

LEG.	FINANCE	-	BILLS	1985	-	1986	2349
CSHB	140	-	HB	147			2349

# COMMITTEE REPORT

## SENATE

FURTHER:

5/7/85

Date 5/7/85

Mr. President

The Committee on FINANCE considered CSHP ADMIN.

WAS OF INTEREST REGARDING UNDER THE ADMINISTRATIVE PROCEDURE ACT.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title \_\_\_\_\_
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_  
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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

Offered: 4/23/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RULES COMMITTEE  
2 CS FOR HOUSE BILL NO. 140 (Rules)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 44.62.210(a) is amended to read:  
10 (a) On the date and at the time and place designated in the  
11 notice the agency shall give each interested person or the person's  
12 authorized representative, or both, the opportunity to present state-  
13 ments, arguments, or contentions in writing, with or without oppor-  
14 tunity to present them orally. The state agency may accept material  
15 presented by any form of communication authorized by this chapter and  
16 shall consider all relevant matter presented to it before adopting,  
17 amending or repealing a regulation.  
18 \* Sec. 2. AS 44.62.310(a) is amended to read:  
19 (a) All meetings of a legislative body, of a board of regents,  
20 or of an administrative body, board, commission, committee, subcommit-  
21 tee, authority, council, agency, or other organization, including  
22 subordinate units of the above groups, of the state or any of its  
23 political subdivisions, including but not limited to municipalities,  
24 boroughs, school boards, and all other boards, agencies, assemblies,  
25 councils, departments, divisions, bureaus, commissions or organiza-  
26 tions, advisory or otherwise, of the state or local government sup-  
27 ported in whole or in part by public money or authorized to spend  
28 public money, are open to the public except as otherwise provided by  
29 this section. Except for meetings of a house of the legislature,

1 attendance and participation at meetings by members of the public or  
2 by members of a body may be by teleconferencing. Agency materials that  
3 are to be considered at the meeting shall be made available at tele-  
4 conference locations. Except when voice votes are authorized, the  
5 vote shall be conducted in such a manner that the public may know the  
6 vote of each person entitled to vote. The vote at a meeting held by  
7 teleconference shall be taken by roll call. This section does not  
8 apply to any votes required to be taken to organize a public body  
9 described [THE BODIES SPECIFIED] in the subsection.

10 \* Sec. 3. AS 44.62.310(e) is amended to read:

11 (e) Reasonable public notice shall be given for all meetings  
12 required to be open under this section. The notice must include the  
13 date, time, and place of the meeting, and if the meeting is by tele-  
14 conference the location of any teleconferencing facilities that will  
15 be used.

16 \* Sec. 4. AS 44.62.312(a) is amended to read:

17 (a) It is the policy of the state that

18 (1) the governmental units mentioned in AS 44.62.310(a)  
19 exist to aid in the conduct of the people's business;

20 (2) it is the intent of the law that actions of those units  
21 be taken openly and that their deliberations be conducted openly;

22 (3) the people of this state do not yield their sovereignty  
23 to the agencies which serve them;

24 (4) the people, in delegating authority, do not give their  
25 public servants the right to decide what is good for the people to  
26 know and what is not good for them to know;

27 (5) the people's right to remain informed shall be protect-  
28 ed so that they may retain control over the instruments they have  
29 created;

1                   (6) the use of teleconferencing under this chapter is for  
2                   the convenience of the parties, the public, and the governmental units  
3                   conducting the meetings.

4 \* Sec. 5. AS 44.62.410 is amended by adding a new subsection to read:

5                   (b) Upon the mutual agreement of the parties, the agency may use  
6                   teleconferencing in the conduct of a hearing under this section.

7 \* Sec. 6. AS 44.62.600 is amended to read:

8                   Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. A member of an  
9                   agency qualified to vote on a question may vote by mail or by telecon-  
10                   ferencing. A vote by teleconferencing shall be recorded in a manner  
11                   that identifies each person who has voted and how the person voted.

12 \* Sec. 7. AS 44.62 is amended by adding a new section to article 9 to  
13 read:

14                   Sec. 44.62.635. TELECONFERENCING. (a) An agency may use tele-  
15                   conferencing for the benefit or convenience of the parties, the pub-  
16                   lic, or the agency, in connection with a proceeding or act authorized  
17                   under this chapter if all statutory and constitutional rights of the  
18                   parties are waived or adequately protected.

19                   (b) Teleconferencing may be used to establish quorums, receive  
20                   public input, and, if all voting individuals have an opportunity to  
21                   evaluate all testimony and evidence, to vote on actions.

22 \* Sec. 8. AS 44.62.640 is amended by adding a new subsection to read:

23                   (c) In this chapter "teleconferencing" means information ex-  
24                   change by audio or video medium.

18

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

Page 1 of 2

REQUEST

Bill/Resolution No.: HA 140  
 Title: Relating to use of teleconferencing  
 Sponsor: Governor  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: General Government  
 BRU, Program or Subprogram(s) Affected: Telecommunications

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared By: F. M. White / skp Phone: 465-2041  
 Division: Telecommunications Services Date: 12/5/84

Approved by Commissioner: Lisa Rudd Date: 1/11/85  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

House Bill  
Fiscal Note Analysis  
Prepared by Division of Telecommunications Services  
Department of Administration  
December 5, 1984

This bill will clarify the legitimate use of teleconferencing for meetings and hearings held under the Administrative Procedures Act (AS 44.62). Specifically it will permit teleconference use by publically funded bodies for presentations, discussions and testimony at public hearings, and for counting quorum and voting.

The legal clarification of teleconference use will have no direct fiscal impact. Indirectly, however, some fiscal impact may be felt as increased use of teleconferencing could save money currently expended for travel.

Clarification and the resulting increase in use will allow for greater participation in public policy making as well as broader dissemination of information to and from governmental entities and the public.

## SECTIONAL ANALYSIS FOR HOUSE BILL 140

An Act relating to the use of teleconferencing under the Administrative Procedures Act

### Section 1

Under current law, when regulations are changed, the state must publish notice of the meeting and give interested persons the opportunity to submit statements or arguments advocating their position in writing. This section amends that law to allow for the submission of statements by an form of communication.

### Section 2

Amends that section of the statutes which stipulates that all meetings by agencies, commissions, board, councils etc. are to be public by adding enabling language for teleconferencing of those meetings.

### Section 3

Notice for public meetings that are to be teleconferenced must state that the meeting is being teleconferenced and the location of the teleconferencing facilities.

### Section 4

Amends state policy regarding meetings by adding language which says that the use of teleconferencing is for the convenience of the parties, the public and governmental units conducting the meetings.

### Section 6

Allows for voting to take place by teleconference.

### Section 7

Adds a new section to the statutes which establishes guidelines for the use of teleconferencing and they are as follows:

- 1) To be used for the benefit and convenience of the parties, agencies or public.
- 2) May be used to establish quorums, receive public input and for authorized officials to vote

House Bill 140 does not have an effective date and there is no fiscal impact.

Offered: 4/23/85  
Referred: Rules

Original sponsor: Rules/Governor

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
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25 councils, departments, divisions, bureaus, commissions or organiza-  
26 tions, advisory or otherwise, of the state or local government sup-  
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BILL SHEFFIELD  
GOVERNOR



20190

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 28, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the use of teleconferencing for meetings and hearings held under the Administrative Procedure Act (AS 44.62). The bill confirms and clarifies that teleconferencing is a legally permissible means for increasing efficient public access and input to government bodies. Provisions to safeguard the constitutional and statutory rights of the public relating to hearings and public meetings are included in the bill.

The availability of new communications technology combined with our declining revenues make passage of this important measure a timely step towards economical efficient expansion of public access to the administrative process.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield  
Governor

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

4/29/85

Date April 30, 1984

Mr. President

The Committee on State Affairs considered CSHB 140(R1s)

use of teleconferencing under the Administrative Procedure Act.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Ed De Vries  
Tim Kelly  
Bill Ray  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature]  
 Chairman  
[Signature] Now were talkin'!!  
 Chairman recommendation

# COMMITTEE REPORT

## HOUSE

(11)

FURTHER:

4/3/85

Date: 4/19/85

The Committee on FINANCE has had HR 147

"An Act creating a division of equal employment opportunities in the Department of Administration."

Under consideration and recommends:

do pass  do not pass

do pass with attached amendments(s)

replace with CS for HR 147 (Finance)  same title  new title

and recommends HR 147

AND attaches a "Letter of Intent"  New Fiscal Note  
 reports it back without recommendation  Zero Fiscal Note Attached

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_

[Signature]  
CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 147 (Finance)  
 Title: Creating a Division of  
 Equal Employment Opportunity  
 Sponsor: Governor Sheffield  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Governor's Office  
 Program Category Affected:  
 General Government/Labor Relations  
 BRU, Program or Subprogram(s) Affected:  
 Equal Employment Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	0	10.0	10.0	10.0	10.0	10.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>						

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	10.0	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	10.0	10.0	10.0	10.0	10.0

POSITIONS:                      0                      0                      0                      0                      0                      0

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By:  Representative Jim Duncan                      Phone: 465-4766  
 Division: \_\_\_\_\_                      Date: 4/19/85

Approved by Commissioner: \_\_\_\_\_                      Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

CSHB 147 (Finance)  
April 19, 1985

CSHB 147 (Finance), Section 44.19.442 (8) empowers the Division of Equal employment Opportunity to enforce compliance with equal employment opportunity regulations by employing independent legal counsel not associated with the Department of Law. The Department estimates that the number of incidents where such enforcement action would occur would be no more than one or two per fiscal year. At the current estimates of hourly rates for legal services provided by the Department of Law of \$100/hr., the total amount of contractual hours required in FY 86 would be 100 hours. This would total \$10,000 in contractual services.

The Legislature intends that the additional \$10,000 in contractual funds be used only to enforce the provisions of AS 44.19.442 (8) and should not be spent on any other budgetary items.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 147 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an equal employment opportunity  
7 program for the executive branch of state government  
8 and creating an office of equal employment oppor-  
9 tunity in the Office of the Governor."

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

11 \* Section 1. This Act establishes the office of equal employment oppor-  
12 tunity in the Office of the Governor to ensure fair employment practices  
13 and eliminate barriers to employment in state government and to monitor the  
14 state's progress in accomplishing the goals set out in the state  
15 affirmative action plan and in reaching equal employment opportunity.

16 \* Sec. 2. AS 44.19 is amended by adding new sections to read:

17 ARTICLE 9. EQUAL EMPLOYMENT OPPORTUNITY.

18 Sec. 44.19.441. OFFICE AND DIRECTOR. The office of equal  
19 employment opportunity is established in the Office of the Governor.  
20 The governor shall appoint a director to administer the office.

