

# COMMITTEE REPORT

## HOUSE

(11)

FURTHER:

4/3/85

Date: 4/19/85

The Committee on FINANCE has had HR 147

"An Act creating a division of equal employment opportunities in the Department of Administration."

Under consideration and recommends:

do pass  do not pass

do pass with attached amendments(s)

replace with CS for HR 147 (Finance)  same title  new title

and recommends do pass

AND attaches a "Letter of Intent"  New Fiscal Note  
 reports it back without recommendation  Zero Fiscal Note Attached

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

MEMBERS SIGNING  
DO PASS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CSHB 147 (Finance)  
 Title: Creating a Division of  
 Equal Employment Opportunity  
 Sponsor: Governor Sheffield  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Governor's Office  
 Program Category Affected:  
 General Government/Labor Relations  
 BRU, Program or Subprogram(s) Affected:  
 Equal Employment Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	0	10.0	10.0	10.0	10.0	10.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>						

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--


FUNDING: (Thousands of Dollars)

GENERAL FUND	0	10.0	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	10.0	10.0	10.0	10.0	10.0

POSITIONS:                      0                      0                      0                      0                      0                      0

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By:  Representative Jim Duncan                      Phone: 465-4766  
 Division: \_\_\_\_\_                      Date: 4/19/85

Approved by Commissioner: \_\_\_\_\_                      Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

CSHB 147 (Finance)  
April 19, 1985

CSHB 147 (Finance), Section 44.19.442 (8) empowers the Division of Equal employment Opportunity to enforce compliance with equal employment opportunity regulations by employing independent legal counsel not associated with the Department of Law. The Department estimates that the number of incidents where such enforcement action would occur would be no more than one or two per fiscal year. At the current estimates of hourly rates for legal services provided by the Department of Law of \$100/hr., the total amount of contractual hours required in FY 86 would be 100 hours. This would total \$10,000 in contractual services.

The Legislature intends that the additional \$10,000 in contractual funds be used only to enforce the provisions of AS 44.19.442 (8) and should not be spent on any other budgetary items.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 147 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

17 ARTICLE 9. EQUAL EMPLOYMENT OPPORTUNITY.

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

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

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

29 (2) train state managers and supervisors in their equal

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

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

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

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

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

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

19 (8) enforce equal employment opportunity by filing a legal  
20 action against a state officer or employee who violates affirmative  
21 action standards and procedures; for purposes of a legal action under  
22 this paragraph, the director may employ independent legal counsel not  
23 associated with the Department of Law;

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

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

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

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

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

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

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

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

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

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

1 with the plan or program.

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

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

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

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

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

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

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

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

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

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

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

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

12 \* Sec. 2. This Act may not be applied to limit the right of a person to  
13 file a complaint with the State Commission for Human Rights under AS 18.-  
14 80.100.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: \_\_\_\_\_  
 Title: Creating a Division of  
Equal Employment Opportunity  
 Sponsor: Governor Sheffield  
 Requestor: House Finance  
 Date of Request: 4/17/85

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: \_\_\_\_\_  
General Govt/Labor Relations  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Equal Employment Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
<b>TOTAL OPERATING</b>		0				

<b>CAPITAL</b>		0				
----------------	--	---	--	--	--	--

<b>REVENUE</b>		0				
----------------	--	---	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Any funds necessary to implement this bill can be absorbed within the agencies existing budget.

Prepared By: Al Adams *MPA* Phone: 465-3706  
 Division: House Finance Date: 4/17/85

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

April 17, 1985

Honorable Al Adams  
Chairman  
Finance Committee  
Pouch V  
Juneau, AK 99811

Dear Mr. Chairman:

Attached please find amendments to CSHB 147 (State Affairs), proposed by the Department of Administration, to bring the bill in line with our belief that the Equal Employment Opportunity (EEO) division should not be an enforcement agency and the law should not give it the power to deal heavy handedly with State employees or agencies. We believe that sufficient enforcement capabilities already exist in the State Commission for Human Rights, the Federal Equal Employment Opportunity Commission, and the courts.

With these amendments, the bill will emphasize these important functions of the Division of Equal Employment Opportunity:

1. Recruitment and retention of minority and protected class employees;
2. Training of State employees in affirmation action methods;
3. Keeping and disseminating statistical information regarding the State's efforts on Affirmative Action; and,
4. Informal resolution of complaints of discrimination in State government.

Yours sincerely,

  
Lisa Rudd  
Commissioner

LSR/RB/cks

Offered: 4/ 3/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 147 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL  
6 For an Act entitled: "An Act establishing an equal employment opportunity  
7 program for the executive branch of state government  
8 and creating a division of equal employment oppor-  
9 tunity in the Department of Administration."

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

11 \* Section 1. AS 44.21 is amended by adding new sections to read:

12 ARTICLE 9. EQUAL EMPLOYMENT OPPORTUNITY.

13 Sec. 44.21.450. AFFIRMATIVE ACTION PLAN. The governor shall  
14 establish an equal employment opportunity program and adopt annually  
15 an affirmative action plan for the executive branch of state govern-  
16 ment. The plan remains in effect until the governor adopts a subse-  
17 quent plan.

18 Sec. 44.21.455. DIVISION CREATED. The division of equal employ-  
19 ment opportunity is established in the Department of Administration.

20 Sec. 44.21.460. DIRECTOR. The commissioner shall appoint a  
21 director to administer the division.

22 Sec. 44.21.465. POWERS AND DUTIES OF THE DIVISION. (a) The  
23 division shall administer the equal employment opportunity program for  
24 the executive branch of state government to ensure compliance with  
25 AS 44.21.450 - 44.21.490 and shall

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

*Move to  
become  
part of  
44.21.415  
(p. 3)*

1 (2) train state managers and supervisors in their equal  
2 employment opportunity and affirmative action responsibilities and  
3 offer orientation programs to employees to inform them of their rights  
4 and responsibilities under AS 44.21.450 - 44.21.495;

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

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

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

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

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

20 (8) enforce equal employment opportunity by filing a legal  
21 action against a state officer or employee who violates affirmative  
22 action standards and procedures; for purposes of a legal action under  
23 this paragraph, the director may employ independent legal counsel not  
24 associated with the Department of Law;

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

29 (10) inform the governor when an agency fails to comply with

1 its affirmative action program, the affirmative action plan, or state  
2 or federal equal employment opportunity laws or regulations, and  
3 recommend action to correct the noncompliance;

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

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

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

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

18 Sec. 44.21.470. ADMINISTRATIVE REGULATIONS. The commissioner  
19 shall adopt regulations under the Administrative Procedure Act  
20 (AS 44.62) to carry out the division's duties.

21 Sec. 44.21.475. COMPLIANCE WITH AFFIRMATIVE ACTION PLAN. Each  
22 agency shall comply with the affirmative action plan. Each commis-  
23 sioner or executive head of an agency shall adopt an affirmative  
24 action program to implement the plan within the agency. At the re-  
25 quest of the division, a state official shall report to the division  
26 about agency employment practices and activities to implement and  
27 comply with the plan or program.

28 Sec. 44.21.480. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The  
29 division shall accept complaints of employment discrimination in the

*Insert  
from p. 1*

1 executive branch of state government and shall confer with the com-  
2 plainant and the agency involved to bring about an informal resolution  
3 of the complaint. [If the complainant agrees to comply with the  
4 resolution proposed by the division, the agency involved shall imple-  
5 ment it.]

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

8 (c) The division may not make public the records of [an inves-  
9 tigation] a complaint.

10 Sec. 44.21.485. RETALIATION PROHIBITED. (a) An agency, offi-  
11 cer, or state employee may not directly or indirectly refuse to hire,  
12 transfer or promote, or dismiss, demote, suspend, lay off, or other-  
13 wise discipline an employee for filing a complaint with the division [for a failure  
14 to comply with affirmative action or equal employment opportunity] or  
15 for assisting the division in an investigation of a complaint.

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

18 Sec. 44.21.490. ACCESS TO CONFIDENTIAL RECORDS. The division  
19 may have access to all data, records, and reports necessary to carry  
20 out its functions under AS 44.21.450 - 44.21.495. The division may  
21 not make public information designated as confidential by AS 39.25.-  
22 080 or another law. However, the division may make public statistical  
23 information compiled from confidential records.

24 Sec. 44.21.495. DEFINITIONS. In AS 44.21.450 - 44.21.495,

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

28 (2) "commissioner" means the commissioner of administra-  
29 tion;

1                   (3) "division" means the division of equal employment  
2 opportunity in the Department of Administration;

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

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

13       \* Sec. 2. This Act may not be applied to limit the right of a person to  
14 file a complaint with the State Commission for Human Rights under AS 18.-  
15 80.100.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CSMB 147  
 Title: Creating a Division of Equal Employment Opportunity  
 Sponsor: Governor Sheffield  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: General Government/Labor Relations  
 BRU, Program or Subprogram(s) Affected: Equal Employment Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

<b>POSITIONS:</b>	-0-	-0-	-0-	-0-	-0-	-0-
-------------------	-----	-----	-----	-----	-----	-----

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Merwin H. Peters Phone: 465-3570  
 Division: Division of Equal Employment Opportunity Date: 4/17/85

Approved by Commissioner: Lisa Rudd Date: 4/17/85  
 Agency: Department of Administration

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CSHB 147  
 Title: Creating a Division of  
Equal Employment Opportunity  
 Sponsor: Governor Sheffield  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: \_\_\_\_\_  
General Government/Labor Relations  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Equal Employment Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	-0-	10.0	10.0	10.0	10.0	10.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	10.0	10.0	10.0	10.0	10.0

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	10.0	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	10.0	10.0	10.0	10.0	10.0

<b>POSITIONS:</b>	-0-	-0-	-0-	-0-	-0-	-0-
-------------------	-----	-----	-----	-----	-----	-----

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Merwin H. Peters Phone: 465-3570  
 Division: Equal Employment Opportunity Date: 4-1-85

Approved by Commissioner: Lisa Rudd Date: 4/1/85  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

CSHB 147  
Fiscal Note Analysis  
Prepared by the  
Division of Equal Employment Opportunity  
Department of Administration  
April 1, 1985

CSHB 147, Section 44.21.465 (6) empowers the Division of Equal Employment Opportunity to enforce compliance with equal employment opportunity regulations by employing independent legal counsel not associated with the Department of Law. The Department estimates that the number of incidents where such enforcement action would occur would be no more than one or two per fiscal year. At the current estimates of hourly rates for legal services provided by the Department of Law of \$100/hr., the total amount of contractual hours required in FY 86 would be 100 hours. This would total \$10,000 in contractual services.

STATE OF ALASKA - EXECUTIVE BRANCH  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
MONTHLY WORKFORCE STATUS REPORT

DEPARTMENT: Executive Branch Summary

MONTHLY PAY PERIOD ENDING: December 15, 1984

SECTION IV: PERMANENT FULL-TIME WORKFORCE SUMMARY BY EEO-4 OCCUPATIONAL CATEGORY.\*

EEO-4 OCCUPATIONAL CATEGORY	DECEMBER 16, 1982 REPRESENTATION				CURRENT MONTH REPRESENTATION				INCREASED (+) OR DECREASED (-) REPRESENTATION SINCE DECEMBER 16, 1982			
	TOTAL	MEN	WOMEN	MINORITY	TOTAL	MEN	WOMEN	MINORITY	TOTAL	MEN	WOMEN	MINORITY
A - Officials & Administrators	# 287	230	57	6	341	264	77	22	+54	+34	+20	+16
	% 2.6	2.1	0.5	0.1	3.2	2.5	0.7	0.2	+0.6	+0.4	+0.2	+0.1
B - Professionals	# 4,399	2,878	1,521	233	4,132	2,712	1,420	273	-267	-166	-101	+40
	% 39.6	25.9	13.7	2.1	38.8	25.4	13.3	2.6	-0.8	-0.5	-0.4	+0.5
C - Technicians	# 471	264	207	39	422	214	208	51	-49	-50	+1	+12
	% 4.2	2.4	1.9	0.4	4.0	2.0	2.0	0.5	-0.2	-0.4	+0.1	+0.1
D - Protective Services	# 1,140	990	150	109	1,211	1,042	169	156	+71	+52	+19	+47
	% 10.3	8.9	1.4	1.0	11.4	9.8	1.6	1.5	+1.1	+0.9	+0.2	+0.5
E - Para Professionals	# 320	67	253	45	298	60	238	54	-22	-7	-15	+9
	% 2.9	0.6	2.3	0.4	2.8	0.6	2.2	0.5	-0.1	-	-0.1	+0.1
F - Office/Clerical	# 2,925	438	2,487	382	2,794	424	2,370	416	-131	-14	-117	+34
	% 26.3	3.9	22.4	3.4	26.2	4.0	22.2	3.9	-0.1	+0.1	-0.2	+0.5
G - Skilled Craft	# 929	910	19	103	791	783	8	84	-138	-127	-11	-19
	% 8.4	8.2	0.2	0.9	7.4	7.3	0.1	0.8	-1.0	-0.9	-0.1	-0.1
H - Service Maintenance	# 638	299	339	130	673	293	380	178	+35	-6	+41	+48
	% 5.7	2.7	3.1	1.2	6.3	2.7	3.6	1.7	+0.6	-	+0.5	+0.5
OVERALL TOTALS	# 11,109	6,076	5,033	1,047	10,662	5,792	4,870	1,234	-447	-284	-163	+187
	% 100.0	54.7	45.3	9.4	100.0	54.3	45.7	11.6	-4.0	-0.4	+0.4	+2.2

\* EEO-4 OCCUPATIONAL Categories are defined in section 709(c), Title VII, Civil Rights Act of 1964; as amended by the Equal Employment Opportunity Act of 1972. Examples of State Jobs in each category include: Officials & Administrators - Commissioners, Deputy Commissioners, Directors; Professionals - Personnel Officers, Accountants, Biologists; Technicians - Licensed Practical Nurses, Forestry Technicians; Protective Services - State Troopers, Correctional Officers; Para-Professionals - Personnel Assistants, Community Health Aids; Office/Clerical - Accounting Clerks, Clerk-Typists; Skilled Craft - Plumbers, Painters; Service Maintenance - Janitors, Light Equipment Operators.

