall</sup> ~~may~~ release records of an on-  
21 going investigation to the Alaska State Commission on Human Rights or  
22 the Office of the Ombudsman if the complainant authorizes the release  
23 in writing and if the commission or the office is pursuing an inves-  
24 tigation on behalf of the complainant. After a case is closed the  
25 division shall release information that is not otherwise confidential  
26 upon request to do so.

27 Sec. 44.21.440. ACCESS TO CONFIDENTIAL RECORDS. (a) Notwith-  
28 standing AS 39.25.080, the division may have access to all records  
29 necessary to carry out its functions under AS 44.21.400 - 44.21.450.

1 (b) The division may not make public any confidential informa-  
2 tion obtained under (a) of this section. However, the division may  
3 make public statistical information compiled from confidential re-  
4 cords.

5 Sec. 44.21.450. DEFINITIONS. In AS 44.21.400 - 44.21.450

6 (1) "commissioner" means the commissioner of administra-  
7 tion;

8 (2) "employment in the executive branch of state govern-  
9 ment" includes employment as a permanent, probationary, provisional,  
10 or nonpermanent employee in the classified, partially exempt, and  
11 exempt services in the executive branch of state government;

12 (3) "member of a protected class" means a person protected  
13 by federal or state laws that prohibit discrimination in employment.  
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 No. 1853 (File No.  
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s as remedy for  
 n under state or  
 ns. 85 ALR3d 351.  
 as "affirmative  
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 ALR3d 402.

t. (a) A com-  
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rise to the cause of action, the court shall, at the request of the commis-  
 sion, defer proceedings for a period of not more than 45 days or such  
 extended period as the court may allow; except that the court may enter  
 an order or injunction if necessary to prevent irreparable injury to the  
 plaintiff.

(b) If within the period allowed the Commission conducts a hearing  
 and reaches a decision under AS 18.80.120 and 18.80.130, the decision  
 of the commission is binding on the parties to the court action as to all  
 issues resolved in the hearing but not as to any issues not resolved in  
 the hearing.

(c) When proceedings in the superior court are deferred for a hearing  
 and decision by the commission under this section, the plaintiff may  
 proceed, after the decision of the commission, as an aggrieved party for  
 the purpose of obtaining judicial review under AS 18.80.135, whether  
 or not he was a party to, or complainant in, the commission pro-  
 ceedings.

(d) If the commission does not intervene or file a certificate and  
 conduct a hearing as provided in this section, the court has complete  
 jurisdiction of the case, notwithstanding the provisions of AS  
 18.80.280. (§ 2 ch 240 SLA 1970)

#### NOTES TO DECISIONS

Executive director cannot initiate  
 class action in superior court. —  
 Although the Commission enjoys a limited  
 right under subsection (a) to intervene in a  
 private class action brought pursuant to  
 AS 22.10.020(c), the executive director  
 does not have statutory authority to initi-  
 ate a class action in the superior court.

Hotel Employees Local 879 v. Thomas,  
 Sup. Ct. Op. No. 1280 (File No. 2703), 561  
 P.2d 942 (1978).

The commission is without authority  
 to be granted the status of an  
 intervenor under this section. Johnson  
 v. State, Sup. Ct. Op. No. 2035 (File No.  
 3899), 607 P.2d 944 (1980).

### Article 3. Commission Reports and Publications.

#### Section

- 150. Annual report
- 160. Informative publications

**Sec. 18.80.150. Annual report.** The commission shall report annu-  
 ally to the governor and the legislature on civil rights problems it has  
 encountered in the preceding year, and may recommend legislative  
 action. The commission shall provide the Legislative Affairs Agency  
 with 100 copies of the report during the week preceding the convening  
 of the annual legislative session for legislator and library distribution.  
 The commission shall make copies of the report available to the public.  
 (§ 1 ch 15 SLA 1963; am § 1 ch 75 SLA 1978)

Effect of amendments. — The 1978 amendment rewrote this section.

NOTES TO DECISIONS

The legislature intended the commission to be more than a simple complaint-taking bureau; the statutory scheme constitutes a mandate to the agency to seek out and eradicate discrimination in employment, in credit and

financing practices, in places of public accommodations and in the sale, lease or rental of real property. *Hotel Employees Local 879 v. Thomas*, Sup. Ct. Op. No. 1280 (File No. 2703), 551 P.2d 842 (1976).

**Sec. 18.80.160. Informative publications.** The commission may prepare and distribute pamphlets and press releases to inform the public of its constitutional and statutory civil rights. The commission shall submit proposed publications to the Department of Law for a review of legal accuracy. (§ 1 ch 15 SLA 1963)

Article 4. Discriminatory Practices Prohibited.

- Section 200. Purpose
- 210. Civil rights
- 215. Activities in aid of housing for minority groups
- 220. Unlawful employment practices
- 230. Unlawful practices in places of public accommodation
- 240. Unlawful practices in the sale or rental of real property

- Section 250. Unlawful financing practices
- 255. Unlawful practices by the state or its political subdivisions
- 260. Coercion
- 270. Penalty
- 280. Acquittal bars other actions
- 290. Local human rights commissions
- 295. Apprenticeship programs

Collateral references. — 15 Am. Jur. 2d, Civil Rights, §§ 4-260.

14 C.J.S., Civil Rights Supplement, §§ 12-86.

Constitutionality of statute as affected by discrimination in punishments for same offense based upon age, color, or sex. 3 ALR 1614; 8 ALR 854.

Injunction to prevent one person from associating with another. 5 ALR 1044.

Validity of statute precluding alien from acting as guardian. 39 ALR 943.

Constitutionality of "civil rights" legislation by state. 49 ALR 505.

Validity and construction of statutes making conspiracy to deprive or deprivation of constitutional right a federal offense. 162 ALR 1373.

Racial segregation. 38 ALR2d 1188.

Municipal corporation's power to enact civil rights ordinance. 93 ALR2d 1028.

Validity and effect of gift for charitable purposes which excludes otherwise

qualified beneficiaries because of their race or religion. 25 ALR3d 736.

Actionability under state statutes of discrimination because of complaining party's association with persons of different race, color, or the like. 35 ALR3d 859.

Racial discrimination in punishment for crime. 40 ALR3d 227.

Recovery of damages for emotional distress resulting from discrimination because of sex or marital status. 61 ALR3d 844.

Application of state law to sex discrimination in sports. 66 ALR3d 1262.

Statute expressly allowing alimony to wife, but not expressly allowing alimony to husband, as unconstitutional sex discrimination. 85 ALR3d 940.

Construction and application of state equal rights amendments forbidding determination of rights based on sex. 90 ALR3d 158.

Constitutional protection of fem  
Constitutional

Sec. 18.80. matter of legis of the state b marital status a matter of j threatens the also menaces health, safety (b) Therefo chapter to eli credit and fin the sale, lease nati nal origi pre incy or sed aws per rest ctions of 197b)

Objective of t ination and prev in many facets o discrimination is color, national c status, pregnanc Employees Local Op. No. 1280 (Fil (1971)).

Similarly be 18.80.295 and Ti Civil Rights Act v. Alaska Wood No. 1720 (File 1 (1978), rev'd on 584 (1979), app 1040, 100 S. Ct (1980).

State jurisdic The National La the principle of not deprive the tion to hear case discrimination l unions on the b RCA Alascom t Sup. Ct. Op. No. P 2d 1326 (1977)

1) To over and work w/ Terry Cramer

① ~~The Department's~~ ~~RECORD~~  
The Department shall  
comply w/ the ~~old~~ plan approved  
by the governor.

② The Division shall report to  
the governor any department or  
agency that does not comply w/  
the plan

③ The Director of the  
Division shall report to  
the ombudsman ~~for any~~  
and the State Commission  
on human rights any complaints  
against an agency ~~to~~ or department.

④ Use definition section office  
HB 824.

SB415

Section 1 & 2 address the problems  
of retirement.

"underutilized"

→ \* \* targeted recruitment is  
first priority of Division.  
develop a plan & advise  
the Division of Personnel or  
other agencies on targeted  
recruitment.

W/ the governor's plan.

## Complaints

① ~~Complaints made to Dep EEO officers shall be passed on to the division of EEO~~

② ~~unresolved complaints will be reported to the governor, the human rights commission, and the ombudsman~~

③ ~~State will regulations shall be promulgated on internal complaints.~~

unresolved complaints

## Departmental EEO

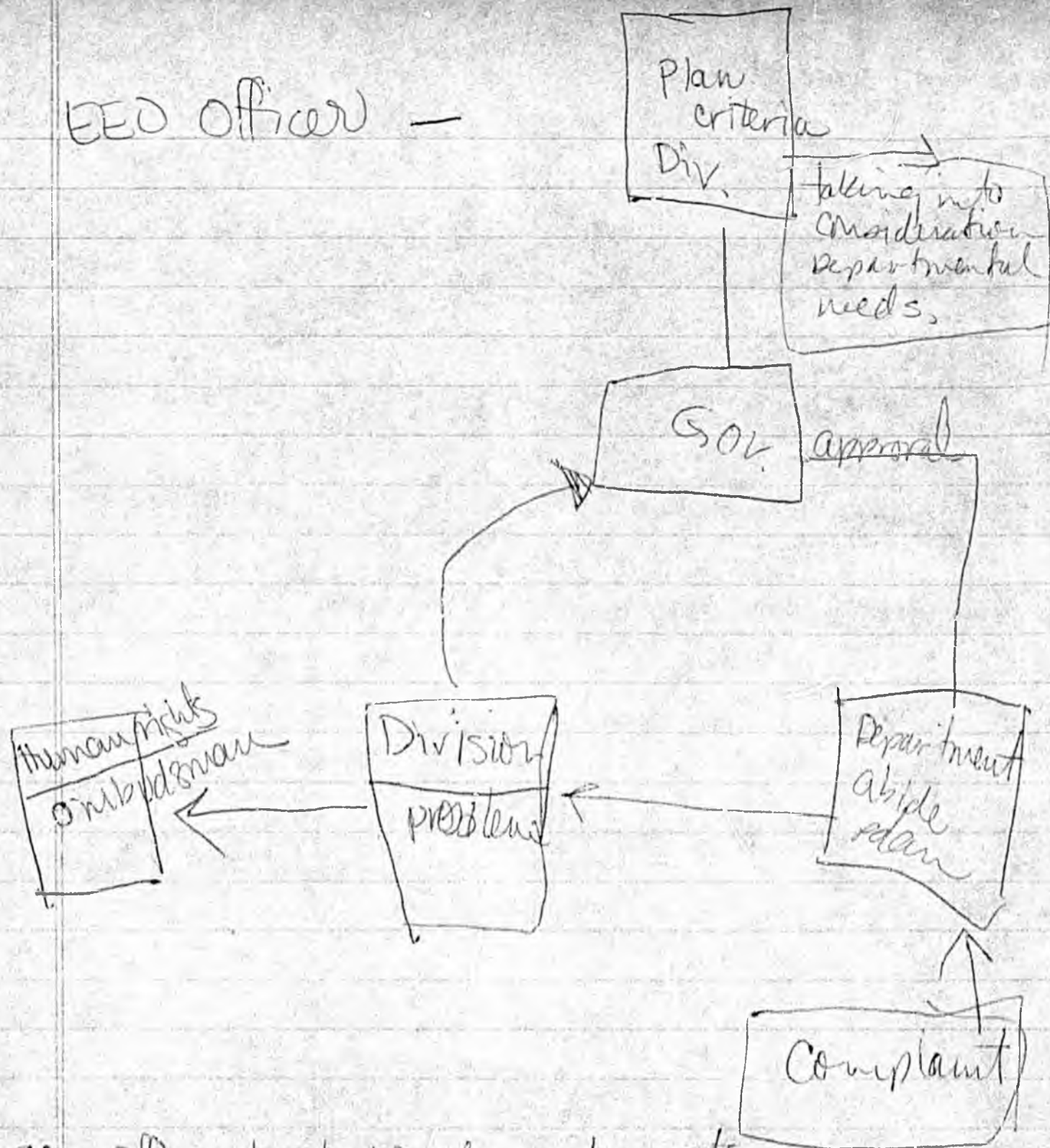
- criteria for AAP Development
- 1) Commissioner / NO resolution
  - 2) Complain to you