21 Sec. 44.19.442. POWERS AND DUTIES OF THE OFFICE. (a) The  
22 office shall administer the equal employment opportunity program for  
23 the executive branch of state government to ensure compliance with  
24 AS 44.19.441 - 44.19.449 and shall

25 (1) assist state officials to carry out their equal employ-  
26 ment opportunity responsibilities, including promoting the recruit-  
2 ment, employment, training, and retention of members of protected  
28 classes, and recommend solutions to any problems identified;

29 (2) train state managers and supervisors in their equal

1 employment opportunity and affirmative action responsibilities and  
2 offer orientation programs to employees to inform them of their rights  
3 and responsibilities under AS 44.19.441 - 44.19.449;

4 (3) monitor records of personnel actions, develop auditing  
5 and reporting systems to acquire statistical information, and prepare  
6 federal and state reports concerning the composition of the work  
7 force;

8 (4) prepare and submit the affirmative action plan for  
9 employment in the executive branch of state government to the gover-  
10 nor;

11 (5) prepare guidelines for the affirmative action programs  
12 of agencies and review, audit and make recommendations concerning the  
13 programs;

14 (6) ensure that agencies comply with the affirmative action  
15 plan and with the agency affirmative action program;

16 (7) implement standards by which performance evaluations of  
17 supervisors reflect compliance with affirmative action plans and  
18 objectives, including the granting or denial of merit increases;

19 (8) enforce equal employment opportunity by filing a legal  
20 action against a state officer or employee who violates affirmative  
21 action standards and procedures; for purposes of a legal action under  
22 this paragraph, the director may employ independent legal counsel not  
23 associated with the Department of Law;

24 (9) assist the division of labor relations in collective  
25 bargaining negotiations between the state and employee bargaining  
26 organizations to ensure that each collective bargaining agreement  
27 negotiated by the state ensures equal employment opportunity;

28 (10) file quarterly reports with the governor and the legis-  
29 lature concerning agency compliance with and progress in its

1 affirmative action program, the affirmative action plan, state and  
2 federal equal employment opportunity laws and regulations;

3 (11) accept, investigate, and resolve complaints of dis-  
4 crimination from employees, previous employees, or applicants for  
5 employment;

6 (12) serve as primary liaison between the executive branch  
7 and state and federal agencies, minority and women's organizations,  
8 and community groups concerned with equal employment opportunity; and

9 (13) prepare and submit an annual report to the governor and  
10 the legislature by February 15 on the progress and problem areas in  
11 the equal employment opportunity program and the implementation of the  
12 affirmative action plan.

13 (b) The office may recommend legislative or administrative  
14 action to the governor relating to equal employment opportunity and  
15 affirmative action matters.

16 Sec. 44.19.443. ADMINISTRATIVE REGULATIONS. The director shall  
17 adopt regulations under the Administrative Procedure Act (AS 44.62) to  
18 carry out the office's duties.

19 Sec. 44.19.444. AFFIRMATIVE ACTION PLAN. The governor shall  
20 establish an equal employment opportunity program and adopt annually  
21 an affirmative action plan for the executive branch of state govern-  
22 ment. The plan remains in effect until the governor adopts a subse-  
23 quent plan.

24 Sec. 44.19.445. COMPLIANCE WITH AFFIRMATIVE ACTION PLAN. Each  
25 agency shall comply with the affirmative action plan. Each commis-  
26 sioner or executive head of an agency shall adopt an affirmative  
27 action program to implement the plan within the agency. At the re-  
28 quest of the office, a state official shall report to the office about  
29 agency employment practices and activities to implement and comply

1 with the plan or program.

2 Sec. 44.19.446. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The  
3 office shall accept complaints of employment discrimination in the  
4 executive branch of state government and shall confer with the com-  
5 plainant and the agency involved to bring about an informal resolution  
6 of the complaint.

7 (b) An agency shall notify the office when the agency receives a  
8 complaint alleging employment discrimination.

9 (c) The office may not make public the records of a complaint or  
10 investigation.

11 Sec. 44.19.447. RETALIATION PROHIBITED. (a) An agency, offi-  
12 cer, or state employee may not directly or indirectly refuse to hire,  
13 transfer or promote, or dismiss, demote, suspend, lay off, or other-  
14 wise discipline a person for filing a complaint with the office for a  
15 failure to comply with affirmative action or equal employment oppor-  
16 tunity or for assisting the office in an investigation of a complaint.

17 (b) A person who knowingly violates this section is liable for a  
18 civil penalty of not more than \$1,000.

19 Sec. 44.19.448. ACCESS TO CONFIDENTIAL RECORDS. The office may  
20 have access to all data, records, and reports necessary to carry out  
21 its functions under AS 44.19.441 - 44.19.449. The office may not make  
22 public information designated as confidential by AS 39.25.080 or  
23 another law. However, the office may make public statistical informa-  
24 tion compiled from confidential records.

25 Sec. 44.19.449 DEFINITIONS. In AS 44.19.441 - 44.19.449,

26 (1) "agency" means a department, office, agency, public  
27 corporation, board, commission, authority, or other organizational  
28 unit of the executive branch;

29 (2) "employment in the executive branch of state

1 government" includes employment as a permanent, probationary, provi-  
2 sional, nonpermanent, or temporary employee in the classified, par-  
3 tially exempt, or exempt services in the executive branch of state  
4 government;

5 (3) "member of a protected class" means a person protected  
6 by federal or state laws that prohibit discrimination in employment or  
7 a person who experiences or has experienced difficulty in obtaining  
8 employment or advancement in employment because of another factor not  
9 related to merit;

10 (4) "office" means the office of equal employment oppor-  
11 tunity in the Office of the Governor.

12 \* Sec. 2. This Act may not be applied to limit the right of a person to  
13 file a complaint with the State Commission for Human Rights under AS 18.-  
14 80.100.  
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STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: \_\_\_\_\_  
 Title: Creating a Division of  
Equal Employment Opportunity  
 Sponsor: Governor Sheffield  
 Requestor: House Finance  
 Date of Request: 4/17/85

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: \_\_\_\_\_  
General Govt/Labor Relations  
 BRU, Program or Subprogram(s) Affected:  
Equal Employment Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
<b>TOTAL OPERATING</b>		0				

<b>CAPITAL</b>		0				
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<b>REVENUE</b>		0				
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
<b>TOTAL</b>		0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Any funds necessary to implement this bill can be absorbed within the agencies existing budget.

Prepared By: Al Adams *MPA* Phone: 465-3706  
 Division: House Finance Date: 4/17/85

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH C (MS 0200)  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2200

April 17, 1985

Honorable Al Adams  
Chairman  
Finance Committee  
Pouch V  
Juneau, AK 99811

Dear Mr. Chairman:

Attached please find amendments to CSHB 147 (State Affairs), proposed by the Department of Administration, to bring the bill in line with our belief that the Equal Employment Opportunity (EEO) division should not be an enforcement agency and the law should not give it the power to deal heavy handedly with State employees or agencies. We believe that sufficient enforcement capabilities already exist in the State Commission for Human Rights, the Federal Equal Employment Opportunity Commission, and the courts.

With these amendments, the bill will emphasize these important functions of the Division of Equal Employment Opportunity:

1. Recruitment and retention of minority and protected class employees;
2. Training of State employees in affirmation action methods;
3. Keeping and disseminating statistical information regarding the State's efforts on Affirmative Action; and,
4. Informal resolution of complaints of discrimination in State government.

Yours sincerely,

  
Lisa Rudd  
Commissioner

LSR/RB/cks

Offered: 4/ 3/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 147 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an equal employment opportunity  
7 program for the executive branch of state government  
8 and creating a division of equal employment oppor-  
9 tunity in the Department of Administration."

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

11 \* Section 1. AS 44.21 is amended by adding new sections to read:

12 ARTICLE 9. EQUAL EMPLOYMENT OPPORTUNITY.

13 Sec. 44.21.450. AFFIRMATIVE ACTION PLAN. The governor shall  
14 establish an equal employment opportunity program and adopt annually  
15 an affirmative action plan for the executive branch of state govern-  
16 ment. The plan remains in effect until the governor adopts a subse-  
17 quent plan.

18 Sec. 44.21.455. DIVISION CREATED. The division of equal employ-  
19 ment opportunity is established in the Department of Administration.

20 Sec. 44.21.460. DIRECTOR. The commissioner shall appoint a  
21 director to administer the division.

22 Sec. 44.21.465. POWERS AND DUTIES OF THE DIVISION. (a) The  
23 division shall administer the equal employment opportunity program for  
24 the executive branch of state government to ensure compliance with  
25 AS 44.21.450 - 44.21.490 and shall

26 (1) assist state officials to carry out their equal employ-  
27 ment opportunity responsibilities, including promoting the recruit-  
28 ment, employment, training, and retention of members of protected  
29 classes, and recommend solutions to any problems identified;

*Move to  
become  
part of  
44.21.475  
(p. 3)*

1 its affirmative action program, the affirmative action plan, or state  
2 or federal equal employment opportunity laws or regulations, and  
3 recommend action to correct the noncompliance;

4 (11) accept, investigate, and resolve complaints of dis-  
5 crimination from employees, previous employees, or applicants for  
6 employment;

7 (12) serve as primary liaison between the executive branch  
8 and state and federal agencies, minority and women's organizations,  
9 and community groups concerned with equal employment opportunity, and  
10 work to enhance equal employment opportunity in state employment; and

11 (13) prepare and submit an annual report to the governor and  
12 the legislature by February 15 on the progress and problem areas in  
13 the equal employment opportunity program and the implementation of the  
14 affirmative action plan.

15 (b) The division may recommend legislative or administrative  
16 action to the governor and the commissioner relating to equal employ-  
17 ment opportunity and affirmative action matters.

18 Sec. 44.21.470. ADMINISTRATIVE REGULATIONS. The commissioner  
19 shall adopt regulations under the Administrative Procedure Act  
20 (AS 44.62) to carry out the division's duties.

21 ← Sec. 44.21.475. COMPLIANCE WITH AFFIRMATIVE ACTION PLAN. Each  
22 agency shall comply with the affirmative action plan. Each commis-  
23 sioner or executive head of an agency shall adopt an affirmative  
24 action program to implement the plan within the agency. At the re-  
25 quest of the division, a state official shall report to the division  
26 about agency employment practices and activities to implement and  
27 comply with the plan or program.

