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February 29, 1984

Representative Abood
Capital Room 102
Pouch V
Juneau, Alaska 99811

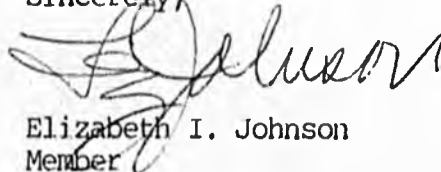
Re: House Bill 556

Dear Rep. Abood:

Enclosed please find a resolution from the Employment Law Section of the Alaska Bar Association concerning the substance and proposed amendments to HB 556. We would ask that these comments be inserted in the public record as written testimony on this bill.

Please contact me if you have further questions.

Sincerely,



Elizabeth I. Johnson
Member
Employment Law Section
Alaska Bar Association

2/29/84 Ltr. from AK Bar Assoc. / Resolution & Comments

ALASKA BAR ASSOCIATION

EMPLOYMENT LAW SECTION

RESOLUTION & COMMENTS ON H.B. 556

Resolved: That the Employment Law Section of the Alaska Bar Association supports the intention of HB 556 but recommends that the first sentence of the bill be amended in the following manner:

1. That the word "cases" in line 12 be changed to "complaints".
2. That the word "prior" be inserted before the word "complaint" in line 13.
3. That the word "retaliation" be inserted before both words "complaint" in line 15.

Some members of the employment law section had a serious concern that the second sentence of the proposed amendment -- stating that the commission shall file a petition for appropriate temporary relief -- is inconsistent with the powers of the commission as presently granted by statute. Some members also felt that the phrase "in cases where it is necessary" might pose a problem for the Commission by implying that there be some sort of preliminary finding of "necessity" prior to taking court action.

Therefore, the employment law section recommends that if the second sentence is left in the bill it be amended to read as follows:

4. That the word "shall" in line 16 be changed to "may".
5. That the word "retaliation" be inserted before the word "complaint" in line 19.

THIS WILL BE THE ONLY ANCHORAGE PARTICIPANT.

MSG 84-00015765 PRTY 1 02/21/84 13:58:54 ORIG: LA08 IN= 0006 OUT= 0001
FROM: CANDY/ANCHORAGE TO: DORIS
TARGET: LJH7 SUBJ: H. STATE AFFAIRS T/C 2/21

OMNI # 1

TO PARTICIPATE:

1. JANET BRADLEY/EX. DIRECTOR OF THE HUMAN RIGHTS COMMISSION

Introduced: 2/1/84
Referred: State Affairs

1 IN THE HOUSE

BY WARD, LINDAUER AND MALONE

2

HOUSE BILL NO. 556

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to complaints alleging retaliation
7 before the State Commission for Human Rights; and
8 providing for an effective date."

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

10 * Section 1. AS 18.80.110 is amended by adding a new subsection to
11 read:

12 (b) The commission shall grant priority status to cases that
13 allege that retaliation has occurred for having filed a complaint
14 alleging a violation of AS 18.80.220 and shall complete its inves-
15 tigation of that complaint within 90 days from the date that the com-
16 plaint was filed with the commission. The commission shall file a
17 petition for appropriate temporary relief against a respondent in
18 cases where it is necessary to protect the employment rights of the
19 complainant.

20 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

February 20, 1984

TO: JOHN LINDAUER

Mary Beth

FROM: MARY BETH HILBURN

I have reviewed the budgets of both the Human Rights Commission and the Office of the Ombudsman, and find that there would appear to be no need for an fiscal note for the Human Rights Commission to carry out the mandate of HB 556. This bill would merely mandate priorities of the agency. The requirement that a complaint investigation be completed within 90 days should cause no hardship as this is one of the stated performance measures the agency has committed to this year.

February 20, 1984

TO: JOHN LINDAUER

RE: OMBUDSMAN/HUMAN RIGHTS

HUMAN RIGHTS COMMISSION

OFFICE OF THE OMBUDSMAN

Calender 1982	<u>Cases</u>	<u>Cases</u>
opened 292		4,648
closed 319		4,704

Calender 1983	<u>Cases</u>	<u>Cases</u>
left 1982 360		
opened 292		5,229
closed 309		5,263
remain 397		

BUDGET COMPARISON

1983 actual	
1,440,200 total	1,319,800
56,700 travel	40,000
26 positions	22

1984 adj. base	
1,480,800	1,552,800
25 positions	23

1985 Governor's request	
1,329,000	1,885,200
23 full time	26 full time
1 part time	1 part time

GOAL: The goal of the Human Rights Commission is to eliminate and prevent discrimination in employment, in credit and financing practices, in places of public accommodation, in the sale, lease, or rental of real property and in the services by the state or its political subdivision because of race, religion, color, national origin, sex, age, marital status, changes in marital status, pregnancy, parenthood, or physical handicap.