- ① Solicit and take into account Departmental EEO officers' comments and views on ~~the~~ the plan.
- ② Director of Division / yearly
- ③ Governor shall approve an affirmative action plan annually.
- ④ The plan will be in effect for one year from the date of approval or until a new plan is approved by the governor.

## Compliance

- 1) The Commissioner of each Department shall comply w/ plan.
- 2) ~~There~~ Each Commissioner shall make a report reflecting their compl.

EEO officer —



1 eeo officer to two departments

← Should they have to report to the ombudsman

Is there any way to have it a crime?

18.30.180 ① report from EEO to governor & legislature.

② and report from Departments to the legislature.

If they have failed to make a targeted ~~major~~ approach, then (women & minorities)

---

① make sure every agency has an affirmative action plan.

② ~~should be~~ ~~respons~~ should develop a new affirmative action plan as regulation under AAZ, that is to be followed by the whole Executive branch.

Create a division.

Powers and duties of the Director

Director shall solicit and take into account the comments of departmental Equal Employment Opportunity officers.

Create a plan for affirmative action for the state.

Develop a plan and advise the Division of Personnel and other agencies on targeted recruitment.

Plan developed under (a) shall be submitted to the Governor once a year for approval by the Governor.

The affirmative action plan shall be in effect for one year from the date of approval or until a new plan is approved by the Governor.

Each department shall comply with the plan.

Each commissioner shall make a quarterly report to the division reflecting their compliance with the plans.

Departmental Equal Employment Opportunity officers shall notify the division of EEO of all complaints.

The division shall conduct an impartial fact finding investigation of all complaints reported to that division.

The complainant must be notified that they may also take their complaints to the Ombudsman or the Human Rights Commission.

The Human Rights Commission, and the Ombudsman's office shall have access to files and persons involved in the complaint, if the complainant seeks those avenues of recourse.

What is the Division Director to do if a department is not complying with the plan.

Authority to promulgate regulations in compliance with this act.

Should we include a section stating that all State employees shall be notified of how they can make a complaint of discrimination, and what their rights are after they make a complaint.

Sec. 44.19.970. DEFINITIONS. As used in secs. 960 - 970 of this chapter, "members of the protected classes" means those persons protected by federal or state anti-discrimination laws.

Sec. 2. This Act takes effect July 1, 1978.

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1  
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- authority to promulgate regulations in compliance w/ this act.

- Should we include a section ~~and~~ <sup>and</sup> stating that all state employees shall be notified of how they can make a complaint of discrimination, and what their rights are after they make a complaint.

25  
26  
27  
28  
29

Sec. 44.19.970. DEFINITIONS. As used in secs. 960 - 970 of this chapter, "members of the protected classes" means those persons protected by federal or state anti-discrimination laws.

\* Sec. 2. This Act takes effect July 1, 1978.

get zero fiscal note

① Create a division

Powers + Duties of the Director

② Director shall <sup>solicit and take into account the comments of Departmental EEO Officers.</sup>

③ Create a plan ~~for~~ ~~for~~ ~~for~~ for affirmative action for the state.

④ Develop a plan and advise the Division of personnel and other agencies on targeted recruitment.

⑤ plan developed under (a) shall be submitted to the governor once a year ~~a year~~ for approval by the governor.

⑥ The affirmative action Plan shall be in effect for one year from the date of approval or until a new plan is approved by the governor.

- Each Department shall comply w/ the plan.

- Each Commissioner shall make a quarterly report to the division reflecting their compliance w/ the plan.

Departmental 290 officers shall ~~report~~ activity to the Division of 290 ~~of~~ ~~that~~ ~~unresolved~~ of <sup>all</sup> complaints.

The division shall conduct an impartial fact finding investigation of ~~to~~ all complaints reported to ~~the~~ that division.

The complainant must be notified that they may ~~also~~ also take their complaints to ombudsman or the human rights commission.

The ~~below~~ human rights commission, and the ombudsman's office shall have access to files and persons involved ~~in the complaint~~ in the complaint, if the complainant seeks to ~~those~~ those avenues of recourse.

A SPECIAL REPORT ON THE  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

April 29, 1983

Audit Control Number

02-4164-33-R

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## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

May 17, 1983

Members of the  
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes and your special request, the attached report is presented for your review:

A SPECIAL REPORT ON THE  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

September 1981 - March 1983



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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## PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee request and Title 24 of the Alaska Statutes, this special report has been prepared to evaluate the Division of Equal Employment Opportunity's performance in promoting and achieving equal employment opportunity in the executive branch departments of the State of Alaska.

Evaluation of performance was essentially based on activities from the beginning of the 1982 fiscal year through the third quarter of the 1983 fiscal year. Administrative Order #59 (effective June 20, 1980) was used as evaluative criteria in determining DEEO's performance of its responsibilities. Near the end of the audit Administrative Order #75 was adopted, effective April 2, 1983, which replaced the previous order.

The policy and audit approach utilized by the Division of Legislative Audit for Performance Review can best be described as "audit by exception".

This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made and little time is devoted to reviewing well run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

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## ORGANIZATION AND FUNCTION

The Division of Equal Employment Opportunity (DEEO) is responsible for carrying out the State's equal employment opportunity policy in the Executive Branch of the State of Alaska.

Specific duties of the agency include the development of guidelines, standards, and procedures to assist in the preparation and timely submission of affirmative action plans for each executive branch department. The agency serves as a coordinator and provider of technical assistance to each department in the implementation of their respective affirmative action plans. In addition to these duties DEEO is responsible for representing the executive branch in discrimination complaints brought by outside agencies and for development of an internal discrimination complaint resolution process within the Executive Branch.

Besides the specific duties listed above, DEEO has become an informal referral source for the State and private sector on the current status of Federal equal employment laws and regulations and their interpretation by the courts. The agency has developed and tested management information systems to provide better analysis of the applicant screening process and the current utilization of Federally designated "protected classes" employed in the State's Executive Branch.

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## SUMMARY OF REPORT FINDINGS

The focus of the audit centered on four evaluative questions and one policy issue. The Division of Equal Employment Opportunity (DEEO) was evaluated in the context of the following questions:

1. How effective has DEEO been in assuring that each department of the Executive Branch provides equal employment opportunity in filling positions and screening applicants for positions?

The filling of positions and the screening of applicants is largely a duty of the Department of Administration's Division of Personnel and individual departments. There does exist a system by which equal employment opportunity and affirmative action can be enhanced at the point of hire (see Recommendation No. 3 for a discussion of expanded certification). However, the legal justification for implementing affirmative action is predicated on the timely and reasonable analysis of an Affirmative Action Plan (AAP).

To the extent that DEEO has failed to have put in place departmental AAPs they have failed to assure equal employment opportunity, because the needed justification and proof of underutilization is lacking. As discussed in Recommendations No. 1 and 2 there has been less than satisfactory compliance with developing departmental AAPs. Much of the affirmative action at the point of hire has been stymied. DEEO does not have the authority to assure that each department is providing equal employment opportunity at that point.

DEEO will be able to use a computerized information system to better monitor the flow of applications and hiring of individuals. In Recommendations No. 2 and 3, we discuss this prospective use to afford better implementation of equal employment opportunity goals.

2. How effective has DEEO been in assuring that each department take affirmative action to improve minority and female utilization in functions where under-utilization has been noted?

The legal basis for taking remedial affirmative action lies with the development of a prescribed AAP. As discussed in Recommendation No. 2 of the report there has been widespread disregard and lack of use of the AAP process and data. As a result, DEEO has been rendered ineffective in assuring that each department take affirmative action to improve minority and female utilization.

Ironically, DEEO has been placed into a position of actually discouraging the use of affirmative action measures such as expanded certification (see Recommendation No. 3). Departments that have not submitted recent, approved AAP have no legal basis for implementing such measures and DEEO has elected to restrict their efforts to protect the State from legal liability.

3. Has DEEO provided effective procedures for dealing with complaints of discrimination filed by State employees or applicants for employment with the State?

DEEO is the departmental representative for discrimination complaints filed against Executive Branch departments through outside anti-discrimination agencies. In the past, the Division has acted as a departmental advisor and complaint resolution coordinator. Actual fact finding investigations were not conducted by the Division. We found that, taken as a whole, departmental personnel interviewed were satisfied with DEEO's performance in the handling of externally received discrimination complaints.

As detailed in Administrative Order No. 75 (effective April 1983) DEEO will expand the scope of its external complaint procedures to include the fact finding investigation of all discrimination complaints. These complaints will be investigated by a DEEO trained, Department of Administration, investigator.

