

HB

25

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



HOME
3960 REKA DRIVE-B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
P. O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

M E M O R A N D U M

DATE: February 10, 1988

TO: Representative John Sund, Chairman
House Judiciary Committee

FROM: Representative Terry Martin

SUBJ: CSHB 25 - AFFIRMATIVE ACTION

With the recent implementation of the Governor's reorganization/consolidation of the state EEO offices under the new Office of Equal Opportunity, I feel that the time is appropriate to have public hearing on CSHB 25.

The legislation, in its original form empowered the Office of Equal Opportunity to direct the Department of Administration, Division of Personnel to take certain action with regard to employees who have been discriminated against by the state. However, in keeping with the recent reorganization this legislation has been changed to impact the Human Rights Commission. (Draft CS has been requested from Legal.)

Public interest in the issue of discriminatory action by the state against its employees runs very high. I have documentation on file from many individuals who claim that they have been discriminated against by the state. Some have entered into costly litigation, others could not afford to do so. In one case, after an employee took legal action against the state (at great personal expense) and later settled his case with the state, he was essentially blackballed from future re-employment with the state because of documentation remaining in his personnel records as a result of the discriminatory act that he had taken the state to court for in the first place.

This is just one incident, there are many, many more.



CSHB 25 - Affirmative Action
Page 2

The intent of CSHB 25 is to give the Human Rights Commission more specific statutory power to right the wrong being done to many state employees.

I hereby request that the House Judiciary Committee schedule a hearing on CSHB 25 - Affirmative Action at its earliest convenience.

Thank you for your consideration of my request.

/laj/sund.laj



Alaska State Legislature

House

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

Date: February 10, 1987

To: House Committee on State Affairs

From: Lydia Jones, Legislative Assistant
Office of Representative Terry Martin

Re: HB 25 - Affirmative Action

For over two years, our office has been receiving complaints from members of an Anchorage based group called "Minority Victims of Alaska State Government Discrimination". This organization was founded by individuals who felt that they had been discriminated against by the State of Alaska. The group alleges that the State has been discriminatory in its hiring and promotion practices. They further allege that the state attempts to retaliate against employees who have filed discrimination complaints or who have pointed out improper procedures going on in State government.

Take for example the litigation initiated by an employee with six years of state service. Between 1977 and 1982, this individual filed a total of four discrimination suits with the Office of Equal Employment Opportunity and the Alaska Human Rights Commission. In his experience, the administrative complaints received by these state agencies did not result in relief or resolution agreements that were satisfactory to him. This complainant finally took his case to the Superior Court for adjudication. After reaching an out of court settlement with the state, this individual began to reapply for state jobs only to find that he was essentially "blackballed" because his personnel files still contained reports, performance appraisals and other documentation that was the result of the discriminatory practices that he had been subjected to during his past employment with the state.

Another example is that of a two year state employee who "blew the whistle" on certain improprieties regarding the management and control of state property. Investigation of these improprieties led to the firing of his boss and a grand jury probe into the affairs of the department. As a result of these revelations, this individual was laid off. He was told that the lay off was due to "budgetary constraints". This

individual filed two discrimination complaints with the Alaska Human Rights Commission. The arbitrator in this action concluded that this employee was laid off by certain state officials partly in retaliation for questioning safety practices at work and ordered that he be reinstated.

These examples are only two of many.

The State Office of Equal Employment Opportunity as established by statute in 1985, was given the responsibility to administer the equal employment opportunity program and to ensure its compliance. The office was never given the authority to "enforce" the concept of equal employment opportunity. Under AS 44.19, the Office of Equal Employment Opportunity can only recommend solutions to an agency if that agency is found to be in noncompliance with affirmative action guidelines. The agency is in no way obligated to comply with those recommendations.

HB 25 will enable the Office of Equal Employment Opportunity to enforce compliance with affirmative action standards, guidelines and procedures by:

- 1) forbidding an agency to hire or promote employees and requiring an agency to reverse a personnel action including a hiring decision if it finds that the action was based on a discriminatory employment practice.

- 2) requiring an agency to change its selection procedures if it finds that the procedures have a discriminatory affect on members of a protected class.

- 3) requiring an agency to hold a disciplinary hearing to determine whether an employee has violated this subsection; the Office of EEO may participate in the hearing.

HB 25 will also require the Division of Personnel in the Department of Administration to purge records from an employee's personnel file if the records are the direct or indirect result of complaint of unlawful discrimination by a state official or employee. One official of the State of Alaska acknowledged that, "The criminal justice system in this state basically treats convicted felons better than the State personnel system treats employees and former employees". By this he meant that under certain circumstances, a convicted felon may have his/her record purged after their sentence has been satisfied and they are released from probation. However, a state employee who has filed a complaint or who has

derogatory documentation on disciplinary actions in his/her personnel file has no such recourse.

We felt that it was important to provide for the protection of these individuals. Once information of this type has been placed in a personnel file, it remains there indefinitely. The end result is that the individual is passed over for promotion or finds it virtually impossible to get rehired by the state once he/she terminates.

In summary, we feel that this legislation will give the Office of Equal Employment Opportunity the "clout" it needs to really get down to the business of implementing the statewide Affirmative Action Plan.



Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Representative Fran Ulmer
Chairwoman, State Affairs Comm.

FROM: Cherie Shelley
Executive Director

SUBJECT: HB 25 - An Act relating to affirmative action

DATE: February 12, 1987

The Alaska Public Employees Association has no objection to the overall thrust of HB 25, a bill introduced by Representative Martin that would greatly strengthen the powers of the Office of Equal Employment Opportunity with respect to equal employment opportunity and affirmative action in the executive branch of state government. APEA does have questions about a couple of specific items in the bill, however.

