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8-LS0392E
Cramer
3/9/93

CS FOR HOUSE BILL NO. 62(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GRUSSENDORF

A BILL
FOR AN ACT ENTITLED

1 "An Act prohibiting employers from discriminating against individuals who use
2 legal products in a legal manner outside of work."

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. 23.10.450. NONDISCRIMINATION FOR LAWFUL USE OF
6 PRODUCTS. (a) An employer may not refuse to hire, discharge, or otherwise
7 discriminate against an individual with respect to compensation, privileges, terms, or
8 conditions of employment because the individual uses a lawful product in a lawful
9 manner during nonworking hours and for the individual's personal consumption when
10 not wearing or carrying clothing or other items that identify the individual as an
11 employee of the employer and when in places other than the work site or the premises
12 or vehicles of the employer.

13 (b) It is not a violation of this section for an employer to

14 (1) discharge an individual or otherwise disadvantage an individual with

1 respect to compensation, terms, conditions, or privileges of employment if that decision
2 is based on the individual's failure to meet job performance standards including job
3 performance standards based on the use of lawful products;

4 (2) offer, impose, or have in effect a health, disability, or life insurance
5 policy that makes distinctions between employees for the type of coverage or the
6 coverage based upon the employees' use of legal products; if differential premium
7 rates apply,

8 (A) the differential premium rates charged employees must
9 reflect a differential cost to the employer, and

10 (B) the employer shall provide employees with a written
11 statement setting out the differential rates used by the insurance carriers.

12 (c) This section does not apply to a religious corporation, association,
13 educational institution, or society with respect to the employment of individuals who
14 perform work connected with the carrying on, by the religious entity, of its activities.

15 (d) This section does not supersede a federal or state law that protects the
16 health, safety, or well-being of the general public.

17 (e) In this section,

18 (1) "employee" means a person employed by an employer;

19 (2) "employer" means a person, including the state and political
20 subdivisions of the state, that employs 10 or more persons in the state;

21 (3) "premises of the employer" includes camps or other living
22 accommodations provided or maintained by the employer at or near the worksite.

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: March 10, 1993
Place: Capitol Room 120

Subject of Meeting: HJR 3 Limitation of
 Legislative Terms; HB 152 Jurisdiction of
 Magistrates; HB 62 Employee's Use of Legal
 Products; HB 147 Liability for Reference Info.

| Please Print Name | Representing | Business/Personal Mailing Address | Zip | (H) Phone | (W) Phone | Do you Want to Testify? | Which Subject/ Which Bill? |
|-------------------|------------------|-----------------------------------|-------|-----------|-----------|--|----------------------------|
| C.S. CHRISTENSEN | COURT SYSTEM | 303 K ST ANCH | 99501 | | 264-8228 | <input checked="" type="radio"/> Y <input type="radio"/> N | KB 152 |
| Resa Jemel | NFIB | 9159 Skywood | 99801 | | 789-4278 | <input checked="" type="radio"/> Y <input type="radio"/> N | HJR 3 |
| Doug Rickey | Rep. Guissardorf | State CA9. | | | | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 62 - if needed |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
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| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 17, 1993

FURTHER REFERRALS:

Date of Committee Action: 3-10-93

The JUDICIARY Committee considered:

HB 62

HOUSE BILL NO. 62

EMPLOYEE'S RIGHT TO USE LAWFUL PRODUCTS

"An Act prohibiting employers from discriminating against individuals who use legal products in a legal manner outside of work."

RECOMMENDATIONS:

be replaced with CS HB 62 (JUD)

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) _____

zero fiscal note _____

zero fiscal note(s) Labor, Administration

| SIGNING <u>DO</u> PASS | DP | <u>OTHER</u> RECOMMENDATIONS | DNP | NR | AM |
|------------------------|-------------------------------------|------------------------------|-----|-------------------------------------|----|
| <i>Bryan Porter</i> | <input checked="" type="checkbox"/> | <i>Janette James</i> | | <input checked="" type="checkbox"/> | |
| <i>Pat Phillips</i> | <input checked="" type="checkbox"/> | <i>Joseph Perry</i> | | <input checked="" type="checkbox"/> | |
| <i>Don Paulson</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Pete Cook</i> | <input checked="" type="checkbox"/> | | | | |
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Bryan Porter

 CHAIRMAN'S SIGNATURE

DEPARTMENT OF ADMINISTRATION

Proposed Amendment to HB 62

Add a new paragraph after line 11 on p.2 to read:

(3) discharge an individual or otherwise disadvantage an individual with respect to compensation, terms, conditions, or privileges of employment if the individual fails to comply with an employer's reasonable standards of conduct, even during nonworking hours, where the employer can demonstrate a close relationship between the standards and the employer's business.

Amend Subsection (e) to read as follows:

(e) In this section,

(1) "employee" means a person employed by an employer;

(2) "employer" means a person, including the state and political subdivisions of the state, that employs 10 or more persons in the state;

(3) "work site" includes camps or other living accommodations provided or maintained by an employer;

(4) "premises of the employer" includes work sites.

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: March 8, 1993

Place: Capitol Room 120

Subject of Meeting: HB 62 Employee's Use of Lawful Products; HB 147 Employer's Liability for Reference Info; HB 181 State's Right to Appeal/Criminal Cases

| Please Print Name | Representing | Business/Personal Mailing Address | Zip | (H) Phone | (W) Phone | Do you Want to Testify? | Which Subject/ Which Bill? |
|-------------------|------------------|-----------------------------------|-------|-----------|-----------|--|----------------------------|
| ✓ Mike McMullen | Dept. of Admin | P.O. Box 110701 Juneau, AK | 99811 | 364-3885 | 465-1431 | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 62 HB 147 |
| ✓ Jamie Parson | AK STATE CHAMBER | 217 SECOND ST # 201 | 99801 | 789-9201 | 584-2323 | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 147 |
| Margot Smith | Law - CDCO | 7th Fl Ct Bldg Juneau 99811 | | | 465-4049 | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 181 |
| ✓ Rosa Jewel | NFIB | 9159 Skywood | 99801 | | 789-4278 | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 147 |
| ✓ Ben Gaussonas | District II | | | | | <input checked="" type="radio"/> Y <input type="radio"/> N | HB 62 |
| Willie Anderson | NEA | | | | | <input type="radio"/> Y <input type="radio"/> N | |
| | | | | | | <input type="radio"/> Y <input type="radio"/> N | |
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Alaska State Legislature