STATE OF ALASKA - EXECUTIVE BRANCH  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
 MONTHLY WORKFORCE STATUS REPORT

DEPARTMENT: Executive Branch Summary

MONTHLY PAY PERIOD ENDING: December 15, 1984

SECTION III: OVERALL PERMANENT FULL-TIME WORKFORCE SUMMARY BY MONTHLY SALARY GROUPS.

SALARY GROUPS	DECEMBER 16, 1982 REPRESENTATION				CURRENT MONTH REPRESENTATION				INCREASED (+) OR DECREASED (-) REPRESENTATION SINCE DECEMBER 16, 1982			
	TOTAL	MEN	WOMEN	MINORITY	TOTAL	MEN	WOMEN	MINORITY	TOTAL	MEN	WOMEN	MINORITY
#	3,013	600	2,413	414	2,349	410	1,939	430	-664	-190	-474	+16
%	27.1	5.4	21.7	3.7	22.0	3.8	18.2	4.0	-5.1	-1.6	-3.5	+0.3
#	4,613	2,690	1,923	466	4,028	2,040	1,988	516	-585	-650	+65	+50
%	41.5	24.2	17.3	4.2	37.8	19.1	18.6	4.8	-3.7	-5.1	+1.3	+0.6
#	2,317	1,794	523	131	2,626	1,943	683	212	+309	+149	+160	+81
%	20.9	16.1	4.7	1.2	24.6	18.2	6.4	2.0	+3.7	+2.1	+1.7	+0.8
#	857	718	139	31	1,149	947	202	63	+292	+229	+63	+32
%	7.7	6.5	1.3	0.3	10.8	8.9	1.9	0.6	+3.1	+2.4	+0.6	+0.3
#	257	223	34	4	407	359	48	11	+150	+136	+14	+7
%	2.3	2.0	0.3	0.0	3.8	3.4	0.5	0.1	+1.5	+1.4	+0.2	+1
#	51	50	1	1	97	87	10	2	+46	+37	+9	+1
%	0.5	0.5	0.0	0.0	0.9	0.8	0.1	0.0	+0.4	+0.3	+0.1	-
#	1	1	-	-	5	5	-	-	+4	+4	-	-
%	0.0	0.0	-	-	0.0	0.0	-	-	-	-	-	-
#	-	-	-	-	1	1	-	-	+1	+1	-	-
%	-	-	-	-	0.0	0.0	-	-	-	-	-	-
#	11,109	6,076	5,033	1,047	10,662	5,792	4,870	1,234	-447	-284	-163	+187
%	100.0	54.7	45.3	9.4	100.0	54.3	45.7	11.6	-4.0	-0.4	+0.4	+2.2

\* State pay ranges 18-23 or the equivalent ranges under other pay schedules fall within these salary groups.

STATE OF ALASKA - EXECUTIVE BRANCH  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
MONTHLY WORKFORCE STATUS REPORT

DEPARTMENT EXECUTIVE BRANCH SUMMARY

MONTHLY PAY PERIOD ENDING: December 15, 1984

SECTION I: WORKFORCE SUMMARY BY POSITION STATUS\*

		CURRENT MONTH REPRESENTATION			PRIOR MONTH REPRESENTATION			INCREASED (+) OR DECREASED (-) REPRESENTATION		
		FT	PT	S	FT	PT	S	FT	PT	S
1. TOTAL EMPLOYEES	#	10,662	216	620	10,695	218	696	-33	-2	-76
	%	100.0	100.0	100.0	100.0	100.0	100.0	-0.3	-0.9	-10.9
Men	#	5,792	44	392	5,793	49	443	-1	-5	-51
	%	54.3	20.4	63.2	54.2	22.5	63.6	+0.1	-2.1	-0.4
Women	#	4,870	172	228	4,902	169	253	-32	+3	-25
	%	45.7	79.6	36.8	45.8	77.5	36.4	-0.1	+2.1	+0.4
Minorities	#	1,234	37	56	1,230	39	57	+4	-2	-1
	%	11.6	17.1	9.0	11.5	17.9	8.2	+0.1	-0.8	+0.8
2. TOTAL WHITE	#	9,428	179	564	9,465	179	639	-37	-	-75
	%	88.4	82.9	91.0	88.5	82.1	91.8	-0.1	+0.8	-0.8
Men	#	5,244	33	359	5,250	37	411	-6	-4	-52
	%	49.2	15.3	57.9	49.1	17.0	59.1	+0.1	-1.7	-1.2
Women	#	4,184	146	205	4,215	142	228	-31	+4	-23
	%	39.2	67.6	33.1	39.4	65.1	32.8	-0.2	+2.5	+0.3
3. TOTAL BLACK	#	307	6	8	308	6	9	-1	-	-1
	%	2.9	2.8	1.3	2.9	2.8	1.3	-	-	-
Men	#	165	1	5	166	1	7	-1	-	-1
	%	1.5	0.5	1.0	1.6	0.5	1.0	-0.1	-	-
Women	#	142	5	3	142	5	2	-	-	-
	%	1.3	2.3	0.3	1.3	2.3	0.3	-	-	-
4. TOTAL HISPANIC	#	131	1	4	132	1	4	-1	-	-
	%	1.2	0.5	0.6	1.2	0.5	0.6	-	-	-
Men	#	57	-	1	56	-	1	+1	-	-
	%	0.5	-	0.2	0.5	-	0.1	-	-	+0.1
Women	#	74	1	3	76	1	3	-2	-	-
	%	0.7	0.5	0.5	0.7	0.5	0.4	-	-	+0.1
5. TOTAL ASIAN/PAC. ISLANDER	#	256	11	6	255	12	6	+1	-1	-
	%	2.4	5.1	1.0	2.4	5.5	0.9	-	-0.4	+0.1
Men	#	102	5	4	100	6	4	+2	-1	-
	%	1.0	2.3	0.6	0.9	2.8	0.6	+0.1	-0.5	-
Women	#	154	6	2	155	6	2	-1	-	-
	%	1.4	2.8	0.3	1.4	2.8	0.3	-	-	-
6. TOTAL AK. NAT/AM. INDIAN	#	540	19	38	535	20	38	+5	-1	-
	%	5.1	8.8	6.1	5.0	9.2	5.5	+0.1	-0.4	+0.6
Men	#	224	5	22	221	5	20	+3	-	+2
	%	2.1	2.3	3.5	2.1	2.3	2.9	-	-	+0.6
Women	#	316	14	16	314	15	18	+2	-1	-2
	%	3.0	6.5	2.6	2.9	6.9	2.6	+0.1	-0.4	-

SECTION II: OVERALL WORKFORCE SUMMARY FOR WOMEN AND MINORITIES\*

1. TOTAL WORKFORCE	#	11,498	11,609	-111
	%	100.0	100.0	-1.0
2. TOTAL WOMEN	#	5,270	5,324	-54
	%	45.9	45.9	-0.1
3. TOTAL MINORITY	#	1,327	1,326	+1
	%	11.5	11.4	+0.1

FT = Permanent Full-Time Employees  
PT = Permanent Part-Time Employees  
S = Seasonal Employees (Permanent Full-Time & Permanent Part-Time)

\* Excluded from this report are non-permanent positions and approximately 540 totally exempt positions. Included in this report are the following totally exempt positions: Department commissioners and their staffs, the Office of the Governor, and the vessel employees in the Division of Marine Transportation.

ROUTING/INSTRUCTION SLIP

# THE LEGISLATURE

**Cherie Shelley**  
**Executive Director**

## Legislative Calendar already busy

The most important legislation this session will be our cost-of-living wage increase. In addition, there will be retirement legislation that could change the benefit formula. At the time of this writing, this legislation has not been authored. We will keep you posted through the *Reporter* and with fliers as legislation is introduced concerning these major issues. However, we're already busy with legislation that directly and indirectly affects our members. The following is a list of these bills:

### APEA Interest Legislation

Number	Title	Sponsor	Status
SSHB 5	Removing Asbestos Hazards from Schools	Gruenberg	(H) HESS
HB 10	Voluntary Contributions to SBS	Miller, MM	(H) State Affairs
HB 49	Limitations on Campaign Expenditures	Miller, MM	(H) State Affairs
HB 57	Approp; Asbestos Abatement Program	Gruenberg	(H) HESS
HB 60	State Operating and Capital Budget	Rules	(H) Finance
HB 65	Select Committee/Legislative Ethics	Phillips	(H) State Affairs
HB 66	Worker's Compensation	Rules	(H) Finance
HB 70	Donation of Leave by State Employees	Rules	(H) Rules
HB 83	PERS/TRS Retirement Pay/Reemployment	Taylor	(H) State Affairs
HB90	Labor Relations for School Employees	Koponen	(H) Labor & Commerce
HB 91	PERS Retirement Credit/Unused Sick Leave	Koponen	(H) State Affairs
SB 5	Salaries of Legislators	Ferguson	(S) State Affairs

## Senate and House Committees

### Senate

- Finance:** Sackett and Faiks (Co-Chairs), Kerttula (Vice Chair), Eliason, P. Fischer, Halford, Ferguson
- Rules:** Kelly (Chair), Coghill (Vice Chair), Faiks, Bennett, Josephson
- Transportation:** Coghill (Chair), Faiks (Vice Chair), Abood, P. Fischer, Josephson
- State Affairs:** Abood (Chair), DeVries (Vice Chair), Kelly, Ray, V. Fischer
- Labor & Commerce:** Zharoff (Chair), Eliason (Vice Chair), Sackett, Bennett, Ray
- Resources:** Sturgulewski (Chair), Fahrenkamp (Vice Chair), Eliason, Zharoff, Halford, Coghill, V. Fischer
- Judiciary:** Rodey (Chair), Kelly (Vice Chair), Faiks, Halford, Ziegler
- Health, Education and Social Services:** Fahrenkamp (Chair), Sturgulewski (Vice Chair), P. Fischer, DeVries, Josephson
- Community and Regional Affairs:** DeVries (Chair), Ferguson (Vice Chair), Coghill, V. Fischer

### House

- Rules:** M.W. Miller (Chair), Wallis (Vice Chair), Grussendorf, Fuller, Davis, Martin, Pignalberi
- Judiciary:** M.M. Miller (Chair), Sund (Vice Chair), Gruenberg, Taylor, Clocksin, Pettyjohn, Phillips
- State Affairs:** Hurley (Chair), Navarre (Vice Chair), Cato, Boucher, M.M. Miller, Collins, Jenkins
- Health, Education and Social Services:** Koponen and Gruenberg (Co-Chairs), Taylor (Vice Chair), Hurley, Thompson, Pettyjohn, Hanley
- Resources:** Herrmann and Shultz (Co-Chairs), Wallis (Vice Chair), Sund, Thompson, M.W. Miller, Cato, Pearce, Jenkins
- Labor & Commerce:** Navarre (Chair), Davis (Vice Chair), Boucher, Koponen, Pearce, Collins, Hanley
- Community and Regional Affairs:** Goll (Chair), Wallis (Vice Chair), Koponen, Gruenberg, Phillips, Furnace, Marrou
- Transportation:** Cato (Chair), Davis (Vice Chair), Shultz, Herrmann, Furnace, Pignalberi, Marrou
- Finance:** Adams (Chair), Ringstad (Vice Chair), Duncan, Larson, Szymanski, Cotten, Frank, Binkley, Pourchot, Reiger, Uehling

### House of Representatives

# MEMORANDUM

# State of Alaska

TO: Heads of Departments and  
Independent Agencies

DATE: October 25, 1984

FILE NO:

TELEPHONE NO: 465-3500

FROM: Bill Sheffield  
Governor

SUBJECT: Administrative Order No. 81;  
Policy Statement on  
Discriminatory Harassment

This memorandum transmits Administrative Order No. 81 the policy and guidelines for the Executive Branch on discriminatory harassment based on race or color, religion, national origin, sex, age, handicap, marital status, changes in marital status, pregnancy or parenthood. This policy amends and supplements Administrative Order No. 75 and is applicable to each agency and department within the Executive Branch of State government and includes operational definitions of harassment and sexual harassment.

I am taking this action in an effort to curtail discriminatory harassment in general and specifically sexual harassment. Such harassment undermines the integrity of State government and cannot be condoned. Merit system principles require that all employees be allowed to work in an environment free from harassment.

I am directing, therefore, that each of you take a leadership role through the immediate initiation of the following actions:

1. Issue a strong management statement concurring with and reiterating the State's policy as the policy of your agency or department with regard to such discriminatory harassment;
2. Emphasize this policy as a part of new employee orientation;
3. Provide each employee with a copy of the attached policy statement on harassment;
4. Make employees aware of the avenues for seeking redress, and the actions that will be taken against employees violating the policy, as provided in the policy statement itself; and,
5. Inform your managers and supervisors of their responsibilities under this order and insure that they are all provided with both a copy of this Order and the appropriate training to deal with these issues, especially in regards to sexual harassment. Such training will be offered on request by the Division of Equal Employment Opportunity through the Productivity Improvement Center in the Department of Administration.