Proposed AS 44.19.442(b)(5) (Section 1 of this bill) would require an agency to hold a disciplinary hearing to determine whether an employee has violated equal employment or affirmative action principles. It is unclear to us exactly how this would work. What type and amount of evidence would the office have to have before it could require such a hearing? Who would determine an appropriate sanction if some sort of violation were found? Would the hearing be a full-blown adversary proceeding, or just an opportunity for the employee to respond to accusations against him or her? How does this hearing fit into the contractual grievance procedure? (APEA of course would strenuously oppose this provision if it were intended to supplant the arbitration procedure.) In short, there are some questions about this section that definitely need to be answered.

Proposed AS 44.19.442(c) (Section 2 of the bill) provides that any collective bargaining agreement between the State and a labor association may not "contradict" the statutes on the Office of Equal Employment Opportunity. APEA has no problems with the basic principle of this section, that a collective bargaining

Fairbanks Field Office
825 College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

agreement must incorporate the concepts of equal employment opportunity and affirmative action. (The current agreements between the State and APEA provide that a special promotion list of minorities and/or women may be used instead of the normal promotion list when the need for the special list is certified.) However, again APEA has problems with the idea of prohibiting conflict with any of the myriad provisions of AS 44.19.441 - 44.19.449; this is, in our opinion, too constricting on the collective bargaining process. Thus, for instance, Rep. Martin's bill in proposed AS 44.19.442(b)(4) would empower the office to require an agency to change its selection procedures if it finds that the current procedures have a discriminatory effect. This might require the overriding of a carefully negotiated contract provision, one agreed to with affirmative action goals in mind. In our view the language of proposed AS 44.19.442(c) is just too broad.

CS/kr



RECEIVED 1987
RECEIVED FEB 18 1987

Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

TO: Representative Fran Ulmer
Chairwoman, State Affairs Committee

FROM: John B. Gaguine *JBG*
General Counsel
Alaska Public Employees Association

DATE: February 17, 1987

At the State Affairs Committee's February 13 meeting, I orally suggested some changes to Representative Martin's HB 25 that would alleviate APEA's technical concerns. You asked that I put those suggestions in writing. Here they are:

1. Change the proposed new language in AS 44.19.442(b)(5) to read: "(5) request an agency to investigate whether an employee has violated this subsection, and to impose discipline if the investigation reveals facts warranting it."
2. Change the first sentence of proposed AS 44.19.442(c) to read: "A collective bargaining agreement adopted under AS 23.40.070 - 23.40.260 (Public Employment Relations Act) must be consistent with principles of equal employment opportunity and affirmative action."

Thank you for your consideration of these changes.

JBG/baa

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825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305



February
1987

Editor: Tim Weiss

UMC MEETING

February 6, 5-7:30 pm
Filipino Community Hall
251 South Franklin St.

AGENDA:

Appointment of Committees on UMC's function: membership, fund raising, legislative lobbying, Martin Luther King anniversary 1988, problem of UMC, solutions.

Meetings are open to the public.

MEMBERSHIP DUES DUE

UMC Treasurer, Aida Ganey, has informed me that UMC membership dues are due. UMC needs your support to continue putting out this newsletter, to continue to provide support to the minority community, put on functions such as Martin Luther King Jr. Day celebrations, and future efforts. Dues are totally tax deductible.

AFFIRMATIVE ACTION BILL INTRODUCED

As Review by: Ben Holganza, UMC President

HB 25 entitled "An Act relating to affirmative action" was recently introduced by Representative Terry Martin. This would amend the State Office of EEO statute by adding a few requirements and duties to the office, namely:

1) *require the division of personnel in the Department of Administration to purge records from an employee's personnel file if the records are the direct or indirect result of complaint of unlawful discrimination by a state official or employee;*

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

3) *require an agency to change its selection procedures if it finds that the procedures have a discriminatory affect on members of a protected class; and*

4) *require an agency to hold a disciplinary hearing to determine whether an employee has violated this subsection; the office may participate in the hearing.*

I have heard that the ideas in this bill originated from an actual case that Rep. Martin was aware of in which a state employee was "blackballed" after filing and winning a discrimination complaint. Apparently the fact that he/she had filed a complaint was kept in the personnel files and agencies who interviewed this person felt that he/she might be a troublemaker.

Several people have commented that even former convicts have more rights than state government employees do. Former convicts can have their conviction and arrest records purged after serving their probation, but state employees who file a complaint can't. Is this justice?

This bill would also serve another valuable function, it would finally define the function of OEEA more clearly and settle the dispute over whether OEEA is a "resource" agency or an "enforcement" agency.

PUBLIC HEALTH NURSES' APPEAL

On November 27, 1986, Superior court Judge Duane Craske directed the parties in the public health nurses' case to get on with the appeal of the Human Rights Commission's Order. The commission decided earlier in January 1986 that the state Department of Health and Social Services and Department of Administration had discriminated against the nurses by paying them less than physician's assistants. The commission decided that nurses were victims of sex discrimination because their work was of comparable character to the work of the physician's assistants but were paid less.

In February 1986, the state appealed the commission decision and since then the progress of the appeal was stymied by disputes about which judge should decide the case and whether damages should be calculated before the appeal would be heard. In the most recent action, Judge Craske of Sitka told the parties to go forward on the appeal without a specific damage award.

Supreme Court Decisions

The following commentary on several important Supreme Court decisions is reprinted with the permission of the Michigan Department of Transportation, Bureau of Administration, Office of Small Business Liaison. It appeared in the Spring 1987 issue of Michigan Liaison. We hope you find it useful in your training sessions and other work.



Recent decisions by the U.S. Supreme Court have served to securely entrench in law one of our nation's most controversial legacies: affirmative action. Several Court cases on affirmative action issues were decided during the past few years, the most recent one being the March 25, 1987 decision which upheld the Santa Clara County Transit Agency's affirmative action plan. Following are summaries of some Supreme Court decisions which address the issue of affirmative action.