REPRESENTATIVE
BEN GRUSSENDORF
1221 HALIBUT POINT ROAD
SITKA, ALASKA 99835
(907) 747-8458

FINANCE COMMITTEE

DISTRICT 2
KUPREANOF
PETERSBURG
SITKA
WRANGELL

SECRET OF JUDICIAL
STATE CAPITAL
JUDICIAL ALASKA HOUSE 1993
(907) 405-1004

House of Representatives

MEMORANDUM

To: Rep. Brian Porter
Chairman
House Judiciary Committee

From: Rep. ³Ben Grussendorf

Date: February 18, 1993

Re: House Bill No. 62
"An Act prohibiting employers from discriminating
against individuals who use legal products in a legal
manner outside of work."

This is to request a Judiciary Committee hearing on the above-referenced bill, of which I am the prime sponsor.

The bill is identical to HCS CS SB 340 (JUD), which died in the House Rules Committee at the end of the Seventeenth Alaska Legislature.

The basic purpose of the measure is to protect an employee from workplace discrimination based solely on that employee's use of a legal product in a legal manner while on that employee's own time.

Attached to this memorandum are a number of letters of support, a newspaper editorial, and the results of a survey on workplace privacy conducted by the National Consumer's League. Alaska was one of four states (Arizona, Utah and Washington were the others) participating in the survey, and the results clearly show that residents of Alaska have a strong interest in protecting employees' privacy rights.

House Bill 62 was favorably reported out of the House Labor & Commerce Committee and carries two zero fiscal notes

I will be available to testify on this bill at your convenience. Thank you for your consideration of this matter.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 15, 1993

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2/16/93

The LABOR AND COMMERCE Committee considered:

HB 62

HOUSE BILL NO. 62

EMPLOYEE'S RIGHT TO USE LAWFUL PRODUCTS

"An Act prohibiting employers from discriminating against individuals who use legal products in a legal manner outside of work."

RECOMMENDATIONS: |] the same title
 be replaced with _____ |] a new title

[] have attached amendments(s)

[X] 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) _____

[X] zero fiscal note Adm. Labor

[] zero fiscal note(s) _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|------------------------|----|--------------------------|-----|----|----|
| <i>Joe Sutton</i> | ✓ | <i>Brian S. Porter</i> | | ✓ | |
| <i>Phil Hurd</i> | ✓ | <i>Capt. [Signature]</i> | | ✓ | |
| <i>(2) F. Williams</i> | ✓ | | | | |
| <i>Bill Hurd</i> | ✓ | | | | |
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Bill Hurd
 CHAIRMAN'S SIGNATURE

FOR IMMEDIATE RELEASE

March 23, 1992

Contact: Pete Carran

**STATE SENATE APPROVES EMPLOYEE RIGHTS BILL
SPONSORED BY SENATOR JIM DUNCAN**

The State Senate today approved legislation sponsored by Senator Jim Duncan of Juneau that strengthens employee rights. Senate Bill 340 forbids Alaskan employers to discriminate based on the use of legal products in a legal manner outside the work place.

"The criteria for hiring, firing, and promotions should be based exclusively on work performance," Senator Duncan said. The use of legal products consumed on their own time in a legal fashion should not be a factor in these decisions. It is a right of privacy issue. Even though our state constitution recognizes privacy as an 'inherent right', I feel it also needs to be spelled out in the appropriate state statute." The bill includes the prohibition in Title 23 of Alaska law that deals with labor and workers' compensation.

Senator Duncan said the legislation is in response to a nationwide trend on the part of some employers to forbid the use of products, such as alcohol and tobacco, outside the work place as a condition of employment. The bill has no effect on employer's ability to establish such policies on the work place during working hours, according to Senator Duncan.

The measure contains language preventing employers from discriminating in this fashion "...with respect to compensation, terms, conditions or privileges of employment."

SB 340 now moves to the State House.

Gerald E. Grilly
Publisher



Howard Weaver
Editor

Michael Carey, Editorial Page Editor

Patrick Dougherty, Managing Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

Founded in 1946 by Norman C. Brown

Nose out

For once, the tobacco lobby is right

American tobacco firms routinely bombard the public with transparently bogus or self-serving rhetoric.

Listening to the industry line, you'd think that there's still some doubt smoking causes cancer, that tobacco firms are disinterested guardians of the First Amendment and that smokers have made rational, fully informed decisions to take up their addictive and life-shortening habit.

But there is one instance where the tobacco industry has a legitimate point. The move by some firms to ban all smoking by all employees — not just at work, but off the job, too — is an illegitimate intrusion on workers' privacy.

Some 6,000 firms refuse to hire smokers, according to The New York Times. A case from Indiana drew national attention earlier this year when a woman was fired because a random drug test showed she'd been smoking cigarettes at home.

Smoking isn't the only unhealthy habit that gets workers in trouble with nosy employers. Best Lock Corporation of Indianapolis bars its workers from drinking alcohol — any time, anywhere. The city of Athens, Ga., even went so far as to reject job applicants with high cholesterol levels.

How do employers rationalize trying to run their workers' private lives? The best answer they can give is that bad habits like smoking or drinking can drive up their health insurance bills.

When that's the case, firms have good reason to charge those workers higher insurance premiums. But they don't have any grounds to tell employees how to live their lives outside of working hours.

In the workplace, only one question should matter: How well do workers do their jobs? As long as what employees do on their own time doesn't affect their job performance, it's none of their employers' business.

ALASKA STATE AFL-CIO

2501 Commercial Dr.
Anchorage, Alaska 99501
(907) 258-6284



819 1st Ave.
Fairbanks, Alaska 99701
(907) 456-2030

MANO FREY
Executive President

GARY BROOKS
Secretary / Treasurer

FEBRUARY 11, 1992

TO: MEMBERS OF THE SENATE JUDICIARY COMMITTEE

FROM: PAT SMUTZ, BUSINESS REPRESENTATIVE *Pat*

RE: SENATE BILL 340

The Alaska State AFL-CIO has always supported the right of privacy for individuals. We have always believed that what an individual does on their own time is their own business as long as it doesn't interfere with the rights of others or doesn't present a danger to anyone.