BS/MGM/mms  
15/10D1/0730-08

Attachments

cc: Jim Kelly, Special Staff Assistant  
Office of the Governor

Merwin H. Peters, Director  
Division of Equal Employment Opportunity

Frank Raye, Director  
Division of Personnel

William Gibbons, Director  
Division of Labor Relations

# MEMORANDUM

# State of Alaska

TO: Heads of Departments and  
Independent Agencies

DATE: October 25, 1984

FILE NO:

TELEPHONE NO: 465-3500

FROM: Bill Sheffield  
Governor

SUBJECT: Administrative Order No. 81;  
Policy Statement on  
Discriminatory Harassment

This memorandum transmits Administrative Order No. 81 the policy and guidelines for the Executive Branch on discriminatory harassment based on race or color, religion, national origin, sex, age, handicap, marital status, changes in marital status, pregnancy or parenthood. This policy amends and supplements Administrative Order No. 75 and is applicable to each agency and department within the Executive Branch of State government and includes operational definitions of harassment and sexual harassment.

I am taking this action in an effort to curtail discriminatory harassment in general and specifically sexual harassment. Such harassment undermines the integrity of State government and cannot be condoned. Merit system principles require that all employees be allowed to work in an environment free from harassment.

I am directing, therefore, that each of you take a leadership role through the immediate initiation of the following actions:

1. Issue a strong management statement concurring with and reiterating the State's policy as the policy of your agency or department with regard to such discriminatory harassment;
2. Emphasize this policy as a part of new employee orientation;
3. Provide each employee with a copy of the attached policy statement on harassment;
4. Make employees aware of the avenues for seeking redress, and the actions that will be taken against employees violating the policy, as provided in the policy statement itself; and,
5. Inform your managers and supervisors of their responsibilities under this order and insure that they are all provided with both a copy of this Order and the appropriate training to deal with these issues, especially in regards to sexual harassment. Such training will be offered on request by the Division of Equal Employment Opportunity through the Productivity Improvement Center in the Department of Administration.

BS/MGM/mms  
15/10D1/0730-08

Attachments

cc: Jim Kelly, Special Staff Assistant  
Office of the Governor

Merwin H. Peters, Director  
Division of Equal Employment Opportunity

Frank Raye, Director  
Division of Personnel

William Gibbons, Director  
Division of Labor Relations



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

ADMINISTRATIVE ORDER NO. 81

In furtherance of the State of Alaska's commitment to human rights and equal employment opportunity, I, Bill Sheffield, Governor of the State of Alaska, under the authority granted by Article III of the Alaska Constitution and by Alaska Statute 44.17.060, hereby order the following as the policy and guidelines for the Executive Branch of Alaska State Government on discriminatory harassment and more specifically on sexual harassment. This Order amends and supplements Administrative Order No. 75, the general policy on equal employment opportunity.

1. STATEMENT OF POLICY

- 1.1 The Executive Branch of the State of Alaska, as an employer, will not tolerate, condone or permit any kind of harassment of employees or applicants for employment on the basis of their sex, color, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy or parenthood. Such harassment is in direct violation of Federal and State law and is inconsistent with the State's policy on equal employment opportunity.
- 1.2 Persons who knowingly engage in or instigate such harassment will be subject to disciplinary actions which may lead to suspension and discharge. Additionally, managers and supervisors who knowingly permit harassment activity to occur without further action will be subject to disciplinary action. Where such prohibited activity is perpetrated by a non-employee, the State will take available and appropriate disciplinary action which may include, by way of example, loss of contract.

2. GENERAL PROVISIONS

- 2.1 Scope: The policy and guidelines herein apply to all agencies, employees and applicants for employment within the Executive Branch of Alaska State Government.
- 2.2 Frivolous or Malicious Accusations: Persons making frivolous or malicious accusations of harassment may be subjected to disciplinary actions.
- 2.3 Management Activities: This Order is not intended to restrict bonafide activities such as reprimands, disciplinary actions and employee performance evaluations which are clearly within the scope of a supervisor's duties and responsibilities, and which

serve a legitimate management purpose.

### 3. DEFINITIONS

3.1 Harassment: Unwanted communication and/or conduct by a supervisor, co-worker or non-employee in the workplace which adversely affects the employment relationship or working environment for the employee or applicant for employment and is based on the sex, race, religion, national origin, age, handicap, marital status; changes in marital status, pregnancy or parenthood of that individual. Harassment may include slurs, abusive language, threats, derogatory comments, unwelcome jokes, teasing and other such verbal or physical conduct.

3.2 Sexual harassment: Addressed and defined by the U.S. Equal Employment Opportunity Commission in the Federal Guidelines on Discrimination Because of Sex published on November 10, 1980, and codified as 29 CFR Section 1604.11, sexual harassment is defined as follows:

"(a) Harassment on the basis of sex is violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

### 4. GUIDELINES FOR THE IMPLEMENTATION OF POLICY

#### 4.1 Responsibility for Implementation:

- (a) Overall responsibility for the administration of this order is delegated to the Director of the Division of Equal Employment Opportunity.
- (b) All agency heads, managers and supervisors within the Executive Branch of State Government are responsible for taking immediate and appropriate corrective action where they have any knowledge of such prohibited practices. Such corrective actions should be taken only after consultation with the State Division of Equal Employment Opportunity.

#### 4.2. Complaints:

- (a) Employees believing they have been subjected to harassment

should contact their department or agency's Equal Employment Opportunity Representative or the State Division of Equal Employment Opportunity.

- (b) A complaint may be formally filed on the "Complaint of Discrimination Form" available through agency personnel offices and the State Division of Equal Employment Opportunity.
- (c) The Division of Equal Employment Opportunity shall develop the appropriate administrative process to resolve harassment complaints.
- (d) Any form of retaliation, reprisal or adverse action taken against an employee for complaining about, reporting, or cooperating in the investigation of such harassment is prohibited and will be dealt with severely. Such disciplinary action may include suspension and dismissal.

4.3 Dissemination of Policy:

- (a) The policy is to be posted in the form provided in Appendix A of this order on all bulletin boards and at every facility and office within each department.
- (b) It will be the responsibility of each agency head to ensure that copies of this policy are disseminated to all supervisory staff and that copies of this policy are included in all agency policy manuals and employee handbooks.

This Order takes effect October 25, 1984.

Dated at Anchorage, Alaska

October 25

Bill Sheffield

Bill Sheffield  
Governor  
State of Alaska

APPENDIX A:

STATE OF ALASKA  
EXECUTIVE BRANCH

APPENDIX A  
POLICY ON DISCRIMINATORY HARASSMENT

The following policy on discriminatory harassment was issued by Governor Bill Sheffield in Administrative Order No. 81 effective October 25, 1984.

The Executive Branch of the State of Alaska, as an employer, will not condone, permit or tolerate any kind of harassment of employees or applicants for employment on the basis of sex, color, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood. Such harassment is in direct violation of Federal and State law and is inconsistent with the State's policy on equal employment opportunity.

Persons who knowingly permit, engage in or instigate such harassment will be subject to disciplinary actions which may lead to suspension and discharge. Where such prohibited activity is perpetrated by a nonemployee, that person may be subject to prosecution, loss of contract, or other appropriate sanctions.

DEFINITION OF DISCRIMINATORY HARASSMENT

Harassment is unwanted conduct or communication by a supervisor, co-worker, or nonemployee in the work place which is based on the sex, color, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood of an individual and which adversely affects the employment relationship or working environment. This includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing and other verbal or physical conduct.

Sexual harassment has been defined by the U.S. Equal Employment Opportunity Commission as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

FILING COMPLAINTS

Employees or applicants for employment who believe that they have been subjected to harassment should contact either the State Division of Equal Employment Opportunity, Pouch CE, Juneau, AK 99811 (telephone: 465-3570) or the agency Equal Employment Opportunity Representative listed below.

DEPARTMENT/AGENCY: \_\_\_\_\_

EEO REPRESENTATIVE: \_\_\_\_\_  
Name Title  
\_\_\_\_\_ Telephone Number  
\_\_\_\_\_

No individual will be adversely affected for bringing any violation of this policy to the attention of management. Retaliation in any form is prohibited.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

## ADMINISTRATIVE ORDER NO. 76

In furtherance of the State of Alaska's commitment to human rights as expressed in the State constitution and Alaska statute 18.80.200, I, Bill Sheffield, Governor of the State of Alaska, under the authority granted by art. III, sec. 1 of the Alaska Constitution and by Alaska Statute 44.17.060, order the following:

1. **Purpose.** The purpose of this order is (1) to assure that there is no unconstitutional or otherwise unlawful discrimination in the award of contracts and subcontracts for public works projects undertaken by the Alaska Department of Transportation and Public Facilities; (2) to overcome effects of past discrimination against minorities, women and other classes of persons protected by AS 18.80.200; and (3) to promote the economic health and well-being of the state through taking positive measures to ensure equal business opportunities for minorities, women, and other classes of persons protected by AS 18.80.200.

### 2. Minorities and Women in Business Enterprises.

(a) This order supplements Administrative Order No. 59 dated June 20, 1980 by Governor Jay Hammond, and Administrative Order No. 75 dated April 7, 1983 by me, by adding provisions for affirmative action in state contracting.

(b) I find that:

(1) the overwhelming share of public funds spent for public construction projects are spent by the Department of Transportation and Public Facilities on contracts awarded to competitive bidders;

(2) a majority of the construction contracts awarded by the Department of Transportation and Public Facilities is carried out with significant use of subcontractors;

(3) because of (1) and (2), the preponderant share of state funds spent on public construction goes to contractors and subcontractors under contracts with the Department of Transportation and Public Facilities.

(c) The commissioner of the Department of Transportation and Public Facilities shall take positive, aggressive measures to help assure that business enterprises owned and controlled by minorities, women, and other classes of persons protected by AS 18.80.200 are not discriminated against in the award of contracts and subcontracts. The commissioner shall take all possible affirmative action which the commissioner determines will help (1) to overcome effects of past discrimination against minorities, women, and other classes of persons protected by AS 18.80.200, in the contracting business; and (2) to promote full and equal opportunity for business enterprises owned and controlled by minorities, women, and other classes of persons protected by AS 18.80.200, to receive public construction funds.

(d) The definition of "minority" in Administrative Order No. 18 dated November 22, 1972 by Governor Egan is hereby superseded. For purposes of this order and Administrative Order No. 18, "minority" includes a person from the following groups: Black American, Hispanic American, Asian American, Pacific Islander, American Indian, or Alaska Native.

(e) For purposes of this order, "minority business enterprise" (MBE) means a business concern that is at least 51 percent owned and controlled by minority persons; "female business enterprise" (FBE) means a business concern that is at least 51 percent owned and controlled by women.

(f) A business enterprise not owned and controlled by minority persons or women must be at least 51 percent owned and controlled by persons belonging to a class protected by AS 18.80.200 to qualify for the affirmative action required by this order.

This Order takes effect May 24, 1983.

DATED at Juneau, Alaska May 23, 1983.



---

Bill Sheffield  
Governor  
State of Alaska

A FOLLOW-UP REPORT ON  
THE DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

August 15, 1984

Audit Control Number

02-1165-B-85-R

Commissioner, Department of  
Administration

Lisa Rudd

Deputy Commissioners, Department  
of Administration

Human Resources  
Administrative Management  
Telecommunications  
Information Resources Management

Eleanor Andrews  
Anselm Staack  
Vacant  
James R. Shea

STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

**THE LEGISLATURE**

BUDGET AND AUDIT COMMITTEE

October 23, 1984

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska  
Statutes, the attached report is submitted for your review.

A FOLLOW-UP REPORT ON  
THE DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

August 15, 1984

Audit Control Number

02-1165-B-85-R



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

TABLE OF CONTENTS

	<u>Page</u>
Purpose of the Report. . . . .	1
Organization and Function. . . . .	3
Prior Audit Recommendations. . . . .	5
Appendixes:	
A. Reported Expenditures by the Division of Equal Employment Opportunity . . . . .	13
B. Permanent Full-Time Employee Workforce Totals and Percentage Changes in Minorities, Females, and White Males . . . . .	14
C. Workforce Under-utilization Report for Permanent Full-time Executive Branch Employees. . . . .	15
D. Schedule of Total Executive Branch Employees Workforce Composition by Race and Sex. . . . .	16
E. Summary of Discrimination Complaints Handled by DEEO by Department. . . . .	17
Notes to Appendixes. . . . .	19
Agency Response:	
Department of Administration . . . . .	23

PURPOSE OF THE REPORT

In accordance with Title 24 of the Alaska Statutes, a follow-up examination of the Department of Administration, Division of Equal Employment Opportunity was conducted to determine to what extent our prior audit recommendations (made in an April 29, 1983, report) have been implemented.

(Intentionally left blank)

## 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 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 implemented management information systems to provide better analysis of the applicant screening process and the current utilization of Federally designated "protected classes" employed by the State.

(Intentionally left blank)

## PRIOR AUDIT RECOMMENDATIONS

### Prior Audit Recommendation No. 1

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

In the prior Audit, we concluded that DEEO had not effectively developed, coordinated, or monitored a comprehensive, widely supported policy of equal opportunity and non-discrimination in the Executive Branch's employment decisions, programs, and activities. DEEO's ineffectiveness was attributed, in large part, to a lack of centralized executive support. Since DEEO has no specific statutory responsibility, 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.

