

SB363

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 6, 1992 FURTHER REFERRALS:

Date of Committee Action: 5/8/92

The FINANCE Committee considered:

CSSB 363(L&C)

CS FOR SENATE BILL NO. 363 (L&C)

POSTING SEXUAL HARASSMENT INFORMATION

"An Act requiring certain employers to post information on inquiries and complaints concerning sexual harassment."

RECOMMENDATIONS:

be replaced with HCSSB363 (Fin) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) Gov 3/16/92

zero fiscal note Labor

zero fiscal note(s) DOA 3/16/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Mark Bann Boyer</u>	X				
<u>Jan Krohn Brown</u>	✓				
<u>Kobone Koonen</u>	✓				
<u>Bob King Beard</u>	✓				
<u>Red E. Roe Phillip</u>	✓				
<u>Ronald J. Larson Larson</u>	X				
<u>J. Ulmer Ulmer</u>	X				

Mark Boyer V-Chair
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : HCS CSSB 363 (L&C)

Revision Date: _____
 Title: "An Act requiring certain employers
 to post information on ... sexual harassment."
 Sponsor: Senator Uehling, et.al.
 Requestor: House Finance

Department Affected: Labor
 BRU: ALL
 Component: ALL

COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Arbe Williams, Special Assistant Phone: 465-2700
 Division: Commissioner's Office Date: 5/7/92

Approved by Commissioner: C. W. Mahlen
 Agency: Department of Labor Date: 5/7/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

DRAFT

Revision Date: _____ Department Affected: Office of the Governor
 Title: Posting of Information on Sexual Harassment BRU: Commissions/Special Offices
 Component: Human Rights Commissions
 Sponsor: Senators UEHLING, Murgulevski, Ročev, Collins
 Requestor: Senator UEHLING COMPONENT SERIAL NO.

0	0	0	1
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	.9	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	5.6	1.0	1.0	1.0	1.0	1.0
SUPPLIES	3.2	1.5	1.5	1.5	1.5	1.5
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	9.7	2.5	2.5	2.5	2.5	2.5

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
FUND SOURCE:	-	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.7	2.5	2.5	2.5	2.5	2.5
FEDERAL FUNDS	-	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	9.7	2.5	2.5	2.5	2.5	2.5

POSITIONS:

FULL-TIME	-	0	0	0	0	0
PART-TIME	-	0	0	0	0	0
TEMPORARY	1	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See attached detail of expenditure.

Prepared By: Paula M. Halev, Executive Director Phone: 276-7474 x241

Division: Alaska State Commission for Human Rights Date: _____

Approved by Commissioner: _____

Agency: _____ Date: _____

**Detail of Expenditures
Fiscal Note to CSSB363**

Posting of Information on Sexual Harassment

Personal Services

Temporary clerical and administrative support (10 days at Clerk Typist III level)	.9
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Contractual Services

Prepare camera-ready copy	.1	
Print 50,000 copies (Central Duplication)	2.5	
Postage	3.0	
		5.6

Supplies

Mailing tubes and labels; office supplies	<u>3.2</u>
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Total Estimated Cost*	9.7
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*Assumes no mass mailing. Agency would await inquiries and send out information as requested. FY93-98 assumes new requests and requests for replacement information.

2 of 2

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 1

Bill Version: SB 363

(S) Publish Date: 3-16-92

Revision Date: _____

Title: An Act requiring certain employers to post information concerning sexual harassment.

Sponsor: Uehling

Requestor: Senate Labor and Commerce Committee

Department Affected: Personnel/OEEO

BRU: Personnel/OEEO

Component: Personnel/OEEO

COMPONENT SERIAL NO.

		5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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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 FUND SOURCE:	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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Assumes that the required posters will be provided to the department for distribution to State at _____

Changes in CSSB 363 (L+C) have no fiscal impact. This fiscal note is appropriate.

3-13-92 date BM by [Signature] Comte Aide (initial)

Prepared by: R. H. King
Division: Personnel/OEEO

Phone: 465-4430
Date: January 31, 1992

Approved by Commissioner: Nancy Bear Usara
Agency: Administration

Date: 2/4/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

HOUSE CS FOR CS FOR SENATE BILL NO. 363 (FINANCE)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
 Referred:

Sponsor(s): SENATORS UEHLING, Sturgulewski, Rodey, Collins, Pourchot, Zharoff, Duncan, Menard, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring certain employers to post information on inquiries and complaints
 2 concerning sexual harassment."

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

4 * Section 1. AS 23.10 is amended by adding a new section to read:

5 Sec. 23.10.440. POSTING OF INFORMATION ON SEXUAL HARASSMENT. (a) An
 6 employer shall post in the workplace a notice prepared by the State Commission for Human
 7 Rights that

8 (1) sets out the federal definition of sexual harassment;

9 (2) advises employees of the name, address, and telephone number of the state
 10 and federal agencies to which inquiries and complaints concerning sexual harassment may be
 11 made; and

12 (3) sets out the deadlines for filing a complaint of sexual harassment with the
 13 agencies listed in (2) of this subsection.

14 (b) The employer shall select prominent and accessible locations for posting the notice

1 that will permit each of the employees of the employer to read the notice during the course of
2 their regular employment duties.

3 (c) The State Commission for Human Rights shall prepare and make available to
4 employers notices that meet the requirements of this section.

5 (d) The department may impose a civil fine not to exceed \$500 on an employer for
6 violation of this section.