With this in mind the Alaska State AFL-CIO would like to go on record as being in support of Senate Bill 340. Thank you for your consideration.

Statement by the AFL-CIO Executive Council

on

Employee Privacy

February 19, 1991
Bal Harbour, FL

Employers in increasing numbers are seeking to probe--and then to regulate--the most private aspects of their employees' lives away from work. The AFL-CIO opposes these invasions of employee privacy.

Employers continue to interrogate employees about their union sympathies, political beliefs, financial status and other personal matters.

Random drug testing policies applied without any requirement of reasonable suspicion of wrongdoing--which are inconsistent with a basic regard for worker dignity and autonomy--is now endemic in American workplaces.

To shift the blame for rising health care and compensation costs to their employees--and to further their personal agendas--employers are increasingly seeking to regulate workers' off-the-job behavior. These restrictions make use of the employer's economic leverage to prohibit workers from engaging in perfectly lawful activities. Employers go so far as to specify whether employees can smoke at home and what employees can eat or drink at their own dinner tables.

As a matter of course, employers also conduct medical exams and genetic tests to screen out employees thought to be at increased risk of developing a disease in the future. Medical screening reveals the most intimate details of employee health, including those that have no relation to job performance.

Secret employer telephone eavesdropping on employee-customer calls permitted through a little known loophole in the federal wiretap code, is yet another often-used technique that has no place in a free society.

These employer surveillance tactics undermine basic privacy and due process rights. Yet to date, there has been only limited legislative protection for these rights; the polygraph bill and the Americans with Disability Act are the most conspicuous exceptions. The AFL-CIO is committed to enhancing the dignity of working men and women and to preventing intrusions into workers' privacy. We support legislation that would go further than present law to preserve and enhance worker privacy and to outlaw management practices which intrude on those privacy interests.

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THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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President

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- Asst. Gwen Moore, CA
Region 12

EXECUTIVE DIRECTOR
C. Ayo Bryan

NECSL GENERAL ASSEMBLY MEETING DECEMBER 6, 1991 LAS VEGAS, NEVADA

RESOLUTION ON EMPLOYEE PRIVACY

WHEREAS: It has come to the attention of the National Black Caucus of State Legislators that individuals have been fired from their jobs or disadvantaged in other employment and compensation decisions for smoking tobacco products in the privacy of their homes; and

WHEREAS: There is a growing trend in job classification notices published in daily newspapers to stipulate "smokers need not apply" and "nonsmokers only"; and

WHEREAS: Twenty-one state legislatures have enacted legislation protecting employee privacy; and

WHEREAS: The National Black Caucus of State Legislators believes in individual privacy; and

WHEREAS: The National Black Caucus of State Legislators believes that employment decisions should be based solely on an individual's job skills, training and performance

THEREFORE BE IT RESOLVED: The National Black Caucus of State Legislators supports legislation that would make it unlawful for employers to refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation, terms, conditions or privileges of employment because the individual is a smoker or non-smoker; and

The National Black Caucus of State Legislators supports legislation that would make it unlawful for an employer to require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products during nonworking hours, provided the individual complies with applicable laws or policies regulating smoking on the premises of the employer during working hours.



National
Consumers
League
Founded 1899

315 15th Street NW • Suite 928-N • Washington, DC 20005 • (202) 639-6140

Linda F. Golodner, Executive Director

January 15, 1992

Dear Editor:

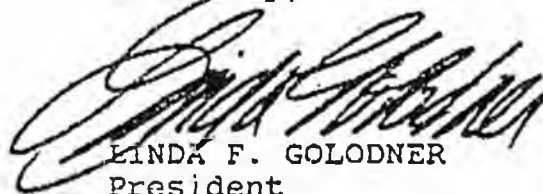
Attached are a news release and report on a special survey commissioned by The National Consumers League on vital issues of workplace privacy in Alaska. The survey is being released in Alaska by the Older Persons Action Group.

The vast majority of those polled in Alaska believe that employers and prospective employers have no business asking applicants and employees about religion, smoking habits, lifestyle, outside hobbies and activities, and other personal, off-the-job factors which have nothing to do with their ability to perform a job. They also believe an employer has no right to force an employee to change diet, stop smoking, or quit a second job. Those polled in Alaska were also opposed to credit checks on job applicants and monitoring of personal telephone calls.

In spite of their opposition to such intrusions on their personal lives, many respondents reported that they or someone they knew had had such an experience.

Because of the importance of this issue and the overwhelming reaction of people in Alaska to the questions we have put to them, we have taken the unusual step of expressing the survey results to you.

Sincerely,



LINDA F. GOLODNER
President

LFG:jb
Attachments

FOR IMMEDIATE RELEASE
January 16, 1992

CONTACT: Linda Golodner
202-639-8140
Vera Gazaway
907-276-1059

WORKPLACE PRIVACY SURVEY

ALASKA FEATURED IN MAJOR PUBLIC OPINION POLL
ON WHAT THE BOSS NEEDS TO KNOW ABOUT EMPLOYEES

WASHINGTON, D.C. ---- People in Alaska value their privacy, on the job and outside the workplace. The vast majority says that the boss has no business asking questions about the private lives, lifestyles, and off-work activities of job applicants and employees. Although most Alaskans believe employers should not ask these questions, many of those polled reported that an employer has done such things either to them or to someone they know.

Alaska was one of four states participating in the survey released today by the National Consumers League and the Older Persons Action Group in Anchorage.

The other states were Arizona, Utah, and Washington.

According to the Penn and Schoen Associates poll for the National Consumers League, Americans clearly believe:

- o Employers have no right to ask intrusive questions during job interviews.
- o It is inappropriate for employers to hire and fire an employee for personal matters unrelated to the job.
- o Employers have no right to try to change personal habits and lifestyles of employees.

Linda F. Golodner, executive director of the National Consumers League, said: "This poll confirms what we have found in many other states - that Americans believe they have a right to privacy on the job and off the job. It also shows that a significant number of employers are not respecting those rights."