### Legislative Audit's Current Position

The Governor has provided stronger support for DEEO's equal employment opportunity and affirmative action programs. This support, along with that of the Legislature, is evidenced through an increased budget appropriation for Fiscal Year 1985 (See Appendix A). In addition, the Governor's support has been demonstrated through increased attention given to Equal Employment Opportunity (EEO) matters in the Governor's cabinet meetings and by increased EEO activity within the Department of Administration. This increased support has allowed DEEO to improve its effectiveness. As shown by Appendix B, significant gains in minority employment were made during the last half of Fiscal Year 1984.

### Prior Audit 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). The method of developing affirmative action goals and time tables contained in the AAP has proven cumbersome. Many departments contacted had expressed frustration with the AAP preparation process.

### Legislative Audit's Current Position

For Fiscal Year 1984, no departmental AAPs were prepared. Analytical employment data, required as a part of affirmative action hiring, was provided by the newly implemented

data processing "Affirmative Action Internal Audit and Reporting System" (AIRS). Prior to Fiscal Year 1984, this information was developed through time-consuming hand calculations made by individual departments as a part of their AAP. In addition to eliminating some of the burdensome calculations required in the preparation of past AAPs, AIRS also provides a more accurate and timely source of job class minority/female availability information. Although AIRS has replaced AAPs as the source of affirmative action hiring analytical data, AAPs are necessary to establish policies and objectives by which the State's affirmative action progress can be measured. Beginning Calendar Year 1985, DEEO plans to implement a state-wide AAP covering all State departments.

### Prior Audit Recommendation No. 3

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

The 1981 affirmative action report, prepared by DEEO, stated that the State had adopted an expanded certification policy. Under this policy, departments who have identified an "under-utilization" of women/minorities in a particular job class may hire for positions in that class from an "expanded" register. That is, under the "5 plus 5" system, 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 under-utilized position.

Executive Branch departments had largely ignored the use of ECRs. Departments cited the time-consuming, hand-generated informational requirements associated with ECR use, the restriction that ECRs were available only to departments that had submitted AAPs, and the lack of familiarity with ECRs by those responsible for hiring, as impediments to their effective use.

### Legislative Audit's Current Position

DEEO has increased administrative control over and simplified the use of ECRs. At the beginning of Fiscal Year 1984, ECR informational requirements no longer required time-consuming calculations. With the implementation of AIRS (see Prior Audit Recommendation No. 2 discussion), ECR use was available to all Executive Branch departments regardless of whether the department submitted an AAP.

However, effective April 1983, the DOA, Division of Personnel revised the "5 plus 5" procedure of considering applicants. The revised procedure required the consideration of all applicants within the top five rankings. Previous

to this revision, only the top five ranked individuals were considered. A result of the revised procedures was to require ECR users to consider large numbers of applicants. Although Fiscal Year 1984 showed an increased hiring of minorities (see Appendix B), ECRs were not consistently used during this time period. Personnel officers to whom we spoke complained that the "5 plus 5" ECR system required the consideration of more people than resources would permit.

In late June of 1984, DEEO, in cooperation with the Division of Personnel and the Personnel Council (composed of departmental personnel officers), devised and implemented a simplified expanded certification system. This system requires expanded consideration of only a single member of each under-utilized group for a given job class.

Under the new expanded certification system, it remains up to each departmental personnel officer to notify hiring supervisors when expanded certifications should be used. DEEO does not monitor whether expanded certifications are used. Additionally, in instances in which expanded certifications are used but considered minorities/females are not hired, DEEO does not require explanatory documentation as to why the minority and/or female was not hired.

To provide information through which the effectiveness of expanded certification can be evaluated, DEEO needs to require agencies to document whether hirings made into under-utilized job classes were done using expanded certifications. Such information should be retained by the agency for a reasonable period of time to demonstrate why a member of the under-utilized race and/or sex was, or was not, hired.

Prior Audit Recommendation No. 4

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

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 workforce. However, the report did not speak to the availability of women and minorities in the State with the qualifications needed for various State positions. In addition, DEEO's application and determination of availability had been arbitrary, unsubstantiated, and inconsistent. Availability is a key factor in determining if women and minorities are under-utilized (see Note 1).

### Legislative Audit's Current Position

Publication of a 1983 DEEO State Annual Report did not take place because there were no 1983 AAPs on which to report (see Recommendation No. 2 discussion). However, DEEO's implementation of AIRS provides an analytical and consistent method of determining availability. During Fiscal Year 1984, AIRS availability data base was taken from the 1980 census figures supplied by the U.S. Department of Commerce. This information, which was available to department personnel officers through "on-line" computer terminals, was used to determine when ECRs should be used.

For Fiscal Year 1985, the AIRS data base was upgraded using a combination of State applicant flow information, University of Alaska availability figures, and the 1980 census figures supplied by the U.S. Department of Commerce. To make AIRS availability data more convenient and simpler for personnel officers to use, DEEO began preparing quarterly reports showing under-utilized job groups (see Appendix C). Executive Branch personnel officers, who receive these quarterly reports, will no longer require computer terminal access to AIRS.

A weakness of the AIRS system is that it does not monitor employee transfers, promotions, or terminations. Chapter 41, Part 60-2 of the Code of Federal Regulations (which regulates all non-construction Government contractors having fifty or more employees) requires internal audit and reporting systems to include this function as a means of measuring the effectiveness of the total affirmative action program. In order to insure that nondiscriminatory policy is carried out, DEEO needs to develop a system capable of monitoring these activities.

### Prior Audit Recommendation No. 5

DEEO should establish a comprehensive internal complaint procedure to be utilized by all Executive Branch departments.

Administrative Order No. 59 gave the responsibility to DEEO to establish a uniform complaint procedure which would be available to all persons subject to the order. DEEO had not established a uniform internal complaint procedure.

### Legislative Audit's Current Position

Administrative Order No. 75, which included an internal discrimination complaint procedure, replaced administrative Order No. 59 as DEEO's authoritative mandate. DEEO has

handled ten internal discrimination complaints since the current Administrative Order's April 1983 effective date. DEEO plans to improve the procedure outlined in Administrative Order No. 75 in order to provide Executive Branch departments and employees with a more effective means of filing internal discrimination complaints. Appendix E summarizes complaints handled by DEEO which originated from external anti-discrimination agencies, as well as those brought internally to DEEO.

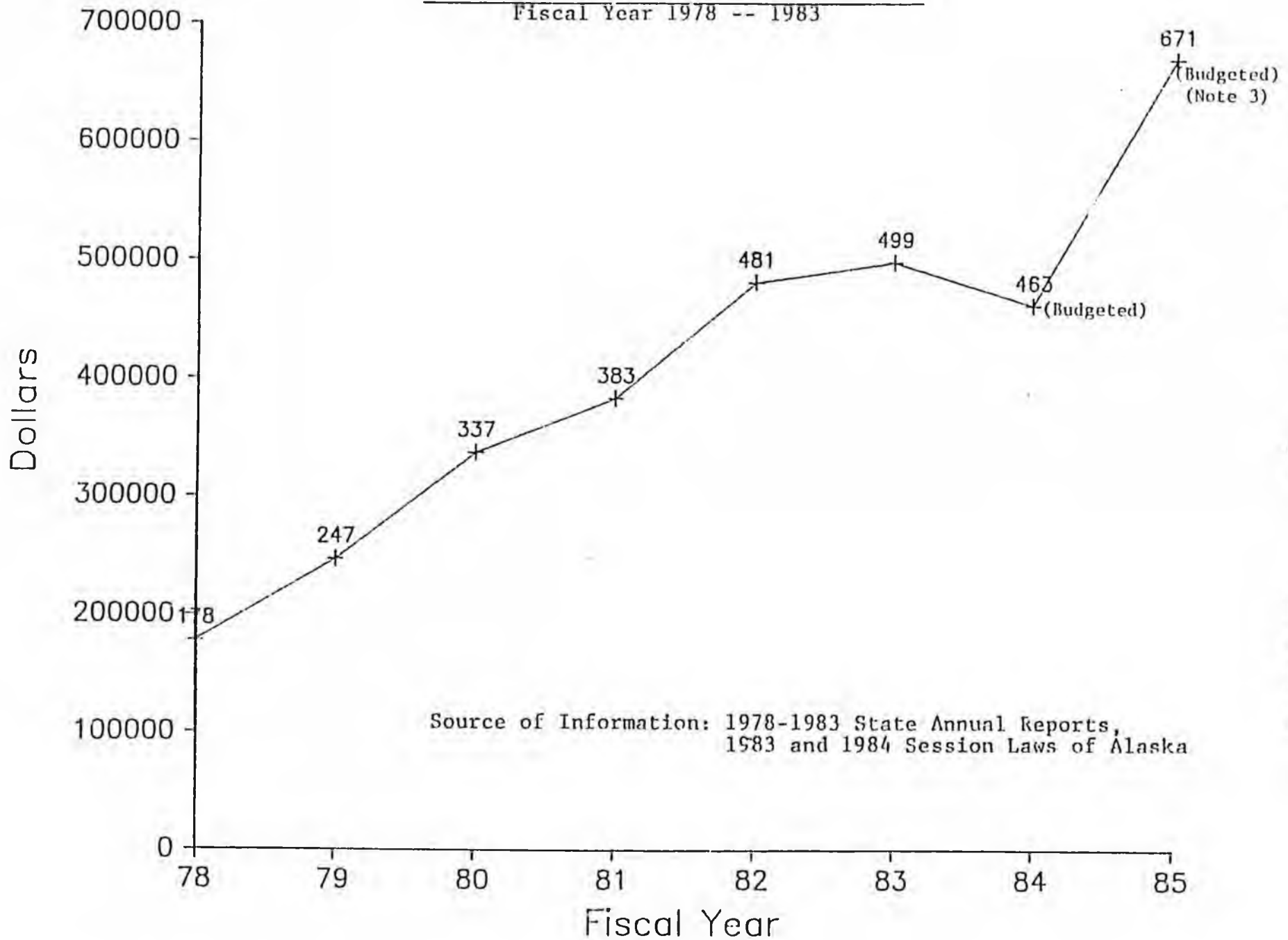
(Intentionally left blank)

APPENDIXES

(Intentionally left blank)

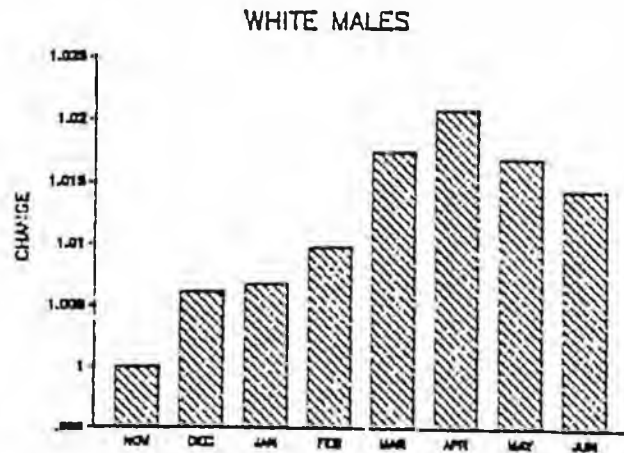
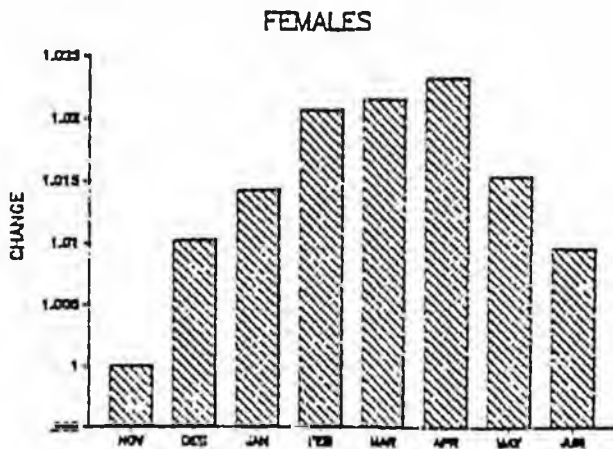
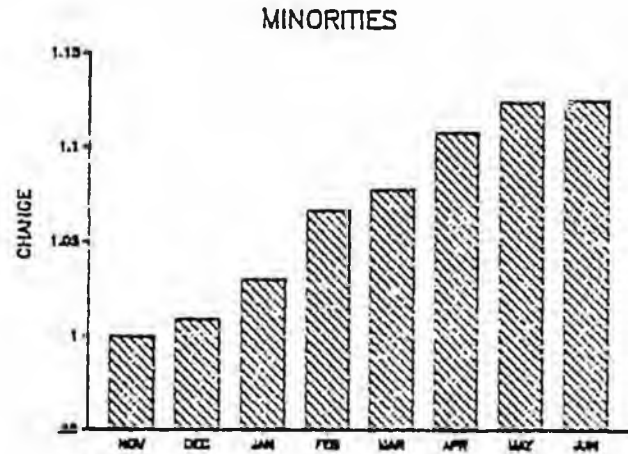
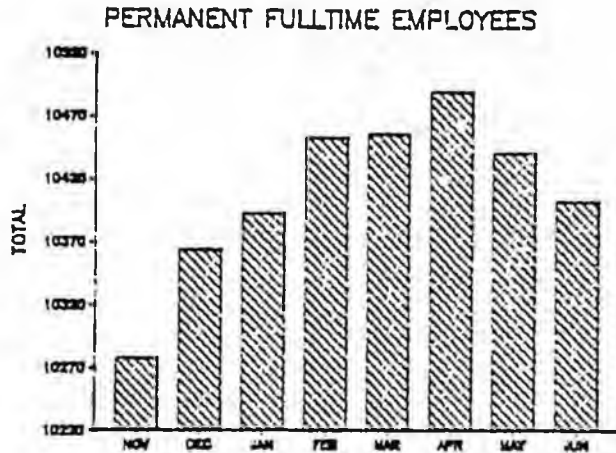
APPENDIX A

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
REPORTED EXPENDITURES BY DIVISION OF EEO  
Fiscal Year 1978 -- 1983



APPENDIX B

STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
PERMANENT FULL-TIME EMPLOYEE WORKFORCE TOTALS AND PERCENTAGE CHANGES  
IN MINORITIES, FEMALES, AND WHITE MALES  
 For the period November 1983 through June 1984



Source of Information: DEEO Records. See notes 4 and 5.