28 Sec. 44.21.480. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The  
29 division shall accept complaints of employment discrimination in the

*insert  
from p. 1*

# **CORRECTION**

THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

Offered: 4/ 3/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 147 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

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24 the executive branch of state government to ensure compliance with  
25 AS 44.21.450 - 44.21.490 and shall

26 (1) assist state officials to carry out their equal employ-  
27 ment opportunity responsibilities, including promoting the recruit-  
28 ment, employment, training, and retention of members of protected  
29 classes, and recommend solutions to any problems identified;

*Move to  
become  
part of  
44.21.415  
(p. 3)*

1           (2) train state managers and supervisors in their equal  
2 employment opportunity and affirmative action responsibilities and  
3 offer orientation programs to employees to inform them of their rights  
4 and responsibilities under AS 44.21.450 - 44.21.495;

5           (3) monitor records of personnel actions, develop auditing  
6 and reporting systems to acquire statistical information, and prepare  
7 federal and state reports concerning the composition of the work  
8 force;

9           (4) prepare and submit the affirmative action plan for  
10 employment in the executive branch of state government to the gover-  
11 nor;

12           (5) prepare guidelines for the affirmative action programs  
13 of agencies and review, audit and make recommendations concerning the  
14 programs;

15           (6) ensure that agencies comply with the affirmative action  
16 plan and with the agency affirmative action program;

17           (7) implement standards by which performance evaluations of  
18 supervisors reflect compliance with affirmative action plans and  
19 objectives, including the granting or denial of merit increases;

20           (8) enforce equal employment opportunity by filing a legal  
21 action against a state officer or employee who violates affirmative  
22 action standards and procedures; for purposes of a legal action under  
23 this paragraph, the director may employ independent legal counsel not  
24 associated with the Department of Law;

25           (9) assist the division of labor relations in collective  
26 bargaining negotiations between the state and employee bargaining  
27 organizations to ensure that each collective bargaining agreement  
28 negotiated by the state ensures equal employment opportunity;

29           (10) inform the governor when an agency fails to comply with

1 its affirmative action program, the affirmative action plan, or state  
2 or federal equal employment opportunity laws or regulations, and  
3 recommend action to correct the noncompliance; ]

4 [ (11) accept, investigate, and resolve complaints of dis-  
5 crimination from employees, previous employees, or applicants for  
6 employment; ]

7 (12) serve as primary liaison between the executive branch  
8 and state and federal agencies, minority and women's organizations,  
9 and community groups concerned with equal employment opportunity, ] and  
10 work to enhance equal employment opportunity in state employment; ] and

11 (13) prepare and submit an annual report to the governor and  
12 the legislature by February 15 on the progress and problem areas in  
13 the equal employment opportunity program and the implementation of the  
14 affirmative action plan.

15 (b) The division may recommend legislative or administrative  
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17 ment opportunity and affirmative action matters.

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23 sioner or executive head of an agency shall adopt an affirmative  
24 action program to implement the plan within the agency. At the re-  
25 quest of the division, a state official shall report to the division  
26 about agency employment practices and activities to implement and  
27 comply with the plan or program.

28 Sec. 44.21.480. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The  
29 division shall accept complaints of employment discrimination in the

*Insert  
from p. 1*

1 executive branch of state government and shall confer with the com-  
2 plainant and the agency involved to bring about an informal resolution  
3 of the complaint. [If the complainant agrees to comply with the  
4 resolution proposed by the division, the agency involved shall imple-  
5 ment it.]

6 (b) An agency shall notify the division when the agency receives  
7 a complaint alleging employment discrimination.

8 (c) The division may not make public the records of [an inves-  
9 tigation] a complaint.

10 Sec. 44.21.485. RETALIATION PROHIBITED. (a) An agency, offi-  
11 cer, or state employee may not directly or indirectly refuse to hire,  
12 transfer or promote, or dismiss, demote, suspend, lay off, or other-  
13 wise discipline an employee for filing a complaint with the division [for a failure  
14 to comply with affirmative action or equal employment opportunity] or  
15 for assisting the division in an investigation of a complaint.

16 (b) A person who knowingly violates this section is liable for a  
17 civil penalty of not more than \$1,000.

18 Sec. 44.21.490. ACCESS TO CONFIDENTIAL RECORDS. The division  
19 may have access to all data, records, and reports necessary to carry  
20 out its functions under AS 44.21.450 - 44.21.495. The division may  
21 not make public information designated as confidential by AS 39.25.-  
22 080 or another law. However, the division may make public statistical  
23 information compiled from confidential records.

24 Sec. 44.21.495. DEFINITIONS. In AS 44.21.450 - 44.21.495,

25 (1) "agency" means a department, office, agency, public  
26 corporation, board, commission, authority, or other organizational  
27 unit of the executive branch;

28 (2) "commissioner" means the commissioner of administra-  
29 tion;

1                   (3) "division" means the division of equal employment  
2 opportunity in the Department of Administration;

3                   (4) "employment in the executive branch of state govern-  
4 ment" includes employment as a permanent, probationary, provisional,  
5 nonpermanent, or temporary employee in the classified, partially  
6 exempt, or exempt services in the executive branch of state govern-  
7 ment;

8                   (5) "member of a protected class" means a person protected  
9 by federal or state laws that prohibit discrimination in employment or  
10 a person who experiences or has experienced difficulty in obtaining  
11 employment or advancement in employment because of another factor not  
12 related to merit.

13       \* Sec. 2. This Act may not be applied to limit the right of a person to  
14 file a complaint with the State Commission for Human Rights under AS 18.-  
15 80.100.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSMB 147  
 Title: Creating a Division of Equal Employment Opportunity  
 Sponsor: Governor Sheffield  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: General Government/Labor Relations  
 BRU, Program or Subprogram(s) Affected: Equal Employment Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>						
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<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>POSITIONS:</b>	-0-	-0-	-0-	-0-	-0-	-0-
-------------------	-----	-----	-----	-----	-----	-----

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Merwin H. Peters Phone: 465-3570  
 Division: Division of Equal Employment Opportunity Date: 4/17/85

Approved by Commissioner: Lisa Rudd Date: 4/17/85  
 Agency: Department of Administration

- Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 147  
 Title: Creating a Division of  
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FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: \_\_\_\_\_  
General Government/Labor Relations  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Equal Employment Opportunity

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	-0-	10.0	10.0	10.0	10.0	10.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	10.0	10.0	10.0	10.0	10.0

<b>CAPITAL</b>						
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<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	10.0	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	10.0	10.0	10.0	10.0	10.0

<b>POSITIONS:</b>	-0-	-0-	-0-	-0-	-0-	-0-
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FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Merwin H. Peters Phone: 465-3570  
 Division: Equal Employment Opportunity Date: 4-1-85

Approved by Commissioner: Lisa Rudd Date: 4/1/85  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

CSHB 147  
Fiscal Note Analysis  
Prepared by the  
Division of Equal Employment Opportunity  
Department of Administration  
April 1, 1985

CSHB 147, Section 44.21.465 (6) empowers the Division of Equal Employment Opportunity to enforce compliance with equal employment opportunity regulations by employing independent legal counsel not associated with the Department of Law. The Department estimates that the number of incidents where such enforcement action would occur would be no more than one or two per fiscal year. At the current estimates of hourly rates for legal services provided by the Department of Law of \$100/hr., the total amount of contractual hours required in FY 86 would be 100 hours. This would total \$10,000 in contractual services.

STATE OF ALASKA - EXECUTIVE BRANCH  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
MONTHLY WORKFORCE STATUS REPORT

DEPARTMENT: Executive Branch Summary

MONTHLY PAY PERIOD ENDING: December 15, 1984

SECTION IV: PERMANENT FULL-TIME WORKFORCE SUMMARY BY EEO-4 OCCUPATIONAL CATEGORY.\*

EEO-4 OCCUPATIONAL CATEGORY	DECEMBER 16, 1982 REPRESENTATION				CURRENT MONTH REPRESENTATION				INCREASED (+) OR DECREASED (-) REPRESENTATION SINCE DECEMBER 16, 1982			
	TOTAL	MEN	WOMEN	MINORITY	TOTAL	MEN	WOMEN	MINORITY	TOTAL	MEN	WOMEN	MINORITY
A - Officials & Administrators	# 287	230	57	6	341	264	77	22	+54	+34	+20	+16
	% 2.6	2.1	0.5	0.1	3.2	2.5	0.7	0.2	+0.6	+0.4	+0.2	+0.1
B - Professionals	# 4,399	2,878	1,521	233	4,132	2,712	1,420	273	-267	-166	-101	+40
	% 39.6	25.9	13.7	2.1	38.8	25.4	13.3	2.6	-0.8	-0.5	-0.4	+0.5
C - Technicians	# 471	264	207	39	422	214	208	51	-49	-50	+1	+12
	% 4.2	2.4	1.9	0.4	4.0	2.0	2.0	0.5	-0.2	-0.4	+0.1	+0.1
D - Protective Services	# 1,140	990	150	109	1,211	1,042	169	156	+71	+52	+19	+47
	% 10.3	8.9	1.4	1.0	11.4	9.8	1.6	1.5	+1.1	+0.9	+0.2	+0.5
E - Para Professionals	# 320	67	253	45	298	60	238	54	-22	-7	-15	+9
	% 2.9	0.6	2.3	0.4	2.8	0.6	2.2	0.5	-0.1	-	-0.1	+0.1
F - Office/Clerical	# 2,925	438	2,487	382	2,794	424	2,370	416	-131	-14	-117	+34
	% 26.3	3.9	22.4	3.4	26.2	4.0	22.2	3.9	-0.1	+0.1	-0.2	+0.5
G - Skilled Craft	# 929	910	19	103	791	783	8	84	-138	-127	-11	-19
	% 8.4	8.2	0.2	0.9	7.4	7.3	0.1	0.8	-1.0	-0.9	-0.1	-0.1
H - Service Maintenance	# 638	299	339	130	673	293	380	178	+35	-6	+41	+48
	% 5.7	2.7	3.1	1.2	6.3	2.7	3.6	1.7	+0.6	-	+0.5	+0.5
OVERALL TOTALS	# 11,109	6,076	5,033	1,047	10,662	5,792	4,870	1,234	-447	-284	-163	+187
	% 100.0	54.7	45.3	9.4	100.0	54.3	45.7	11.6	-4.0	-0.4	+0.4	+2.2

\* EEO-4 OCCUPATIONAL Categories are defined in section 709(c), Title VII, Civil Rights Act of 1964; as amended by the Equal Employment Opportunity Act of 1972. Examples of State Jobs in each category include: Officials & Administrators - Commissioners, Deputy Commissioners, Directors; Professionals - Personnel Officers, Accountants, Biologists; Technicians - Licensed Practical Nurses, Forestry Technicians; Protective Services - State Troopers, Correctional Officers; Para-Professionals - Personnel Assistants, Community Health Aids; Office/Clerical - Accounting Clerks, Clerk-Typists; Skilled Craft - Plumbers, Painters; Service Maintenance - Janitors, Light Equipment Operators.