In releasing the report, Vera Gazaway, executive director of the Older Persons Action Group, said: "The poll also reveals the vast majority of workers in Alaska are adamantly opposed to attempts by employers to force upon them a company-blessed lifestyle. Those 65 and over who were polled are in agreement with the rest of the state's population. As far as they are concerned, it's none of the boss's business who employees date, how much they eat, whether they smoke, take part in a political demonstration, hold a second job, drive a motorcycle, or have pending workers' compensation claims.

"As far as Alaska senior citizens and the general public are concerned, the ability to perform the job should be the sole criterion for winning and holding a job," she said.

I. NO RIGHT TO ASK

Overwhelmingly, those interviewed in Alaska said a prospective employer has no right to ask the following questions:

- o 88 percent, about an applicant's religion;
- o 87 percent, whether applicant lived with member of opposite sex;
- o 84 percent, if applicant had elderly parents;
- o 82 percent, whether applicant planned to have children;
- o 77 percent, if applicant smoked after work hours;
- o 59 percent, about hobbies and outside activities; and
- o 53 percent, about applicant's marital status.

II. NO JUSTIFICATION FOR HIRING OR FIRING

Those surveyed in Alaska were presented with nine examples of activities that employees may pursue on their own time away from work, their physical condition, and controversial opinions they may hold. Respondents were asked if they thought it was appropriate for the employer to base a decision to hire or fire on these criteria:

- o 98 percent said it was inappropriate for an employer to base hiring or firing on whether an individual dated a person of a different race.
- o 98 percent said whether an individual drives a motorcycle should not be a criterion.
- o 91 percent said participating in political demonstrations should not be a basis for hiring or firing.

- o 91 percent said it was inappropriate for employers to consider whether an employee participates in gambling at a racetrack.
- o 74 percent said holding an unusual second job should not be a consideration for employers.
- o 84 percent said being overweight should not be a consideration in hiring or firing an individual.
- o 95 percent said it was inappropriate to base hiring or firing on an individual's support for abortion.
- o 97 percent said it was inappropriate to base hiring or firing on an individual's opposition to abortion.
- o 94 percent said it was inappropriate to base hiring or firing on whether an individual smoked after work hours.

III. NO RIGHT TO FORCE A CHANGE IN LIFESTYLE

The vast majority of Americans believe that employers have no right to force employees to change their lifestyles.

Here's the level at which survey respondents in Alaska opposed employer rights in the following categories:

- o 77 percent opposed employers monitoring personal telephone conversations.
- o 86 percent opposed a prohibition of employees dating rival firm employees.
- o 81 percent opposed an employer's refusal to hire an overweight person.
- o 78 percent opposed an employer's refusal to hire a smoker.
- o 92 percent opposed an employer's requirement that an employee or job applicant change his or her diet.
- o 85 percent opposed requiring an employee to quit smoking.
- o 68 percent opposed an employer requiring an employee to quit a second job.
- o 67 percent opposed employers performing a credit check on a prospective employee.

IV. PERSONAL EXPERIENCE

The poll also asked Alaskans if they or anyone they knew had ever been asked any of the types of questions they objected to from employers. Sixty percent said they had been asked about their marital status;

- o 45 percent, about outside hobbies and activities;
- o 21 percent, about their religion;
- o 15 percent about whether or not they planned to have children;

- o 15 percent, about whether or not they smoked away from the workplace;
- o 7 percent, whether they had elderly parents; and
- o 6 percent, whether they lived with a non-family member of the opposite sex.

Seventeen percent reported personal experience with monitored personal telephone conversations;

- o 17 percent, credit checks on prospective employees;
- o 15 percent, required to quit a second job;
- o 13 percent, refused to hire a overweight person;
- o 10 percent, refused to hire a smoker;
- o 7 percent, required an employee or applicant to quit smoking;
- o 6 percent, forbid an employee or applicant from dating an employee from a rival firm; and
- o 4 percent, required an employee or applicant to change diet.

Nine percent of those polled indicated they or someone they knew had been denied a job or fired because of a weight problem;

- o 7 percent because of an unusual second job;
- o 7 percent because of participation in a political demonstration;
- o 3 percent for smoking away from the workplace;
- o 4 percent for dating a person of a different race;
- o 2 percent for driving a motorcycle;
- o 2 percent for gambling at a racetrack; and
- o 1 percent for supporting or opposing abortion.

The Penn and Schoen poll, conducted in December 1991 on behalf of the National Consumers League, was based on a random sample of 609 respondents in Alaska. The margin of error in the survey is +/- four percent.

The National Consumers League, founded in 1899, is a private, non-profit consumer advocacy organization concerned with workplace and marketplace issues.

**INDIVIDUAL PRIVACY
AND EMPLOYMENT RIGHTS
IN ALASKA**

**A Survey by
Penn + Schoen Associates, Inc.
Conducted for the National Consumers League
January 2, 1992**

INTRODUCTION

Interviews were held in December 1991 with 609 residents of Alaska for the purposes of determining citizens' attitudes toward privacy, their knowledge of employment rights, and the extent to which employers have acted to limit these rights. All respondents were 18 years of age or older. The survey was commissioned by the National Consumers League.

Interviewing was done by telephone from the central telephone facilities of Penn + Schoen Associates at the headquarters in New York City. The margin of error for the entire sample is +/- 4.0%, but is higher for sub-groups.

EXECUTIVE SUMMARY

Summary of Key Finding

Despite the fact that the vast majority of respondents in Alaska believe that employers do not have the right to ask questions about, make job decisions based on, or take actions that infringe upon an individual's right to privacy, up to two out of ten people -- and in some cases more -- report that an employer has done such things to either them or someone they know. This finding supports the notion that while most Alaskans believe in the right of privacy in employment, a significant number of employers are not fully respecting these rights.

Purpose and Format of Study

The purpose of the study is to determine the attitudes and knowledge of the general public concerning individual rights of privacy in employment and measure the extent to which these rights have been limited by employers. Specifically, this survey seeks to assess how the public feels

about certain actions employers might take and questions employers might ask as determinants of prospective or continued employment.

The public was first asked a general question concerning individual privacy in employment. This was followed by three series of questions.