APPENDIX C  
 STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
WORKFORCE UNDER-UTILIZATION REPORT FOR PERMANENT FULL-TIME EXECUTIVE BRANCH EMPLOYEES  
 Effective April 1 -- June 30, 1984

Job Group Title	Total Employees In Job Group	TOTAL NUMBER UNDER-UTILIZED											
		Race/Sex/Ethnic Breakout											
		White		Black		Hispanic		Asian/P. Isl.		Am. Ind./AK Nat.		TOTAL	
		M	F	M	F	M	F	M	F	M	F	Female	Minority
Officials/Administrators	71	-	14	-	-	1	1	-	-	3	3	18	8
Managers	293	-	12	-	3	-	1	3	1	10	8	25	26
Managers; Engineers/Math/Science	221	-	30	3	1	1	1	3	-	4	5	17	18
Management Specialists	229	-	9	3	4	-	1	-	2	2	5	21	17
Accountants/Auditor/Finance Specs.	243	-	16	1	2	4	2	3	2	3	3	25	20
Personnel/Training/L. Rel. Specs.	45	3	-	1	-	-	-	1	-	2	1	1	5
Employment & U.I. Specialists	184	9	-	1	-	2	-	1	-	5	-	-	9
Insp./Compliance/Hearing Officers	206	-	-	2	-	-	-	3	1	5	4	5	15
Engineers/Surveyors/Architects	497	-	25	6	1	1	1	12	1	1	5	13	28
Computer/Math/Ops. Research	155	-	11	-	1	2	2	1	-	6	4	18	16
Natural Scientists	551	-	1	8	1	7	-	5	-	14	8	10	43
Natural Resource Specialists	108	-	-	-	-	-	-	-	-	-	-	-	-
Social Scientists	190	-	-	2	3	1	1	2	-	7	3	7	19
Social/Rec./Religious Workers	239	16	-	-	-	-	-	-	-	10	3	3	13
Lawyers/Judges	-	-	-	-	-	-	-	-	-	-	-	-	-
Teachers/Couns./Libs./Archivists	128	-	10	-	2	-	1	-	-	3	7	20	13
Health Profes. other than Nursing	43	7	-	1	1	-	-	-	-	1	1	2	4
Registered Nurses	177	13	-	-	-	-	1	-	-	2	5	6	8
Writers/Artists/Pub. Rel. Specs.	58	-	-	1	1	-	1	-	1	3	2	5	9
Health Technicians	88	1	-	2	-	-	-	-	1	2	2	3	7
Engineer/Science Technicians	145	-	2	1	1	2	-	-	-	6	2	5	12
Technicians, Other	126	3	-	1	1	1	1	2	-	6	2	4	13
Para-Professionals	334	17	-	-	-	2	-	1	-	11	27	27	41
Supervisors; Office/Clerical	77	20	-	2	1	-	-	-	1	3	2	4	9
Gen. Office/Admin. Support Occs.	944	72	-	16	9	7	4	4	-	32	49	62	121
Secretaries/Stenos/Typists	1,096	100	-	8	14	7	8	2	-	24	34	56	97
Financial Record Proc. Occs.	445	20	-	4	4	3	3	-	-	12	16	23	42
Protective Svc./Expt. Pol. & Det.	691	-	81	-	-	6	1	2	6	34	18	106	67
Supervisor, Protective Service	126	-	17	1	-	1	-	1	-	-	3	20	6
Police and Detectives	270	-	26	3	2	2	2	1	1	16	5	36	32
Service/Maintenance Occupations	265	6	-	-	-	3	3	3	1	18	19	23	47
Skilled Craft Occupations	31	1	-	-	-	1	-	-	-	2	1	1	4
Transportation/Material Moving	34	-	-	1	-	1	-	-	-	-	2	2	4
<b>Total Executive Branch</b>	<b>9,632</b>	<b>288</b>	<b>754</b>	<b>49</b>	<b>52</b>	<b>55</b>	<b>15</b>	<b>49</b>	<b>29</b>	<b>267</b>	<b>249</b>	<b>408</b>	<b>771</b>

Source of Information: DEEO Records -- See Notes 1, 2, and 4.

APPENDIX D  
 STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
SCHEDULE OF TOTAL EXECUTIVE BRANCH EMPLOYEE WORKFORCE COMPOSITION BY RACE AND SEX  
December 31, 1980 -- June 30, 1984

Percentage Composition of Executive Branch Workforce

<u>Category by Race and/or Sex</u>	<u>As of Dec. 31, 1980</u>	<u>As of Dec. 31, 1981</u>	<u>As of Dec. 31, 1982</u>	<u>As of Dec. 31, 1983</u>	<u>As of June 30, 1984</u>
White Males	52.3%	52.1%	51.6%	51.0%	50.5%
White Females	38.3%	38.4%	38.9%	39.6%	39.0%
Ak. Native/American Indian Male	2.4%	2.3%	2.1%	2.1%	2.2%
Ak. Native/American Indian Female	2.5%	2.4%	2.5%	2.3%	2.7%
Black Male	.9%	.9%	1.0%	1.1%	1.2%
Black Female	1.2%	1.3%	1.2%	1.2%	1.2%
Asian/Pacific Islands Male	.6%	.7%	.7%	.7%	.3%
Asian/Pacific Islands Female	.9%	1.0%	1.1%	1.1%	1.3%
Hispanic Male	.4%	.4%	.4%	.4%	.5%
Hispanic Female	.5%	.5%	.5%	.5%	.6%
Total Male	56.6%	56.4%	55.8%	55.3%	55.2%
Total Female	43.4%	43.6%	44.2%	44.7%	44.3%
Total Minority	9.4%	9.5%	9.5%	9.4%	10.5%

Source of Information: DEEO Records

APPENDIX E  
 STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
 SUMMARY OF DISCRIMINATION COMPLAINTS HANDLED BY DEEO BY DEPARTMENT  
 for the Fiscal Year ending June 30, 1984

DISPOSITION OF DISCRIMINATION COMPLAINT CASES CLOSED DURING FY 84							STATUS OF OPEN DISCRIMINATION COMPLAINTS AT 6/30/84					
DEPARTMENT	Lack of Substantial Evidence	Conciliation Agreement (1)	Complaint Withdrawn	Predetermination Settlement (2)	Administrative Closure (3)	Total	Pre-determination (4)	Investigation (5)	Determination (6)	Conciliation (7)	Public Hearing (8)	Total
DOA	1	0	2	0	0	3	2	3	0	0	0	5
DOC	2	0	0	2	1	5	2	2	0	0	0	4
DCED	0	0	1	1	1	3	0	0	0	0	0	0
DCRA	1	0	0	0	0	1	0	0	0	0	0	0
DOE	0	0	0	1	0	1	1	0	1	0	1	3
DEC	0	0	0	1	0	1	0	0	0	0	0	0
DFG	1	0	0	0	1	2	0	0	0	0	0	0
DHSS	0	0	2	4	0	6	1	2	5	1	1	10
DOL	0	0	0	0	1	1	0	1	1	0	0	2
LAW	0	0	0	0	0	0	0	0	0	0	0	0
DMVA	0	0	1	0	0	1	0	0	2	0	0	2
DNR	0	0	1	0	1	2	1	0	1	0	0	2
GOVERNOR	0	0	0	0	0	0	3	0	0	0	0	3
DPS	0	0	0	0	0	0	3	2	1	0	1	7
DOR	0	0	0	0	0	0	0	1	0	0	0	1
DOTPF	3	0	0	2	1	6	0	6	0	0	0	6
<b>Total</b>	<b>9</b>	<b>0</b>	<b>7</b>	<b>11</b>	<b>6</b>	<b>32</b>	<b>11</b>	<b>17</b>	<b>11</b>	<b>1</b>	<b>1</b>	<b>45</b>

1. Conciliation Agreement: Complaint resolution achieved only after a full investigation and finding had been made by the anti-discrimination agency representing the complainant.
2. Predetermination Settlement: Complaint resolution achieved prior to the anti-discrimination agency having conducted an investigation.
3. Administrative Closure: Complaint closed for various reasons including failure of the complainant to cooperate, failure to file the complaint in a timely manner, and lack of jurisdictional authority by DEEO to handle the complaint.
4. Predetermination: Attempt made to reach a settlement prior to an investigation.
5. Investigation: Anti-discrimination agency researches the facts surrounding the complaint in order to arrive at a determination.
6. Determination: The anti-discrimination agency investigating the complaint concludes that the complaint either has "just cause" or "lacks substantial evidence".
7. Conciliation: As a result of a determination in favor of the complainant, a formal settlement is accepted.
8. Public Hearing: After the certified failure at conciliation, a formal public hearing is held by the State Human Rights Commission in order to resolve the complaint.

Source of Information: DEEO Records.

(Intentionally left blank)

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
NOTES TO THE APPENDIXES

Note 1 - Definition of under-utilization and factors to be considered when making an analysis of utilization

Chapter 41, part 60-2.11 of the Code of Federal Regulations (which regulates all non-construction Government contractors having 50 or more employees) defines under-utilization "as having fewer minorities or women in a particular job group than would reasonably be expected by their availability." The Code further states that in making a separate utilization analysis of minorities and females, the following factors should be considered:

1. The size of the minority and female unemployment force in labor area surrounding the facility;
2. The minority population of the labor area surrounding the facility;
3. The percentage of the minority and female workforce as compared with the total workforce in the immediate labor area;
4. The general availability of minorities and women having requisite skills in the immediate labor area;
5. The availability of minorities and women having requisite skills in an area in which the employer can reasonably recruit;
6. The availability of promotable and transferable minorities and women within the employer's organization.
7. The availability of women seeking employment in the labor or recruitment area of the employer.
8. The existence of training institutions capable of training persons in the requisite skills; and
9. The degree of training which the employer is reasonably able to undertake as a means of making all job classes available to minorities and women.

Note 2 - Methodology used by DEEO to compute workforce under-utilization report (Appendix C)

The Appendix C quarterly under-utilization report was prepared by DEEO to be used in determining under-utilized Executive Branch departmental job groups (see Recommendation No. 4 discussion). The number of employees under-utilized (see Note 1) per job group was determined by the following formula:  $(P \times T) - E = U$  where,

P = Percentage of job group workforce availability by race/sex/ethnic category

T = Total Executive Branch job group employment

E = Executive Branch employment in job group race/sex/ethnic category

U = Number of employees under-utilized in job group by race/sex/ethnic category.

The availability figures for race/sex/ethnic categories per job group were calculated by DEEO. The Office of Federal Contract Compliance Programs approved the factor analysis approach used by DEEO in computing these figures as being a reasonable methodology for determining Executive Branch employment availability. To determine the availability of the members of race/sex/ethnic categories, DEEO applied judgemental weighting to the following factors:

1. State labor force statistics from the 1980 census conducted by the U.S. Department of Commerce (45-60% weighting applied to availability calculation).
2. State of Alaska population figures from the 1980 census conducted by the U.S. Department of Commerce (10-30% weighting applied to availability calculation).
3. Executive branch applicant flow data (10-45% weighting applied to availability calculation).
4. University of Alaska availability data (10-25% weighting applied to availability calculation where data usable).

Note 3 - Fiscal Year 1985 DEEO budget

Chapter 122 of the 1984 Session Laws of Alaska designated \$150,000 of the \$670,500 Fiscal Year 1985 budget to be granted to the Tlingit Haida Central Council for a minority recruitment project.

Note 4 - Composition of permanent full-time employee workforce

The permanent full-time employee workforce consists of those permanent employees and probationary employees in permanent positions covered under the General Government, Supervisory, Public Safety Employees Association, Excluded from Bargaining, and Confidential Bargaining Units.

Note 5 - Availability of permanent full-time employee workforce figures

Permanent full-time employee workforce employment figures provided by DEEO were available for the period November 1983 through June 1984. For this reason, the graphs shown on Appendix B are limited to this time period.

(Intentionally left blank)

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF ADMINISTRATION**

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

OFFICE OF THE COMMISSIONER

November 19, 1984

Mr. Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
Pouch W  
Juneau, AK 99811

**R E C E I V E D**  
NOV 28 1984  
**LEGISLATIVE  
AUDIT**

Dear Mr. Wilkerson:

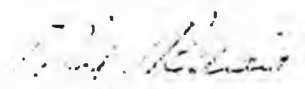
Re: A Follow-up Report on the Department of Administration,  
Division of Equal Employment Opportunity, August 15, 1984

We appreciate the opportunity to respond to the findings and recommendations of your follow-up report to the special report on the Department of Administration, Division of Equal Employment Opportunity issued April 29, 1983.