DEEO has not established a comprehensive internal complaint procedure that could be utilized by employees of all Executive Branch departments (see Recommendation No. 5). Administrative Order No. 59 gave this responsibility to DEEO. Not all departments have established their own internal complaint procedures. For these reasons we recommend that a comprehensive internal complaint procedure be established and administered by DEEO.

4. How effective has DEEO been in reviewing the accomplishments or non-accomplishments of State supervisors and managers in the performance of their EEO functions?

DEEO does not review the accomplishments of supervisors in the performance of their equal employment opportunity (EEO) responsibilities. Additionally, based on interviews, departments individually do not have an effective means of evaluating supervisory EEO performance.

On the standard State performance evaluation form EEO duties are lumped together with a list of other miscellaneous administrative functions. The evaluator guide issued by the Division of Personnel provides no criteria or suggestions on

how EEO performance can be evaluated. Supervisory evaluations are especially critical in the current situation where the Division of Personnel has delegated much of hiring and recruiting for State positions to the Departments.

Policy Issue Are there any indications that DEEO would function better under the Office of the Governor?

Our report points out in Recommendation No. 1 that gubernatorial leadership and support is especially vital to DEEO's effectiveness. To the extent that the needed leadership and support would be enhanced as part of the Office of the Governor, DEEO would benefit from a transfer.

However, we feel that EEO is essentially a personnel function. DEEO is developing data for, and uses information from, the Department of Administration's (DOA) Division of Personnel. EEO issues also affect the State's dealings with unions, which require some administrative contact with the Division of Labor Relations. These necessary contacts would probably be better maintained and more efficiently coordinated if left within DOA. The necessary gubernatorial leadership and support needed should accrue to DEEO just as well in DOA as it would in the Office of the Governor.

Another option to be considered is giving DEEO and its activities a more clear cut statutory mandate. Currently, DEEO uses two rather broad sections of the statutes (AS.14.80.200 and 39.25.150) for their legal authority. The legislature, may wish to consider if they want to provide statutory reference, to what has heretofore been an essentially administrative program, strictly coordinated within the executive branch.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Department of Administration, Division of Equal Employment Opportunity needs more support and authority from the Governor to increase its effectiveness.

The Division of Equal Employment Opportunity's (DEEO) performance of responsibilities as listed in Administrative Order No. 59 has been inadequate and incomplete. DEEO has not effectively developed, coordinated or monitored a comprehensive, widely supported policy of equal opportunity and non-discrimination in all executive branch employment decisions, programs, and activities.

DEEO's lack of effective performance is demonstrated by the following:

1. Of the 15 executive branch departments, 4 did not submit the annually required affirmative action plans for 1982, and 2 of 11 submitted were done in rough draft form only and were not generally available for public review (See Recommendation No. 2).
2. DEEO has not completed the overall State affirmative action report required annually by January 31, for the past two years.
3. DEEO does not have adequate review procedures to ensure that the state's conditions of employment such as recruitment, hiring, assignment, evaluation, promotion, demotion, transfer, layoff, termination, training, compensation, and treatment are not arbitrarily discriminatory.
4. DEEO has not effectively monitored various departments' implementation of affirmative action goals (See Recommendation No. 3).
5. DEEO has not established a uniform internal complaint procedure for the executive branch (See Recommendation No. 5).
6. DEEO has not developed an adequate analysis of female and minority utilization compared to work force availability. As a result, the Division cannot adequately assess the performance, or nonperformance of the State's affirmative action efforts (See Recommendation No. 4).

Many of these deficiencies noted in the course of our review have been of long standing concern. We found that several

of the problems that plague effective Equal Employment Opportunity (EEO) implementation in the executive branch were previously identified in a 1980 report of the Alaska Advisory Committee to the United States Commission on Civil Rights.

In general, our audit work indicates there has been no cohesive, centrally directed management attack on eliminating discriminatory practices in state government employment. Impetus for any significant action has come from other sources such as legal rulings, relief agreements, Human Rights Commission decisions and the initiative of individual departments. In such a setting, the executive branch becomes a passive actor, reacting to outside uncontrollable events, rather than an aggressive initiator of a reasonable, well coordinated effort.

As will be evident in the discussions that accompany the following recommendations, a great deal of DEEO's ineffectiveness can be attributed to a lack of centralized administrative support. DEEO has no specific statutory responsibility or support. The Division derives what authority and responsibilities it has from executive order. Consequently, the effectiveness of the Division depends on the nature and extent of the Governor's leadership. Commitment and leadership are especially vital to a function that requires coordination and direction of various executive branch departments.

#### Recommendation No. 2

DEEO should improve affirmative action plan procedures and elicit more cooperation from executive branch departments.

The primary analytical tool for identifying problems and promoting EEO is the departmental Affirmative Action Plan (AAP). An AAP begins with a breakdown of the work force by women and minorities, by job classes for each department. The departments then analyze the work force compared to a subjective appraisal of female and minority availability to determine what job classes in the department "underutilize" women and/or minorities.

This method of developing affirmative action goals and timetables has proved cumbersome. Many departments contacted expressed frustration with the process. Much of the analytical work has had to be hand tallied. Departments complained that DEEO was late in issuing AAP guidelines and instructions, and often changed the guidelines, contributing to the delay in the preparation of AAPs. The table on Appendix B provides an indication of the cumbersome nature and departmental dissatisfaction with the AAP-writing process. As can be observed, 4 of 15 departments submitted no AAPs for 1982 while 2 others submitted only rough drafts which were not

printed or disseminated. Departments not submitting AAPs complained that benefits derived from them did not merit the manpower and time involved in their preparation. Clearly, it is time for a different approach.

DEEO has tested and developed a data processing management information system that will permit more timely monitoring and evaluation of the status of equal employment opportunity. The system, the Affirmative Action Internal Audit and Reporting System (AIRS) potentially can eliminate many of the burdensome duties required of departments in AAP preparation.

DEEO should carefully evaluate the current AAP process and identify areas where it can provide more centralized data analysis through AIRS. The Commissioner of Administration should consider developing the analytical portion of an AAP for the executive branch as a whole to establish statewide hiring goals and timetables. Departments would still play a significant role in developing the goals, particularly departments with unique underutilized jobs. However, the overall approach would shift from the current decentralized method to a more centrally directed effort.

### Recommendation No. 3

The Department of Administration (DOA) should assume central administrative control over the use and release of expanded certification registers.

In the 1981 State Affirmative Action Report, DEEO reported that the State had adopted an expanded certification policy. Stated succinctly, the policy "expands" the number of people who can be considered for hire. Departments who have identified an "underutilization" of women and/or minorities in a particular job class may hire for positions in that class from an "expanded" register. That is, they can consider not only the top five candidates on the certified register, but in addition they can also consider up to the top five women and/or minorities for an underutilized position.

A policy of expanded hire has been identified and endorsed as a means of remedying discriminatory employment practices. DEEO reported that several other states have adopted the policy. In a personnel memorandum of January 21, 1981 the Attorney General said that "underutilization of employees of racial or sexual groups may constitute 'unique circumstances'" which allows use of expanded hire under the State's Personnel Rules.

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In addition to the adoption by other states and tacit approval of the Attorney General, expanded certification has the endorsement of the Blue Ribbon Commission on the State Personnel Act. In a report entitled Employment of Women and Minorities in State Government submitted in March, 1982 the Commission recommended "...the executive branch make use of affirmative action certifications to improve employment opportunities for members of underutilized groups."

Executive branch departments have largely ignored the use of Expanded Certification Registers (ECR) when filling positions. Six departments requested no ECR at all in the nine months between April 1 and December 31, 1982. We examined 120 registers requested by those departments during that period and found that 81 or 68% of them were for positions in identified underutilized job classes (See Appendix C for a table listing use of ECR by department).

Few of the departments that we contacted have established internal departmental procedures integrating the use of ECR into the hiring process. It is significant that 3 departments (or 20% of the executive branch agencies) accounted for 93% of all the ECR requested in the nine month period reviewed.

Departments cited the following impediments to the effective use of ECR:

1. Lack of familiarity - many times the personnel division of a given department are the only people aware of the existence, potential use, and manner of using an ECR. Often the supervisor responsible for the hire is unaware of the existence or the methods used to "work" the expanded register.
2. ECR information requirements - the expanded certification register information form is extensive in the amount of data it requires. Harried personnel officers complain that they have little time to hand tabulate the expanded register to obtain information required to complete the ECR form.
3. Restricted use of ECR - DEEO would not allow departments who did not submit an AAP to use the ECR. Thus, the form was put off limits to over a quarter of all executive departments by DEEO itself. DEEO stated that they had to do this in order to protect the State from legal liability. According to the agency, departments with no AAP could induce legal challenges over hires made from an expanded register.

We recommend that along with the changes in the AAP preparation process suggested in Recommendation No. 2, DOA should have more centralized control over the dissemination and use

of ECR. If hiring was being done for a position identified as underutilized by a central, statewide AAP, the department would always receive expanded certification notice upon the verification and approval of DEEO.

In addition, the informational requirements of the ECR form should be reviewed to determine if all that is requested is necessary. If information requested is deemed necessary, then consideration should be given to better summarizing the total employment register information needed to reduce the time it takes to complete an ECR form. By modifying one or both the total register and/or ECR the process could be more efficient and thus, more useful.

#### EEO Training and Evaluation for Supervisors

We found that DEEO had provided little training to line supervisors regarding their EEO responsibilities. One seminar for executive level administrators and departmental personnel officers that provided an overview of the current judicial interpretation of EEO was held and was well received. Based on interviews conducted in the course of the audit and responses to questions asked of departmental EEO personnel we conclude that supervisors are not effectively evaluated on the performance of their EEO duties.

On the standard performance appraisal form used by the executive branch, EEO duties are lumped with a list of other miscellaneous administrative functions and are given one overall rating. The evaluation rating guide issued by the Division of Personnel provides no criteria or suggestions on how EEO performance can be evaluated. Supervisory training and awareness is especially critical in the current situation where the Division of Personnel has delegated much of hiring and recruiting for State positions to the Departments.

It must be recognized that the consistent use of an ECR in and of itself will not necessarily result in increased utilization. It must be complemented with instruction on implementation and use at the departmental level. Supervisors, especially those who hire, must be made better aware of and evaluated on their EEO responsibilities and performance.

#### Recommendation No. 4

DEEO should develop and use data that analyzes the availability of women and minorities in a more consistent and useful manner.