Johnson vs. Transportation Agency

The Supreme Court rejected a sex discrimination suit filed by a white male who was passed over for promotion in favor of a woman with a slightly lower score in a competitive interviewing process. The opinion written by Justice Brennan said that under Title VII of the Civil Rights Act of 1964, the federal job discrimination statute, the same standards that the Court has laid down to assess the legality of racial affirmative action plans should be used in assessing sex-based affirmative action plans and vice versa.

United States vs. Paradise

The Supreme Court ruled in a case involving Alabama state troopers that judges may order employers temporarily to use strict racial quotas in promotions, as well as hiring, to cure "egregious" past discrimination against blacks.

Local 93, Intl. Assn. of Firefighters vs. Cleveland

By a 6-to-3 vote the Supreme Court rules that a federal court could enforce a voluntary agreement between the City of Cleveland and the firefighters union to give minorities preference in hiring and promotion. In essence, the justices held that under Title VII of the Civil Rights Act of 1964, a voluntary public sector affirmative action plan

is valid when contained in a consent decree and Title VII does not preclude a court from approving a consent decree that is broader than the relief which could have been awarded by the Court after a trial.

Local 28, Sheet Metal Workers vs. Equal Employment Opportunity Commission

The Supreme Court approved a lower court ruling requiring a New York City sheet metal workers' local to meet a 29 percent minority membership quota by 1987 to rectify especially "egregious" discrimination. In this case the Court upheld the power of a federal court to impose an affirmative action plan on an unwilling defendant in cases of egregious discrimination or where necessary to dissipate the lingering effects of pervasive discrimination.

Wygant vs. Jackson Board of Education

In this case, the Supreme Court rules the Board of Education's collective bargaining agreement with the teachers' union unconstitutional because it allowed for layoffs of white teachers before minority-group teachers with less seniority thereby imposing too much of a burden on white teachers and hence violating the Equal Protection Clause of the 14th Amendment. The court reasoned that other less intrusive means, such as the adoption of hiring goals, were available to reduce past discrimination.

Perhaps the most important outcome of this case was the declaration that the benefits of race-conscious affirmative action plans are not limited to specific identified victims of racial discrimination.

Memphis Firefighters vs. Stotts

The Supreme Court ruled that a federal judge had no power under Title VII of the Civil Rights Act of 1964 to modify a consent decree by ordering that recently hired blacks keep their jobs while whites with more seniority were being laid off.

Weber vs. Kaiser Aluminum

In 1978, the Supreme Court ruled that the prohibition against racial discrimination in employment in Title VII did not bar a private employer from reserving for blacks half the positions in a special training program, to rectify "old patterns of racial segregation and hierarchy."

It is interesting to note that Justice Brennan cited the Weber case in his opinion on Johnson vs. Transportation Agency. In the opinion he wrote, "...Weber held that an

(Continued on next page)

EEO/AA Manual

J. Cooper and Associates has published a two-volume EEO/AA Manual which is being offered to AAAA members at a discount price of \$200.00 (Regular price is \$294.00). The lead author, Joseph Cooper, was formerly Director of OFCCP. For more information, contact J. Cooper and Associates, 733 15th St., NW, Suite 774, Washington, D.C. 20005, (202) 628-1423. To obtain the discount, identify yourself as an AAAA member.

**Workforce 2000: Work and Workers
In the 21st Century**

The Hudson Institute, Herman Kahn Center, 5395 Emerson Way, P.O. Box 26-919, Indianapolis, IN 46226, (317) 545-1000. Cost: \$10.00. This report from one of the nation's best-known think tanks examines the significant changes in the workforce and their dramatic impact on the protected classes.

**Projections 2000: The Labor Force,
Monthly Labor Review**

September 1987, U.S. Department of Labor, Bureau of Labor Statistics, Washington, D.C. \$4.75. The entire issue is devoted to reports of how future change will affect the people served and championed by affirmative action. Contact: Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

Sexual Harassment Sensitivity Program Package

Developed by Oklahoma State University, this is an innovative and comprehensive program for students. Package consists of a 15-minute video tape and instructor's manual. For more information contact: C.S. Ross, 101 Whitehurst Hall, Oklahoma State University, Stillwater, OK 74078-0004. Phone: (405) 624-5627.

Affirmative Action Video Showcase

Jennifer Coplon, an active Region I member and a specialist in EEO/AA video training materials, is making available a unique and comprehensive annotated catalogue listing over 100 EEO/AA-related video resources. Contact: Resource Presentations, 230 Western Avenue, Boston, MA 02134. Phone: (800) 225-3959.

Valuing Diversity

This new three-part series of films/video examines the benefits and challenges arising from diversity and dramatically shows managers and employees how to deal with everyday practical issues which affect relationships, communication, and performance in multicultural organizations. Produced by Copeland Griggs Productions. For more information about costs, previews, rental or purchase, contact Copeland Griggs Productions, 411 15th Avenue, San Francisco, CA 94118. Phone: (415) 668-4200.

**Enhancing Your Person Impact:
Strategies for Becoming More Effective**

This is an in-house seminar which focuses on the organization's particular needs. Participants learn to understand the communication process and increase their abilities to communicate. Presented by AAAA Region I Director, James McClain. For more information call Glenda Best (617) 353-2151.

Supreme Court Decisions/continued from page 6

employer seeking to justify the adoption of a plan need not point to its own prior discriminatory practices, nor even to evidence of an arguable violation on its part. Rather it need point only to "conspicuous...imbalance in traditionally segregated job categories."

Interpretation

The Supreme Court decision in the Johnson case is perhaps the most significant of all. It defines the standards that could be used by employers in structuring affirmative action plans by establishing that sex, along with seniority, job performance, and other factors may be used to determine who is to be hired and promoted. Perhaps most important, the case clarified the distinction between affirmative action plans voluntarily adopted by employers and those imposed by the courts. The new ruling is expected to result in an increase in the percentages of women and minorities in job categories which have been traditionally underrepresented with minorities and women. ■

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	3-14-88	1:30 p.m.
H. JUD	3-11-88	1:30 p.m.
H. JUD.	2-25-88	1:30 p.m.