STATE OF ALASKA - EXECUTIVE BRANCH  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
MONTHLY WORKFORCE STATUS REPORT

DEPARTMENT: Executive Branch Summary

MONTHLY PAY PERIOD ENDING: December 15, 1984

SECTION III: OVERALL PERMANENT FULL-TIME WORKFORCE SUMMARY BY MONTHLY SALARY GROUPS.

SALARY GROUPS	DECEMBER 16, 1982 REPRESENTATION				CURRENT MONTH REPRESENTATION				INCREASED (+) OR DECREASED (-) REPRESENTATION SINCE DECEMBER 16, 1982			
	TOTAL	MEN	WOMEN	MINORITY	TOTAL	MEN	WOMEN	MINORITY	TOTAL	MEN	WOMEN	MINORITY
#	3,013	600	2,413	414	2,349	410	1,939	430	-664	-190	-474	+16
%	27.1	5.4	21.7	3.7	22.0	3.8	18.2	4.0	-5.1	-1.6	-3.5	+0.3
#	4,613	2,690	1,923	466	4,028	2,040	1,988	516	-585	-650	+65	+50
%	41.5	24.2	17.3	4.2	37.8	19.1	18.6	4.8	-3.7	-5.1	+1.3	+0.6
#	2,317	1,794	523	131	2,626	1,943	683	212	+309	+149	+160	+81
%	20.9	16.1	4.7	1.2	24.6	18.2	6.4	2.0	+3.7	+2.1	+1.7	+0.8
#	857	718	139	31	1,149	947	202	63	+292	+229	+63	+32
%	7.7	6.5	1.3	0.3	10.8	8.9	1.9	0.6	+3.1	+2.4	+0.6	+0.3
#	257	223	34	4	407	359	48	11	+150	+136	+14	+7
%	2.3	2.0	0.3	0.0	3.8	3.4	0.5	0.1	+1.5	+1.4	+0.2	+1
#	51	50	1	1	97	87	10	2	+46	+37	+9	+1
%	0.5	0.5	0.0	0.0	0.9	0.8	0.1	0.0	+0.4	+0.3	+0.1	-
#	1	1	-	-	5	5	-	-	+4	+4	-	-
%	0.0	0.0	-	-	0.0	0.0	-	-	-	-	-	-
#	-	-	-	-	1	1	-	-	+1	+1	-	-
%	-	-	-	-	0.0	0.0	-	-	-	-	-	-
#	11,109	6,076	5,033	1,047	10,662	5,792	4,870	1,234	-447	-284	-163	+187
%	100.0	54.7	45.3	9.4	100.0	54.3	45.7	11.6	-4.0	-0.4	+0.4	+2.2

\* State pay ranges 18-23 or the equivalent ranges under other pay schedules fall within these salary groups.

STATE OF ALASKA - EXECUTIVE BRANCH  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY  
MONTHLY WORKFORCE STATUS REPORT

DEPARTMENT EXECUTIVE BRANCH SUMMARY

MONTHLY PAY PERIOD ENDING: December 15, 1984

SECTION I: WORKFORCE SUMMARY BY POSITION STATUS\*

		CURRENT MONTH REPRESENTATION			PRIOR MONTH REPRESENTATION			INCREASED (+) OR DECREASED (-) REPRESENTATION		
		FT	PT	S	FT	PT	S	FT	PT	S
1. TOTAL EMPLOYEES	#	10,662	216	620	10,695	218	696	-33	-2	-76
	%	100.0	100.0	100.0	100.0	100.0	100.0	-0.3	-0.9	-10.9
Men	#	5,792	44	392	5,793	49	443	-1	-5	-51
	%	54.3	20.4	63.2	54.2	22.5	63.6	+0.1	-2.1	-0.4
Women	#	4,870	172	228	4,902	169	253	-32	+3	-25
	%	45.7	79.6	36.8	45.8	77.5	36.4	-0.1	+2.1	+0.4
Minorities	#	1,234	37	56	1,230	39	57	+4	-2	-1
	%	11.6	17.1	9.0	11.5	17.9	8.2	+0.1	-0.8	+0.8
2. TOTAL WHITE	#	9,428	179	564	9,465	179	639	-37	-	-75
	%	88.4	82.9	91.0	88.5	82.1	91.8	-0.1	+0.8	-0.8
Men	#	5,244	33	359	5,250	37	411	-6	-4	-52
	%	49.2	15.3	57.9	49.1	17.0	59.1	+0.1	-1.7	-1.2
Women	#	4,184	146	205	4,215	142	228	-31	+4	-23
	%	39.2	67.6	33.1	39.4	65.1	32.8	-0.2	+2.5	+0.3
3. TOTAL BLACK	#	307	6	8	308	6	9	-1	-	-1
	%	2.9	2.8	1.3	2.9	2.8	1.3	-	-	-
Men	#	165	1	5	166	1	7	-1	-	-1
	%	1.5	0.5	1.0	1.6	0.5	1.0	-0.1	-	-
Women	#	142	5	3	142	5	2	-	-	-
	%	1.3	2.3	0.3	1.3	2.3	0.3	-	-	-
4. TOTAL HISPANIC	#	131	1	4	132	1	4	-1	-	-
	%	1.2	0.5	0.6	1.2	0.5	0.6	-	-	-
Men	#	57	-	1	56	-	1	+1	-	-
	%	0.5	-	0.2	0.5	-	0.1	-	-	+0.1
Women	#	74	1	3	76	1	3	-2	-	-
	%	0.7	0.5	0.5	0.7	0.5	0.4	-	-	+0.1
5. TOTAL ASIAN/PAC. ISLANDER	#	256	11	6	255	12	6	+1	-1	-
	%	2.4	5.1	1.0	2.4	5.5	0.9	-	-0.4	+0.1
Men	#	102	5	4	100	6	4	+2	-1	-
	%	1.0	2.3	0.6	0.9	2.8	0.6	+0.1	-0.5	-
Women	#	154	6	2	155	6	2	-1	-	-
	%	1.4	2.8	0.3	1.4	2.8	0.3	-	-	-
6. TOTAL AK. NAT/AM. INDIAN	#	540	19	38	535	20	38	+5	-1	-
	%	5.1	8.8	6.1	5.0	9.2	5.5	+0.1	-0.4	+0.6
Men	#	224	5	22	221	5	20	+3	-	+2
	%	2.1	2.3	3.5	2.1	2.3	2.9	-	-	+0.6
Women	#	316	14	16	314	15	18	+2	-1	-2
	%	3.0	6.5	2.6	2.9	6.9	2.6	+0.1	-0.4	-

SECTION II: OVERALL WORKFORCE SUMMARY FOR WOMEN AND MINORITIES\*

1. TOTAL WORKFORCE	#	11,498	11,609	-111
	%	100.0	100.0	-1.0
2. TOTAL WOMEN	#	5,270	5,324	-54
	%	45.9	45.9	-0.1
3. TOTAL MINORITY	#	1,327	1,326	+1
	%	11.5	11.4	+0.1

FT = Permanent Full-Time Employees  
PT = Permanent Part-Time Employees  
S = Seasonal Employees (Permanent Full-Time & Permanent Part-Time)

\* Excluded from this report are non-permanent positions and approximately 540 totally exempt positions. Included in this report are the following totally exempt positions: Department commissioners and their staffs, the Office of the Governor, and the vessel employees in the Division of Marine Transportation.

ROUTING/INSTRUCTION SLIP

# THE LEGISLATURE

**Cherie Shelley**  
**Executive Director**

## Legislative Calendar already busy

The most important legislation this session will be our cost-of-living wage increase. In addition, there will be retirement legislation that could change the benefit formula. At the time of this writing, this legislation has not been authored. We will keep you posted through the *Reporter* and with fliers as legislation is introduced concerning these major issues. However, we're already busy with legislation that directly and indirectly affects our members. The following is a list of these bills:

### APEA Interest Legislation

Number	Title	Sponsor	Status
SSHB 5	Removing Asbestos Hazards from Schools	Gruenberg	(H) HESS
HB 10	Voluntary Contributions to SBS	Miller, MM	(H) State Affairs
HB 49	Limitations on Campaign Expenditures	Miller, MM	(H) State Affairs
HB 57	Approp; Asbestos Abatement Program	Gruenberg	(H) HESS
HB 60	State Operating and Capital Budget	Rules	(H) Finance
HB 65	Select Committee/Legislative Ethics	Phillips	(H) State Affairs
HB 66	Worker's Compensation	Rules	(H) Finance
HB 70	Donation of Leave by State Employees	Rules	(H) Rules
HB 83	PERS/TRS Retirement Pay/Reemployment	Taylor	(H) State Affairs
HB90	Labor Relations for School Employees	Koponen	(H) Labor & Commerce
HB 91	PERS Retirement Credit/Unused Sick Leave	Koponen	(H) State Affairs
SB 5	Salaries of Legislators	Ferguson	(S) State Affairs

## Senate and House Committees

### Senate

- Finance:** Sackett and Faiks (Co-Chairs), Kerttula (Vice Chair), Eliason, P. Fischer, Halford, Ferguson
- Rules:** Kelly (Chair), Coghill (Vice Chair), Faiks, Bennett, Josephson
- Transportation:** Coghill (Chair), Faiks (Vice Chair), Abood, P. Fischer, Josephson
- State Affairs:** Abood (Chair), DeVries (Vice Chair), Kelly, Ray, V. Fischer
- Labor & Commerce:** Zharoff (Chair), Eliason (Vice Chair), Sackett, Bennett, Ray
- Resources:** Sturgulewski (Chair), Fahrenkamp (Vice Chair), Eliason, Zharoff, Halford, Coghill, V. Fischer
- Judiciary:** Rodey (Chair), Kelly (Vice Chair), Faiks, Halford, Ziegler
- Health, Education and Social Services:** Fahrenkamp (Chair), Sturgulewski (Vice Chair), P. Fischer, DeVries, Josephson
- Community and Regional Affairs:** DeVries (Chair), Ferguson (Vice Chair), Coghill, V. Fischer

### House

- Rules:** M.W. Miller (Chair), Wallis (Vice Chair), Grussendorf, Fuller, Davis, Martin, Pignalberi
- Judiciary:** M.M. Miller (Chair), Sund (Vice Chair), Gruenberg, Taylor, Clocksin, Pettyjohn, Phillips
- State Affairs:** Hurley (Chair), Navarre (Vice Chair), Cato, Boucher, M.M. Miller, Collins, Jenkins
- Health, Education and Social Services:** Koponen and Gruenberg (Co-Chairs), Taylor (Vice Chair), Hurley, Thompson, Pettyjohn, Hanley
- Resources:** Herrmann and Shultz (Co-Chairs), Wallis (Vice Chair), Sund, Thompson, M.W. Miller, Cato, Pearce, Jenkins
- Labor & Commerce:** Navarre (Chair), Davis (Vice Chair), Boucher, Koponen, Pearce, Collins, Hanley
- Community and Regional Affairs:** Goll (Chair), Wallis (Vice Chair), Koponen, Gruenberg, Phillips, Furnace, Marrou
- Transportation:** Cato (Chair), Davis (Vice Chair), Shultz, Herrmann, Furnace, Pignalberi, Marrou
- Finance:** Adams (Chair), Ringstad (Vice Chair), Duncan, Larson, Szymanski, Cotten, Frank, Binkley, Pourchot, Reiger, Uehling

### House of Representatives

# MEMORANDUM

# State of Alaska

TO: Heads of Departments and  
Independent Agencies

DATE: October 25, 1984

FILE NO:

TELEPHONE NO: 465-3500

FROM: Bill Sheffield  
Governor

SUBJECT: 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  
15/10D1/0730-08

Attachments

cc: Jim Kelly, Special Staff Assistant  
Office of the Governor

Merwin H. Peters, Director  
Division of Equal Employment Opportunity

Frank Raye, Director  
Division of Personnel

William Gibbons, Director  
Division of Labor Relations

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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 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.