Definition and evaluation of equal employment opportunity in any large employment setting is complex. Tables listing female and minority work force composition are interesting and often suggest deficiencies but are often too simplistic

to accurately assess the status of equal employment opportunity.

An important evaluative concept is "availability". That is, how many women and minorities are available for hire with the needed qualifications for the position being evaluated. As discussed in Recommendation No. 2, availability is a key factor in determining if women and minorities are underutilized.

Yet historically, the discussion of availability constraints to equal employment opportunity has been omitted in reports and public discussion. In addition, the application and determination of availability has been arbitrary, unsubstantiated and inconsistent.

DEEO's 1981 Annual Affirmative Action Report for the State of Alaska's executive branch (the most recent report published) provided extensive data on the number of women and minority workers employed in various segments of the executive branch work force. However, the report did not speak to the availability of women and minorities in the State with the qualifications needed for various State positions. Availability analysis as used in AAPs has built on seven distinct population segments (such as composition of the population as a whole, working age population, unemployed, government work force, etc.). Various departments have been allowed to arbitrarily "weigh" these factors as they see fit for the job class being evaluated. The weighting of factors is very subjective. Departmental preparers that we interviewed told us that they valued factors very intuitively with little or no substantiating data.

This subjective use of availability data has resulted in a lack of consistency both between departments in any given year, and within a department from year-to-year, in establishing hiring goals and timetables. Thus, AAP goals suffer not only from lack of monitoring on the part of DEEO, but also from the inconsistent and arbitrary application of availability data used in their establishment. The goals thus lose comparability between years because the assumptions and process that establish them keeps changing. This is another obstacle to effective measurement of progress or the lack thereof of EEO.

DEEO should increase efforts to obtain and use more appropriate data on the composition of the State's unemployed, demographic make-up, government work force skills, etc. from such sources as the Department of Labor and the State's Division of Personnel. We further recommend that any future statewide affirmative action reports made to the general public include a discussion and comparison of work force composition to availability. This type of analysis would allow for a better evaluation of the progress or the lack thereof, of the State's affirmative action policy.

AIRS can prospectively be used to eliminate data inconsistencies and provide for more efficient monitoring of statewide hiring goals. We believe this can be done with no increase in staff. AIRS when used in conjunction with centrally developed AAP analysis will weigh availability factors the same for job classes common to several departments. This standardization of availability factors will contribute to the establishment of more consistent and comparable hiring goals from year-to-year. The improvement in consistency between departments within a given year and between a department's goals from year-to-year will improve the ability to monitor and evaluate improvement in equal employment opportunity activity by DEEO.

Recommendation No. 5

DEEO should establish a comprehensive internal complaint procedure to be utilized by all executive branch departments.

Administrative Order No. 59 gives the responsibility to DEEO to "establish a uniform complaint procedure which is to be included in all affirmative action plans and available to all persons subject to (the) order".

DEEO did not establish a uniform internal complaint procedure. The Division did propose a procedure, but when they met with opposition from the various departments the proposal was withdrawn.

We were told by the departments the primary reason they opposed the procedure was that they felt it would eliminate their right to resolve complaints. However, we are unaware of any formal functioning internal departmental discrimination complaint procedure. In this present situation the typical complainant is more likely to formally file with an outside anti-discrimination agency [typically the State Commission for Human Rights (HRC)] to seek remedy. As a result, discrimination complaints which could be handled more efficiently internally, are being resolved through a lengthier and more costly outside process.

If a comprehensive internal complaint procedure is to succeed, DEEO must gain both management support and employee confidence. This will be accomplished only through the fair and impartial investigation of all complaints. In instances where discrimination is found to have occurred, departmental management should be informed and directed to take action to correct the discriminatory condition or practice.

The advantages that would be realized as a result of the establishment of a comprehensive internal complaint procedure are:

1. Reduced Expense and Time Involved to the State and the Individual - a good efficient internal complaint procedure will save time and related expense that are necessarily a part of more formal outside adjudication processes.
2. Reduced HRC Work Load - complaints solved internally will reduce the caseload of the HRC. This will allow the HRC to better pursue employment discrimination in other sectors of Alaskan enterprise.
3. Promote EEO - in the course of complaint investigations, DEEO will have the opportunity to evaluate and become better aware of employment practices in general. In instances where discriminatory practices are found, DEEO can work with the department to reduce the potential for future complaints, and thus promote EEO.
4. Increased Control Over Policy - a fair and unbiased internal complaint procedure that will result in equitable resolution within the executive branch reduces the likelihood of outside, primarily judicial remedies, from being imposed. The executive branch maintains control over policy rather than surrendering its management prerogatives to another branch of government.

DEEO must be sure to stress to departmental management that any internal complaint procedure developed will complement not supplant individual departmental complaint resolution procedures. Additionally, individuals must be made aware that they can leave the internal complaint process at any time, to seek remedy from an outside enforcement agency. By doing both of the above, DEEO will promote acceptance of a centrally developed internal complaint procedure.

APPENDIX A

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
QUESTIONNAIRE RESPONSES OF EXECUTIVE BRANCH DEPARTMENTS  
REGARDING THE ACTIVITY AND PERFORMANCE OF DEEO

AFFIRMATIVE ACTION PLANS - IMPLEMENTATION

1. For which of the following years did your department complete an affirmative action plan? (All questions asked of 10 departments) 1980 8 1981 10 1982 8

2. For years in which an affirmative action plan was not completed, what were the reasons?

- \* We did not have the manpower.
- \* Most of the analysis could have and should have been done by computer.
- \* We were shorthanded. Instructions were too hard to read and changed too much.
- \* Too time consuming to prepare.

3. For the last year in which you did an affirmative action plan, did you monitor the goals as stated in Part II of the standard plan? Yes 4 No 6

If yes, how?

- \* Monitored through monthly computer runs of new hires and terminations.
- \* Reviewed targeted job groups, with little turnover it was relatively easy.
- \* Kept close statistics for a trial period, then discontinued.
- \* Compiled turnover data monthly, Departmental EEO Committee reviewed progress at quarterly meetings.

If no, why not?

- \* Too difficult and time consuming.
- \* Most of the analysis could have and should have been done by computer.
- \* Little recruitment occurred during the last year.

4. Does the Division of Equal Employment Opportunity (DEEO) monitor your progress towards achieving affirmative action plan goals? Yes 0 No 10

5. In the 1982 affirmative action plan, how did you determine the weighted figure used to calculate the availability of minority/women applicants in the work force?

- \* Common sense, relied on prior experience.
- \* Guess work.
- \* Used applicant flow data when available.
- \* Used general population figures, didn't incorporate a weighted figure into availability determination.
- \* Used breakdown of people available on the State register.

6. Should DEEO write affirmative action goals which would be uniform for all departments? Yes 5 No 2 Not Sure 3

If yes, why?

- \* Would save department's time.

If no, why not?

- \* All departments are different and need flexibility in writing goals.

If unsure, why?

- \* Depends on whether goals are unreasonably set.

7. Are affirmative action plan goals helpful to your department in its efforts to comply with FEO requirements?

Yes 9 No 1

If yes, why?

- \* Goals, objectives are a measurable means of determining progress.
- \* Make departments aware of EEO responsibilities.

If no, why not?

- \* Timetables are often unrealistic.
- \* Comparisons are impossible because the data base changes every year.

8. Do you use the expanded certification register (ECR)?

Yes 7 No 3

9. Do you ensure that all supervisors are made aware of the ECR when hiring into an underutilized job group?

Yes 4 No 3 N/A 3

10. Do you monitor whether the supervisor uses the ECR?

Yes 3 No 4 N/A 1

11. Does your department send quarterly reports to DEEO?

Yes 4 No 6

If no, why not?

- \* I heard no one else did, so I quit.
- \* Quit because I received no feedback.
- \* DEEO never sent us a formal reporting form.
- \* Unaware of requirement to do so.

COMPLAINT PROCEDURES

12. Has DEEO handled complaints that have been brought against your department by an outside agency?

Yes 6 No 3 Not Sure 1

If yes, approximately how many complaints were handled by DEEO? (Total represents combined number for all "Yes" respondents.)

33

13. In instances where DEEO was involved were you satisfied with their performance in handling complaints?

Yes 4 No 2 N/A 6

If yes, why?

- \* DEEO helped out a lot on complaint cases.
- \* Reduces the time the department must spend researching and preparing complaints cases.
- \* DEEO expertise is very helpful.

If no, why not?

- \* DEEO doesn't really do anything. The department does all the actual work.
- \* DEEO acts very slowly.
- \* DEEO makes too big a deal out of complaints.

14. Does your department have a procedure for dealing with internal complaints? How are employees made aware of its existence?

Yes 10 No 0

- \* Contained in affirmative action plan.
- \* Supervisors told of procedure.
- \* Included in policy and procedures manual.

15. Is your department's internal complaint procedure used?

Yes 5 No 5

16. Is your internal complaint procedure based on DEEO guidelines or has it evolved from within the department?

Guidelines 7  
Internally Evolved 3

17. Has DEEO ever requested your input on the development of a universal internal complaint procedure for all departments?

Yes 0 No 10

18. Would you support an internal complaint procedure by which DEEO would handle all complaints not resolved within the department?

Yes 7 No 3

SUPERVISOR EEO EVALUATION

19. Are departmental supervisors and managers evaluated on the performance of their EEO duties and responsibilities?

Yes 1 No 9

20. Has DEEO provided your department with training and materials pertaining to EEO? Yes 6 No 2
21. Is training provided to supervisors and managers to inform them of their EEO responsibilities and requirements? Yes 2 No 8
22. Does your department have an active EEO or affirmative action committee? (As outlined by DEEO in the standard departmental affirmative action plan.) Yes 1 No 9
23. Do you think your department needs a full-time EEO officer position? Yes 3 No 5 N/A 2
- If yes, why?
- \* Need someone in the department who has EEO expertise and knowledge.
  - \* Need help getting the affirmative action plan completed.
- If no, why not?
- \* The size of the department wouldn't warrant a full-time EEO officer.
  - \* Wouldn't be cost effective.
24. Has DEEO ever audited your department to monitor your employment practices and policies? Yes 0 No 10
25. Are there any methods or procedure utilized in your department to promote EEO which we have not previously discussed? Yes 7 No 3
- \* Exit interviews with terminating employees indicate EEO related supervisory problems.
  - \* Compilation of a monthly report analyzing underutilized job classes.
  - \* Internal training.
  - \* Analysis of monthly hiring and firing by race and sex.
  - \* Career path counseling.
  - \* Recruitment efforts aimed at minorities and women.
26. Do you have any suggestions as to how DEEO could improve its effectiveness in its assistance to your department? Yes 9 No 1
- \* Make affirmative action plan simpler to write and use.
  - \* Provide more training regarding complaints.
  - \* Become much more active.
  - \* Simplify the expanded certification register system.
  - \* More high level training.
  - \* DEEO should write the whole affirmative action plan for all departments.
  - \* Mandatory EEO training statewide.
  - \* Provide more feedback on the affirmative action plan.
  - \* Uniform affirmative action plan for all departments.
  - \* DEEO needs to back up what it says it will do.
  - \* In handling complaints, DEEO should act in an advisory capacity to the departments.