Adopted

5-0286Ba
Cramer

A M E N D M E N T #1

Offered in the Judiciary Committee

By Gruenberg

TO: CSHB 25 (State Affairs)

Page 1, lines 21 - 22:

Delete "have a discriminatory effect on members of a protected class"

Insert "violate state or federal laws prohibiting employment discrimination"

Original sponsor: Martin

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 25 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to affirmative action."

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

8 * Section 1. AS 44.19.442(b) is amended to read:

9 (b) The office may

10 (1) recommend legislative or administrative action to the
11 governor relating to equal employment opportunity and affirmative
12 action matters;

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

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

20 (4) require an agency to change its selection procedures if
21 it finds that the procedures have a discriminatory effect on members
22 of a protected class; and

23 (5) require an agency to investigate whether an employee
24 has violated this subsection and to impose discipline if the inves-
25 tigation reveals facts warranting it.

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

27 (c) A collective bargaining agreement adopted under AS 23.40.-
28 070 - 23.40.260 (Public Employment Relations Act) must be consistent
29 with principles of equal employment opportunity and affirmative

1 action. AS 44.19.441 - 44.19.449 supercede the provisions of AS 39.25
2 (State Personnel Act).

3 * Sec. 3. AS 44.19.444 is amended to read:

4 Sec. 44.19.444. AFFIRMATIVE ACTION PLAN. The governor shall
5 establish an equal employment opportunity program and adopt annually
6 an affirmative action plan for the executive branch of state govern-
7 ment. The plan remains in effect until the governor adopts a subse-
8 quent plan. The office shall work with each agency to enhance equal
9 employment opportunity.

10 * Sec. 4. AS 44.19.445 is amended by adding a new subsection to read:

11 (b) When the office finds that an agency has violated the affir-
12 mative action plan or its affirmative action program, the office may

13 (1) suspend the hiring authority of the agency; and

14 (2) impose mandatory affirmative action measures on the
15 agency to bring the agency into compliance.

5-0286L✓
Cramer
3/10/88

Original sponsor: Martin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 25 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to equal employment opportunity and
7 affirmative action."

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

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

10 Sec. 18.80.133. REMEDIES AGAINST THE STATE. In addition to
11 other measures that the commission may impose, if the commission finds
12 that the state has engaged in the discriminatory employment conduct
13 alleged in a complaint, the commission may

14 (1) if it finds that a personnel action was based on a
15 discriminatory employment practice,

16 (A) forbid an agency to hire or promote employees for
17 up to 30 days; and

18 (B) require an agency to reverse a personnel action
19 including a hiring decision;

20 (2) require an agency to change its selection procedures if
21 it finds that the procedures have a discriminatory effect on members
22 of a protected class; and

23 (3) require an agency to

24 (A) investigate whether an employee has violated this
25 section or AS 18.80.220; and

26 (B) impose discipline if the investigation reveals
27 facts warranting it.

28 * Sec. 2. AS 18.80.220(a) is amended to read:

29 (a) It is unlawful for

1 (1) an employer to refuse employment to a person, or to bar
2 a person from employment, or to discriminate against a person in
3 compensation or in a term, condition, or privilege of employment
4 because of the person's race, religion, color or national origin, or
5 because of the person's age, physical or mental disability, sex,
6 marital status, changes in marital status, pregnancy or parenthood
7 when the reasonable demands of the position do not require distinction
8 on the basis of age, physical or mental disability, sex, marital
9 status, changes in marital status, pregnancy or parenthood;

10 (2) a labor organization, because of a person's sex, mari-
11 tal status, changes in marital status, pregnancy, parenthood, age,
12 race, religion, physical or mental disability, color or national
13 origin, to exclude or to expel a person from its membership, or to
14 discriminate in any way against one of its members or an employer or
15 an employee;

16 (3) an employer or employment agency to print or circulate
17 or cause to be printed or circulated a statement, advertisement, or
18 publication, or to use a form of application for employment or to make
19 an inquiry in connection with prospective employment, which expresses,
20 directly or indirectly, a limitation, specification or discrimination
21 as to sex, physical or mental disability, marital status, changes in
22 marital status, pregnancy, parenthood, age, race, creed, color or
23 national origin, or an intent to make the limitation, unless based
24 upon a bona fide occupational qualification;

25 (4) an employer, labor organization or employment agency to
26 discharge, expel or otherwise discriminate against a person because
27 the person has opposed any practices prohibited [FORBIDDEN] under
28 AS 18.80.200 - 18.80.280 or because the person has filed a complaint,
29 testified or assisted in a proceeding under this chapter;

1 (5) an employer to discriminate in the payment of wages as
2 between the sexes, or to employ a female in an occupation in this
3 state at a salary or wage rate less than that paid to a male employee
4 for work of comparable character or work in the same operation, busi-
5 ness or type of work in the same locality; [OR]

6 (6) a person to print, publish, broadcast or otherwise
7 circulate a statement, inquiry or advertisement in connection with
8 prospective employment that expresses directly, a limitation, speci-
9 fication or discrimination as to sex, physical or mental disability,
10 marital status, changes in marital status, pregnancy, parenthood, age,
11 race, religion, color or national origin, unless based upon a bona
12 fide occupational qualification; or

13 (7) an employer to maintain records of a complaint under
14 this chapter as part of an employee's personnel file; an employer
15 shall maintain records of a complaint and related information in a
16 separate, confidential file.

17 * Sec. 3. AS 23.40.070 is amended by adding a new subsection to read:

18 (b) A collective bargaining agreement adopted under AS 23.40.-
19 070 - 23.40.260 (Public Employment Relations Act) must be consistent
20 with principles of equal employment opportunity and affirmative action
21 under AS 44.19.441 - 44.19.449.