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  
\_\_\_\_\_ 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.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

## ADMINISTRATIVE ORDER NO. 76

In furtherance of the State of Alaska's commitment to human rights as expressed in the State constitution and Alaska statute 18.80.200, I, Bill Sheffield, Governor of the State of Alaska, under the authority granted by art. III, sec. 1 of the Alaska Constitution and by Alaska Statute 44.17.060, order the following:

1. **Purpose.** The purpose of this order is (1) to assure that there is no unconstitutional or otherwise unlawful discrimination in the award of contracts and subcontracts for public works projects undertaken by the Alaska Department of Transportation and Public Facilities; (2) to overcome effects of past discrimination against minorities, women and other classes of persons protected by AS 18.80.200; and (3) to promote the economic health and well-being of the state through taking positive measures to ensure equal business opportunities for minorities, women, and other classes of persons protected by AS 18.80.200.

### 2. Minorities and Women in Business Enterprises.

(a) This order supplements Administrative Order No. 59 dated June 20, 1980 by Governor Jay Hammond, and Administrative Order No. 75 dated April 7, 1983 by me, by adding provisions for affirmative action in state contracting.

(b) I find that:

(1) the overwhelming share of public funds spent for public construction projects are spent by the Department of Transportation and Public Facilities on contracts awarded to competitive bidders;

(2) a majority of the construction contracts awarded by the Department of Transportation and Public Facilities is carried out with significant use of subcontractors;

(3) because of (1) and (2), the preponderant share of state funds spent on public construction goes to contractors and subcontractors under contracts with the Department of Transportation and Public Facilities.

(c) The commissioner of the Department of Transportation and Public Facilities shall take positive, aggressive measures to help assure that business enterprises owned and controlled by minorities, women, and other classes of persons protected by AS 18.80.200 are not discriminated against in the award of contracts and subcontracts. The commissioner shall take all possible affirmative action which the commissioner determines will help (1) to overcome effects of past discrimination against minorities, women, and other classes of persons protected by AS 18.80.200, in the contracting business; and (2) to promote full and equal opportunity for business enterprises owned and controlled by minorities, women, and other classes of persons protected by AS 18.80.200, to receive public construction funds.

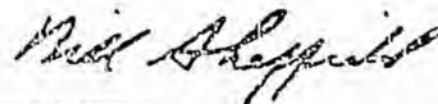
(d) The definition of "minority" in Administrative Order No. 18 dated November 22, 1972 by Governor Egan is hereby superseded. For purposes of this order and Administrative Order No. 18, "minority" includes a person from the following groups: Black American, Hispanic American, Asian American, Pacific Islander, American Indian, or Alaska Native.

(e) For purposes of this order, "minority business enterprise" (MBE) means a business concern that is at least 51 percent owned and controlled by minority persons; "female business enterprise" (FBE) means a business concern that is at least 51 percent owned and controlled by women.

(f) A business enterprise not owned and controlled by minority persons or women must be at least 51 percent owned and controlled by persons belonging to a class protected by AS 18.80.200 to qualify for the affirmative action required by this order.

This Order takes effect May 24, 1983.

DATED at Juneau, Alaska May 23, 1983.



---

Bill Sheffield  
Governor  
State of Alaska

A FOLLOW-UP REPORT ON  
THE DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

August 15, 1984

Audit Control Number

02-1165-B-85-R

Commissioner, Department of  
Administration

Lisa Rudd

Deputy Commissioners, Department  
of Administration

Human Resources  
Administrative Management  
Telecommunications  
Information Resources Management

Eleanor Andrews  
Anselm Staack  
Vacant  
James R. Shea

STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

**THE LEGISLATURE**

BUDGET AND AUDIT COMMITTEE

October 23, 1984

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska  
Statutes, the attached report is submitted for your review.

A FOLLOW-UP REPORT ON  
THE DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

August 15, 1984

Audit Control Number

02-1165-B-85-R



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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PURPOSE OF THE REPORT

In accordance with Title 24 of the Alaska Statutes, a follow-up examination of the Department of Administration, Division of Equal Employment Opportunity was conducted to determine to what extent our prior audit recommendations (made in an April 29, 1983, report) have been implemented.

## ORGANIZATION AND FUNCTION

The Division of Equal Employment Opportunity (DEEO) is responsible for carrying out the State's equal employment opportunity policy in the Executive Branch of the State of Alaska.

Specific duties of the agency include the development of affirmative action plans for each Executive Branch department. The agency serves as a coordinator and provider of technical assistance to each department in the implementation of their respective affirmative action plans. In addition to these duties, DEEO is responsible for representing the Executive Branch in discrimination complaints brought by outside agencies and for development of an internal discrimination complaint resolution process within the Executive Branch.

Besides the specific duties listed above, DEEO has become an informal referral source for the State and private sector on the current status of Federal equal employment laws and regulations and their interpretation by the courts. The agency has developed and implemented management information systems to provide better analysis of the applicant screening process and the current utilization of Federally designated "protected classes" employed by the State.

## PRIOR AUDIT RECOMMENDATIONS

### Prior Audit Recommendation No. 1

The Department of Administration (DOA), Division of Equal Employment Opportunity (DEEO) needs more support and authority from the Governor to increase its effectiveness.

In the prior Audit, we concluded that DEEO had not effectively developed, coordinated, or monitored a comprehensive, widely supported policy of equal opportunity and non-discrimination in the Executive Branch's employment decisions, programs, and activities. DEEO's ineffectiveness was attributed, in large part, to a lack of centralized executive support. Since DEEO has no specific statutory responsibility, the Division derives what authority and responsibilities it has from executive order. Consequently, the effectiveness of the Division depends on the nature and extent of the Governor's leadership.

### Legislative Audit's Current Position

The Governor has provided stronger support for DEEO's equal employment opportunity and affirmative action programs. This support, along with that of the Legislature, is evidenced through an increased budget appropriation for Fiscal Year 1985 (See Appendix A). In addition, the Governor's support has been demonstrated through increased attention given to Equal Employment Opportunity (EEO) matters in the Governor's cabinet meetings and by increased EEO activity within the Department of Administration. This increased support has allowed DEEO to improve its effectiveness. As shown by Appendix B, significant gains in minority employment were made during the last half of Fiscal Year 1984.

### Prior Audit Recommendation No. 2

DEEO should improve affirmative action plan procedures and elicit more cooperation from Executive Branch departments.

The primary analytical tool for identifying problems and promoting EEO is the departmental Affirmative Action Plan (AAP). The method of developing affirmative action goals and time tables contained in the AAP has proven cumbersome. Many departments contacted had expressed frustration with the AAP preparation process.

### Legislative Audit's Current Position

For Fiscal Year 1984, no departmental AAPs were prepared. Analytical employment data, required as a part of affirmative action hiring, was provided by the newly implemented

# **CORRECTION**

THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

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The Governor has provided stronger support for DEEO's equal employment opportunity and affirmative action programs. This support, along with that of the Legislature, is evidenced through an increased budget appropriation for Fiscal Year 1985 (See Appendix A). In addition, the Governor's support has been demonstrated through increased attention given to Equal Employment Opportunity (EEO) matters in the Governor's cabinet meetings and by increased EEO activity within the Department of Administration. This increased support has allowed DEEO to improve its effectiveness. As shown by Appendix B, significant gains in minority employment were made during the last half of Fiscal Year 1984.

### Prior Audit Recommendation No. 2

DEEO should improve affirmative action plan procedures and elicit more cooperation from Executive Branch departments.

The primary analytical tool for identifying problems and promoting EEO is the departmental Affirmative Action Plan (AAP). The method of developing affirmative action goals and time tables contained in the AAP has proven cumbersome. Many departments contacted had expressed frustration with the AAP preparation process.

### Legislative Audit's Current Position

For Fiscal Year 1984, no departmental AAPs were prepared. Analytical employment data, required as a part of affirmative action hiring, was provided by the newly implemented

data processing "Affirmative Action Internal Audit and Reporting System" (AIRS). Prior to Fiscal Year 1984, this information was developed through time-consuming hand calculations made by individual departments as a part of their AAP. In addition to eliminating some of the burdensome calculations required in the preparation of past AAPs, AIRS also provides a more accurate and timely source of job class minority/female availability information. Although AIRS has replaced AAPs as the source of affirmative action hiring analytical data, AAPs are necessary to establish policies and objectives by which the State's affirmative action progress can be measured. Beginning Calendar Year 1985, DEEO plans to implement a state-wide AAP covering all State departments.

### Prior Audit Recommendation No. 3

DOA should assume central administrative control over the use and release of expanded certification registers (ECRs).

The 1981 affirmative action report, prepared by DEEO, stated that the State had adopted an expanded certification policy. Under this policy, departments who have identified an "under-utilization" of women/minorities in a particular job class may hire for positions in that class from an "expanded" register. That is, under the "5 plus 5" system, they can consider not only the top five candidates on the certified register; but, in addition, they can also consider up to the top five women and/or minorities for an under-utilized position.

Executive Branch departments had largely ignored the use of ECRs. Departments cited the time-consuming, hand-generated informational requirements associated with ECR use, the restriction that ECRs were available only to departments that had submitted AAPs, and the lack of familiarity with ECRs by those responsible for hiring, as impediments to their effective use.

### Legislative Audit's Current Position

DEEO has increased administrative control over and simplified the use of ECRs. At the beginning of Fiscal Year 1984, ECR informational requirements no longer required time-consuming calculations. With the implementation of AIRS (see Prior Audit Recommendation No. 2 discussion), ECR use was available to all Executive Branch departments regardless of whether the department submitted an AAP.

