

COMMITTEE REPORT
SENATE

FURTHER:

5/7/85

Date 5/7/85

Mr. President

The Committee on FINANCE considered CSHB 147(Pin) establishing an equal employment opportunity program for the executive branch of state government and creating an office of equal employment opportunity in the Office of the Governor.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends Individual recommendations
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature] No. RE.
[Signature] No. RE.

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

<u>REQUEST</u>	<u>SCS</u>	<u>FISCAL DETAIL</u>
Bill/Resolution No.: <u>CSHB 147(Fin)</u>	Agency Affected: <u>Governor's Office</u>	
Title: <u>Creating Office of</u>	Program Category Affected: _____	
<u>Equal Employment Opportunity</u>	General Government/Labor Relations	
Sponsor: <u>Governor</u>	BRU, Program or Subprogram(s) Affected: _____	
Requestor: <u>Senate Finance</u>	<u>Equal Employment Opportunity</u>	
Date of Request: <u>5/11/85</u>		

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: _____ Phone: 564-4523
 Division: Jan Faiks, Co-chairman Date: 5/11/85
Senate Finance Committee
 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

Original sponsor: Rules/Governor

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IN THE HOUSE

BY THE FINANCE COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 147 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act establishing an equal employment opportunity program for the executive branch of state government and creating an office of equal employment opportunity in the Office of the Governor."

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

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

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

ARTICLE 9. EQUAL EMPLOYMENT OPPORTUNITY.

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

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

(1) assist state officials to carry out their equal employment opportunity responsibilities, including promoting the recruitment, employment, training, and retention of members of protected classes, and recommend solutions to any problems identified;

(2) train state managers and supervisors in their equal

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

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

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

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

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

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

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

(9) file quarterly reports with the governor and the legislature concerning agency compliance with and progress in its affirmative action program, the affirmative action plan, state and federal equal employment opportunity laws and regulations;

(10) accept, investigate, and resolve complaints of discrimination from employees, previous employees, or applicants for employment;

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2 (11) serve as primary liaison between the executive branch
3 and state and federal agencies, minority and women's organizations,
4 and community groups concerned with equal employment opportunity; and

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

9 (b) The office may recommend legislative or administrative
10 action to the governor relating to equal employment opportunity and
11 affirmative action matters.

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

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

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

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

1 of the complaint.

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

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

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

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

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

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

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

24 (2) "employment in the executive branch of state
25 government" includes employment as a permanent, probationary, provi-
26 sional, nonpermanent, or temporary employee in the classified, par-
27 tially exempt, or exempt services in the executive branch of state
28 government;

29 (3) "member of a protected class" means a person protected

1 by federal or state laws that prohibit discrimination in employment or
2 a person who experiences or has experienced difficulty in obtaining
3 employment or advancement in employment because of another factor not
4 related to merit;

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

7 * Sec. 3. This Act may not be applied to limit the right of a person to
8 file a complaint with the State Commission for Human Rights under AS 18.-
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SECTIONAL ANALYSIS FOR HB 147

An Act establishing an equal employment opportunity program for the executive branch of state government and creating an office of equal employment opportunity in the Office of the Governor

Section 1

Sets forth the reasons for the establishment of the office of equal employment opportunity.

Section 2

Stipulates what functions and duties are to be carried out by this office. In general they are as follows:

- 1) Governor appoints the director
- 2) Office shall administer the equal employment opportunity program for the executive branch
- 3) Train managers and supervisors in their equal opportunity and affirmative action responsibilities.
- 4) Prepare and submit an affirmative action plan in the executive branch
- 5) File legal actions against any state officer that violates affirmative action standards and procedures
- 6) File quarterly reports with the Governor and Legislature on progress in affirmative action

The office shall adopt regulations under the Administrative Procedures Act.

The Governor shall establish an equal employment opportunity program and adopt annually an affirmative action plan for the executive branch which must be complied with by each state agency.

The office shall accept complaints of employment discrimination from employees. These complaints may not be used against the employee. The office may have access to all records concerning and employment discrimination complaint.

Section 3

This act does not limit a person's right to file a complaint with the State Commission on Human Rights.

There is a \$10,000 fiscal note.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

50-153

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
OPERATING						
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						
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	10.0	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER						
TOTAL	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: Jim Duncan 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)

CSHB 147 (Finance) Page 2 of 2
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.

Offered: 4/22/85
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

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CS FOR HOUSE BILL NO. 147 (Finance)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act establishing an equal employment opportunity

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classes, and recommend solutions to any problems identified;

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(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;

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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;

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4 crimination from employees, previous employees, or applicants for
5 employment;

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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
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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-
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18 civil penalty of not more than \$1,000.

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28 unit of the executive branch;

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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.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 30, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating a division of equal employment opportunity in the Department of Administration. This bill will provide the division with statutory responsibility for equal employment opportunity that will transcend administrations and provide continuity in equal employment opportunity within the executive branch of state government.

The bill establishes the division of equal employment opportunity by adding AS 44.21.450 -- 44.21.485 to AS 44.21, relating to the Department of Administration. The division's powers and duties, which include advising and consulting with other departments and divisions about equal employment opportunity, affirmative action, and recruitment matters, are set out in AS 44.21.460. Most significantly, the division is under a mandate to develop an affirmative action plan for the executive branch of state government, to be submitted to the governor on an annual basis. The plan becomes effective once signed by the governor, and the head of each executive agency or department must report to the division about activities undertaken to implement the plan. The division reports annually to the governor and legislature on the plan's content and implementation. AS 44.21.470.

The bill requires the division to conduct an impartial

investigation of every complaint of employment discrimination in the executive branch of state government. The division will work with the complainant and the agency involved to informally resolve the complaint. AS 44.21.475. Another feature of the bill is that it gives the division access to all records necessary to carry out its functions, although information that is confidential under AS 39.25.080 or other statutes may not be made public. AS 44.21.480.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield". The signature is written in dark ink and is positioned above the typed name and title.

Bill Sheffield
Governor

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

4/29/85

Date May 7, 1985

Mr. President

The Committee on State Affairs considered CSHB 147(Fin) establishing an equal employment opportunity program for the executive branch of state government and creating an office of equal employment opportunity in the Office of the Governor.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without ^{as follows:} ~~recommendation~~
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

W. Fischer
Bill Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edw. de Vin To Be

Mike Reed
Chairman

To Be
Chairman recommendation