The first set (Section I) were questions prospective employers might ask a job applicant. The second set of questions (Section II) concerned things employees might do and asked whether or not it was appropriate to deny a job to or fire someone for doing these things. The last set of questions (Section III) asked whether or not employers have the right to take certain actions against employees. For each set of questions, people were first asked whether or not employers should have the right to ask these questions or behave in this manner, and secondly, if such a question has ever been asked or such an action has ever been taken against either the respondent personally or someone the respondent knows.

At the end of the questionnaire (Section IV), respondents were asked whether or not businesses in Alaska should be allowed to refuse to hire a person who has a worker compensation claim. In addition, they were asked whether or not they worked outside the home or if they smoked. They were also asked their age, political party affiliation, income, race,

senatorial district, the job title of the head of the household, and whether or not they were registered to vote.

SUMMARY OF FINDINGS

Section I: Questions Posed to Job Applicants

Generally speaking, 69% of Alaskan residents say prospective employers *should not* be allowed to ask questions about the private lives of job applicants. At the same time, two out of three (67%) people report that either they or someone they know has been asked such questions by a potential employer.

As for specific questions, a majority believe employers should not have the right to ask prospective employees about their living arrangements, religion, outside activities, marital status, plans for children, age of parents, or smoking behavior.

Residents of the Northwestern district, Hispanics, and women are all more likely to believe that employers should not have the right to ask these specific questions. On the other hand, people 65 and over,

executives, high-level professionals, former smokers, and men are more likely to think employers should have this right.

Occasional smokers, people aged 25 to 34, those earning between \$20,000 and \$31,000, African-Americans, and Hispanics are more likely to report that either they or someone they know has been asked some of these specific questions.

These findings are reported in detail in Section I, beginning on page nine.

Section II: Employee Behavior Outside of Work

The public was then asked whether or not they thought it is appropriate for employers to deny a job to or fire someone for specific activities. At least 91% say it is inappropriate for employers to deny a job to someone or fire an employee for dating a person of a different race, driving a motorcycle, participating in political demonstrations, gambling at a racetrack, supporting or opposing abortion, or smoking away from the workplace. More than four out of five (84%) think it is not appropriate to deny a job to someone or fire an employee for being overweight, and 74% say it is inappropriate to deny a job or fire someone who holds an unusual second job.

At the same time, almost two out of ten people (19%) report that an employer has denied a job to or fired either them or someone they know for one of these reasons.

High-level professionals and semi/unskilled laborers are more likely to feel it is appropriate for employers to deny someone a job or fire them for some of these behaviors. Executives, high-level professionals, salespeople, former smokers, people aged 35 to 49, Republicans, Hispanics, and African-Americans are all more likely to report that either they or someone they know has been denied a job or fired for exhibiting one of these behaviors.

These findings are explained in detail in Section II, beginning on page seventeen.

Section III: Actions Taken by Employers

People also were asked whether they believe employers have the right to take certain actions concerning an individual's privacy. At least three out of four (77%) say employers do not have the right to monitor personal telephone conversations, forbid an employee from dating someone from a rival firm, refuse to hire someone who is overweight or a smoker, or require an employee to quit smoking or change diets. More than two out of

three people (67%) say employers do not have the right to require an employee to quit a second job or to do a credit check on a prospective employee. People aged 50 to 64 are far more likely than any other subgroup to say that employers *do* have the right to take such actions.

In spite of these opinions, more than one out of three respondents (37%) reports that an employer has taken at least one of these actions against either the respondent or someone the respondent knows. Former smokers, Republicans, residents of the Central district, people aged 50 to 64, high-level professionals, salespeople, and Hispanics are all more likely to report these things occurring.

These findings are explored in detail in Section III, beginning on page twenty-two.

Section IV: Worker Compensation Claim

Nearly three out of four respondents (73%) oppose allowing businesses in Alaska to refuse to hire a person who has a worker compensation claim, while 17% favor allowing them to do so.

This finding is examined in Section IV, on page twenty-seven.

Section I: Questions Posed to Job Applicants

"Should prospective employers be allowed to ask
questions about the private lives of job applicants?"

| | <u>Should (%)</u> | <u>Should not (%)</u> | <u>Don't Know (%)</u> |
|--------------------|-------------------|-----------------------|-----------------------|
| <u>ALL</u> | 23 | 69 | 8 |
| <u>AGE</u> | | | |
| 18-24 | 22 | 73 | 6 |
| 25-34 | 18 | 73 | 9 |
| 35-49 | 23 | 70 | 7 |
| 50-64 | 28 | 58 | 14 |
| 65 + | 39 | 55 | 5 |
| <u>PARTY</u> | | | |
| Democrat | 15 | 79 | 6 |
| Independent | 20 | 72 | 8 |
| Republican | 33 | 57 | 10 |
| <u>INCOME</u> | | | |
| < \$20,000 | 19 | 69 | 12 |
| \$20-\$30,999 | 16 | 79 | 5 |
| \$31-\$40,999 | 22 | 69 | 9 |
| \$41-\$50,999 | 25 | 66 | 9 |
| \$51,000 + | 27 | 65 | 8 |
| <u>OCCUPATION</u> | | | |
| High-level prof. | 31 | 65 | 4 |
| Mid-level prof. | 18 | 71 | 11 |
| Executive | 35 | 61 | 4 |
| Sales | 20 | 75 | 5 |
| Other white collar | 15 | 81 | 4 |
| Skilled labor | 22 | 71 | 6 |
| Semi/unskilled | 14 | 69 | 17 |
| Retired | 31 | 62 | 7 |
| <u>RACE</u> | | | |
| White | 24 | 68 | 8 |
| African-American | 33 | 67 | 0 |
| Hispanic | 11 | 75 | 14 |

Respondents were asked whether prospective employers should be allowed to ask questions about the private lives of job applicants. More than two-thirds (69%) say they should not be allowed to probe the private lives of job applicants, while 23% say they should and 8% are undecided. At the same time, however, two-thirds of the people (67%) report that a potential employer has asked either them or someone they know one or more of these personal questions.

Those age 65 and over (39%), executives (35%), Republicans (33%), blacks (33%), retirees (31%), and high-level professionals (31%) are groups more likely to say employers should be allowed to ask about the private lives of job applicants.

Among those who are most likely to say employers should not be allowed to ask about job applicants' private lives are white collar workers other than professionals or salespeople (81%), Democrats (79%), those in the \$20,000-\$30,999 income bracket (79%), regular smokers (76%), Hispanics (75%), and salespeople (75%).