OBJECTIVES	SERVICES	PERFORMANCE MEASURES
<p>Reduce the loss of personal income, loss of fair housing costs, loss of goods and services denied as a result of unlawful discrimination by the private sector or by state and local governments.</p>	<ol style="list-style-type: none"> 1. Provide prompt resolution of complaints decreasing losses by persons aggrieved under Human Rights Law. 2. Conduct a public education program for all Alaskans increasing the public's knowledge of legal rights and responsibilities and promoting voluntary compliance with Human Rights Law. 	<ol style="list-style-type: none"> 1. Total case resolutions in FY 85 2. Percentage of negotiated settlements 3. Dollar value of settlements 4. Resolution in 90 days or less 5. Pending cases over 180 days in process 6. Hearings conducted 7. Systemic projects in process <ol style="list-style-type: none"> 1. Training sessions conducted 2. Agency publications distributed 3. Media presentations 4. Responses to public inquiries

AGENCY Office of the Governor

PROGRAM Due Process

BRU Human Rights Commission

**B-2 BRU
STRATEGY
SUMMARY**

FY85

Page 1 of 1
Revised Date

000027

HB 556



Alaska State Legislature House of Representatives

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REPRESENTATIVE JERRY WARD
DISTRICT 13

MEMBER FINANCE COMMITTEE
CHAIRMAN OF SUBCOMMITTEE ON
COMMERCE & ECONOMIC DEVELOPMENT
CHAIRMAN OF SUBCOMMITTEE ON LABOR
MEMBER OF SUBCOMMITTEE ON STATE LOANS

MEMORANDUM

DATE: February 14, 1984

TO: Representative Mitch Abood, Chairman
House State Affairs Committee

FROM: Representative Jerry Ward *JW*

RE: HB 556 "An Act relating to complaints alleging retaliation
before the State Commission for Human Rights; and
providing for an effective date."

I attach the following materials supporting HB 556:

1. News release explaining effect of bill.
2. Letter dated 8-24-83 from Janet L. Bradley, Executive Director of State Human Rights Commission, stating that retaliation cases are not given any priority.
3. Resolution from National Organization for Women supporting passage of bill.
4. Petitions signed by 120 persons supporting passage of bill.

Attachments



Alaska State Legislature House of Representatives

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CHAIRMAN OF SUBCOMMITTEE ON LABOR
MEMBER OF SUBCOMMITTEE ON STATE LOANS

FOR IMMEDIATE RELEASE
January 31, 1984

Contact: Rep. Jerry Ward
465-4939

WARD INTRODUCES BILL TO SPEED UP HANDLING OF RETALIATION COMPLAINTS TO HUMAN RIGHTS COMMISSION

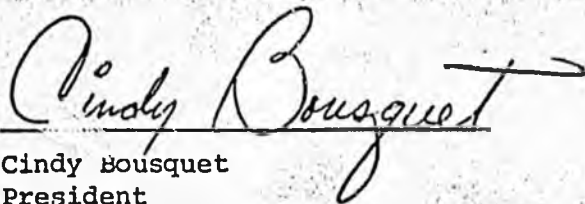
It's against Alaska state law to fire an employee for making a complaint of discrimination to the State Human Rights Commission. But, according to Rep. Jerry Ward, it might take a year or more before that Commission could do anything about such a firing. HB 556, introduced today by Ward, would require that the Commission give priority to retaliation complaints and would also require that the Commission petition the court for a temporary restraining order where necessary to protect the employment rights of the complainant.

"The problem is that retaliation complaints are treated the same as any other complaint to the Commission and have to take their time," Ward explained. "Attorneys representing employers use delaying tactics to freeze out a complaining employee who can't afford to be very long without a job. I just don't think that it's fair that an employee could be intimidated into dropping a complaint because an employer knows they can get away with firing them if they complain of discrimination. I know of one retaliation complaint that has been dragging along for almost two years now. By the time the Commission has made a determination, the employee could be forced to move away to find employment, or drop the complaint because of the stress and financial burden."

WHEREAS, the National Organization for Women is dedicated to supporting laws mandating equality in the workplace; and

WHEREAS, a bill is to introduced into the THIRTEENTH LEGISLATURE of the State of Alaska to amend Section 1 of Alaska Statute 18.80 by adding a new paragraph to prohibit retribution by an employer against an employee who files a complaint or testifies in behalf of a complainant who has filed a complaint with the Human Rights Commission;

NOW THEREFORE, be it resolved that Alaska NOW, acting at its annual statewide convention, endorse and support the above bill's intent to assist in its passage by the Legislature



Cindy Bousquet
President
National Organization for Women
State of Alaska

P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

NAME

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Sharon Y. Hillman	1941 Rebel Ridge Anch., Ak
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Ann Brimmer	4131 Laurel Anch ak 99505
Eileen Brimmer	SPR 1302-F Anch. 99505
Mary Campbell	2518 Cottonwood Anch. 99508
Donna Shouse	9599 Branton Dr. 99507
Anna Fagg-Eickson	8000 Rowena Anch AK 99502
Corinne Caplan	Box 102856 Anch. AK 99510-2856
Carol Lewis	7302 Huntersmen - A Anch ak 99502
Leonor de la Cruz	1627 W 32 St 56 Anch ak 99503

P E T I T I O N

The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

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<u>Max J. Kullback</u>	<u>3511 Orbit Circle Anchorage 99508</u>
<u>Priscilla L. Duffy</u>	<u>501 Frederick Anchorage 99508</u>
<u>Deborah Deamont</u>	<u>1919 Beaver Place, Anch, AK 99504</u>
<u>Annette Ann Gunn</u>	<u>705 Muldoon Rd #25 Anchorage 99508</u>
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The undersigned petitioners support passage of an act to prohibit retribution for complaints to the State of Alaska Human Rights Commission.

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