However, effective April 1983, the DOA, Division of Personnel revised the "5 plus 5" procedure of considering applicants. The revised procedure required the consideration of all applicants within the top five rankings. Previous

to this revision, only the top five ranked individuals were considered. A result of the revised procedures was to require ECR users to consider large numbers of applicants. Although Fiscal Year 1984 showed an increased hiring of minorities (see Appendix B), ECRs were not consistently used during this time period. Personnel officers to whom we spoke complained that the "5 plus 5" ECR system required the consideration of more people than resources would permit.

In late June of 1984, DEEO, in cooperation with the Division of Personnel and the Personnel Council (composed of departmental personnel officers), devised and implemented a simplified expanded certification system. This system requires expanded consideration of only a single member of each under-utilized group for a given job class.

Under the new expanded certification system, it remains up to each departmental personnel officer to notify hiring supervisors when expanded certifications should be used. DEEO does not monitor whether expanded certifications are used. Additionally, in instances in which expanded certifications are used but considered minorities/females are not hired, DEEO does not require explanatory documentation as to why the minority and/or female was not hired.

To provide information through which the effectiveness of expanded certification can be evaluated, DEEO needs to require agencies to document whether hirings made into under-utilized job classes were done using expanded certifications. Such information should be retained by the agency for a reasonable period of time to demonstrate why a member of the under-utilized race and/or sex was, or was not, hired.

Prior Audit Recommendation No. 4

DEEO should develop and use data that analyzes the availability of women and minorities in a more consistent and useful manner.

DEEO's 1981 Annual Affirmative Action Report for the State of Alaska's Executive Branch (the most recent report published) provided extensive data on the number of women and minority workers employed in various segments of the Executive Branch workforce. However, the report did not speak to the availability of women and minorities in the State with the qualifications needed for various State positions. In addition, DEEO's application and determination of availability had been arbitrary, unsubstantiated, and inconsistent. Availability is a key factor in determining if women and minorities are under-utilized (see Note 1).

### Legislative Audit's Current Position

Publication of a 1983 DEEO State Annual Report did not take place because there were no 1983 AAPs on which to report (see Recommendation No. 2 discussion). However, DEEO's implementation of AIRS provides an analytical and consistent method of determining availability. During Fiscal Year 1984, AIRS availability data base was taken from the 1980 census figures supplied by the U.S. Department of Commerce. This information, which was available to department personnel officers through "on-line" computer terminals, was used to determine when ECRs should be used.

For Fiscal Year 1985, the AIRS data base was upgraded using a combination of State applicant flow information, University of Alaska availability figures, and the 1980 census figures supplied by the U.S. Department of Commerce. To make AIRS availability data more convenient and simpler for personnel officers to use, DEEO began preparing quarterly reports showing under-utilized job groups (see Appendix C). Executive Branch personnel officers, who receive these quarterly reports, will no longer require computer terminal access to AIRS.

A weakness of the AIRS system is that it does not monitor employee transfers, promotions, or terminations. Chapter 41, Part 60-2 of the Code of Federal Regulations (which regulates all non-construction Government contractors having fifty or more employees) requires internal audit and reporting systems to include this function as a means of measuring the effectiveness of the total affirmative action program. In order to insure that nondiscriminatory policy is carried out, DEEO needs to develop a system capable of monitoring these activities.

### Prior Audit Recommendation No. 5

DEEO should establish a comprehensive internal complaint procedure to be utilized by all Executive Branch departments.

Administrative Order No. 59 gave the responsibility to DEEO to establish a uniform complaint procedure which would be available to all persons subject to the order. DEEO had not established a uniform internal complaint procedure.

### Legislative Audit's Current Position

Administrative Order No. 75, which included an internal discrimination complaint procedure, replaced administrative Order No. 59 as DEEO's authoritative mandate. DEEO has

handled ten internal discrimination complaints since the current Administrative Order's April 1983 effective date. DEEO plans to improve the procedure outlined in Administrative Order No. 75 in order to provide Executive Branch departments and employees with a more effective means of filing internal discrimination complaints. Appendix E summarizes complaints handled by DEEO which originated from external anti-discrimination agencies, as well as those brought internally to DEEO.

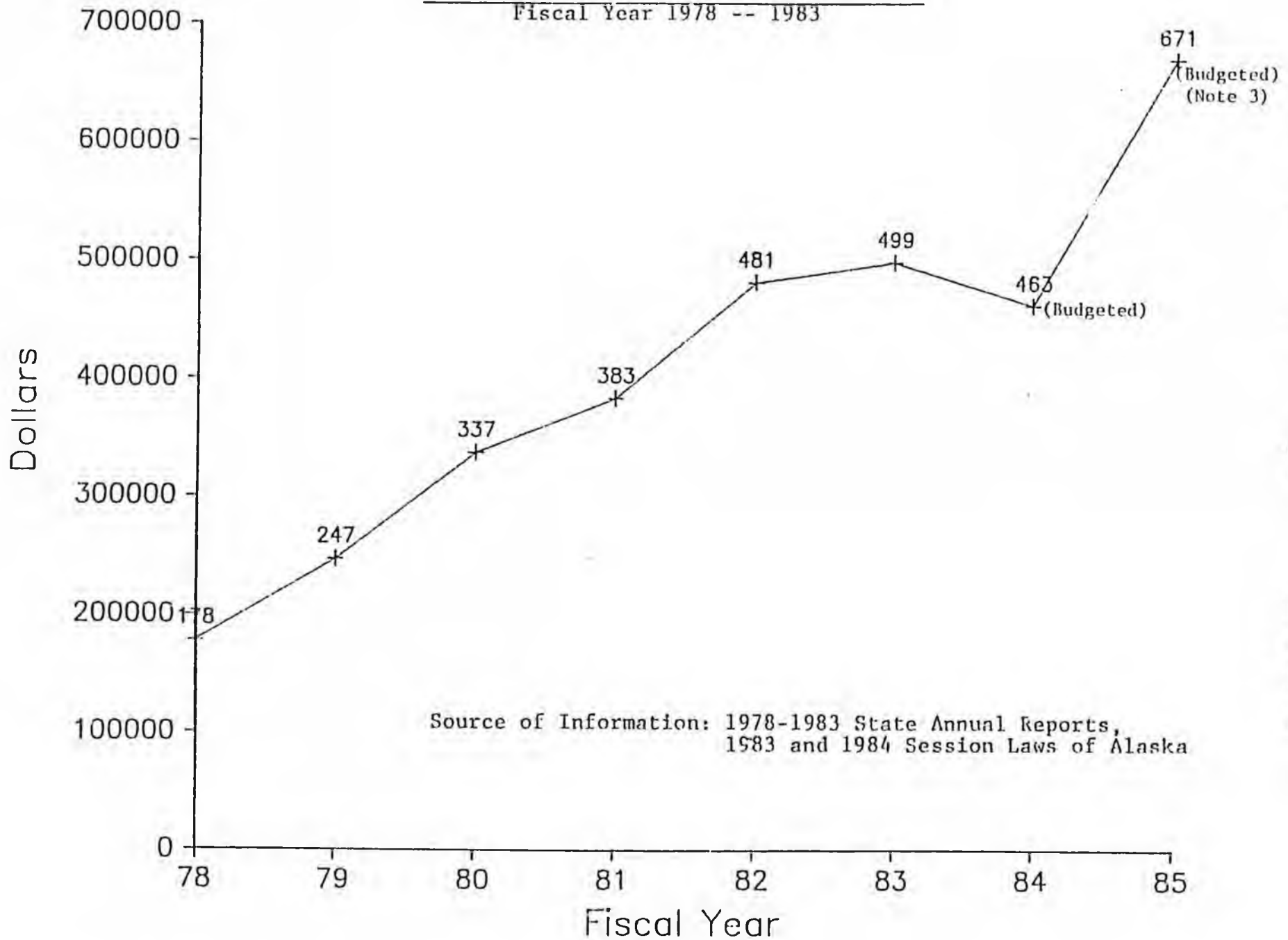
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APPENDIXES

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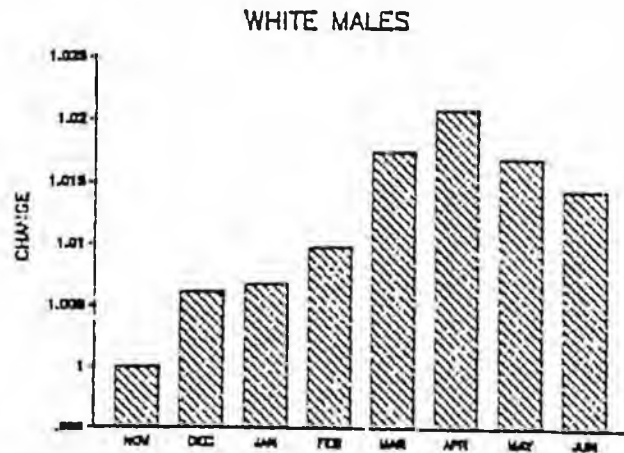
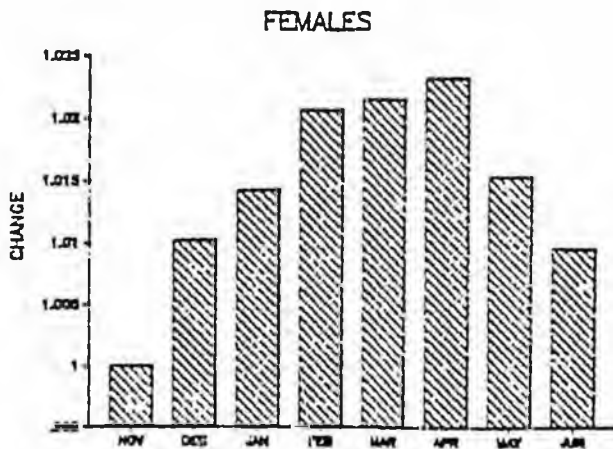
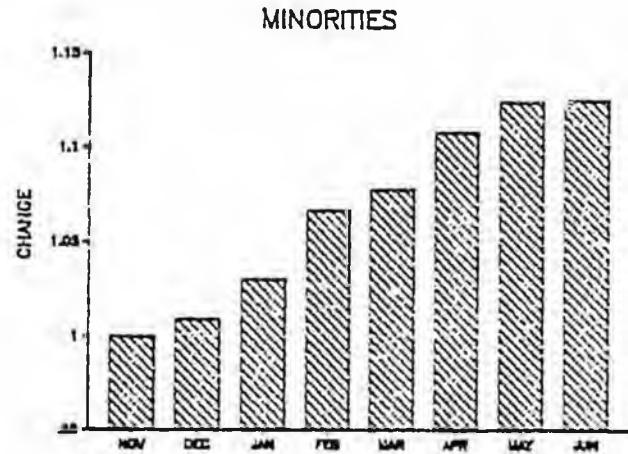
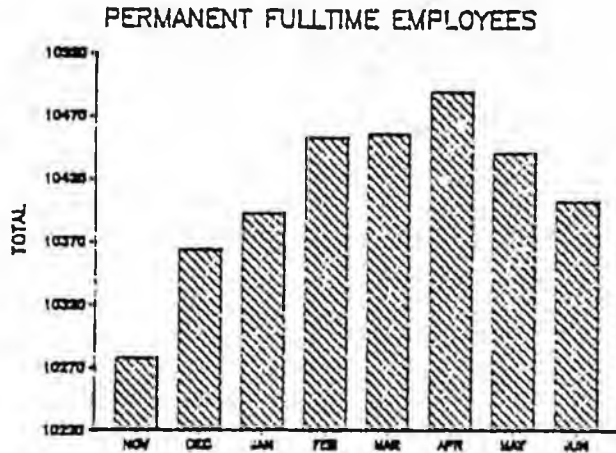
APPENDIX A

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
REPORTED EXPENDITURES BY DIVISION OF EEO  
Fiscal Year 1978 -- 1983



APPENDIX B

STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
PERMANENT FULL-TIME EMPLOYEE WORKFORCE TOTALS AND PERCENTAGE CHANGES  
IN MINORITIES, FEMALES, AND WHITE MALES  
 For the period November 1983 through June 1984



Source of Information: DEEO Records. See notes 4 and 5.

