

SCR28

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/7/92

FURTHER:

DATE TURNED INTO OFFICE: 3-19-92

The Finance Committee considered

SENATE CONCURRENT RESOLUTION NO. 28

Urging the Alaska State Commission for Human Rights to prepare a handbook on sexual harassment.

and recommends:

replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)  
or  adopt previous \_\_\_\_\_ CS SCR 28 (STA)  
 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 35.7 Gov. 2-26-92

appropriation--no fiscal note

**PREVIOUS FISCAL NOTES:** Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

**DO PASS:**

[Signature]  
[Signature]  
[Signature]

**OTHER RECOMMENDATIONS:**

Diell State No Pass

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

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

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SCR28

Revision Date: \_\_\_\_\_ Department Affected: Office of the Governor  
 Title: Urging Preparation of Handbook on Sexual Harassment BRU: Commissions/Special Offices  
 Component: Human Rights Commission  
 Sponsor: Sens. UEHLING, Srurgulewski, Rodey, Collins, Pouchot, Zharoff, Duncan  
 Requestor: Sen. 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	.5	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	34.0	0	0	0	0	0
SUPPLIES	1.2	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	35.7	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	35.7	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	-	-	-	-	-	-
TOTAL	35.7	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	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 Advisory Memo of January 24, 1992 attached.

Prepared By: Paula M. Haley, Executive Director Phone: 276-7474 X241  
 Division: Alaska State Commission for Human Rights Date: \_\_\_\_\_  
 Approved by Commissioner: [Signature]  
 Agency: Legislative Office Date: 2/26/92

**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

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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.

**CS FOR SENATE CONCURRENT RESOLUTION NO. 28 (STATE AFFAIRS)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE STATE AFFAIRS COMMITTEE**

**Offered: 2/7/92**

**Referred: Finance**

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

**A RESOLUTION**

**1 Urging the Alaska State Commission for Human Rights to prepare a handbook on sexual  
2 harassment.**

**3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**4 WHEREAS, in the past year, the number of sexual harassment cases reported to the State  
5 Commission for Human Rights almost doubled, from 15 reported in 1990 to 29 reported in 1991, in  
6 large part as a result of increased national attention focused on the issue of sexual harassment; and**

**7 WHEREAS it is estimated that incidents of sexual harassment in the workplace are substantially  
8 under-reported and, if proper information is made available to all employees, there may be a decrease  
9 in both the reluctance to report incidents of sexual harassment and the number of the incidents that  
10 occur; and**

**11 WHEREAS there has been confusion in the workplace as to what constitutes sexual harassment  
12 and how to report incidents of sexual harassment and to whom; and**

**13 WHEREAS all employees should understand what sexual harassment is and how, when, and to  
14 whom to report it; and**

**15 WHEREAS it is important that managerial and executive level employees understand how to  
16 properly handle a complaint of sexual harassment;**

1           **BE IT RESOLVED** that the Alaska State Legislature urges the State Commission for Human  
2 Rights to prepare a handbook defining the problem of sexual harassment and the process for filing a  
3 sexual harassment complaint and to make the handbook available to private and public sector employers  
4 for distribution to their employees.

5           A **COPY** of this resolution shall be sent to Paula Haley, executive director, State Commission  
6 for Human Rights.

SB 363  
SCR 28



# Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage  
**MEMORANDUM**

Senate Finance Committee  
International Trade & Tourism Committee  
State Affairs Committee

TO: All Senators

FROM: Senator Rick Uehling *[Signature]*

DATE: January 17, 1992

RE: Co-sponsorship of new legislation dealing with sexual harassment, SB 363 and SCR 28.

Tuesday, January 21, I am introducing Senate Bill 363 and Senate Concurrent Resolution 28 that deals with sexual harassment.

I believe there has been a significant amount of confusion by the public on what constitutes sexual harassment in the workplace. The recent media exposure given to the problem of sexual harassment has shown that many people are unsure as to what it is and how it should be reported. Other states around the country have recently taken action and I feel that Alaska should also be in the forefront.

SB 363 will require workplaces to post a notice, in a prominent location, the federal definition of sexual harassment, what agencies to report sexual harassment complaints to, and how long an employee has to report a complaint. Sexual harassment in the workplace is substantially underreported and I feel that this legislation will help employers and employees better understand what sexual harassment is and how a complaint should be handled.

I am also introducing SCR 28 that urges the Alaska State Commission for Human Rights to prepare a handbook on sexual harassment for distribution by employers to employees. The handbook would give a detailed description of sexual harassment, when, how, and to whom to report it, and to show management level employees how to properly handle a sexual harassment complaint. I believe that a handbook will give both employers and employees a more detailed understanding of sexual harassment and will help to deter the problem in the future.

If you would like to co-sponsor SB 363 or SCR 28, please contact Bryan in my office at 465-4821.

# Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee  
International Trade & Tourism Committee  
State Affairs Committee

## SUMMARY OF RESOLUTION

### SCR 28

#### A Resolution

Urging the Alaska State Commission for Human Rights  
to prepare a handbook on sexual harassment.

SCR 28 will urge the Alaska State Commission for Human Rights to prepare a handbook on sexual harassment for distribution by employers to employees. The handbook would give a detailed description of sexual harassment, when, how, and to whom to report it, and to show management level employees how to properly handle a sexual harassment complaint.

There is a significant amount of confusion by the public on what constitutes sexual harassment in the workplace and this handbook would help inform people as to what it is and how to report it. Sexual harassment in the workplace is believed to be substantially underreported and a handbook would give both employers and employees a more detailed understanding of sexual harassment and would help to deter the problem in the future.

*Current legislative policy*  
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<sup>\*</sup> 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.*

# Definition of Sexual Harassment -

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