22 * Sec. 4. AS 44.19.442 is amended by adding a new subsection to read:

23 (c) AS 44.19.441 - 44.19.449 supersede the provisions of AS 39.-
24 25 (State Personnel Act).

25 * Sec. 5. AS 44.19.444 is amended to read:

26 Sec. 44.19.444. AFFIRMATIVE ACTION PLAN. The governor shall
27 establish an equal employment opportunity program and adopt annually
28 an affirmative action plan for the executive branch of state govern-
29 ment. The plan remains in effect until the governor adopts a

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subsequent plan. The office shall work with each agency to enhance equal employment opportunity.

* Sec. 6. AS 44.19.445 is amended by adding a new subsection to read:

(b) When the office finds that an agency has violated the affirmative action plan or its affirmative action program, the office may

(1) suspend the hiring authority of the agency; and

(2) impose mandatory affirmative action measures on the agency to bring the agency into compliance.

5-0286L
Cramer
2/14/88

Original sponsor: Martin

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 25 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

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

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15 discriminatory employment practice,

16 (A) forbid an agency to hire or promote employees for
17 up to 30 days;

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20 (2) require an agency to change its selection procedures if
21 it finds that the procedures have a discriminatory effect on members
22 of a protected class; and

23 (3) require an agency to investigate whether an employee
24 has violated this section or AS 18.80.220, and impose discipline if
25 the investigation reveals facts warranting it.

26 * Sec. 2. AS 18.80.220(a) is amended to read:

27 (a) It is unlawful for

28 (1) an employer to refuse employment to a person, or to bar
29 a person from employment, or to discriminate against a person in

1 compensation or in a term, condition, or privilege of employment
2 because of the person's race, religion, color or national origin, or
3 because of the person's age, physical or mental disability, sex,
4 marital status, changes in marital status, pregnancy or parenthood
5 when the reasonable demands of the position do not require distinction
6 on the basis of age, physical or mental disability, sex, marital
7 status, changes in marital status, pregnancy or parenthood;

8 (2) a labor organization, because of a person's sex, mari-
9 tal status, changes in marital status, pregnancy, parenthood, age,
10 race, religion, physical or mental disability, color or national
11 origin, to exclude or to expel a person from its membership, or to
12 discriminate in any way against one of its members or an employer or
13 an employee;

14 (3) an employer or employment agency to print or circulate
15 or cause to be printed or circulated a statement, advertisement, or
16 publication, or to use a form of application for employment or to make
17 an inquiry in connection with prospective employment, which expresses,
18 directly or indirectly, a limitation, specification or discrimination
19 as to sex, physical or mental disability, marital status, changes in
20 marital status, pregnancy, parenthood, age, race, creed, color or
21 national origin, or an intent to make the limitation, unless based
22 upon a bona fide occupational qualification;

23 (4) an employer, labor organization or employment agency to
24 discharge, expel or otherwise discriminate against a person because
25 the person has opposed any practices prohibited [FORBIDDEN] under
26 AS 18.80.200 - 18.80.280 or because the person has filed a complaint,
27 testified or assisted in a proceeding under this chapter;

28 (5) an employer to discriminate in the payment of wages as
29 between the sexes, or to employ a female in an occupation in this

1 state at a salary or wage rate less than that paid to a male employee
 2 for work of comparable character or work in the same operation, busi-
 3 ness or type of work in the same locality; [OR]

4 (6) a person to print, publish, broadcast or otherwise
 5 circulate a statement, inquiry or advertisement in connection with
 6 prospective employment that expresses directly, a limitation, speci-
 7 fication or discrimination as to sex, physical or mental disability,
 8 marital status, changes in marital status, pregnancy, parenthood, age,
 9 race, religion, color or national origin, unless based upon a bona
 10 fide occupational qualification; or

11 (7) an employer to maintain records of a complaint under
 12 this chapter as part of an employee's personnel file; an employer
 13 shall maintain records of a complaint and related information in a
 14 separate, confidential file.

15 * Sec. 3. AS 23.40.070 is amended by adding a new subsection to read:

16 (b) A collective bargaining agreement adopted under AS 23.40.-
 17 070 - 23.40.260 (Public Employment Relations Act) must be consistent
 18 with principles of equal employment opportunity and affirmative action
 19 under AS 44.19.441 - 44.19.449.

20 * Sec. 4. AS 44.19.442 is amended by adding a new subsection to read:

21 (c) AS 44.19.441 - 44.19.449 supersede the provisions of AS 39.-
 22 25 (State Personnel Act).

23 * Sec. 5. AS 44.19.444 is amended to read:

24 Sec. 44.19.444. AFFIRMATIVE ACTION PLAN. The governor shall
 25 establish an equal employment opportunity program and adopt annually
 26 an affirmative action plan for the executive branch of state govern-
 27 ment. The plan remains in effect until the governor adopts a subse-
 28 quent plan. The office shall work with each agency to enhance equal
 29 employment opportunity.

1 * Sec. 6. AS 44.19.445 is amended by adding a new subsection to read:

2 (b) When the office finds that an agency has violated the affir-
3 mative action plan or its affirmative action program, the office may

4 (1) suspend the hiring authority of the agency; and

5 (2) impose mandatory affirmative action measures on the
6 agency to bring the agency into compliance.

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Original sponsor: Martin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 25 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to affirmative action."

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

8 * Section 1. AS 44.19.442(b) is amended to read:

9 (b) The office may

10 (1) recommend legislative or administrative action to the
11 governor relating to equal employment opportunity and affirmative
12 action matters;

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

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

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

23 (5) require an agency to investigate whether an employee
24 has violated this subsection and to impose discipline if the inves-
25 tigation reveals facts warranting it.