In general we concur with your report and findings and have no further comments at this time.

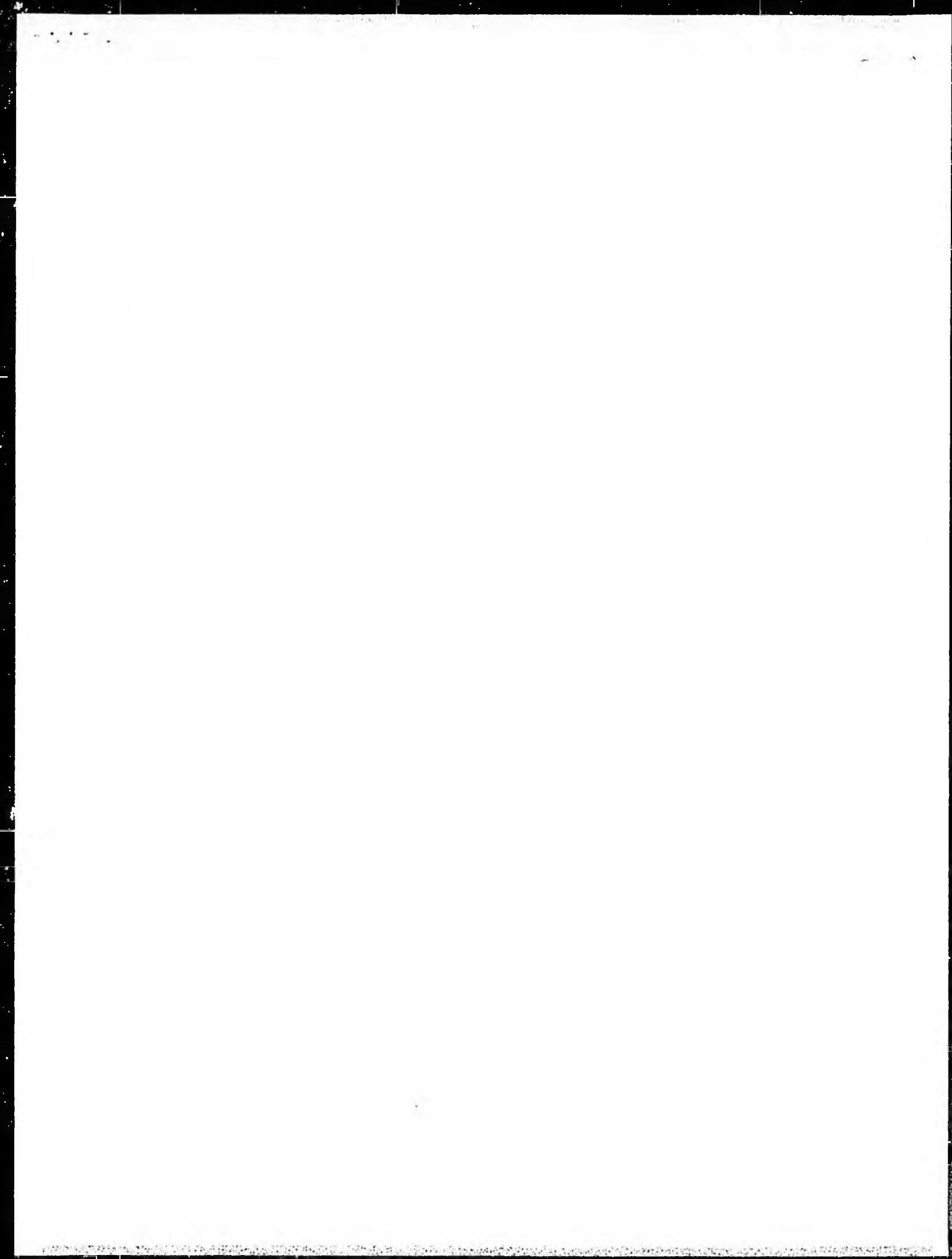
If you have any questions regarding this response, please contact me.

Yours sincerely,

  
Lisa Rudd  
Commissioner

LSR/MGM/jbh  
1/1001/1106-01  
cc: Fran Rose  
Acting Deputy Commissioner  
Human Resources  
Department of Administration

Merwin H. Peters  
Director  
Division of Equal Employment  
Opportunity  
Department of Administration



BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

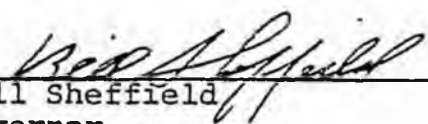
ADMINISTRATIVE ORDER NO. 75

It is the policy of the Executive Branch of Alaska State Government that all employees and applicants for employment shall be afforded equal opportunity in all aspects of personnel management. To insure equal opportunity there shall be no unlawful discriminatory treatment concerning any individual or group because of race, religion, color, or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

By virtue of the authority vested in me as Governor, I hereby direct that this order be implemented in accordance with the attached Procedures for Implementing Administrative Order No. 75.

This Order takes effect on April 8, 1983.

DATED at Juneau, Alaska, this 7<sup>th</sup> day of April, 1983.

  
\_\_\_\_\_  
Bill Sheffield  
Governor

STATE OF ALASKA

PROCEDURES FOR IMPLEMENTING ADMINISTRATIVE ORDER NO. 75

CONTENTS

I.	Scope of Authority .....	1
II.	Limitations .....	1
III.	Dissemination of Policy .....	2
IV.	Assignment of Responsibility .....	4
V.	Administration of Administrative Order No. 75 .....	5
VI.	Action Oriented Programs .....	11
VII.	Appendices	

Appendix A - Internal Discrimination Complaint Procedure

Appendix B - External Discrimination Complaint Procedure

I. SCOPE OF AUTHORITY

This Administrative Order covers all employees in the classified, partially exempt and exempt service of the Executive Branch of Alaska State government and all applicants for such service. The Order does not provide coverage to employees in the legislative or judicial branches of State government. The words "minorities and/or women" as used in these procedures are applicable to those persons in all classes protected from discrimination by federal and State laws.

II. LIMITATIONS

This Administrative Order does not approve unlawful discriminatory practices such as:

1. Discrimination in favor of any employees or applicants for employment on the basis of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood to the detriment of employment opportunities of any other qualified employee or applicant.
2. Lowering of job requirements or performance standards for the purpose of favoring any employee or applicant on the basis of his or her race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

### III. DISSEMINATION OF POLICY

Administrative Order Number 75 will be made known to all employees in the State service. Copies will be available to all new employees and posted prominently on State agency bulletin boards. The Administrative Order will be published in the State Personnel Rules, collective bargaining contracts and in all State agency employee handbooks. Semiannually the Administrative Order will be published in agency communications media where available.

The State Director of Personnel and the State Director of Equal Employment Opportunity (EEO) will provide a copy of the Order to recruitment sources such as: educational institutions, local governments, community action groups, ministerial associations, minority and women's organizations and Chamber of Commerce officials. State department commissioners will also assure compliance with this section in their respective departments.

#### INTERNAL DISSEMINATION

##### ACTION

##### RESPONSIBILITY

- |  |  |
|--|--|
| 1. Insure that both minorities and women are represented in group photographs and illustrations used by State Departments. | DEPARTMENT COMMISSIONER<br>Department EEO Representative<br>Department Information Officer |
| 2. Publicize progress in Affirmative Action through agency publications.   | DEPARTMENT COMMISSIONER<br>Department EEO Representative<br>Department Information Officer |

ACTION

RESPONSIBILITY

- |  |   |
|--|---|
| 3. Inform all employees in writing of the agency's commitment to Equal Employment Opportunity through Affirmative Action.  | DEPARTMENT COMMISSIONER<br>Department EEO Representative  |
| 4. Communicate to agency managers and supervisors the commitment of the agency to Equal Employment Opportunity through Affirmative Action.   | DEPARTMENT COMMISSIONER   |
| 5. Evaluate agency Affirmative Action efforts with top and middle management.  | DEPARTMENT COMMISSIONER   |
| 6. Develop training programs for Administrative Order Number 75 and federal and State laws and guidelines.   | DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  |
| 7. Post and inspect Administrative Order Number 75 as well as federal and State EEO posters to insure that all employees and applicants for employment are aware of the State's commitment to Equal Employment Opportunity through Affirmative Action. | DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY<br>Department EEO Representative<br>Department Personnel Officer |
| 8. Provide a discussion of Affirmative Action in all new employee orientation programs.  | DEPARTMENT COMMISSIONER<br>Department Personnel Officer   |
| 9. Provide each new employee with a copy of Administrative Order Number 75.  | DEPARTMENT PERSONNEL OFFICER  |

EXTERNAL DISSEMINATION

- |   |   |
|---|---|
| 1. Advise all recruitment sources, in writing, of Administrative Order Number 75. | DIRECTOR OF PERSONNEL<br>Department Personnel Officer |
|---|---|

ACTION

RESPONSIBILITY

- |  |   |
|--|---|
| 2. Inform, in writing, minority and women's organizations of Administrative Order Number 75. | DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY              |
| 3. Insure that minorities and women employees are pictured in recruitment literature.        | DIRECTOR OF PERSONNEL<br>Department Personnel Officer |
| 4. Advise secondary schools and colleges, in writing, of Administrative Order Number 75.     | DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY              |
| 5. Communicate to the public the desire to employ minorities and women.                      | DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY              |

IV. ASSIGNMENT OF RESPONSIBILITY

The ultimate responsibility for Equal Employment Opportunity rests with the Governor as Chief Executive Officer of the State. Responsibility and authority for coordinating and monitoring Administrative Order Number 75 has been delegated to the Commissioner of Administration.

Advice concerning the legal aspects of the Administrative Order is the responsibility of the Attorney General's Office.

V. ADMINISTRATION OF ADMINISTRATIVE ORDER NUMBER 75

Division of Equal Employment Opportunity:

The Division of Equal Employment Opportunity has been established in the

Department of Administration to administer the State's equal employment opportunity program. The Division's specific assignments include, but are not limited to, the following:

- Prepare guidelines, review, audit, and make recommendations concerning department Affirmative Action Plans and programs to insure consistency between department plans and Administrative Order Number 75.
- Maintain current copies of all department Affirmative Action Plans.
- Identify problem areas by agency, department, or other organizational unit and make recommendations for correction.
- Advise the Governor and the Commissioner of Administration of developments within the areas of Equal Opportunity and Affirmative Action.
- Assist State officials in carrying out their responsibilities under Administrative Order Number 75.
- Accept, investigate and resolve complaints of discrimination by employees or applicants for employment as prescribed in the Internal Discrimination Complaint Procedure (Appendix A).
- Serve as the State's primary liaison with other government agencies, minority and women's organizations, and community groups concerned with the State's equal opportunity program.
- Develop audit and reporting systems to acquire statistical information concerning the composition of the State's work force to evaluate compliance with Administrative Order Number 75.
- Prepare the State's annual EEO-4 report and other reports concerning the composition of the State's work force by race, sex and age.
- Maintain access to all data, records, and reports that are required for execution of the Division's responsibilities.
- Monitor records of personnel actions such as applicant flow, referrals, hiring rate, placements, transfers, promotions, terminations, and other pertinent statistical data to insure that the Administrative Order is being implemented.

- Prepare an annual report to the Governor concerning the progress made and problem areas encountered in State government.
- Review and make recommendations concerning all collective bargaining contracts/agreements to insure consistency between contracts/agreements and Administrative Order Number 75.

Executive Branch Affirmative Action Advisory Committee:

The Executive Branch Affirmative Action Advisory Committee will be composed of the Chairs of the departments' Affirmative Action Advisory Committees and the Director of the Division of EEO, who will serve as Secretary to the Committee. Members of this Committee will meet at least semi-annually and are responsible for:

- Reporting Affirmative Action progress of the respective departments.
- Discussing mutual Affirmative Action/EEO problems and make recommendations to the Division of EEO.
- Promoting Affirmative Action/EEO in the Executive Branch.

State Departments:

Every State department will have a written Affirmative Action Plan for Equal Employment Opportunity. Guidelines for the preparation of departmental Affirmative Action Plans will be provided by the Division of Equal Employment Opportunity. All State departments which have written Affirmative Action Plans as a result of compliance with federal legislation, regulations, or this Administrative Order, will submit their plans for review to the Division of EEO before such plans are submitted to federal or State compliance agencies.

. The Division of EEO will serve to expedite all activities concerning department compliance with Affirmative Action. Federal agencies and the Alaska State Commission for Human Rights which have responsibility for monitoring department E.E.O. compliance as a result of federal or State legislation and regulation will bring all questions of compliance prior to any official or unofficial actions thereon to the State Director of EEO, who will brief the Commissioner of Administration and the Governor of such noncompliance. Where compliance reviews are undertaken by federal agencies or the Alaska State Commission for Human Rights, the State Director of EEO will be notified, and his or her designee will be present during all such reviews.

Department Commissioners:

The Department commissioners will implement the Administrative Order within their respective agencies. This responsibility will include, but not be limited to, the following:

- Insure that the intent and spirit of the Administrative Order is carried out by all managers, supervisors and employees, and that their compliance with the Administrative Order is considered as a factor in their performance evaluation.
- Insure that the agency has a written Affirmative Action Plan setting forth goals and timetables to eliminate the effects of any past or present discriminatory practices, conditions, and privileges of employment.
- Select an official of the agency at the level of director or above who is designated as the Equal Employment Opportunity Representative and supervises development and implementation of the agency's affirmative action plan and program.
- Initiate efforts to recruit, appoint and retain qualified minorities and women at all levels of employment.