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APPENDIX B

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)

Summary of Completed Affirmative Action Plans  
By Department  
1980 - 1982

	<u>1980</u>	<u>1981(1)</u>	<u>1982</u>
Office of the Governor		X	X
Administration		X	**
Law		X	
Revenue		X	X
Education		X	X
Health and Social Services	X	X	**
Labor	X	X	X
Commerce		X	X
Military Affairs	X	X	
Natural Resources		X	X
Fish and Game	X	X	X
Public Safety	X	X	
Environmental Conservation	X	X	
Community and Regional Affairs	X	X	X
Transportation and Public Facilities	X	X	X

X = Denotes that department completed and submitted an Affirmative Action Plan.

(1) 1981: A legislative request for AAPs prompted all departments to complete and submit their plans.

\*\* 1982: These departments did prepare rough drafts of AAPs but final drafts were never completed and disseminated.

Source of Information: DEEO Records

(Intentionally left blank)

APPENDIX C

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
Use of Expanded Certification Registers

By Department

April 1 - December 31, 1982

	U.U. Classes (1)		Registers Ordered		Hired (2)	
	F	M	Total	Expanded	F	M
Office of the Governor	67%	25%	42	-0-	-0-	-0-
Administration	37%	82%	393	25	1	-0-
Law	40%	60%	91	-0-	-0-	-0-
Revenue	47%	82%	154	171(3)	39	19
Education	34%	53%	162	16	-0-	1
Health and Social						
Services	26%	45%	402	28	8	4
Labor	33%	56%	157	-0-	-0-	-0-
Commerce	43%	71%	139	-0-	-0-	-0-
Military Affairs	67%	83%	25	-0-	-0-	-0-
Natural Resources	63%	75%	106	182(3)	43	6
Fish and Game	54%	85%	960	711	201	21
Public Safety	67%	57%	172	-0-	-0-	-0-
Environ. Conservation	63%	88%	80	-0-	-0-	-0-
Community and Regional						
Affairs	12%	12%	95	4	1	-0-
Trans. and Public						
Facilities	54%	57%	121	1	-0-	-0-

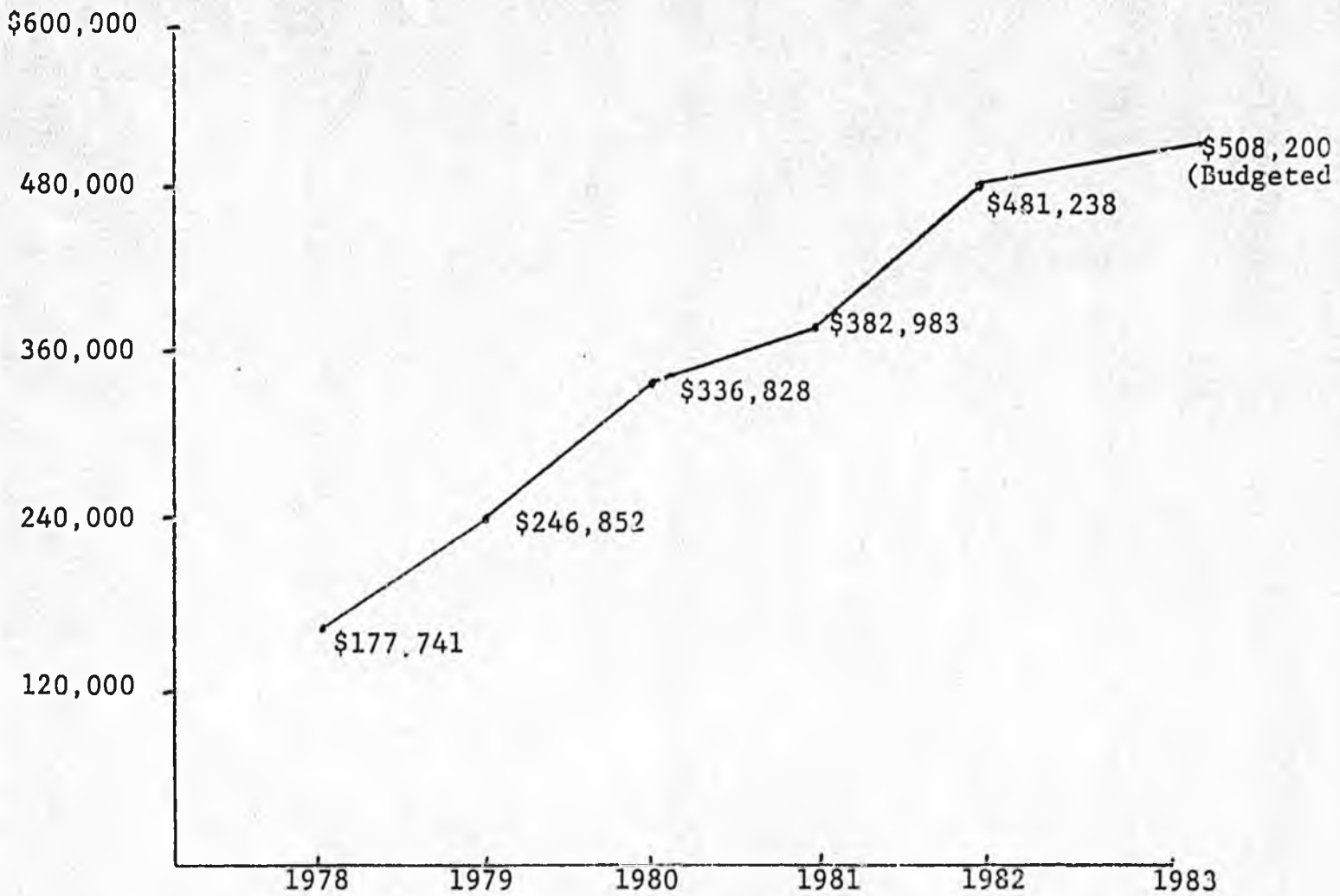
- (1) - This column represents the percentage of job groups that were identified as underutilized (F = Women, M = Minorities) by the respective department's last submitted Affirmative Action Plan.
- (2) - This column is the number of women (F) and minorities (M) hired for positions for which expanded registers were requested.
- (3) - Expanded registers requested exceed total registers in some instances, because DEEO did not receive complete listings of total register requests from the Division of Personnel. Due to this problem, total registers ordered as listed above will tend to be understated for all departments.

Source of Information: DEEO's Quarterly Reports.

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APPENDIX D

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
REPORTED EXPENDITURES BY DIVISION OF EEO  
Fiscal Year 1978-1982



Source of Information: State Annual Reports 1978 - 1982

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## APPENDIX E

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
SUMMARY OF DISCRIMINATION COMPLAINTS  
BY DEPARTMENT, BY TYPE OF ALLEGED DISCRIMINATION  
September 1981 - March 1983

Department	TYPE OF DISCRIMINATORY COMPLAINT FILED(1)										Total
	Race	National Origin	Religion	Physical Handicap	Sex	Parenthood	Age	Sexual Harassment	Reverse Discrimination	Various(2)	
Administration	1	1	-0-	1	4	-0-	1	-0-	-0-	-0-	8
Commerce and Economic Development	1	-0-	-0-	-0-	-0-	-0-	1	1	-0-	1	4
Community and Regional Affairs	1	-0-	-0-	-0-	-0-	-0-	-0-	-0-	1	-0-	2
Education	2	-0-	-0-	-0-	-0-	1	-0-	-0-	-0-	-0-	3
Environmental Conservation	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Fish and Game	1	-0-	-0-	-0-	1	-0-	-0-	1	-0-	-0-	3
Health and Social Services	5	1	-0-	1	6	-0-	1	-0-	-0-	3	17
Labor	1	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	1
Law	-0-	-0-	-0-	-0-	-0-	-	-0-	-0-	-0-	-0-	-0-
Military Affairs	1	-0-	-0-	-0-	1	-0-	-0-	-0-	1	-0-	3
Natural Resources	1	-0-	-0-	-0-	1	-0-	-0-	-0-	-0-	-0-	2
Office of the Governor	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Public Safety	-0-	-0-	-0-	6	1	-0-	-0-	-0-	3	1	11
Revenue	-0-	-0-	-0-	-0-	-0-	-0-	1	-0-	-0-	2	3
Transportation and Public Facilities	4	-0-	4	2	2	-0-	-0-	-0-	-0-	2	14
<b>Total</b>	<b>18</b>	<b>2</b>	<b>4</b>	<b>10</b>	<b>16</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>9</b>	<b>71</b>

(1) Complaints directed at more than one agency have been accounted for under each of these agencies in the above table. The above data includes two class action suites contending sex discrimination.

(2) Represents individual complaints asserting that greater than one type of discrimination had occurred.

Source of Information: DEEO Records

(Intentionally left blank)

## APPENDIX F

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
SUMMARY OF DISCRIMINATION COMPLAINTS BY DEPARTMENT  
ORIGINATION, AND STATUS AT 3/30/83  
September 1981 - March 1983

Department	NUMBER OF DISCRIMINATION COMPLAINTS				
	Handled From Origination (1)	Assumed From Other Departments(2)	Outstanding at 3/30/83 (3)	Closed At 3/30/83 (4)	Total Handled
Administration	4	4	2	6	8
Commerce and Economic Development	3	1	1	3	4
Community and Regional Affairs	2	-0-	2	-0-	2
Education	1	2	2	1	3
Environmental Conservation	-0-	-0-	-0-	-0-	-0-
Fish and Game	1	2	-0-	3	3
Health and Social Services	11	6	8	9	17
Labor	-0-	1	1	-0-	1
Law	-0-	-0-	-0-	-0-	-0-
Military Affairs	3	-0-	3	-0-	3
Natural Resources	-0-	2	1	1	2
Office of the Governor	-0-	-0-	-0-	-0-	-0-
Public Safety	7	4	6	5	11
Revenue	2	1	-0-	3	3
Transportation and Public Facilities	8	6	8	6	14
<b>Total</b>	<b>42</b>	<b>29</b>	<b>34</b>	<b>37</b>	<b>71</b>

- (1) Since September of 1981, discrimination complaints brought against executive branch agencies by State employees have been handled from the time of the complaints origination by DEEO.
- (2) Prior to September of 1981, discrimination complaints brought against executive branch agencies were handled by these agencies without DEEO assistance. DEEO assumed responsibility for these complaints during September of 1981. Original filing of these complaints occurred as early as 1978.
- (3) Complaints which had not been resolved as of March 30, 1983.
- (4) Complaints which had been resolved prior to March 30, 1983.