Those most likely to say that an employer has asked either them or someone they know at least one of these questions include occasional smokers (77%), blacks (74%), Hispanics (74%), those aged 25 to 34 (73%) and those earning between \$20,000 and \$31,000 (73%).

Respondents were read a series of questions prospective employers might ask a job applicant. For each, they were asked whether employers should or should not have the right to ask that question, and whether or not they or someone they know has ever been asked that question.

**SHOULD PROSPECTIVE EMPLOYERS HAVE THE
RIGHT TO ASK JOB APPLICANT'S CERTAIN QUESTIONS
ABOUT THEIR PRIVATE LIVES?**

All Respondents

Ranked by "Should Not"

All numbers expressed as percentages

| | <u>Should</u> | <u>Should Not</u> | <u>Don't Know</u> |
|------------------------------------|---------------|-------------------|-------------------|
| About applicants' religion | 12 | 88 | 0 |
| Live with member of opposite sex | 13 | 87 | 0 |
| If applicants have elderly parents | 15 | 84 | 1 |
| Whether they plan to have children | 17 | 82 | 1 |
| If they smoke after work hours | 21 | 77 | 2 |
| About hobbies and activities | 38 | 59 | 3 |
| About applicants' marital status | 46 | 53 | 0 |

"Has a potential employer ever asked you or someone you know...?"

| | <u>Yes (%)</u> | <u>No (%)</u> |
|--|----------------|---------------|
| About your marital status | 60 | 40 |
| About your outside hobbies and activities | 45 | 55 |
| About your religion | 21 | 79 |
| Whether you plan to have children | 15 | 85 |
| If you smoke away from the workplace | 15 | 85 |
| Whether you have elderly parents | 7 | 93 |
| Whether you live with a non-family member of the opposite sex | 6 | 94 |
| ----- | | |
| NONE OF THESE | 33 | 67 |

"Asking whether the job applicant lives with a non-family member of the opposite sex."

o Eighty-seven percent (87%) say employers should not have the right to ask this question and 13% say they should. Those over 65 (21%) are more likely to say that employers should have the right to ask this question, while blacks (94%), Hispanics (94%), people from the Northwestern district (94%), and those making between \$20,000 and \$31,000 (94%) are more likely to say that employers should not have the right to ask.

- o Six percent (6%) of respondents report that either they or someone they know has been asked this question. Hispanics (20%) and people in sales (15%) are more likely to say either they or someone they know has been asked this question.

"Asking whether the job applicant has elderly parents."

- o 84% say employers should not be allowed to ask this question; 15% say they should. Those age 65 and over (28%), retirees (26%), and blacks (26%) are more likely than other groups to believe employers have the right to ask this question, while Hispanics (100%) and people from the Northwestern district (93%) more often believe employers do not have the right.

- o Seven percent (7%) say either they or someone they know has been asked this question. Retirees (13%), those over 50 (11%), and salespeople (15%) are more likely to report this occurring.

"Asking the job applicant about their religion."

- o 88% say employers should not be allowed to ask job applicants this question. 12% say they should. Retirees (25%) and those age 65 and over (22%) are more likely to say they have the right to ask. African-Americans (25%) are more likely than whites (11%) to say employers have the right to ask about a job applicant's religion.

o One out of five respondents (21%) say that either they or someone they know has been asked about their religion by a potential employer. This figure is generally consistent across all sub-groups.

"Asking the job applicant about whether they plan to have children."

o More than four out of five people (82%) say employers should not be allowed to ask this question, while 17% say they should. Executives (32%), high-level professionals (26%), semi/unskilled workers (25%), and people 18-24 (24%) are more likely than others to think employers have the right to ask whether job applicants plan to have children, while retirees (91%) and those from the Northwestern district (89%) are more likely to feel they do not.

o Almost one out of six respondents (15%) report that either they or someone they know has been asked whether they plan to have children. Executives (28%) and Hispanics (26%) are more likely to report this occurring.

"Asking the job applicant if they smoke after work hours, at home, or otherwise away from the workplace."

o 77% say employers should not be allowed to ask job applicants this question, while 21% say they should. Executives (34%), high-level professionals (30%), and former smokers (28%) are more likely to say

employers have the right to ask if a job applicant smokes after work hours, while regular (91%) or occasional (87%) smokers, Hispanics (89%), and residents of the Northwestern district (89%) are more likely to believe that employers do not have this right.

o Almost one out of six respondents (15%) report that either they or someone they know has been asked if they smoke away from the workplace. Executives (22%), salespeople (22%), those earning between \$20,000 and \$31,000 (21%), and people aged 25-34 (20%) are more likely to say that either they or someone they know has been asked this question.

"Asking the job applicant about their off-the-job hobbies and activities."

o Almost three out of five (59%) say employers should not be allowed to ask this question; 38% say they should be allowed to ask it. Among the groups most likely to say employers should not be allowed to ask about hobbies and activities outside of the job are retirees (78%), residents of the Northwestern district, those over 65 (71%), mid-level professionals (69%), and Hispanics (66%). Conversely, those most likely to feel employers should be allowed to ask this question include executives (60%), Republicans (49%), high-level professionals (48%), those earning over \$51,000 (46%), and former smokers (45%). Men (44%) are more likely than women (32%) to believe that employers should be able to ask this question.

o Nearly half the respondents (45%) say that either they or someone they know has been asked about their off-the-job hobbies or activities by a potential employer. Executives (60%), high-level professionals (50%), and people aged 25-49 (51%) are most likely to report this occurring.

"Asking the job applicants about their marital status."

o While 53% say employers should not be allowed to ask about a job applicant's marital status, 46% say they should be allowed to ask about it. Residents of the Northwestern district (70%), semi/unskilled workers (65%), salespeople (63%), and other white collar workers (61%) are more likely to feel employers should not be allowed to ask about marital status. Executives (60%), people aged 50 to 64 (58%), and residents of the Southeastern district (55%) are groups which tend to feel employers should be allowed to ask this question. A majority of men (52%) think employers should be able to ask this, but a majority of women (59%) think they should not.

o The majority of people (60%) say that either they or someone they know has been asked their marital status. This figure is generally consistent across all sub-groups.