7 (e) In this section, "employer" means an employer that employs 15 or more employees
8 at one time and includes the state, the University of Alaska, the Alaska Railroad Corporation, and
9 political subdivisions of the state.

10 * Sec. 2. AS 23.10.440 is repealed January 1, 2007.

HUMAN RIGHTS COMMISSION

INVESTIGATIONS
800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3628
PHONE: (907) 274-4692

March 27, 1992

Senator Rick Uehling
Room 512, Capitol
P. O. Box V
Juneau, AK 99811

Re: **Senate Bill No. 363**

Dear Senator Uehling,

The Alaska State Commission for Human Rights held its Annual Meeting February 27th and 28th in Juneau, during which the Commissioners considered SB363 "An Act requiring certain employers to post information on inquiries and complaints concerning sexual harassment." The Commission wishes to convey its full support of this legislation and funding thereof.

Sincerely,



Rex A. Okakok
Chairperson

RAO/mt

Current legislative policies
STATE OF ALASKA

THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

P O BOX 7, STATE CAPITOL
JUNEAU, ALASKA 99811
907 485-3800

MEMORANDUM

TO: All Legislators, and to Legislative and Agency Staff

FROM: *Sally Smith*
Sally Smith
Personnel and EEO Officer

SUBJECT: Sexual Harassment

DATE: October 21, 1991

With the subject of sexual harassment so prominently in the spotlight, you may have questions about how the legislative branch would handle such an issue.

Sexual harassment is 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.

While the federal Equal Employment Opportunity Commission (EEOC) enforces federal laws which prohibit discrimination, elected officials of a state or political subdivision and their personal staff members are excluded from provisions of the enabling Civil Rights Act. They are, however, subject to broader nondiscrimination provisions of Alaska State law.

Alaska statutes[†] define harassment as:

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.

Rather than the State's EEO office, it is the State Commission for Human Rights which has the authority to investigate any complaints concerning discrimination that emanate from Alaska's legislative branch.

As your EEO officer, I am available to answer questions related to your rights as an employee or supervisor and to provide you with any assistance in working through your concerns. You are encouraged to contact me at the earliest possible time so that we may understand and resolve issues before they escalate into problems. I would hope that no one of us would ever face the situation--on either side--that was witnessed by the nation last week.

**The memo is incorrect. The definition is in Admin. Order 81 - see sample notice on the last page.*

This is the information that would be posted under SB 363.

**Federal Equal Employment Opportunity Commission
(EEOC) Definition of Sexual Harassment**

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 of 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.

A person has 300 days from the date of the incident to report a sexual harassment complaint.

All sexual harassment complaints need to be reported to the Alaska State Commission on Human Rights, 800 'A' Street, Suite 204, Anchorage, AK 99501.

**Administrative
Order No. 81**

1984

DEPARTMENT OF ALASKA

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

1/22/92
Anchorage Daily News

Bill aims to 'get the word out' on sexual harassment

The Associated Press

JUNEAU — Employers with 15 or more workers would be required to post information about sexual harassment in the workplace under proposed legislation introduced in the Senate Tuesday.

Notices must be placed in "prominent and accessible" locations, and include the federal definition of sexual harassment, a list of state and federal agencies that accept harassment complaints, and deadlines for filing complaints.

"I just don't think people know what constitutes sexual harassment in the workplace," said Sen. Rick Uehling, R-Anchorage and the bill's sponsor. "This bill is just trying to get the word out. It's a start."

Maine has adopted a similar law, he said.

Paula Haley, executive director of the state Human Rights Commission in Anchorage, said she reviewed a copy of the proposal Monday and planned to discuss it with the seven commissioners this week.

"I think posting notices about discrimination can be effective in advising employees of their rights and reminding employers of their responsibilities," Haley said.

Sexual harassment complaints filed with the commission last year doubled to about 28 cases from 14 the year before, Haley said. At least one of the cases investigated last year involved sexual harassment against a man.

Senate Bill 363 was assigned Tuesday to the Finance and Labor and Commerce committees.

1/24/92
Anchorage
Daily News

Harassment

Prevention better than cure

After last fall's televised hearings on sexual harassment, some employers didn't waste any time. Before you could say "Clarence Thomas" or "Anita Hill," they had copies of their companies' harassment policies tacked to company bulletin boards.

So at least something good came out of these hearings. At least people became more aware of sexual harassment. At least they talked about it.

Now Sen. Rick Uehling, R-Anchorage, wants to make sure people remain aware. Sen. Uehling is sponsoring a bill that would require all employers with 15 or more workers to post information about sexual harassment in the workplace.

More red tape? More government interference? You could look at it that way. But then, all companies, public and private, already are bound by state and federal sexual harassment laws. If a simple, posted explanation could prevent a case of harassment, then it would keep government out of your business. Better prevention than damages or penalties.

Sexual harassment isn't the only form of discrimination, of course. It certainly would help to have people more aware of race or age or handicap discrimination as well. But, judging from the uproar over the Thomas-Hill hearings, people do seem to have particular trouble understanding sexual harassment. It couldn't hurt to give them more information while interest is high.

But perhaps the best way to see that education and prevention efforts on all kinds of discrimination are carried out is to fully fund the state Human Rights Commission. The commission has seen all complaints — including sexual harassment — go up 44 percent over the past year, while staffing has dropped by almost half over the past few years. Certainly the commission can't take on any new responsibilities under Sen. Uehling's bill, unless it gets the money to do so.