Source of Information: DEEO Records

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APPENDIX G

STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
SUMMARY OF DISPOSITION OF CLOSED COMPLAINTS  
 September 1981 - March 1983

Department	FINAL DISPOSITION OF DISCRIMINATION COMPLAINT CASES					Total
	Lack of Substantial Evidence	Conciliation Agreement (1)	Complaint Withdrawn	Predetermination Settlement (2)	Complainant Failure to Cooperate	
Administration	2	1	3	-0-	-0-	6
Commerce and Economic Development	-0-	-0-	2	1	-0-	3
Community and Regional Affairs	-0-	-0-	-0-	-0-	-0-	-0-
Education	1	-0-	-0-	-0-	-0-	1
Environmental Conservation	-0-	-0-	-0-	-0-	-0-	-0-
Fish and Game	1	1	-0-	1	-0-	3
Health and Social Services	4	-0-	2	2	1	9
Labor	-0-	-0-	-0-	-0-	-0-	-0-
Law	-0-	-0-	-0-	-0-	-0-	-0-
Military Affairs	-0-	-0-	-0-	-0-	-0-	-0-
Natural Resources	-0-	-0-	1	-0-	-0-	1
Office of the Governor	-0-	-0-	-0-	-0-	-0-	-0-
Public Safety	1	-0-	1	1	2	5
Revenue	2	-0-	-0-	-0-	1	3
Transportation and Public Facilities	2	1	-0-	2	1	6
<b>Total</b>	<u>13</u>	<u>3</u>	<u>9</u>	<u>7</u>	<u>5</u>	<u>37</u>

(1) Complaint resolution achieved only after a full investigation and finding had been made by the anti-discrimination agency representing the complainant.

(2) Complaint resolution achieved prior to the anti-discrimination agency having conducted an investigation.

Source of Information: DEEO Records

(Intentionally left blank)

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

July 19, 1983

RECEIVED  
JUL 20 1983  
LEGISLATIVE  
AFFAIR

Gerald L. Wilkerson, C.P.A.  
Legislative Auditor  
Division of Legislative Audit  
Pouch W  
Juneau, Alaska 99811

Re: Response to "A Special Report on the Department of Administration, Division of Equal Employment Opportunity, September 1981 - March 1983."

Dear Mr. Wilkerson:

We appreciate this opportunity to respond to the findings and recommendations of your special report on the Division of Equal Employment Opportunity. We anticipate that your audit, undertaken early in this administration, will be of considerable assistance to us in determining our direction of equal employment opportunity within the executive branch during the next few years.

The following responds to each of the five recommendations and findings in your April 11, 1983 Interim Letter:

Recommendation No. 1

The Department of Administration, Division of Equal Employment Opportunity needs more support and authority from the Governor to increase their effectiveness.

I am in complete agreement with this recommendation. Affirmative action cannot produce thorough and lasting change in any organization without the active support of top management. There is no doubt that the visible support of the Governor, Cabinet members and other levels of management is crucial for the success of affirmative action and equality of opportunity within the executive branch.

Perhaps the only solution to wavering support for EEO is the promulgation of legislation or regulation which would clearly state the division's authorities and responsibilities.

3 LAW

While specific program deficiencies enumerated here have undoubtedly contributed to the division's overall lack of effectiveness, the single most identifiable problem has been poor understanding of equal employment opportunity goals and an overall lack of dir-

Gerald L. Wilkerson, C.P.A.  
July 19, 1983  
Page Two

action at the division level. This situation is soon to be remedied by the appointment of a director with a proven record of effecting equal employment opportunity through affirmative action.

Recommendation No. 2

DEEO should improve affirmative action plan procedures and elicit more cooperation from executive branch departments.

GOV → It is my understanding that DEEO recognized the need to improve affirmative action plan procedures, specifically utilization analysis (comparison of the qualified Alaska labor pool available for employment with the composition of the executive branch work force to determine utilization) some time ago as evidenced by their FY 81 preparation and submission of a FY 82 capital budget request. This request received partial support in that 150.0 of the 475.0 request was appropriated. DEEO submitted capital budget requests for FY 83 and FY 84 neither of which were approved by the Governor's Budget Review Committee.

In spite of this obvious lack of support DEEO managed to develop the Affirmative Action Internal Audit and Reporting System (AIRS) by trimming portions of their operating budget appropriations in order to fund AIRS. DEEO is presently training personnel of every department in the utilization analysis portion of AIRS.

I agree that the present decentralized approach to developing affirmative action plans has proven to be cumbersome, resulting in inconsistencies. EEO representatives at the departmental level are just not knowledgeable enough to develop meaningful plans. I am now investigating whether Department of Administration can adequately produce an executive branch Affirmative Action Plan and be of more assistance to departments by helping them develop goals and timetables for increasing the hire of certain protected classes identified as under-utilized in some job categories.

Recommendation No. 3

The Department of Administration (DOA) should assume central administrative control over the use and release of expanded certification registers.

The Department of Administration currently has administrative control over the use and release of expanded certification registers. There is currently a Human Resources Committee in the Department of Administration that is working on better utilization of expanded certification registers. The directors of Personnel, Labor Relations, EEO, Retirement and Benefits and the state payroll supervisor are the Human Resources Committee members working with the Deputy Commissioner for Personnel Management to address this issue.

Gerald L. Wilkerson, C.P.A.  
July 19, 1983  
Page Three

Recommendation No. 4

DEEO should develop and use data that analyzes the availability of women and minorities in a more consistent and useful manner.

Your analyses of the problems located by uninformed, subjective use of availability data is accurate. DEEO will increase efforts to obtain more appropriate data through greater usage of the AIRS System, Division of Personnel and Department of Labor statistics. DEEO staff will then train departmental EEO representatives in the use of this data to develop meaningful hiring goals.

Recommendation No. 5

DEEO should establish a comprehensive internal complaint procedure to be utilized by all executive branch departments.

Establishing an effective internal complaint procedure may prove to be the most difficult task for the division of equal employment opportunity to accomplish. Department management staff tend to be resistive to a central agencies' intrusion into their internal affairs, often viewing EEO's efforts to assist in the dispute resolution process as interference. The new EEO director must go out and meet Commissioners, directors and personnel officers to establish a rapport and build confidence in the division's ability to assist in all aspects of affirmative action.

With that type of working relationship in place, DEEO will then develop a comprehensive internal complaint procedure to realize the advantage of promoting the goals of EEO, gain control over the implementation of the policy and reduce the expense and time required to resolve disputes.

Sincerely,

*Lisa Ruidel by J.S. Acting*  
Lisa Ruidel  
Commissioner

Attachments

LR/KH/EA/gmw

Barry Best - Div of EEO / Sept. 9

471K - Div of EEO 7 people

422 - SALARY

50K - Equip, books etc.  
computer

---

Underutilization

Rosalie Walker - oppose <sup>SB</sup> 1395

→ little people  
→ EEO in each dept

Vernonia Ruddle -  
Dir of EEO exat. Dep't

→ Call Willard  
pg 2, line 9.

To administer and supervise  
a statewide EEO program to include  
all departments and agencies in  
Exec. Branch of state government.

Rosalie

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

January 31, 1984

Date: 3/20/84

Mr. President:

The Committee on STATE AFFAIRS has had SB 395

creating a division of equal employment opportunity in the Dept. of Administration

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 395 (SA)  same title
- new title

and recommends \_\_\_\_\_

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]

CHAIRMAN

[Signature]

Introduced: 1/31/84  
Referred: State Affairs  
and Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2

SENATE BILL NO. 395

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act creating a division of equal employment

7

opportunity in the Department of Administration."

8

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

9

\* Section 1. AS 44.21.020 is amended to read:

10

Sec. 44.21.020. DUTIES OF DEPARTMENT. The Department of Adminis-

11

tration shall

12

[(1) Repealed.]

13

(1) [(2)] make surveys and studies to improve administra-

14

tive procedures, methods, and organization;

15

(2) [(3)] keep general accounts;

16

(3) [(4)] approve vouchers and disburse funds for all

17

purposes;

18

(4) [(5)] operate centralized purchasing and supply ser-

19

vices, and necessary storerooms and warehouses;

20

(5) [(6)] allot space in state buildings to the various

21

departments according to need and available space;

22

(6) [(7)] supervise telephone, mailing, messenger, duplicat-

23

ing, and similar services adaptable to centralized management;

24

(7) [(8)] administer the public employees' retirement

25

system and teachers' retirement system;

26

(8) [(9)] administer a statewide personnel program, includ-

27

ing central personnel services such as recruitment, examination,

28

position classification, and pay administration;

29

(9) [(10)] administer the Alaska Pioneers' Homes;

1           (10) [(11)] administer and supervise a statewide automatic  
2 data processing program;

3           [(12) Repealed.]

4           (11) [(13)] study, design, implement, and manage the telecom  
5 munications systems and services of the state under AS 44.21.300 -  
6 44.21.330;

7           (12) study, formulate, recommend, review, and administer equal  
8 employment opportunity and affirmative action programs, policies, and  
9 practices under AS 44.21.400 - 44.21.480.

10 \* Sec. 2. AS 44.21 is amended by adding new sections to read:

11           ARTICLE 8. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

12           Sec. 44.21.400. DIVISION CREATED. The division of equal employ-  
13 ment opportunity is established in the Department of Administration.

14           ~~Sec. 44.21.405.~~ DIRECTOR. (a) The division shall be adminis-  
15 tered by a director appointed by the commissioner.