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

27 (c) A collective bargaining agreement adopted under AS 23.40.-
28 070 - 23.40.260 (Public Employment Relations Act) must be consistent
29 with principles of equal employment opportunity and affirmative

1 action. AS 44.19.441 - 44.19.449 supercede the provisions of AS 39.25
2 (State Personnel Act).

3 * Sec. 3. AS 44.19.444 is amended to read:

4 Sec. 44.19.444. AFFIRMATIVE ACTION PLAN. The governor shall
5 establish an equal employment opportunity program and adopt annually
6 an affirmative action plan for the executive branch of state govern-
7 ment. The plan remains in effect until the governor adopts a subse-
8 quent plan. The office shall work with each agency to enhance equal
9 employment opportunity.

10 * Sec. 4. AS 44.19.445 is amended by adding a new subsection to read:

11 (b) When the office finds that an agency has violated the affir-
12 mative action plan or its affirmative action program, the office may
13 (1) suspend the hiring authority of the agency; and
14 (2) impose mandatory affirmative action measures on the
15 agency to bring the agency into compliance.
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FISCAL NOTE

REQUEST:

Revision Date: 03-17-88
Title: An act relating to affirmative action.
Sponsor: Martin
Requestor: _____

Agency Affected: Department of Administration
BRU: Personnel
Components: Centralized Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

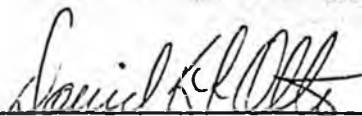
POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

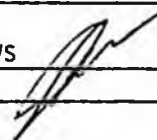
CSHB 25 (Judiciary) is consistent with current federal and State requirements regarding selection procedures. This bill will not have a fiscal impact on the Division of Personnel.

Prepared By: Dave Otto
Division: Personnel



Phone: 465-4430
Date: 3-17-88

Approved by Commissioner: John M. Andrews
Agency: Department of Administration



Date: 3/18/88

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

SPONSOR STATEMENT
CS House Bill 25
Representative Terry Martin

When the Office of Equal Employment Opportunity was established by statute in 1985, it was given the responsibility to administer the states equal employment opportunity program and to ensure its compliance.

The problems arose, however, when the OEEO was unable to do more than simply suggest solutions to agencies found to be in noncompliance with affirmative action and equal employment guidelines. The agency was in no way obligated to comply with those recommendations.

As a result of the Office's lack of enforcement authority, many complaints went unresolved or were unsatisfactorily resolved, forcing the complainant to refile his/her grievance with the Human Rights Commission, union or federal agency.

HB 25 was introduced to empower the OEEO to enforce compliance with established guidelines by directing the agency in question and/or the Division of Personnel to take certain action with regard to employees who have been discriminated against by the state.

At the time HB 25 was going through the committee process, the Governor's Office was developing plans to reorganize and consolidate the state's equal employment opportunity offices under the banner of the Office of Equal Opportunity. As a result of this reorganization, the OEO will no longer handle complaints directly, but will act solely in an advisory capacity. The Human Rights Commission is now the state agency responsible for investigating and resolving discrimination complaints.

Over the past year and a half, our office has been working in conjunction with the Governor's Office to tailor HB 25 so that it will be in line with the Governor's reorganization. The draft CS is the result of our joint efforts.

Specifically, the draft CS impacts the Human Rights Commission instead of the Office of Equal Employment Opportunity (now OEO). While the Commission is already empowered to take certain action against agencies, both state and private, found to have discriminated against an individual, it is vitally important that these particular measures are established by statute.

Public interest in the issue of discriminatory action by the state against its employees runs very high as evidenced by the documentation on file in our office from individuals who claim to have been discriminated against by the state. All of these individuals have filed complaints with the Office of Equal Employment Opportunity or the Human Rights Commission or both.

SPONSOR STATEMENT - CSHB 25

Page 2

In many cases, as a result of the unsatisfactory resolution of these complaints by the state agencies involved, many of these individuals have been forced to enter into costly litigation. Many others could not afford to do so.

In closing, we believe that this legislation, if enacted would offer some protection to individuals filing complaints of discrimination against the state and will statutorily define a more specific course of action against agencies or individuals found to have discriminated against another individual.

/laj/draft.laj

February 22, 1988

CONFIDENTIAL

Juliet Kay
POB 33453
Juneau AK 99803

Representative Terry Martin
Alaska House of Representatives
POB V Mail Stop 3100
Juneau AK 99811

Dear Representative Martin:

RE: CSHE 25

I would like to state that I support this legislation, CSHE 25 for the following reasons:

On September 9, 1985 I started my employment with the Alaska Department of Labor, Division of Workers' Compensation.

During my employment there, I was subjected to RACIAL harassment. Upon my opposing the harassment, my former Supervisor responded defensively creating a retaliatory work environment at the place of State employment. Since that, she influenced and encouraged my co-workers against me.

In addition, I was subjected to derogatory comments from my co-workers and supervisors. Events escalated to a physical assault on me by a co-worker. These actions were condoned by the Director. After my filing a complaint for Racial harassment with Alaska Office of EEO, I was terminated on June 9, 1986 in RETALIATION by Alaska Department of Labor for ALLEGED failure to meet the performance standards which they had prepared for my termination evaluation distinctively. These actions were CONDONED by former department EEO Rep as well as the former Commissioner.

According to Alaska Human Rights Commission, my employer has the right to harass me as long as they were harassing other employees because there are no laws stating that harassment on the basis of race, sex, religion, color or national origin, age, physical or mental disability, marital status, changes in marital status, pregnancy or parenthood. For example, according to my Supervisors and Directors it is not discrimination if a person makes unwelcome jokes against another person who has mental disability as long as she/he was making unwelcome jokes against a person who has physical disability. According AK Human Rights Commission, my employers were treating us equally.

On March 3, 1987 I was rehired by Alaska Department of Labor, Division of Administrative Services. Upon my returning to department of Labor, certain employees responded defensively creating a RETALIATORY environment.