In summary, only one out of three respondents (33%) said that neither they nor anyone they know has ever been asked any of the

preceding questions by an employer, while two out of three (67%) said the opposite. This occurred despite the fact that the majority of people indicate that employers *should not* have the right to ask such questions.

Section II: Employee Behavior Outside of Work

WHETHER IT IS APPROPRIATE FOR AN EMPLOYER TO DENY SOMEONE A JOB OR FIRE AN EMPLOYEE FOR DOING CERTAIN THINGS

All Respondents

Ranked by "Not Appropriate"

All numbers expressed as percentages

| | <u>Appr.</u> | <u>Not Appr.</u> | <u>Don't Know</u> |
|--|--------------|------------------|-------------------|
| Dates a person of a different race | 1 | 98 | 0 |
| Drives a motorcycle | 2 | 98 | 0 |
| Opposes abortion | 2 | 97 | 1 |
| Supports abortion | 4 | 95 | 1 |
| Smokes after work hours | 5 | 94 | 1 |
| Gambles at a racetrack | 7 | 91 | 2 |
| Participates in political demonstrations | 7 | 91 | 3 |
| Is overweight | 12 | 84 | 4 |
| Holds an unusual second job | 16 | 74 | 10 |

"Have you, or has someone you know, ever been denied a job or fired because they ...?"

| | <u>Yes (%)</u> | <u>No (%)</u> |
|--|----------------|---------------|
| Were overweight | 9 | 91 |
| Held an unusual second job | 7 | 93 |
| Participated in political demonstrations | 7 | 93 |
| Dated a person of a different race | 4 | 96 |
| Smoked away from the workplace | 3 | 97 |
| Drove a motorcycle | 2 | 98 |
| Gambled at a racetrack | 2 | 98 |
| Supported abortion | 1 | 99 |
| Opposed abortion | 1 | 99 |
| ----- | | |
| NONE OF THESE | 81 | 19 |

Respondents then were read a list of things employees might do. For each, they were asked whether or not they think it is appropriate to deny someone a job or fire a person because they behaved in this way, and whether or not they or someone they know has ever been denied a job or fired because of such behavior.

o Ninety-eight percent (98%) say it is inappropriate to deny a job to or fire someone because they are dating a person of a different race; only 1%

think it is appropriate. Four percent (4%) of people, however, report that either they or someone they know has been denied a job or fired for such a reason.

- o Ninety-eight percent (98%) say it is inappropriate to deny a job to or fire someone who drives a motorcycle; only 2% think it is appropriate. One respondent out of fifty (2%) says that either he or someone he knows has been denied a job or fired because of this behavior.

- o Ninety-one percent (91%) think it is inappropriate to deny a job to or fire someone for participating in political demonstrations, while 7% think it is appropriate. Executives (13%), semi/unskilled workers (13%), retirees (13%), and occasional smokers (13%) are more inclined to feel it is appropriate. One person out of fourteen (7%) reports that either they or someone they know has been denied a job or fired because they participated in a political demonstration. High-level professionals (13%) and people aged 35-49 (11%) are more likely to mention such an occurrence.

- o Ninety-one percent (91%) say it is inappropriate to deny a job to or fire someone for gambling at a racetrack, while 7% say it is appropriate. Two percent (2%) of people say that either they or someone they know has been denied a job or fired because of this practice.

o While 74% say it is inappropriate to deny a job to or fire someone for holding an unusual second job, 16% think it is appropriate. Seven percent (7%) of respondents report that either they or someone they know has been denied a job or fired because they had an unusual second job. Executives (17%) and those earning between \$41,000 and \$51,000 (11%) are more likely to report such an occurrence.

o Eighty-four percent (84%) think it is inappropriate to deny a job to or fire someone who is overweight, while 12% say it is appropriate. Republicans (22%) and high-level professionals (22%) are more likely to believe it is appropriate. One person in eleven (9%) says that either he or she or someone he or she knows has been denied a job or fired because the person was overweight.

o Ninety-five percent (95%) think it is inappropriate to deny a job to or fire someone who supported abortion, while 4% say it is appropriate. Ninety-seven percent (97%) say it is inappropriate to deny a job to or fire someone who opposed abortion. Only 2% say it is appropriate. Only 1% of people say either they or someone they know has been denied a job or fired because of their views on abortion.

o Ninety-four percent (94%) think it is inappropriate to deny a job to or fire someone who smoked after work hours, at home, or otherwise away from the workplace, while 5% say it is appropriate. Former smokers (12%),

high-level professionals (10%), and semi/unskilled workers (10%) more often think it is appropriate. Three percent (3%) of respondents say that either they or someone they know has been denied a job or fired because they smoked away from the workplace.

In summary, almost one-fifth of people (19%) report that either they or someone they know has been denied a job or fired because of the behaviors outlined above. Executives (29%), high-level professionals (23%), salespeople (23%), former smokers (28%), people aged 35 to 49 (23%), Republicans (23%), Hispanics (42%), and African-Americans (24%) are all more likely to report that either they or someone they know has been denied a job or fired for exhibiting one of these behaviors. This occurred despite the fact that the vast majority of people think it is inappropriate to deny someone a job or fire a person because they behaved in any of these ways.

Section III: Actions Taken by Employers

**WHETHER EMPLOYERS HAVE THE
RIGHT TO DO CERTAIN THINGS**

All Respondents

Ranked by "Don't Have Right" All numbers expressed as percentages

| | <u>Have right</u> | <u>Don't Have Right</u> | <u>Don't Know</u> |
|--------------------------------------|-------------------|-----------------------------|-------------------|
| Require employee to change diet | 5 | 92 | 3 |
| Forbid dating employee of rival firm | 9 | 86 | 4 |
| Require employee to quit smoking | 12 | 85 | 3 |
| Refuse to hire an overweight person | 14 | 81 | 5 |
| Refuse to hire a smoker | 19 | 78 | 4 |
| Monitor personal phone calls | 20 | 77 | 3 |
| Require employee to quit second job | 24 | 68 | 8 |
| Check credit on prospective employee | 29 | 67 | 4 |