16           (b) The director shall advise the governor and the commissioner  
17 on equal employment and affirmative action programs, policies, and  
18 practices.

19           Sec. 44.21.410. POWERS AND DUTIES OF THE DIVISION. (a) The  
20 division shall

21           (1) act to ensure the recruitment of members of protected  
22 classes for employment and to ensure that all employees and applicants  
23 for employment are treated fairly and not subjected to discrimination  
24 prohibited by state or federal law as to employment, applications for  
25 employment, or recruitment;

26           (2) formulate policies and programs to promote equal em-  
27 ployment opportunity and affirmative action;

28           (3) establish and periodically review an affirmative action  
29 plan for employment in the executive branch of state government;

*Develop a plan of to ensure equal employment  
in the exec. branch. Plan to be reviewed and approved  
by Gov.*

*too long*

1 (4) advise the governor and the commissioner on procedures  
2 to

3 (A) ensure the effective recruitment of members of  
4 protected classes into the work force of the executive branch;

5 (B) identify and eliminate barriers in departments and  
6 agencies and in the personnel system to the employment and  
7 advancement of members of protected classes and under-represented  
8 groups; and

9 (C) provide assistance to members of protected  
10 classes, under-represented groups, and others who are applying  
11 for positions in the executive branch of state government;

12 (5) periodically review the activities of departments and  
13 agencies to implement affirmative action and equal employment oppor-  
14 tunity; and

15 (6) provide information and training on equal employment  
16 opportunity principles and affirmative action requirements to depart-  
17 ments, agencies, and employees and assist them in eliminating any  
18 discriminatory procedures and practices;

19 (7) provide technical advice to agencies in the executive  
20 branch of state government on compliance with AS 18.80 and provisions  
21 of federal law prohibiting discrimination;

22 (8) report annually to the governor and the commissioner on  
23 equal employment opportunity and affirmative action matters encoun-  
24 tered in the previous year;

25 (9) adopt regulations necessary to carry out the duties  
26 imposed by AS 44.21.400 - 44.21.480.

27 (b) The division <sup>will</sup> may recommend legislative or administrative  
28 action to the governor and the commissioner relating to equal employ-  
29 ment opportunity and affirmative action matters.

1           Sec. 44.21.420. LIAISON WITH AGENCIES.    The division is the  
2 primary liaison between the executive branch and other federal or  
3 state compliance agencies for all equal employment opportunity and  
4 affirmative action matters. Executive branch agencies and departments  
5 receiving inquiries from these compliance agencies concerning an equal  
6 employment opportunity or affirmative action matter shall refer the  
7 inquiry to the division.

8           Sec. 44.21.430.    PARTICIPATION IN EMPLOYMENT DISCRIMINATION  
9    INQUIRIES AGAINST THE STATE. *The Division shall advise*  
10    An executive branch agency or department  
11    that is the responding party in an official inquiry, complaint investi-  
12    gation, or hearing based on equal employment opportunity or affirma-  
13    tive action issues from a state or federal compliance agency ~~shall ask~~  
14    ~~for advice from the division~~ *the, branch, agency or Department* before participating in *es* the inquiry,  
15    investigation, or hearing. The division may take part in all conversa-  
16    tions and meetings between the parties and review all written communi-  
17    cations from the agency or department about the inquiry, investiga-  
18    tion, or hearing.

19           Sec. 44.21.440. SERVICE OF PROCESS IN ADMINISTRATIVE HEARINGS.  
20    An agency or individual filing charges of employment discrimination in  
21    an administrative proceeding against any department, agency, or offi-  
22    cial in the executive branch shall serve the charge on the division  
23    and deliver a copy to the respondent.

24           ~~Sec. 44.21.450.~~ INTERNAL DISCRIMINATION COMPLAINTS. (a) The  
25    division shall establish an internal discrimination complaint proce-  
26    dure for complaints of employment discrimination in the executive  
27    branch of state government. The procedures shall be informal and  
28    oriented toward resolution of complaints without resort to judicial  
29    proceedings. A complainant may pursue resolution of a complaint under  
AS 18.80 or other federal or state laws or regulations at the same

1 time the complainant is pursuing resolution of the complaint under  
2 this procedure.

3 (b) The division shall accept complaints of employment dis-  
4 crimination from employees or applicants for employment who believe  
5 that they have been discriminated against because of race, religion,  
6 color or national origin, age, physical handicap, sex, marital status,  
7 changes in marital status, pregnancy or parenthood.

8 (c) The division may accept a complaint filed by an employee who  
9 is not directly affected by an alleged discriminatory activity if the  
10 complaint is on behalf of an employee or applicant.

11 (d) The division may initiate a complaint if it has reason to  
12 believe prohibited employment discrimination has occurred.

13 (e) The division may not accept a complaint until the complain-  
14 ant has made reasonable efforts to resolve the dispute within the  
15 department or agency where the alleged discriminatory activity occur-  
16 red.

17 (f) The complaint shall be in writing on a form approved by the  
18 division.

19 (g) The division shall investigate complaints accepted for  
20 processing and notify the parties of its findings of fact. If it  
21 finds evidence of discrimination, the division shall try to resolve  
22 the dispute by conference, conciliation, and persuasion and may recom-  
23 mend a settlement to the parties.

24 (h) Either party may appeal the findings of fact or the recom-  
25 mended settlement to the commissioner. If the division is unable to  
26 bring about a settlement between the parties, it may certify the case  
27 to the commissioner. After reviewing the case, the commissioner shall  
28 issue a written ruling in which the commissioner approves, amends, or  
29 reverses the division's findings of fact and recommended settlement.

*Rosalie  
Walter*

1 (i) The division may not make public the records of an ongoing  
2 investigation or conciliation. After a case is closed the division  
3 shall release information that is not otherwise confidential upon  
4 request to do so.

5  
6 Sec. 44.21.460. RIGHTS AND PROHIBITIONS. (a) Complainants may  
7 have an individual of their choice present at an interview, discus-  
8 sion, or other conference held during the investigation and concilia-  
9 tion of their complaint.

10 (b) A complainant may request the division to close an inves-  
11 tigation or conciliation by filing a written request with the divi-  
12 sion.

13 (c) Retaliation for exercising rights provided under AS 44.21.-  
14 400 - 44.21.480, threats of retaliation, or any other form of coer-  
15 cion that discourages or attempts to discourage a person from filing  
16 or cooperating in an investigation of a complaint or that incites or  
17 compels or attempts to incite or compel an act forbidden by state or  
18 federal anti-discrimination law is prohibited.

19 (d) The immediate supervisor of an employee who violates (c) of  
20 this section may discipline the employee under AS 39.25, or an agree-  
21 ment entered under AS 23.40, or other disciplinary procedures and  
22 regulations that apply to that employee.

23 Sec. 44.21.470. ACCESS TO CONFIDENTIAL RECORDS. (a) Notwith-  
24 standing AS 39.25.080, the division may have access to all records  
25 necessary to carry out its functions under AS 44.21.400 - 44.21.480.

26 (b) The division may not make public any confidential informa-  
27 tion obtained under (a) of this section. However, the division may  
28 make public statistical information compiled from confidential re-  
29 cords.

30 Sec. 44.21.480. DEFINITIONS. In AS 44.21.400 - 44.21.480,

1 (1) "applicant" includes applicants for positions in the  
2 classified, partially exempt, and exempt services in the executive  
3 branch of state government;

4 (2) "commissioner" means the commissioner of administra-  
5 tion;

6 (3) "employee" includes permanent, probationary, provi-  
7 sional, and nonpermanent employees in the classified, partially  
8 exempt, and exempt services in the executive branch of state govern-  
9 ment;

10 (4) "member of a protected class" means a woman, a minority  
11 person, a handicapped person, a Viet Nam era veteran, a disabled  
12 veteran, or a man who is an applicant for a position in which men have  
13 not been traditionally employed. As used in this paragraph

14 (A) "minority person" means a member of one or more of  
15 the following groups:

16 (i) a person having origins in any of the origi-  
17 nal peoples of North America and who maintains cultural  
18 identification through tribal affiliation or community  
19 recognition with those peoples;

20 (ii) a person having origins in any of the black  
21 racial groups of Africa;

22 (iii) a person of Mexican, Puerto Rican, Cuban,  
23 South American, or other Spanish culture origin, regardless  
24 of race; or

25 (iv) a person with ancestry in the Indian subcon-  
26 tinent, the region referred to as the Far East, Southeast  
27 Asia, or the Pacific Islands, but not the region referred to  
28 as the Middle East;

29 (B) "handicapped person" means a person who has a

1 physical, sensory, mental, or emotional disability that substan-  
2 tially limits one or more major life activities;

3 (C) "Viet Nam era veteran" means a person with 181  
4 days or more active service in the armed forces of the United  
5 States who has been honorably discharged after having served  
6 during any period between August 4, 1964, and November 7, 1975;  
7 membership in the class lasts for a period of four years from the  
8 date on which the veteran is honorably discharged from the armed  
9 forces;

10 (D) "disabled veteran" has the meaning given in AS 39:  
11 25.150(19)(B).

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 395  
Title: Creating Division of EEO  
within Dept. of Administration  
Sponsor: State Affairs  
Requestor: Senate State Affairs  
Date of Request: March 12, 1984

FISCAL DETAIL

Agency Affected: Administration  
Program Category Affected: Labor Services  
BRU, Program or Subprogram(s) Affected: Division of EEO

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Barry F. Best, Director Phone: 465-3570  
Division: Equal Employment Opportunity Date: March 12, 1984

Approved by Commissioner: Commissioner Lisa Ridd Date: 3-15-84  
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

SENATE BILL 395  
FISCAL NOTE ANALYSIS  
PREPARED BY DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
DEPARTMENT OF ADMINISTRATION

Senate Bill 395 establishes statutory responsibility for equal employment and affirmative action in the Division of Equal Employment Opportunity within the Department of Administration. The bill clearly outlines the duties and powers of the Division in regards to training, outreach, recruitment and processing of formal and informal complaints.

There is a -0- fiscal note attached to this bill.

insert: HB 246 was in Anchorage  
The bill was heard, before the  
Senate & Labor and Commerce committee  
on March 3rd. The testimony at the  
hearing was 2 to 1 against the  
bill. ~~Currently~~ The bill ~~has~~ is in  
~~labor and commerce~~, and has not  
been rescheduled for a hearing.

### Longevity Bonus

SB 347 is currently in House  
State affairs and is scheduled for a  
planned teleconference 3/20. HB 655  
SB 447, and SB 468 are in the  
Senate Judiciary committee, and  
have not been scheduled.