APPENDIX C  
 STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
WORKFORCE UNDER-UTILIZATION REPORT FOR PERMANENT FULL-TIME EXECUTIVE BRANCH EMPLOYEES  
 Effective April 1 -- June 30, 1984

Job Group Title	Total Employees In Job Group	TOTAL NUMBER UNDER-UTILIZED											
		Race/Sex/Ethnic Breakout											
		White		Black		Hispanic		Asian/P. Isl.		Am. Ind./AK Nat.		TOTAL	
		M	F	M	F	M	F	M	F	M	F	Female	Minority
Officials/Administrators	71	-	14	-	-	1	1	-	-	3	3	18	8
Managers	293	-	12	-	3	-	1	3	1	10	8	25	26
Managers; Engineers/Math/Science	221	-	30	3	1	1	1	3	-	4	5	17	18
Management Specialists	229	-	9	3	4	-	1	-	2	2	5	21	17
Accountants/Auditor/Finance Specs.	243	-	16	1	2	4	2	3	2	3	3	25	20
Personnel/Training/L. Rel. Specs.	45	3	-	1	-	-	-	1	-	2	1	1	5
Employment & U.I. Specialists	184	9	-	1	-	2	-	1	-	5	-	-	9
Insp./Compliance/Hearing Officers	206	-	-	2	-	-	-	3	1	5	4	5	15
Engineers/Surveyors/Architects	497	-	25	6	1	1	1	12	1	1	5	33	28
Computer/Math/Ops. Research	155	-	11	-	1	2	2	1	-	6	4	18	16
Natural Scientists	551	-	1	8	1	7	-	5	-	14	8	10	43
Natural Resource Specialists	108	-	-	-	-	-	-	-	-	-	-	-	-
Social Scientists	190	-	-	2	3	1	1	2	-	7	3	7	19
Social/Rec./Religious Workers	239	16	-	-	-	-	-	-	-	10	3	3	13
Lawyers/Judges	-	-	-	-	-	-	-	-	-	-	-	-	-
Teachers/Couns./Libs./Archivists	128	-	10	-	2	-	1	-	-	3	7	20	13
Health Profes. other than Nursing	43	7	-	1	1	-	-	-	-	1	1	2	4
Registered Nurses	177	13	-	-	-	-	1	-	-	2	5	6	8
Writers/Artists/Pub. Rel. Specs.	58	-	-	1	1	-	1	-	1	3	2	5	9
Health Technicians	88	1	-	2	-	-	-	-	1	2	2	3	7
Engineer/Science Technicians	145	-	2	1	1	2	-	-	-	6	2	5	12
Technicians, Other	126	3	-	1	1	1	1	2	-	6	2	4	13
Para-Professionals	334	17	-	-	-	2	-	1	-	11	27	27	41
Supervisors; Office/Clerical	77	20	-	2	1	-	-	-	1	3	2	4	9
Gen. Office/Admin. Support Occs.	944	72	-	16	9	7	4	4	-	32	49	62	121
Secretaries/Stenos/Typists	1,096	100	-	8	14	7	8	2	-	24	34	56	97
Financial Record Proc. Occs.	445	20	-	4	4	3	3	-	-	12	16	23	42
Protective Svc./Expt. Pol. & Det.	691	-	81	-	-	6	1	2	6	34	18	106	67
Supervisor, Protective Service	126	-	17	1	-	1	-	1	-	-	3	20	6
Police and Detectives	270	-	26	3	2	2	2	1	1	16	5	36	32
Service/Maintenance Occupations	265	6	-	-	-	3	3	3	1	18	19	23	47
Skilled Craft Occupations	31	1	-	-	-	1	-	-	-	2	1	1	4
Transportation/Material Moving	34	-	-	1	-	1	-	-	-	-	2	2	4
<b>Total Executive Branch</b>	<b>9,632</b>	<b>288</b>	<b>754</b>	<b>49</b>	<b>52</b>	<b>55</b>	<b>15</b>	<b>49</b>	<b>29</b>	<b>267</b>	<b>249</b>	<b>408</b>	<b>777</b>

Source of Information: DEEO Records -- See Notes 1, 2, and 4.

APPENDIX D  
 STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
SCHEDULE OF TOTAL EXECUTIVE BRANCH EMPLOYEE WORKFORCE COMPOSITION BY RACE AND SEX  
December 31, 1980 -- June 30, 1984

Percentage Composition of Executive Branch Workforce

<u>Category by Race and/or Sex</u>	<u>As of Dec. 31, 1980</u>	<u>As of Dec. 31, 1981</u>	<u>As of Dec. 31, 1982</u>	<u>As of Dec. 31, 1983</u>	<u>As of June 30, 1984</u>
White Males	52.3%	52.1%	51.6%	51.0%	50.5%
White Females	38.3%	38.4%	38.9%	39.6%	39.0%
Ak. Native/American Indian Male	2.4%	2.3%	2.1%	2.1%	2.2%
Ak. Native/American Indian Female	2.5%	2.4%	2.5%	2.3%	2.7%
Black Male	.9%	.9%	1.0%	1.1%	1.2%
Black Female	1.2%	1.3%	1.2%	1.2%	1.2%
Asian/Pacific Islands Male	.6%	.7%	.7%	.7%	.3%
Asian/Pacific Islands Female	.9%	1.0%	1.1%	1.1%	1.3%
Hispanic Male	.4%	.4%	.4%	.4%	.5%
Hispanic Female	.5%	.5%	.5%	.5%	.6%
Total Male	56.6%	56.4%	55.8%	55.3%	55.2%
Total Female	43.4%	43.6%	44.2%	44.7%	44.3%
Total Minority	9.4%	9.5%	9.5%	9.4%	10.5%

Source of Information: DEEO Records

APPENDIX E  
 STATE OF ALASKA  
 DEPARTMENT OF ADMINISTRATION  
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
 SUMMARY OF DISCRIMINATION COMPLAINTS HANDLED BY DEEO BY DEPARTMENT  
 for the Fiscal Year ending June 30, 1984

DISPOSITION OF DISCRIMINATION COMPLAINT CASES CLOSED DURING FY 84							STATUS OF OPEN DISCRIMINATION COMPLAINTS AT 6/30/84					
DEPARTMENT	Lack of Substantial Evidence	Conciliation Agreement (1)	Complaint Withdrawn	Predetermination Settlement (2)	Administrative Closure (3)	Total	Pre-determination (4)	Investigation (5)	Determination (6)	Conciliation (7)	Public Hearing (8)	Total
DOA	1	0	2	0	0	3	2	3	0	0	0	5
DOC	2	0	0	2	1	5	2	2	0	0	0	4
DCED	0	0	1	1	1	3	0	0	0	0	0	0
DCRA	1	0	0	0	0	1	0	0	0	0	0	0
DOE	0	0	0	1	0	1	1	0	1	0	1	3
DEC	0	0	0	1	0	1	0	0	0	0	0	0
DFG	1	0	0	0	1	2	0	0	0	0	0	0
DHSS	0	0	2	4	0	6	1	2	5	1	1	10
DOL	0	0	0	0	1	1	0	1	1	0	0	2
LAW	0	0	0	0	0	0	0	0	0	0	0	0
DMVA	0	0	1	0	0	1	0	0	2	0	0	2
DNR	0	0	1	0	1	2	1	0	1	0	0	2
GOVERNOR	0	0	0	0	0	0	3	0	0	0	0	3
DPS	0	0	0	0	0	0	3	2	1	0	1	7
DOR	0	0	0	0	0	0	0	1	0	0	0	1
DOTPF	3	0	0	2	1	6	0	6	0	0	0	6
<b>Total</b>	<b>9</b>	<b>0</b>	<b>7</b>	<b>11</b>	<b>6</b>	<b>32</b>	<b>11</b>	<b>17</b>	<b>11</b>	<b>1</b>	<b>1</b>	<b>45</b>

1. Conciliation Agreement: Complaint resolution achieved only after a full investigation and finding had been made by the anti-discrimination agency representing the complainant.
2. Predetermination Settlement: Complaint resolution achieved prior to the anti-discrimination agency having conducted an investigation.
3. Administrative Closure: Complaint closed for various reasons including failure of the complainant to cooperate, failure to file the complaint in a timely manner, and lack of jurisdictional authority by DEEO to handle the complaint.
4. Predetermination: Attempt made to reach a settlement prior to an investigation.
5. Investigation: Anti-discrimination agency researches the facts surrounding the complaint in order to arrive at a determination.
6. Determination: The anti-discrimination agency investigating the complaint concludes that the complaint either has "just cause" or "lacks substantial evidence".
7. Conciliation: As a result of a determination in favor of the complainant, a formal settlement is accepted.
8. Public Hearing: After the certified failure at conciliation, a formal public hearing is held by the State Human Rights Commission in order to resolve the complaint.

Source of Information: DEEO Records.

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STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)  
NOTES TO THE APPENDIXES

Note 1 - Definition of under-utilization and factors to be considered when making an analysis of utilization

Chapter 41, part 60-2.11 of the Code of Federal Regulations (which regulates all non-construction Government contractors having 50 or more employees) defines under-utilization "as having fewer minorities or women in a particular job group than would reasonably be expected by their availability." The Code further states that in making a separate utilization analysis of minorities and females, the following factors should be considered:

1. The size of the minority and female unemployment force in labor area surrounding the facility;
2. The minority population of the labor area surrounding the facility;
3. The percentage of the minority and female workforce as compared with the total workforce in the immediate labor area;
4. The general availability of minorities and women having requisite skills in the immediate labor area;
5. The availability of minorities and women having requisite skills in an area in which the employer can reasonably recruit;
6. The availability of promotable and transferable minorities and women within the employer's organization.
7. The availability of women seeking employment in the labor or recruitment area of the employer.
8. The existence of training institutions capable of training persons in the requisite skills; and
9. The degree of training which the employer is reasonably able to undertake as a means of making all job classes available to minorities and women.