**"Has an employer ever done any of the following to you
or to someone you know...?"**

| | <u>Yes (%)</u> | <u>No (%)</u> |
|---|----------------|---------------|
| Monitor personal telephone conversations | 17 | 83 |
| Do a credit check on a prospective employee | 17 | 83 |
| Require employee or applicant to quit second job | 15 | 85 |
| Refuse to hire an overweight person | 13 | 87 |
| Refuse to hire a smoker | 10 | 90 |
| Require employee or applicant to quit smoking | 7 | 93 |
| Forbid employee or applicant from dating an employee from a rival firm | 6 | 94 |
| Require employee or applicant to change diet | 4 | 96 |
| ----- NONE OF THESE | 63 | 37 |

Respondents were read a list of actions employers might take. For each one, they were asked whether or not employers have the right to take such an action, and whether or not such an action has ever been taken against either the respondent or someone the respondent knows.

o Seventy-seven percent (77%) believe employers do not have the right to monitor personal telephone conversations, but one out of five (20%) say they do have the right. Hispanics (35%), those earning between \$41,000

and \$51,000 (31%). semi/unskilled workers (30%), and people aged 50 to 64 (29%) are more inclined than other groups to feel employers have the right to monitor personal telephone calls. One in six respondents (17%) report that an employer has monitored either their or someone they know's personal telephone conversations. High-level professionals (26%) are the most likely to indicate this.

o Eighty-six percent (86%) say employers do not have the right to forbid an employee or job applicant from dating an employee from a rival firm, and 9% say they do have this right. People aged 50 to 64 (23%) are more likely than other groups to say employers have this right. Six percent (6%) of respondents report that an employer has forbidden either them or someone they know from dating an employee from rival firm.

o Eighty-one percent (81%) say employers do not have the right to refuse to hire an overweight person; 14% say they do have the right. One out of eight respondents (13%) says that an employer has refused to hire either the respondent or someone he or she knows because that person was overweight.

o Seventy-eight percent (78%) think employers do not have the right to refuse to hire a smoker, whereas 19% say they do have the right to refuse to hire a smoker. Among those more inclined to say employers have the right to refuse to hire a smoker are people aged 50 to 64 year (29%),

retirees (27%), and those earning over \$51,000 (27%). Ten percent (10%) of people say that an employer has refused to hire either them or someone they know because the person was a smoker. Former smokers (14%) are the most likely to report this occurring.

o Ninety-two percent (92%) say employers do not have the right to require an employee or job applicant to change his or her diet, while 5% think they do have the right. Four percent (4%) of people say that an employer has required either them or someone they know to change their diet.

o While 85% say employers do not have the right to require an employee or job applicant to quit smoking, 12% think they do have the right. Republicans (19%), 50-64 year olds (19%), high-level professionals, and former smokers (19%) are more likely than other groups to feel employers have the right to require an employee to quit smoking. One out of fourteen respondents (7%) reports that an employer has required either the respondent or someone the respondent knows to quit smoking. Former smokers (12%) are the most likely to report this happening.

o Although 68% think employers do not have the right to require an employee or job applicant to quit a second job almost one out of four Alaskans (24%) say they do have this right. High-level professionals (34%) and people aged 50 to 64 (32%) are most likely to feel employers have this right. Fifteen percent (15%) of people report that an employer has

required either them or someone they know to quit a second job.

Salespeople (27%), executives (24%), high-level professionals (22%), and people 35 to 49 (22%) are more likely to mention this occurring.

o Two out of three respondents (67%) say employers do not have the right to do a credit check on a prospective employee, but 29% say they do have the right. Executives (41%) and people over 50 (41%) are more likely to say employers have the right to do a credit check. One in six respondents (17%) reports that an employer has done a credit check on either the respondent or someone that the respondent knows.

In summary, more than one-third of all respondents (37%) indicate that at least one of the above situations has happened to either them or someone that they know. Former smokers (46%), Republicans (44%), residents of the Central district (43%), people aged 50 to 64 (41%), high-level professionals (41%), salespeople (41%), and Hispanics (63%) are all more likely to report these things occurring. This occurred despite the fact that *at least two-thirds* (67%) of the respondents say that employers do not have the right to take such actions.

Section IV: Worker Compensation Claim

Almost three out of four respondents (73%) oppose allowing businesses in Alaska to refuse to hire a person who has a worker compensation claim, while 17% favor allowing them to do so. Those earning under \$31,000 (86%) and regular smokers (84%) are most opposed to this proposal, while executives (35%) are most in favor.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 62

Revision Date: _____
 Title: *Prohibiting employers from discriminating
against individuals for legal use of legal products.*
 Sponsor: Representative Grussendorf
 Requestor: House Labor and Commerce Committee

Department Affected: Administration
 BRU: Personnel/OEEO
 Component: Personnel/OEEO

COMPONENT SERIAL NO. 56

EXPENDITURES/REVENUES:

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|------------------------|----------|----------|----------|----------|----------|----------|
| 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 FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
|-----------------------------|----------|----------|----------|----------|----------|----------|

FUNDING:

| | | | | | | |
|--------------------------|----------|----------|----------|----------|----------|----------|
| 1002 Federal Receipts | 0 | 0 | 0 | 0 | 0 | 0 |
| 1003 GF Match | 0 | 0 | 0 | 0 | 0 | 0 |
| 1004 GF | 0 | 0 | 0 | 0 | 0 | 0 |
| 1005 GF/Program Receipts | 0 | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTIA | 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 |

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)
 HB 62 will not require an additional appropriation for this division.

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

Phone: 465-4430
 Date: _____

Approved by Commissioner: Nancy Bear Userra
 Agency: Administration

Date: 2/5/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : HB 62

Revision Date: _____
 Title: Employee's Right to Use Lawful
Products
 Sponsor: Representative Grussendorf
 Requestor: House Labor & Commerce

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: _____
Wage & Hour
 COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES:

(Thousands of Dollars)

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPEHATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|-----------------------------|--|--|--|--|--|--|

FUNDING:

(Thousands of Dollars)

| | | | | | | |
|-------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipt | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Donald Study, CSP, Director *Donald Study* Phone: 465-6003
 Division: Labor Standards & Safety Date: 2/4/93
 Approved by Commissioner: Charles W. Mahlen *Charles W. Mahlen*
 Agency: Department of Labor Date: 2/4/93

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