### Pioneer Home Income Allowances:

HB 503 passed the House, and is  
now in Senate State Affairs. The  
bill should be scheduled soon.  
SB 323 is now in the Senate  
Rules committee.

Teacher's collective bargaining  
← Steve;  
This is going to be up in  
the senate floor on 3/15/84

POSITION PAPER

SB 395

This bill would provide statutory authority and responsibility for the Division of Equal Employment Opportunity (DEEO) within the Department of Administration. This bill clearly provides DEEO with the responsibilities and authority necessary for the execution of its training, recruitment, audit, and discrimination complaints functions.

The Department of Administration fully supports this bill in its current form.

*Barry F. Best*

Barry F. Best, Director, Division of EEO

*2/8/84*

Date

*Lisa Rudd*

Commissioner Lisa Rudd  
Department of Administration

*2/10/84*

Date

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**  
Bill/Resolution No.: SB 395  
Title: Creating Division of EEO  
within the Dept. of Administration  
Sponsor: State Affairs  
Requestor: Senate State Affairs  
Date of Request: February 8, 1984

**FISCAL DETAIL**  
Agency Affected: Administration  
Program Category Affected: Labor  
Services  
BRU, Program or Subprogram(s) Affected: Division of EEO

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	102.5	107.6	113.0	118.7	124.6	130.8
200 TRAVEL	2.3	2.4	2.5	2.7	2.8	2.9
300 CONTRACTUAL	16.1	16.9	17.8	18.6	19.6	20.5
400 SUPPLIES	2.5	2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT	1.1	0	0	0	0	0
600 LAND & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	<b>124.5</b>	<b>128.9</b>	<b>135.4</b>	<b>142.2</b>	<b>149.3</b>	<b>156.6</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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FUNDING: (Thousands of Dollars)

GENERAL FUND	124.5	128.9	135.4	142.2	149.3	156.6
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Barry F. Best, Director Phone: 465-3570  
Division: Equal Employment Opportunity Date: February 8, 1984  
Approved by Commissioner Lisa Rudd Date: 2/8/84  
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

SENATE BILL 395  
FISCAL NOTE ANALYSIS  
PREPARED BY DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
DEPARTMENT OF ADMINISTRATION

Senate Bill 395 establishes statutory responsibility for equal employment and affirmative action in the Division of Equal Employment Opportunity within the Department of Administration. The bill clearly outlines the duties and powers of the Division in regards to training, outreach, recruitment and processing of formal and informal complaints.

The fiscal note costs are all directly related to the re-opening of the Anchorage office of Equal Employment Opportunity, which would provide technical and practical assistance in affirmative action training, outreach, recruitment and complaints investigation for the Anchorage and Fairbanks region.

The personal services costs are for an EEO Officer III, EEO Officer II and a clerk-typist III. The travel allocation covers four trips annually to Fairbanks for outreach, training and technical compliance reviews. Contractual funds cover installation of three telephones and long distance charges; installation and annual lease costs for the terminal and line printer; typewriter lease and industry technical publications. The supplies allocation includes in the first year costs to stock the office while first year equipment costs represent purchase of three telephones.

1.	POSITION TITLE <b>Clerk-Typist III</b>				RANGE/STEP 8-A	DEPT. UNIT K	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.						
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	HP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 92	LEG.								
3.	CONTINUATION LEVEL				JUSTIFICATION											
4.	Type of EXPENDITURE				<p>Prior to closing the Anchorage office in FY 83, support was provided by a shared clerk-typist III, the PCN being in the Division of Personnel and part of the salary and benefit costs borne by this division. With the reopening of the Anchorage office, a full-time clerical position will be necessary to support the two professionals.</p>											
5.	PERSONAL SERVICES															
6.	Salary	18.7														
7.	Benefits	2.7														
8.	Supplemental Benefits	1.2														
9.	Fixed Benefits	.4														
10.	TOTAL PERSONAL SERVICES	01	23.0													
11.	Travel	02	0													
12.	Contractual	03	2.5													
13.	Commodities	04	1.3													
14.	Equipment	05	.3													
15.	Other		0													
16.	TOTAL COST		27.1													
17.	RECEIPT CODE	FUNDING SOURCE														
18.		Federal Receipts 1002														
19.		G.F. Match 1003														
20.		General Funds 1004														
21.		I-A Receipts 1005														
22.		Program Receipts 1028														
23.		Other														
FOR BSM USE ONLY 4A KEY NUMBER _____																

13

REQUEST FOR  
NEW POSITION

AGENCY Administration

PROGRAM Labor Services

DRU Equal Employment Opportunity

COMPONENT \_\_\_\_\_

Page 1 of 2

Revised Date: \_\_\_\_\_

FY 85

1.	POSITION TITLE EEO Officer II				RANGE/STEP 16-A	BARG. UNIT K	FORM 12	PAGE/LINE	CONV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	HP NUMBER	PCN NUMBER	HRP PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 92		CCG.		
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	Type of EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary		31.0								
6.	Benefits		4.3								
7.	Supplemental Benefits		1.9								
8.	Fixed Benefits		.6								
9.	TOTAL PERSONAL SERVICES		01		37.8						
10.	Travel		02		1.1						
11.	Contractual		03		6.8						
12.	Commodities		04		1.2						
13.	Equipment		05		.3						
14.	Other				0						
15.	TOTAL COST				47.2						
16.	RECEIPT CODE	FUNDING SOURCE									
17.		Federal Receipts 1002									
18.		G.F. Match 1003									
19.		General funds 1004									
20.		I-A Receipts 1005									
21.		Program Receipts 1020									
		Other									
FOR BSM USE ONLY											
4A KEY NUMBER											

Due to increased program responsibility within the central office, the EEO Officer II position formerly in Anchorage was moved to Juneau and filled at the EEO Officer I level. With the reopening of the Anchorage office, there is a need for two professional staff persons to handle the complaints, outreach and recruitment responsibilities for the Anchorage and Fairbanks areas. Prior to closing the Anchorage office, staff included an EEO Officer III, EEO Officer II and part-time clerk-typist III. Program requirements have increased and a comparable size staff will be required to meet the stated goals and objectives of the administration.

**13** REQUEST FOR  
NEW POSITION

AGENCY Administration  
 PROGRAM Labor Services  
 DRU Equal Employment Opportunity  
 COMPONENT \_\_\_\_\_

Page 2 of 2

**FY 85**



Official Business

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

### MEMORANDUM

TO: Senate State Affairs Committee  
FROM: Senate State Affairs Committee Staff *ST*  
RE: SB 395  
DATE: February 14, 1984

SB 395 was introduced to put into law a division created by an administrative order. Since the Division of Equal Employment Opportunity was created, its strength has been determined by the level of the Governor's commitment.

In a 1983 LB&A report, Commissioner Rudd responded that "perhaps the only solution to the wavering support for EEO is the promulgation of legislation or regulation which would clearly state the division's authorities and responsibilities."

### SECTIONAL ANALYSIS

- Section 1: Adds to the duties of the Department of Administration the duties and responsibilities of the Division of Equal Employment Opportunity.
- Section 2: Creates the division; states that the director shall advise the governor on matters of equal employment, and affirmative action programs.
- pg. 2,  
lines 11-19
- pg. 2,  
lines 19-26
- pg. 4,  
lines 1-7
- Pg.4,  
lines 8-17
- pg. 4,  
lines 18-22
- Outlines the powers and duties of the division.
- Outlines the division's role as liaison with state agencies.
- States that the division shall be asked to advise other executive branch departments and agencies on complaints of discrimination and other EEO questions.
- States that individuals filing charges against a state agency or department on discrimination matters shall also serve the division of EEO.

pg. 4 and 5 Gives guidelines on how the division shall resolve internal complaints. States who the division can accept claims from, and outlines how the claims can be resolved.

pg. 6,            Outlines the rights of complainants, and the prohibitions  
lines 5-21       of those cited in the complaint.

pg. 6,            Gives the division access to certain confidential records.  
lines 22-28

pg. 6,            Defines terms necessary for the creation of the  
lines 29... division.

Fiscal information

FY '84 \$124.5 thousand.

Back-up information

A position paper from the Department of Administration  
A fiscal note from the Department of Administration  
A LB&A Report and attached summary (April 29, 1983)  
A copy of the statutes



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

### SENATE STATE AFFAIRS COMMITTEE

#### MEETING SCHEDULE

February 13, Monday 3:00 pm

Senate Finance  
Committee Room  
Capitol Building

Joint Committee Meeting

Senate State Affairs, Senate Resources,  
Senate Labor & Commerce Committees

Overview of the Alaska Power Authority

Feb 14, Tuesday 3:00 pm

Butrovich Room  
Capitol Building

- HB 110 AVALANCHE FORECASTING
- SB 220 Establishing Capital Projects Advisory Commission
- SB 345 Relating to Architects
- SB 395 Creating Division of EEO
- HB 478 Permanent Fund Distribution Program
- HB 516 Appropriation for payment of 1983 fund dividends

February 16, Thursday

NO MEETING

February 17, Friday 1:30 pm

Anchorage  
Leg. Affairs Info. Office  
1024 W. 6th Ave.

SB 345 Relating to Architects

### 'Vietnam veteran' definition wrong

Dear Editor:

The Thirteenth Legislature is now in session, and I would like to direct attention to Senate Bill 395. This bill pertains to equal employment opportunity, which I'm all for. The problem I have, and a lot of veterans have, is with the "definitions" part of the bill, and I quote from the bill:

(C) "Vietnam era veteran" means a person with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any

period between August 4, 1964, and November 7, 1975; membership in the class lasts for a period of four years from the date on which the veteran is honorably discharged from the armed forces.

This bill may be good on the whole, but it's wrong to say that membership in the class "Vietnam era veteran" ends four years after discharge. It's also too bad that the effects of that war on the veteran didn't end within a four-year period after discharge.

Maybe the State Affairs Committee, and anyone involved in the writing of this bill, should think about the way they worded that

part of the bill and remember that like an old marriage they will be "Vietnam era veterans" until they die.

My father is a World War II veteran and has never had anyone tell him he could only be classified as one for a certain period of time after he was discharged. In fact I don't know of any other "war veterans" who have had a time limit put on them as far as being classified as a "veteran," so why are we starting now?

Mari A. Burke  
P.O. Box  
Juneau, 99802