- Establish an Affirmative Action Advisory Committee composed of agency employees.
- Appoint the Chairperson of the Affirmative Action Advisory Committee.

Affirmative Action Advisory Committee:

The Affirmative Action Advisory Committee meets at least semiannually to evaluate the department's overall affirmative action program and performance in attainment of goals and implementation of action programs. The Committee will make known to the Commissioner its evaluations and recommendations. Other duties include:

- Assist the EEO Representative;
- Prepare and submit Affirmative Action semiannual reports to the chief executive officer and to the Division of Equal Employment Opportunity;
- Make staffing and funding recommendations for inclusion in the department budget for affirmative action programs; and,
- Counsel employees on how to file internal complaints or bring potentially discriminatory problems to the attention of management;
- Disseminate information to employees on the department's affirmative action program; and,
- Maintain an updated knowledge of current developments in EEO and affirmative action through attendance at workshops, seminars, and conferences.

The Chair of the Affirmative Action Advisory Committee, in addition to having the same individual responsibilities as other Committee members, is responsible for:

- Convening semiannual and special meetings of the Committee;
- Establishing meeting agendas;
- Scheduling guest speakers and special presentations;
- Assuring that Committee actions or recommendations are clearly stated for the minutes;
- Conducting meetings in an orderly and effective manner; and
- Serve as a member of the Executive Branch Affirmative Action Advisory Committee.

Department Equal Employment Opportunity Representatives:

The Equal Employment Opportunity Representatives are delegated responsibility by the agency commissioners for administering the agency's affirmative action program. Their assignments include, but are not limited to, the following:

- Supervise the development and execution of the agency's written affirmative action plan and program.
- Consult with management, supervisors and employees to assist in the resolution of problems related to unlawful discrimination.
- Establish an internal audit and reporting system designed to
  - \* measure the effectiveness of the program
  - \* point out deficiencies and needs for remedial action
- Serve as liaison between the agency and Division of EEO, minority organizations and community action groups.
- Advise the Affirmative Action Committee members, the Commissioner, and the other agency management staff on the latest developments in the field of equal employment opportunity and affirmative action.

- Ensure that minorities, women, disabled veterans and veterans of the Vietnam Era, and handicapped employees have the opportunity to participate in all agency-sponsored educational, training, recreational and social activities.
- Supervise preparation of the agency Equal Employment Opportunity program annual budget.

VI. ACTION-ORIENTED PROGRAMS

## RECRUITMENT

### ACTION

### RESPONSIBILITY

1. Post and periodically inspect all posters relating to Equal Employment Opportunity.  
DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY  
Department Personnel Officer  
EEO Representative
2. Utilize minority, women, handicapped and veteran communications media to publicize State employment Opportunities.  
DIRECTOR OF PERSONNEL  
Department Personnel Officer  
Information Officer
3. Include the phrase "An Equal Opportunity Employer" in all advertisements placed for the State of Alaska.  
DIRECTOR OF PERSONNEL  
Department Personnel Officer
4. Encourage State employees to refer minority and women applicants to State government.  
DEPARTMENT COMMISSIONER  
Director of Personnel
5. Recruit in schools and colleges including those with predominantly minority and female enrollments.  
DIRECTOR OF PERSONNEL  
Department Personnel Officer
6. Insure that recruitment advertisements, which contain photographs, include photos of minorities and women.  
DIRECTOR OF PERSONNEL  
Department Personnel Officer  
Information Officer
7. Disseminate qualification standards on position vacancies to minority and women's organizations.  
DIRECTOR OF PERSONNEL  
Department Personnel Officer
8. List all recruitment opportunities with the State Division of Personnel and the Division of Equal Employment Opportunity.  
DEPARTMENT COMMISSIONER  
Department Personnel Officer
9. Review all employment application forms to insure against unlawful discriminatory questions or requests for information.  
DIRECTOR OF PERSONNEL  
Director of Equal Employment Opportunity

ACTION

RESPONSIBILITY

- |  |   |
|--|---|
| 10. Administer tests which measure abilities, aptitudes, specialized background knowledge, and/or skills <u>required</u> for the job. All tests must be job related and appropriately validated. | DIRECTOR OF PERSONNEL<br>Department Personnel Officer                                   |
| 11. Advertise positions without regard to the sex of applicants except where sex is a bona fide occupational qualification.  | STATE RECRUITMENT COORDINATOR,<br>DIVISION OF PERSONNEL<br>Department Personnel Officer |
| 12. Employ the affirmative action certification process for minorities and/or women for those job classes where they are determined to be under-utilized.  | DEPARTMENT PERSONNEL OFFICER<br>Hiring Managers and Supervisors                         |

PROMOTION

- |   |                              |
|---|------------------------------|
| 1. Post promotional opportunities within each State department so that all employees will have upgrade opportunities.   | DEPARTMENT PERSONNEL OFFICER |
| 2. Establish career development program providing for:<br><br>a. Equal Opportunity for all employees for promotion.<br><br>b. Fair and uniform selection standards. | DEPARTMENT PERSONNEL OFFICER |

## COMPENSATION

### ACTION

### RESPONSIBILITY

1. Assure equal pay for equal work regardless of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood. DIRECTOR OF PERSONNEL  
Director Labor Relations
2. Conduct periodic reviews of all positions to insure that position requirements are job related. DEPARTMENT PERSONNEL OFFICER
3. Analyze and review positions upon department request to establish the accuracy of position allocations. DIRECTOR OF PERSONNEL
4. Insure that qualification standards for all positions are based upon the minimum required to perform necessary duties and responsibilities. DIRECTOR OF PERSONNEL
5. Request position audits from the Division of Personnel when inequities in position classification are noted. DEPARTMENT PERSONNEL OFFICER  
Department Commissioner

## SUPERVISION

1. Provide for department orientation programs stressing Equal Opportunity. DEPARTMENT EEO REPRESENTATIVE  
Department Personnel Officer
2. Provide counseling, exit interviews and other career information opportunities to lessen employee turnover. DEPARTMENT COMMISSIONER  
Department EEO Representative

ACTION

RESPONSIBILITY

- |   |   |
|---|---|
| 3. Assist employees and supervisors in discrimination complaint resolution. | DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY<br>Department Commissioner |
| 4. Provide a complaint procedure to administer employee complaints.         | DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY                            |

TRAINING

- |  |  |
|--|--|
| 1. Provide a system of educational leave to train employees in work related specialties at all levels of employment.   | DIRECTOR OF PERSONNEL  |
| 2. Establish a method of informing employees at all levels of training opportunities.  | DEPARTMENT COMMISSIONER<br>Director of Personnel<br>Director of Labor Relations<br>Director of EEO |
| 3. Provide on-the-job training to prepare employees to meet the full requirements of their position and provide for career growth at all levels of employment. | DEPARTMENT COMMISSIONER  |
| 4. Develop training programs concerning Equal Employment Opportunity for management and employees.   | DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY   |
| 5. Provide an opportunity for employees to participate in training opportunities, particularly training opportunities leading to advancement.                  | DEPARTMENT COMMISSIONER<br>All levels of management  |

BENEFITS

ACTION

RESPONSIBILITY

1. Assure that all benefits including but not limited to: retirement and health and life insurance are administered on an equal basis regardless of race, religion, color, or national origin, or because of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

DIRECTOR OF RETIREMENT & BENEFITS

CONDITIONS

1. Assure that all conditions and privileges of employment including, but not limited to, personal leave, annual leave, sick leave, hours of work, discipline and performance evaluations are administered on an equal basis regardless of race, religion, color, or national origin, or because of age, physical handicap, marital status, changes in marital status, pregnancy or parenthood.

DIRECTOR OF PERSONNEL  
Director of Labor Relations

## APPENDIX A

### INTERNAL DISCRIMINATION COMPLAINT PROCEDURE\*

The State Division of Equal Employment Opportunity (EEO) will accept complaints of discrimination from both State employees and applicants for State employment which are based on race, religion, color, or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood. Any complaint which is the subject of, or may affect, pending litigation will be referred to the Attorney General for advice or disposition.

Complaints must be related to a specific allegation of discrimination. State employees will be informed of other means of resolving discrimination complaints such as enforcement agencies, appeals, the State grievance procedure, and informal conciliation with management. If a complainant decides to file with the State Division of EEO, the following procedure will be used in investigating his or her complaint. The target for resolution of complaints is 90 calendar days after receipt. Multiple complaints or complaints which are particularly complex may take longer.

- 1) Each complaint must be filed formally on the "Complaint of Discrimination Form" available through agency personnel offices and the State Division of EEO office. Complainants have 90 calendar days from the date of the alleged discriminatory act to file their complaint with the Division of EEO.

\* All complaints will remain confidential except to the extent necessary to conduct a review of the facts.

- 2) An investigator will be assigned to the complaint by the Division of EEO Complaint Administrator.
- 3) The Investigator will conduct an in-depth interview with the complainant.
- 4) A copy of the complaint will be sent to the agency involved with a request for specific information relevant to resolving the complaint.
- 5) The material supplied by the agency and by the complainant will be reviewed.
- 6) Further investigation will be conducted when necessary. This may include interviewing witnesses, confirming information and seeking additional information and/or documentation.
- 7) Where there are conflicts of opinion, meetings will be held with both sides and facts which are in dispute reviewed.
- 8) When the investigation is completed, a Preliminary Summary of Facts will be submitted to the Complaint Administrator. This summary includes background, facts, conclusions, and the preliminary recommendations of the investigator. The file will be submitted to the Complaint Administrator to accompany the Preliminary Summary of Facts.
- 9) The Complaint Administrator and the Investigator will review the case, and the Complaint Administrator will make his or her final decision on the merits of the complaint.
- 10) Where no discrimination is found, the complainant is informed, in detail, as to the Complaint Administrator's findings. In cases where the issues are particularly complex, the complainant will be given the opportunity to discuss the findings, and to provide additional information.
- 11) Where there is an indication of discrimination, the Complaint Administrator will discuss the findings and recommendations with the agency head (or designee). A letter outlining the Complaint Administrator's findings and legal assessment will be sent to the agency. If the agency head accepts the Complaint Administrator's conclusions and implements the recommendations, the complainant is informed of the recommendations and the facts which led to those recommendations. In cases where the agency head rejects the Complaint Administrator's conclusions and recommendations, a detailed memorandum outlining the facts and stating the grounds of rejection will be sent to the Complaint Review Committee. Their decision will be the final step of this internal complaint procedure. The complainant will be informed in writing of referral to the Complaint Review Committee.

The Complaint Review Committee will be appointed by the Commissioner of Administration for a term of one year. The Committee will be representative of occupational levels such as administrative, professional, technical and clerical, and will total at least five, and not more than seven, employees.

## APPENDIX B

### EXTERNAL DISCRIMINATION COMPLAINT PROCEDURE

The Equal Employment Opportunity Division, Department of Administration is the central contact between State Executive agencies and State or federal antidiscrimination law enforcement and compliance agencies, e.g., Alaska State Commission for Human Rights, Equal Employment Opportunity Commission (EEOC), and the Office of Federal Contract Compliance Programs (OFCCP).

These compliance agencies have been instructed to serve all charges of discrimination against any agency of the Executive Branch on the Division of Equal Employment Opportunity either in person or by certified mail with a copy to the respondent agency at the Commissioner level. Likewise, all investigations, on-site reviews, settlement efforts, requests for essential information, notice of resolution conference, determinations, settlement agreements, complaint amendments, public hearings, etc., will be coordinated through the Division of Equal Employment Opportunity.

Federal and State antidiscrimination law enforcement agencies or compliance agencies are not, under any circumstances, to contact Executive agencies directly. Further, all contacts with compliance agencies by agencies of the Executive Branch must be made through the Division of Equal Employment Opportunity.

The Complaint Administrator, Division of Equal Employment Opportunity, coordinates all activity between respondent agencies and the Alaska State Commission for Human Rights with the exception of those charges that do not involve employment situations. In such cases, the Alaska State Commission for Human Rights will follow procedures as outlined above to maintain consistency, however, the respondent agency will act on these complaints without assistance from the Division of Equal Employment Opportunity.

The Complaint Administrator will determine the merits of the case, advise the respondent department on actions to be taken, participate in resolution conferences, conciliation conference and public hearings with enforcement agencies.

When a charge of discrimination has been filed or a civil action brought against a State agency, all records relevant to the charge or action should be preserved until final disposition thereof.

BILL SHEFFIELD, GOVERNOR

AGENCY HEADQUARTERS  
431 W. 7th AVENUE, SUITE 105  
ANCHORAGE, ALASKA 99501  
(907) 266-7474

NORTHERN REGION  
675 SEVENTH AVENUE, STA H  
FAIRBANKS, ALASKA 99701  
(907) 452-1561

SOUTHCENTRAL REGION  
431 W. 7th AVENUE, SUITE 101  
ANCHORAGE, ALASKA 99501  
(907) 274-4692

SOUTHEASTERN REGION  
POUCH AH  
314 GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811  
(907) 465-3560

## HUMAN RIGHTS COMMISSION

March 29, 1985

MAR 29 1985

The Honorable Katie Hurley  
Chair, State Affairs Committee  
Alaska House of Representatives  
Pouch V  
Juneau, AK 99811

Dear Representative Hurley:

On March 1, 1985 at their Annual Meeting, the Human Rights Commissioners considered HB 147 "An Act Creating a Division of Equal of Equal Employment Opportunity in the Department of Administration". At that time, the Commissioners directed me to furnish a resolution embodying their views on this bill to the Legislature. That resolution (attached) expresses support for this legislation creating the Division of Equal Employment Opportunity by statute. However, the Commissioners voiced two serious reservations in the areas of the power to adopt administrative regulations and the employment discrimination complaint section. The Commission is concerned that the section regarding employment discrimination complaints may create confusion between the role of the Division of EEO and the statutory mandate of the Human Rights Commission. Moreover, the capability to adopt administrative regulations is unclear with regard to the statutory power to conduct investigations under the employment discrimination section.

