

SB363

SENATE FINANCE COMMITTEE REPORT

DATE: 3/16/92

FURTHER:

DATE TURNED INTO OFFICE: 3-19-92

The Finance Committee considered

SENATE BILL NO. 363

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

and recommends:

- replace with _____ CS _____ (FINANCE)
or adopt previous CS SB 363 (LHC)
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
 do not pass
 no recommendation
 individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes DOA 2-4-92

fiscal notes 9.7 Gov.

DO PASS:

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

OTHER RECOMMENDATIONS:

[Signature] No Rec
[Signature]
[Signature]

1. [Signature]
Co-Chair: Signature/Recommendation

2. [Signature]
Co-Chair: Signature/Recommendation

FISCAL NOTE

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 CS SB 363 (L+C) have no fiscal impact. This fiscal note is appropriate.

3-13-92 date BDM leg Comd. Comte Aide (initial)

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

Phone: 465-4430
 Date: January 31, 1992

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/4/92

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

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

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, Sturgulewski, Rodev, Collins
 Requester: 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	2	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. Haley, Executive Director Phone: 276-7474 x241

Division: Alaska State Commission for Human Rights Date: _____

Approved by Commissioner: _____ Date: _____

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

CS FOR SENATE BILL NO. 363 (L&C)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/16/92
 Referred: Finance

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

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 that

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

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

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

13 (b) The employer shall select prominent and accessible locations for posting the notice
 14 that will permit each of the employees of the employer to read the notice during the course of

1 their regular employment duties.

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

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

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

9 * Sec. 2. AS 23.10.440 is repealed January 1, 1997.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : SB 363

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

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) SB 363 would require certain employers, including the state, to post a notice concerning sexual harassment complaints. As we understand that a specific agency will be responsible for the printing and distribution of the notice, its impact on the Department will be as an employer subject to the posting requirement. This bill has no program effect or fiscal impact on the Department of Labor.

Prepared by: Arbe Williams, Special Assistant *ayw* Phone: 465-2700
 Division: Commissioner's Office Date: 1/24/92
 Approved by Commissioner: John Abshire, Acting Commissioner *John Abshire*
 Agency: Department of Labor Date: 1/24/92

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

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. SB 363

Revision Date: _____ Department Affected: Office of the Governor
 Title: Posting of Information on Sexual Harassment BRU: Commissions/Special Offices
 Component: Human Rights Commission
 Sponsor: UEHLING, Sturculewski, Rodey, Collins
 Requestor: 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	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	0	0	0	0	0	0
FUND SOURCE:	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER						
FUND SOURCE:	-	-	-	-	-	-
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: None

ANALYSIS: (Attach a separate page if necessary.)
 See accompanying advisory memorandum.

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

Division: Alaska State Commission for Human Rights Date: January 24, 1992

Approved by Commissioner: _____

Agency: _____ Date: _____

MEMORANDUM Human Rights Commission

To: Senator Rick Uehling
FROM: Paula M. Haley *PMH*
Executive Director
DATE: January 24, 1992
RE: Advisory Memorandum on Future Impact of SB 363

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As requested, I am forwarding the fiscal note for Senate Bill 363. Since the proposed legislation does not expand the Commission's jurisdiction or require the Commission to assume additional responsibilities, the agency is not presently requesting additional funds. If employers comply with the requirements set forth in SB 363 the Commission envisions increased work at some point in the future.

It is difficult to predict the impact on the Commission's workload resulting from implementation of SB 363. The Commission believes that increasing employees awareness that sexual harassment is unlawful and advising them that they have the right to file complaints under AS 18.80.220 will eventually result in an increase in the number of complaints filed with the agency.

In the future the Commission may need to seek supplemental funds or an increment to its budget to process complaints which it receives as a result of Senate Bill 363.

Please feel free to call me with any questions.

MEMORANDUM Human Rights Commission

To: Senator Rick Uehling
FROM: Paula M. Haley *pmh*
Executive Director
DATE: January 24, 1992
RE: Advisory Memorandum on SCR 28

Your legislative aide, Brian Butcher, asked me to provide your office with figures on the cost of implementing Senate Concurrent Resolution 28. The Commission has developed a rough estimate of the cost of producing and distributing a sexual harrassment handbook.

Approximately 250,000 employees would be eligible to receive handbooks under SCR 28. The estimated cost of producing a small handbook aproximately six (6) pages in length including the cover and mailer is \$23,100. Identifying all the employers in the state and making a one time distribution of the handbook would add a cost of about \$12,600 for a total of \$35,700.

Please feel free to contact me with any questions. Thank you.

**CHANGES MADE TO SB 363
IN THE SENATE LABOR AND COMMERCE CS**

Additions to Section 23.10.440

On page 2, line 2 is added:

“(c) The State Commission on Human Rights shall prepare and make available to employers notices that meet requirements of this section.”

On page 2, line 4 is added:

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

on page 3, line 9 is added:

Section 2 AS 23.10.440 is repealed

January 1, 1997.

Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee
International Trade & Tourism Committee
State Affairs Committee

BILL SUMMARY

SB 363

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

SB 363 will require workplaces of 15 or more people to post a notice, in a prominent location, stating what the federal definition of sexual harassment is, what state and federal agencies to report sexual harassment complaints to, and how long an employee has to report a complaint.

There is a significant amount of confusion by the public on what constitutes sexual harassment in the workplace, and this bill will inform people as to what it is and how to report it. Sexual harassment in the workplace is believed to be substantially underreported and this bill will heighten the awareness of the problem for both employers and employees.

**Administrative
Order No. 81**

1984

DEPARTMENT OF ALASKA

MEMORANDUM

State of Alaska

TO: Heads of Departments and
Independent Agencies

DATE: October 25, 1984

FILE NO:

TELEPHONE NO: 465-3500

FROM: Bill Sheffield
GovernorSUBJECT: Administrative Order No. 81;
Policy Statement on
Discriminatory Harassment

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

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

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

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

BS/MGM/mms

15/1001/0730-08

Attachments

cc: Jim Kelly, Special Staff Assistant
Office of the GovernorMerwin H. Peters, Director
Division of Equal Employment OpportunityFrank Raye, Director
Division of PersonnelWilliam Gibbons, Director
Division of Labor Relations



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

ADMINISTRATIVE ORDER NO. 81

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

1. STATEMENT OF POLICY

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

2. GENERAL PROVISIONS

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

serve a legitimate management purpose.

3. DEFINITIONS

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

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

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

4. GUIDELINES FOR THE IMPLEMENTATION OF POLICY

4.1 Responsibility for Implementation:

(a) Overall responsibility for the administration of this order is delegated to the Director of the Division of Equal Employment Opportunity.

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

4.2. Complaints:

(a) Employees believing they have been subjected to harassment

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

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

4.3 Dissemination of Policy:

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

This Order takes effect October 25, 1984.

Dated at Anchorage, Alaska

October 25

Bill Sheffield

Bill Sheffield
Governor
State of Alaska

APPENDIX A:

STATE OF ALASKA
EXECUTIVE BRANCH

APPENDIX A
POLICY ON DISCRIMINATORY HARASSMENT

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

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

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

DEFINITION OF DISCRIMINATORY HARASSMENT

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

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

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

FILING COMPLAINTS

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

DEPARTMENT/AGENCY: _____

EEO REPRESENTATIVE: _____
Name Title

_____ Mailing Address Telephone Number

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