Note 2 - Methodology used by DEEO to compute workforce under-utilization report (Appendix C)

The Appendix C quarterly under-utilization report was prepared by DEEO to be used in determining under-utilized Executive Branch departmental job groups (see Recommendation No. 4 discussion). The number of employees under-utilized (see Note 1) per job group was determined by the following formula:  $(P \times T) - E = U$  where,

P = Percentage of job group workforce availability by race/sex/ethnic category

T = Total Executive Branch job group employment

E = Executive Branch employment in job group race/sex/ethnic category

U = Number of employees under-utilized in job group by race/sex/ethnic category.

The availability figures for race/sex/ethnic categories per job group were calculated by DEEO. The Office of Federal Contract Compliance Programs approved the factor analysis approach used by DEEO in computing these figures as being a reasonable methodology for determining Executive Branch employment availability. To determine the availability of the members of race/sex/ethnic categories, DEEO applied judgemental weighting to the following factors:

1. State labor force statistics from the 1980 census conducted by the U.S. Department of Commerce (45-60% weighting applied to availability calculation).
2. State of Alaska population figures from the 1980 census conducted by the U.S. Department of Commerce (10-30% weighting applied to availability calculation).
3. Executive branch applicant flow data (10-45% weighting applied to availability calculation).
4. University of Alaska availability data (10-25% weighting applied to availability calculation where data usable).

Note 3 - Fiscal Year 1985 DEEO budget

Chapter 122 of the 1984 Session Laws of Alaska designated \$150,000 of the \$670,500 Fiscal Year 1985 budget to be granted to the Tlingit Haida Central Council for a minority recruitment project.

Note 4 - Composition of permanent full-time employee workforce

The permanent full-time employee workforce consists of those permanent employees and probationary employees in permanent positions covered under the General Government, Supervisory, Public Safety Employees Association, Excluded from Bargaining, and Confidential Bargaining Units.

Note 5 - Availability of permanent full-time employee workforce figures

Permanent full-time employee workforce employment figures provided by DEEO were available for the period November 1983 through June 1984. For this reason, the graphs shown on Appendix B are limited to this time period.

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BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF ADMINISTRATION**

POUCH C (MS 0200)  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

November 19, 1984

Mr. Gerald L. Wilkerson  
Legislative Auditor  
Division of Legislative Audit  
Pouch W  
Juneau, AK 99811

**R E C E I V E D**  
NOV 28 1984  
**LEGISLATIVE  
AUDIT**

Dear Mr. Wilkerson:

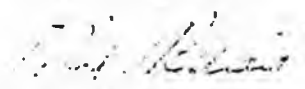
Re: A Follow-up Report on the Department of Administration,  
Division of Equal Employment Opportunity, August 15, 1984

We appreciate the opportunity to respond to the findings and recommendations of your follow-up report to the special report on the Department of Administration, Division of Equal Employment Opportunity issued April 29, 1983.

In general we concur with your report and findings and have no further comments at this time.

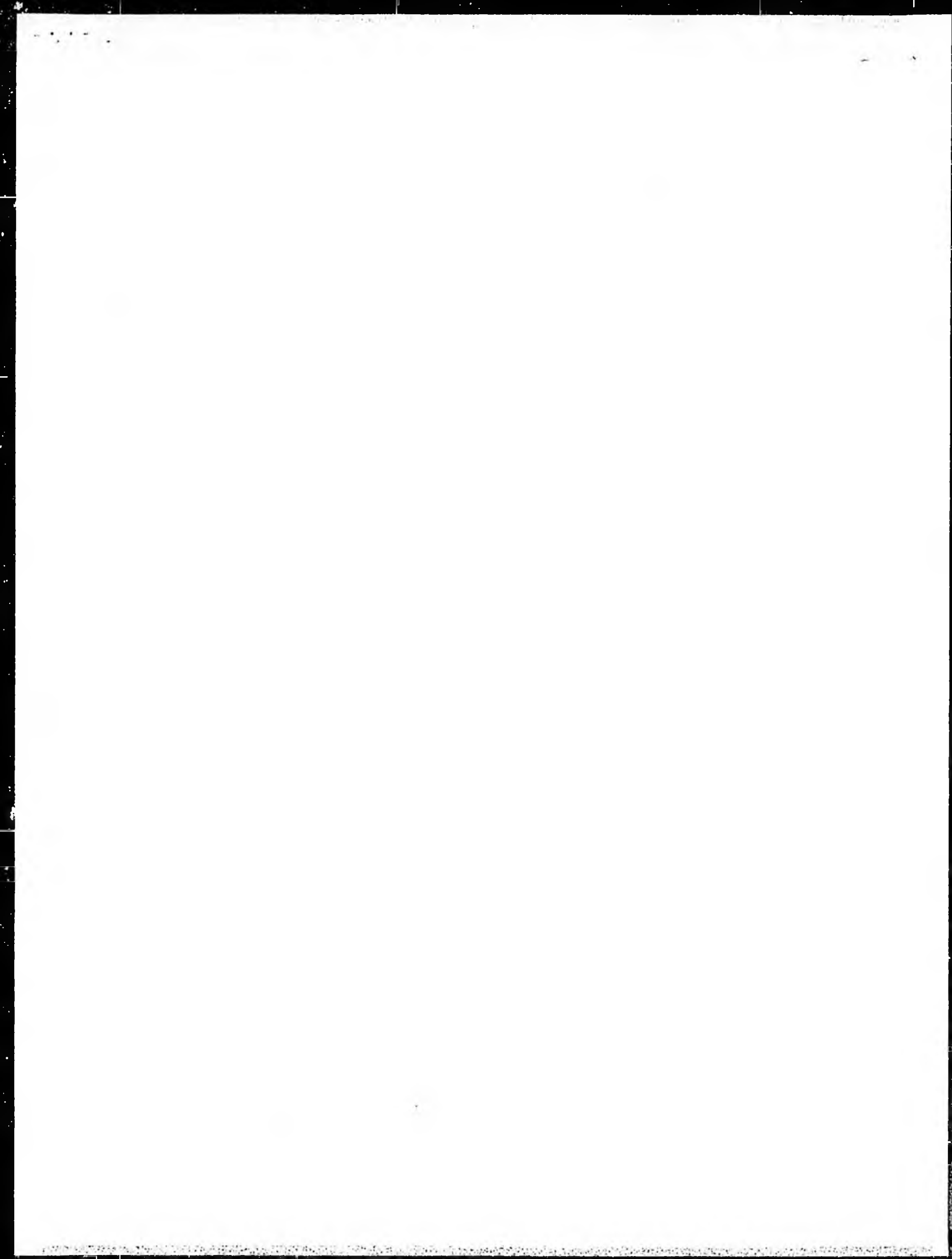
If you have any questions regarding this response, please contact me.

Yours sincerely,

  
Lisa Rudd  
Commissioner

LSR/MGM/jbh  
1/1001/1106-01  
cc: Fran Rose  
Acting Deputy Commissioner  
Human Resources  
Department of Administration

Merwin H. Peters  
Director  
Division of Equal Employment  
Opportunity  
Department of Administration



BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

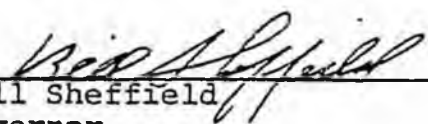
ADMINISTRATIVE ORDER NO. 75

It is the policy of the Executive Branch of Alaska State Government that all employees and applicants for employment shall be afforded equal opportunity in all aspects of personnel management. To insure equal opportunity there shall be no unlawful discriminatory treatment concerning any individual or group because of race, religion, color, or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

By virtue of the authority vested in me as Governor, I hereby direct that this order be implemented in accordance with the attached Procedures for Implementing Administrative Order No. 75.

This Order takes effect on April 8, 1983.

DATED at Juneau, Alaska, this 7<sup>th</sup> day of April, 1983.

  
\_\_\_\_\_  
Bill Sheffield  
Governor

STATE OF ALASKA

PROCEDURES FOR IMPLEMENTING ADMINISTRATIVE ORDER NO. 75

CONTENTS

I.	Scope of Authority .....	1
II.	Limitations .....	1
III.	Dissemination of Policy .....	2
IV.	Assignment of Responsibility .....	4
V.	Administration of Administrative Order No. 75 .....	5
VI.	Action Oriented Programs .....	11
VII.	Appendices	

Appendix A - Internal Discrimination Complaint Procedure

Appendix B - External Discrimination Complaint Procedure

I. SCOPE OF AUTHORITY

This Administrative Order covers all employees in the classified, partially exempt and exempt service of the Executive Branch of Alaska State government and all applicants for such service. The Order does not provide coverage to employees in the legislative or judicial branches of State government. The words "minorities and/or women" as used in these procedures are applicable to those persons in all classes protected from discrimination by federal and State laws.

II. LIMITATIONS

This Administrative Order does not approve unlawful discriminatory practices such as:

1. Discrimination in favor of any employees or applicants for employment on the basis of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood to the detriment of employment opportunities of any other qualified employee or applicant.
2. Lowering of job requirements or performance standards for the purpose of favoring any employee or applicant on the basis of his or her race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

### III. DISSEMINATION OF POLICY

Administrative Order Number 75 will be made known to all employees in the State service. Copies will be available to all new employees and posted prominently on State agency bulletin boards. The Administrative Order will be published in the State Personnel Rules, collective bargaining contracts and in all State agency employee handbooks. Semiannually the Administrative Order will be published in agency communications media where available.

The State Director of Personnel and the State Director of Equal Employment Opportunity (EEO) will provide a copy of the Order to recruitment sources such as: educational institutions, local governments, community action groups, ministerial associations, minority and women's organizations and Chamber of Commerce officials. State department commissioners will also assure compliance with this section in their respective departments.

#### INTERNAL DISSEMINATION

##### ACTION

##### RESPONSIBILITY

- |  |  |
|--|--|
| 1. Insure that both minorities and women are represented in group photographs and illustrations used by State Departments. | DEPARTMENT COMMISSIONER<br>Department EEO Representative<br>Department Information Officer |
| 2. Publicize progress in Affirmative Action through agency publications.   | DEPARTMENT COMMISSIONER<br>Department EEO Representative<br>Department Information Officer |