Shortly after the Commission meeting I shared these concerns with Commissioner of Administration, Lisa Rudd. Commissioner Rudd agreed at that time to eliminate Section 42.21.475 from the bill. The elimination of the employment discrimination complaints resolved our concerns with the administrative regulations section and basically relieved the Commission's concerns about full support of the bill.

On March 22, I received a communication from your office with the latest work draft of a committee substitute for HB 147. After consultation with our Chairperson Virgie King, the Commission offers the following amendments to the committee substitute: "Section 44.21.465 (9) accept, investigate and resolve internal complaints of discrimination from employees, previous employees, or applicants for employment; Section 41.21.465 (10) serve as primary liaison between the Executive Branch and state and federal agencies, minority and women's organizations and community groups concerned with equal opportunity and work to enhance equal opportunity in state government; and"

Excerpt from Minutes

Human Rights Commission Meeting  
March 1, 1985

Jacqueline Lindauer moved that the Commission furnish a resolution to the Fourteenth Legislature which embodies the feelings of the Commission regarding House Bill 147, "an act creating a Division of Equal Employment Opportunity in the Department of Administration," to wit:

With two significant exceptions, the Alaska State Commission for Human Rights supports House Bill 147. The Commission supports the bills "spirit" and intent to breath statutory life into the Equal Employment Division. However, the Commission has two serious reservations with the bill as it is presently drafted. Those reservations are as follows:

Section 42.21.465. Administrative regulations.

Section 42.21.475. Employment discrimination complaints.

The Commission is concerned that the section regarding employment discrimination complaints may create confusion between the role of the state EEO and the Human Rights Commission. Additionally the language of House Bill 147 may create conflicts of interest or the appearance of a conflict of interest between the office of EEO and the Human Rights Commission because it seems to make it mandatory for the state employee to register his or her complaints with the state EEO office. Additionally, the EEO's capability to adopt administrative regulations is unclear with regard to the statutory powers granted to the Division by the bill.

FILIPINO COMMUNITY, INC.  
251 S. Franklin St.  
Juneau, Alaska 99801

1 RESOLUTION NO. I, Series of 1985

2 WHEREAS, House Bill No. 147 has been introduced in  
3 the Legislature of the State of Alaska and pending action  
4 by the Fourteenth Legislature - First Session.

5 WHEREAS, this proposed Bill is entitled: "An Act Creat-  
6 ing a division of Equal Employment Opportunity in the De-  
7 partment of Administration."

8 WHEREAS, the members and officers of the Filipino  
9 Community, Inc., in Juneau, in a general membership meeting  
10 this 9th day of February, 1985, unanimously acted by virtue  
11 of a Motion duly Seconded, to strongly indorse and support  
12 the enactment or passage of House Bill No. 147 with the  
13 following suggested amendments and/or additions:

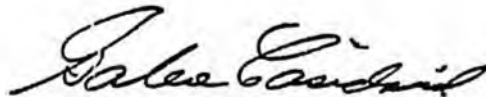
14 Sec. 44.21.460. Powers And Duties of The Division.  
15 Add another paragraph: (5) conduct training sessions to  
16 state employees as well as women, minority groups and handi-  
17 cap persons in the areas of affirmative action in state  
18 employment.

19 Sec. 44.21.475. Employment Discrimination Complaint.  
20 (a) insert after the word about, the words: and direct the  
21 immediate implementation of an informal resolution of com-  
22 plaints duly investigated unless the findings thereof are  
23 appealed to Superior Court within thirty (30) days from  
24 receipt by the parties of copies of the Resolution.

25 NOW, THEREFORE, on Motion duly Seconded, it was resolved  
26 as it is hereby resolved that the general membership and  
27 officers strongly indorse the enactment or House Bill No. 147.

28 RESOLVED finally, that copies of this Resolution be fur-  
29 nished and transmitted to the Speaker of the House, Senate  
30 President, Chairmen, Vice-Chairmen and Members of the State  
31 Affairs and Finance Committees, the Hon. Governor, Commis-  
32 sioner of Administration, Director of EEO, and the various  
33 Filipino/American organizations in the different cities  
34 in the State of Alaska.

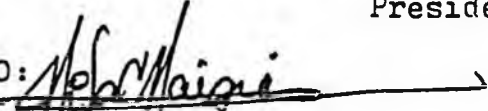
35 UNANIMOUSLY ADOPTED AND CARRIED by the general membership  
36 and officers, this 9th day of February, 1985, in Juneau,  
37 Alaska.

  
GALEO CASIDSID  
President

38  
39

40 ATTESTED TO:

41  
42

  
MILLA C. MAJQUIS  
Secretary

Offered: 4/ 3/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 147 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL  
6 For an Act entitled: "An Act establishing an equal employment opportunity  
7 program for the executive branch of state government  
8 and creating a division of equal employment oppor-  
9 tunity in the Department of Administration."

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

11 \* Section 1. AS 44.21 is amended by adding new sections to read:

12 ARTICLE 9. EQUAL EMPLOYMENT OPPORTUNITY.

13 Sec. 44.21.450. AFFIRMATIVE ACTION PLAN. The governor shall  
14 establish an equal employment opportunity program and adopt annually  
15 an affirmative action plan for the executive branch of state govern-  
16 ment. The plan remains in effect until the governor adopts a subse-  
17 quent plan.

18 Sec. 44.21.455. DIVISION CREATED. The division of equal employ-  
19 ment opportunity is established in the Department of Administration.

20 Sec. 44.21.460. DIRECTOR. The commissioner shall appoint a  
21 director to administer the division.

22 Sec. 44.21.465. POWERS AND DUTIES OF THE DIVISION. (a) The  
23 division shall administer the equal employment opportunity program for  
24 the executive branch of state government to ensure compliance with  
25 AS 44.21.450 - 44.21.490 and shall

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

- 1           (2) train state managers and supervisors in their equal  
2 employment opportunity and affirmative action responsibilities and  
3 offer orientation programs to employees to inform them of their rights  
4 and responsibilities under AS 44.21.450 - 44.21.495;
- 5           (3) monitor records of personnel actions, develop auditing  
6 and reporting systems to acquire statistical information, and prepare  
7 federal and state reports concerning the composition of the work  
8 force;
- 9           (4) prepare and submit the affirmative action plan for  
10 employment in the executive branch of state government to the gover-  
11 nor;
- 12           (5) prepare guidelines for the affirmative action programs  
13 of agencies and review, audit and make recommendations concerning the  
14 programs;
- 15           (6) ensure that agencies comply with the affirmative action  
16 plan and with the agency affirmative action program;
- 17           (7) implement standards by which performance evaluations of  
18 supervisors reflect compliance with affirmative action plans and  
19 objectives, including the granting or denial of merit increases;
- 20           (8) enforce equal employment opportunity by filing a legal  
21 action against a state officer or employee who violates affirmative  
22 action standards and procedures; for purposes of a legal action under  
23 this paragraph, the director may employ independent legal counsel not  
24 associated with the Department of Law;
- 25           (9) assist the division of labor relations in collective  
26 bargaining negotiations between the state and employee bargaining  
27 organizations to ensure that each collective bargaining agreement  
28 negotiated by the state ensures equal employment opportunity;
- 29           (10) inform the governor when an agency fails to comply with

1 its affirmative action program, the affirmative action plan, or state  
2 or federal equal employment opportunity laws or regulations, and  
3 recommend action to correct the noncompliance;

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

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

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

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

18 Sec. 44.21.470. ADMINISTRATIVE REGULATIONS. The commissioner  
19 shall adopt regulations under the Administrative Procedure Act  
20 (AS 44.62) to carry out the division's duties.

21 Sec. 44.21.475. COMPLIANCE WITH AFFIRMATIVE ACTION PLAN. Each  
22 agency shall comply with the affirmative action plan. Each commis-  
23 sioner or executive head of an agency shall adopt an affirmative  
24 action program to implement the plan within the agency. At the re-  
25 quest of the division, a state official shall report to the division  
26 about agency employment practices and activities to implement and  
27 comply with the plan or program.

28 Sec. 44.21.480. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The  
29 division shall accept complaints of employment discrimination in the

1 executive branch of state government and shall confer with the com-  
2 plainant and the agency involved to bring about an informal resolution  
3 of the complaint. If the complainant agrees to comply with the  
4 resolution proposed by the division, the agency involved shall imple-  
5 ment it.

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

8 (c) The division may not make public the records of an inves-  
9 tigation.

10 Sec. 44.21.485. RETALIATION PROHIBITED. (a) An agency, offi-  
11 cer, or state employee may not directly or indirectly refuse to hire,  
12 transfer or promote, or dismiss, demote, suspend, lay off, or other-  
13 wise discipline for filing a complaint with the division for a failure  
14 to comply with affirmative action or equal employment opportunity or  
15 for assisting the division in an investigation of a complaint.

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

18 Sec. 44.21.490. ACCESS TO CONFIDENTIAL RECORDS. The division  
19 may have access to all data, records, and reports necessary to carry  
20 out its functions under AS 44.21.450 - 44.21.495. The division may  
21 not make public information designated as confidential by AS 39.25.-  
22 080 or another law. However, the division may make public statistical  
23 information compiled from confidential records.

24 Sec. 44.21.495. DEFINITIONS. In AS 44.21.450 - 44.21.495,

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

28 (2) "commissioner" means the commissioner of administra-  
29 tion;

1           (3) "division" means the division of equal employment  
2 opportunity in the Department of Administration;

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

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

13       \* Sec. 2. This Act may not be applied to limit the right of a person to  
14 file a complaint with the State Commission for Human Rights under AS 18.-  
15 80.100.

Introduced: 1/30/85  
Referred: State Affairs and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 147

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment op-  
7 portunity 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 9. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

11 Sec. 44.21.450. DIVISION CREATED. The division of equal employ-  
12 ment opportunity is established in the Department of Administration.

13 Sec. 44.21.455. DIRECTOR. The division must be administered by  
14 a director appointed by the commissioner.

15 Sec. 44.21.460. POWERS AND DUTIES OF THE DIVISION. (a) The di-  
16 vision 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 in the Department of  
20 Administration, and other departments and agencies, on methods to  
21 promote the recruitment of members of protected classes for employment  
22 in the executive branch of state government;

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

26 (4) meet and confer with minority groups and individuals  
27 regarding employment with the state.

28 (b) The division may recommend legislative or administrative  
29 action to the governor and the commissioner relating to equal

1 employment opportunity and affirmative action matters.

2 Sec. 44.21.465. ADMINISTRATIVE REGULATIONS. The commissioner  
3 shall, in accordance with the Administrative Procedure Act (AS 44.62),  
4 adopt regulations necessary to carry out the duties imposed on the  
5 division by AS 44.21.450 -- 44.21.485.

6 Sec. 44.21.470. AFFIRMATIVE ACTION PLAN. (a) The division  
7 shall annually develop and submit to the governor an affirmative ac-  
8 tion plan for the executive branch of state government. The plan be-  
9 comes effective upon the signature of the governor, and remains in  
10 effect until a subsequent plan is approved by the governor.

11 (b) Each executive branch department and agency shall comply  
12 with the affirmative action plan. Each commissioner or executive head  
13 of an agency shall report to the division about activities to imple-  
14 ment and comply with the plan.

15 (c) The division shall report annually to the governor and the  
16 legislature on the content and implementation of the affirmative ac-  
17 tion plan.

18 Sec. 44.21.475. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The  
19 division shall conduct an impartial investigation of each complaint of  
20 employment discrimination in the executive branch of state government  
21 reported to the division, and shall work with the complainant and the  
22 department or agency involved to bring about an informal resolution of  
23 the complaint.

24 (b) An equal employment opportunity officer in an executive  
25 branch department or agency shall notify the division if the officer  
26 receives a complaint alleging employment discrimination.

27 (c) The division may not make public the records of an ongoing  
28 investigation. After a case is closed, the division shall, upon  
29 request to do so, release information that is not otherwise

1 confidential, and shall, upon the party's request, return documents  
2 furnished by a complainant or respondent.

3 Sec. 44.21.480. ACCESS TO CONFIDENTIAL RECORDS. The division  
4 may have access to all records necessary to carry out its functions  
5 under AS 44.21.450 -- 44.21.485. The division may not make public any  
6 information designated as confidential by AS 39.25.080 or any other  
7 statute. However, the division may make public any statistical infor-  
8 mation compiled from confidential records.

9 Sec. 44.21.485. DEFINITIONS. In AS 44.21.450 -- 44.21.485,

10 (1) "commissioner" means the commissioner of the Department  
11 of Administration;

12 (2) "division" means the division of equal employment  
13 opportunity in the Department of Administration;

14 (3) "employment in the executive branch of state govern-  
15 ment" includes employment as a permanent, probationary, provisional,  
16 or nonpermanent employee in the classified, partially exempt, or  
17 exempt services in the executive branch of state government;

18 (4) "member of a protected class" means a person protected  
19 by federal or state laws that prohibit discrimination in employment.