Starting from the first day of my employment my new Supervisor's attitude toward me was BIAS and ABRASIVE. It was as if he was taking in a BAD APPLE and also, as if I was already LABELLED as a TROUBLE MAKER.

Although my employers were receiving FEDERAL funding for my position, I was not provided with minimum office furnishings, adequate office space and a work station to perform my job responsibilities. I was denied office furnishings and office space by my supervisor with insulting remarks.

Discriminatory and inadequate accommodations resulted in back, shoulder and arm strain. Upon my filing an occupational injury report, I was reprimanded by my supervisor.

In addition, there were some jokes of SEXUAL harassment nature at the place of State employment. Upon my opposing those jokes, Co-workers and Supervisors responded defensively creating a retaliatory work environment.

It seemed that my performance evaluation reports were used to retaliate against me. In my evaluation I was rated as UNACCEPTABLE in Interpersonal Relationships. According to my supervisor, filing occupational injury report, opposing jokes of sexual harassment nature; calling APEA; calling office of EEO and bringing an EEO investigator were like making threats to the Co-workers, Supervisors and the management and it causes interpersonal relationship problems. I have never caused interpersonal relationship problems. I brought the EEO investigator because I felt threatened by my co-workers, Supervisors and Directors.

In addition, he rated my work performance according to seniority rights instead of my performance on the job. Furthermore, according to him, merit increases, promotions, training, office furnishings, office space and work station are supposed to be provided according to seniority rights instead of job responsibilities. My supervisor's actions were condoned because my evaluations were reviewed and approved by his Supervisors as well as the Director prior to giving them to me.

While seniority right is a plus, it is not everything. This means no-one should go to college, get a degree or get any kind of work experience because it is not important. This means a file clerk could qualify for any kind of position as long as the supervisor like this person for personal reasons.

Upon receiving my rebuttal to my evaluation, again he responded defensively for complaining about and reporting these activities through my rebuttal. In retaliation, he placed FRAUDULENT and LIBELUS memos in my personnel file. Again, my supervisor's actions were condoned by his supervisors as well as the Director.

Furthermore, he influenced and encouraged my co-workers against me creating a retaliatory work environment at the place of State employment. I was subjected to THREATS, VERBAL ATTACKS, RACIAL and CULTURAL harassment, NAME calling, OFFENSIVE personal remarks, joking INSULTS, casually expressed SLURS or DEROGATORY comments by my co-workers and supervisors. Again these actions were CONDONED.

When these kind of activities persisted, again, I opposed it in writing. Again, I was terminated on October 2, 1988 in RETALIATION by Alaska Department of Labor for ALLEGED failure to work to resolve interpersonal relationship in the work place.

It appears that Supervisors and Directors are trained and skilled to cover their tracks to go around the law instead of complying with the law. From my experience with Alaska Department of Labor, I have come to the conclusion that VERY WELL ESTABLISHED OLD HABITS from the OLD GENERATION and from the OLD ADMINISTRATION are not only still existing but also persisting in the Department of Labor.

According to Labor Relations, my employer's actions were not prohibited by the CONTRACT. If this is true, I was working under a BIASED contract because it seems that I was required to like unlawful harassment, discrimination and retaliation at the place of State employment. How can State employment have this kind of contract? How can State of Alaska be an Equal Employment Opportunity Employer?

Today, I am a victim of unlawful harassment, discrimination and retaliation and my constitutional rights have been VIOLATED numerous times in many ways by the Alaska Department of Labor.

I have received letters from Senator Duncan and Governor Cowper stating that this Administration doesnot permit, tolerate or condone unjlawful employment practices.

It is interesting to point out that personal relationships are interfering with professional decisions because all the involved Directors, Supervisors and co-workers are still employed by department of Labor while I was the only one who was terminated both times.

It appears that STATE is permitting, tolerating and condoning my Employers', Supervisors' and Co-workers' actions.

I hate being on the defensive. But I do not feel I can permit, tolerate or condone such MALICIOUS, FRAUDULENT, LIBELOUS and BIASED judgement about my personality and character go unanswered and I will not rest until JUSTICE is done.

Again, I want to state that I support CSHS 25 and I urge that it should be passed.

Sincerely,



Juliet Kay



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
EXECUTIVE COMMITTEE, 1986 - 1988

April 29, 1987

EXECUTIVE COMMITTEE

President

Edward K. Thomas
Admin. Offices

Work (907) 586-1432
Res (907) 789-2929

First Vice President

David Lucas
PO Box 477
Metlakatla, Alaska 99926

Work (907) 886-4661

Second Vice President

Mark Jacobs, Jr.
PO Box 625
Sitka, Alaska 99835

Res (907) 747-8168

Third Vice President

John Hope
PO Box 311
Juneau, Alaska 99802

Work (907) 465-4890
Res (907) 789-0974

Fourth Vice President

Douglas W. Lunc
4002-A2 Westside
Sammamish, Penn. N.E.
Redmond, WA 98052

Work (206) 653-6585
Res (206) 882-4181

Fifth Vice President

Raymond F. Roberts
3725 Alaska Avenue
Ketchikan, Alaska 99901

Work (907) 225-8787
Res (907) 225-5481

Sixth Vice President

Richard J. Str. Sr.
9462 Broadway
Juneau, Alaska 99801

Res (907) 789-0010

Executive Director

Mr. Evelyn E. Myers
Admin. Offices

Work (907) 586-1432
Res (907) 780-6636

The Honorable Steve Cowper
Governor of Alaska
P. O. Box A
Juneau AK 99811

Dear Governor Cowper:

re Resolution 87/88-04 : Support for House Bill 25

The Central Council of Tlingit and Haida Indian Tribes of Alaska advised legislative committees of its support of HB 25 upon adoption of a Central Council position last week. The formal resolution is enclosed for your records.

We believe this piece of legislation is critical to the proper functioning of the EEO law, and we urge its enactment into law.

Please advise if we may provide further support. Thank you.

Sincerely,

Edward K. Thomas
President

EKT/jg
encls

cc: State Legislators
State Agencies
Bush Caucus
Rep. Terry Martin



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801

FIFTY-SECOND GENERAL ASSEMBLY
Central Council of Tlingit and Haida Indian Tribes of Alaska
April 16-18, 1987
Juneau, Alaska

Resolution 87/88-04

Title: Support for HB 25

Submitted by: Juneau T&H Community Council

WHEREAS, the State Equal Employment Opportunity law, AS 44.19, was passed in 1985; and

WHEREAS, the Alaska Native Brotherhood, Central Council of Tlingit and Haida Indian Tribes of Alaska and Sealaska Corporation worked hard to assure the passage of the law; and

WHEREAS, Native hire in State government continues to remain a high priority for us; and

WHEREAS, HB 25 has been introduced in this legislative session to amend the EEO law; and

WHEREAS, the bill is designed to strengthen and give clout to current EEO law; and

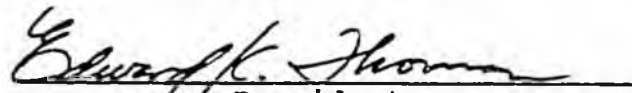
WHEREAS, HB 25 in its present form would provide the office of EEO tools necessary to adequately implement the EEO law;

NOW, THEREFORE, BE IT RESOLVED by the Central Council of Tlingit and Haida Indian Tribes of Alaska, in Annual Assembly, to go on record as supporting HB 25 in its present form; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Bush Caucus, Representative Terry Martin, and Governor Steve Cowper.

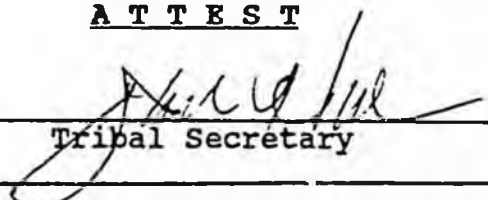
ADOPTED this 17th day of April, 1987, by the Fifty-Second General Assembly of the Central Council of Tlingit and Haida Indian Tribes of Alaska, in session at Juneau, Alaska.

C E R T I F I E D



President

A T T E S T



Tribal Secretary

TELEPHONE: 907/ 586-1432

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: An act relating to affirmative BRU: Personnel
action.
 Sponsor: Martin Components: Centralized Administrative
 Requestor: _____ Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	115.0	115.0	115.0	115.0	115.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	115.0	115.0	115.0	115.0	115.0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	115.0	115.0	115.0	115.0	115.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	115.0	115.0	115.0	115.0	115.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: *Diana DeSimone* Diana DeSimone
 Division: Personnel Phone: 465-4430
 Date: 1-21-88

Approved by Commissioner: John M. Andrews Date: 1/23/88
 Agency: Department of Administration

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

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill No. HB 25

House Bill 25 grants the Office of Equal Employment Opportunity broad enforcement authority with respect to equal employment opportunity and affirmative action matters. Of concern to the Division of Personnel is that portion of the proposed bill which allows the office to require agencies to change their selection procedures, that is, to require new examination or testing methods for employment application. Currently, any examination device must adhere to federally mandated test validation procedures. The proposed legislation appears to impose requirements for test validation that are in addition to the federal requirements.

Depending on the scope of the validation exercise, i.e., number of job classes involved, number of positions concerned, number of job sites affected, costs may range from \$30,000 to \$200,000 per examination. The fiscal note assumes an average of these two figures with one test validation performed per fiscal year. Contractual rather than personal services are indicated because it is most cost effective to contract with firms who specialize in test validation than to recruit and hire State employees with these specialized qualifications.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HB 25
Publish Date: _____

REQUEST _____

Revision Date: _____
Title: An act relating to affirmative action.
Sponsor: Martin
Requestor: _____

Agency Affected: Division of Personnel
BRU: Personnel
Components: Centralized Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	115.0	115.0	115.0	115.0	115.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	115.0	115.0	115.0	115.0	115.0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	115.0	115.0	115.0	115.0	115.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	115.0	115.0	115.0	115.0	115.0

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

ATTACHED

Prepared By: Diana DeSimone *Diana DeSimone* Phone: 465-4430
Division: Personnel Date: 1-27-87

Approved by Commissioner: Garrey Peska *Garrey Peska* Date: 2/5/87
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill No. HB 25

House Bill 25 grants the Office of Equal Employment Opportunity broad enforcement authority with respect to equal employment opportunity and affirmative action matters. Of concern to the Division of Personnel is that portion of the proposed bill which allows the office to require agencies to change their selection procedures, that is, to require new examination or testing methods for employment application. Currently, any examination device must adhere to federally mandated test validation procedures. The proposed legislation appears to impose requirements for test validation that are in addition to the federal requirements.

Depending on the scope of the validation exercise, i.e., number of job classes involved, number of positions concerned, number of job sites affected; costs may range from \$30,000 to \$200,000 per examination. The fiscal note assumes an average of these two figures with one test validation performed per fiscal year. Contractual rather than personal services are indicated because it is more cost effective to contract with firms who specialize in test validation than to recruit and hire State employees with these specialized qualifications.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HB 25
Publish Date: 1-19-87

Revision Date: _____
Title: An Act Relating to
Affirmative Action

Agency Affected: Office of the Governor
BRU: Commissions/Special Offices

Sponsor: Martin
Requestor: House State Affairs

Components: Equal Employment
Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director
Division: Administrative Services

Phone: 465-3616
Date: 2-6-87

Approved by Commissioner: Carol P. Kastelic
Agency: Exec. Assistant, Office of the Governor

Date: 2-6-87

Distribution (by preparer):

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

