

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2794 SCOMM 122: COMMISSION ON PRIVATIZATION. . . , 1999

SCOMM

122:50

SUBCOMMITTEE MINUTES

Subcommittee Name: Office of the Governor

Date: October 6, 1999

Place: Anchorage LIO, 6th Floor Conference Room
No teleconference participants

Members in attendance: Chairman Wayne Ross
Tom T. Anderson
- Jack Frost
Greg Hall
Spence Hochstein
Pauline Martens
Terry Martin
Andree McLeod

Paul Warner

Staff: Angela Moss, Senator Ward's Office

- CONVENE: 9:07 a.m.
- APPROVAL OF MINUTES - CHAIR ROSS entertained a motion to approve the Oct. 1, 1999 minutes. GREG HALL made the motion to approve and SPENCE HOCHSTEIN seconded the motion. There was no objection. The minutes were thereby approved.
- CHAIRMAN'S REPORT: CHAIRMAN ROSS asked for subcommittee commentary of the draft report
- ANDREE MCLEOD stated the report was sufficient. She cautioned that state government budget planners must think "outside the box" and also avoid dilution..
- GREG HALL noted a spelling error on Page 4.
- TERRY MARTIN - recommended the majority of HB297 be added to Section 5.
- SPENCE HOCHSTEIN - recommended a system be adopted that anticipates what the state budget will require and reduces the forecast in writing. Following adoption by the legislature, RFPs (request for proposals) should be issued to the market place for various services.
- TERRY MARTIN - reminded the subcommittee about the five state-owned corporations

and how their business form and procedural guidelines should be emulated.

- CHAIRMAN ROSS - Requested the subcommittee members write their suggestions and revisions, then present the changes at the next meeting.
- SPENCE HOCHSTEIN - Stressed the importance of GAP (general accounting principles).
- JACK FROST - Reminded the subcommittee that a more thorough explanation of the privatization/public transformation is necessary.
- PAULINE MARTENS - Noted that the report is not "readable" and should be simplified for better understanding by the general public.
- CHAIRMAN ROSS - Requested the following: TERRY MARTIN provide an excerpt on how to avoid last minute free conference committee reports (releasing draft budget 48 hours in advance for legislature to review); GREG HALL to address whistle blowing and employee input; SPENCE HOCHSTEIN to address GAP reporting. The revisions/excerpts will be faxed to TOM ANDERSON by the members on Friday, October 8, 1999. CHAIRMAN ROSS agreed to simplify the report by the next meeting.
- The subcommittee agreed to meet on Wednesday, October 13, 1999 at the Anchorage LIO on the 6th Floor at 9:00 a.m. The consensus of the subcommittee was to have a final review draft by Oct.13, 1999.
- ADJOURNMENT: 9:45 a.m.

Commission on Privatization Office of the Governor Subcommittee

DRAFT

Subcommittee Report

Mission Statement: The State of Alaska adheres to a budgetary process that is complex, ambiguous and often challenging for the general public to comprehend. The Commission on Privatization was created to investigate privatization alternatives for budget compilation, development and reporting in an effort to simplify the process through efficient and discernible accounting of expenditures and revenue.

This report provides the following perspective and suggestions regarding six categories encompassing budget evaluation and analysis. The report's format evaluates: 1) Integrity, accountability and comprehensible budget reporting; 2) Incorporation of professionals through format and procedure; 3) Creating an incentive program for input both internally (employees) and externally; 4) Initiate a privatization study based on a new/modified budget; 5) Amalgamate HB297 into the budget process; and 6) Establish solid dates and times and procedures for development and reporting.

Background: The Office of the Governor, though not an actual "department" in terms of budget reporting, is the smallest agency within the State's Operating Budget. Also considered a branch of government, in association with the executive and judiciary, the Office of the Governor houses the Office of Management and Budget, Division of Elections, and Human Rights Commission. In FY2000, the total Operating budget for the Office of the Governor was \$18,775,800.¹

1) INTEGRITY, ACCOUNTABILITY AND COMPREHENDIBLE BUDGET REPORTING

The budget process is inherently detailed and voluminous, but it need not be so complexly written that analysts and the public alike cannot adequately understand or interpret its contents. Whereas the Office of the Governor's budget is considerably smaller than other departmental expenditure totals, full disclosure of the costs for all section of this budget including "front sections" of both the operating and capital budget will afford a more open report for the bureaucracy, legislature and public to disseminate. Definitions of the financial principles, concepts and terminology used in the accounting and computation of the budget should be published so as to prevent deceptive reporting, as well as to deter misuse of the public trust. To this end, the Alaska Constitution and mandate by the voters should be an integral part of each budget cycle and the compilation of the annual budget must have safeguards to prevent improper activity. Through a simplified presentation, perhaps adopting corporate and/or business-style reporting practices, the entire process could be easier to scrutinize, less costly and burdensome to

¹ Source: Conference Committee total found in State of Alaska, Legislative Finance Division, FY2000 Operating Budget Summary.

produce and ultimately beneficial to the State in terms of a cost effective operating and capital budget. An entire State financial accounting "package" could be combined as an all-encompassing unit - rather than in such increment that delays occur in the legislature and public receiving the full proposal. In addition, anticipated/forecasted spending and revenue sources would be sufficiently provided to the legislature in a manner that allows expedited consideration and evaluation - avoiding delays and cumulative committee review.

2) INCORPORATION OF PROFESSIONALS THROUGH FORMAT AND PROCEDURE

When the State budget is compared to the budgets of corporations and other business forms whose budgets follow the conventional "accounting" format, it is discovered the private sector presentation requires less assistance to overview and less explanation to comprehend. Perhaps this is due to the inherent safeguards imposed through legislative scrutiny and executive veto power - all a part of the checks and balances of government.

In actuality, no technical difference exists between governmental and private sector accounting methods. The calculations are the same, the mathematics do not change and the general accounting principles are identical. In fact, the major national and regional accounting firms have qualified staff who are often contracted to perform compilation reviews and government audits for various divisions. To that end, a complete transfer of an agency's budget to the private sector could be less costly in training and educational expense considering the absence of a learning curve. Another advantage to budget privatization would be the absence of a collective bargaining unit within the labor workforce since the private sector substantially employs non-union staff. This will likely lower salaries/benefits, enhance competition and reduce the high costs accompanied with labor. As for direct benefit to the aspect of accounting, benefits surface from the reduction in costs and liability.

Conversely, it should be noted that the "Big Four" accounting firms (Ernst Young, Price Coopers, KPMG, and DeLoitte & Touche) must still follow budgetary procedure methods, even though spreadsheet format may be different - and the privatization stigma is not likely to alter the actual principles adopted in accounting a budget. As for salaries and benefits, the larger firms are not necessarily less expensive when considering a third or fourth year accountant handling a project, therefore the cost/benefit could lean towards a public sector accountant who has a capped salary. Whereas the theory of *outsourcing* is encouraged through competitive contracts in private organizations, the fundamental budget process is essentially comparable to that of state government and may not need to be transferred. This approach requires further analysis.

3) CREATING AN INCENTIVE PROGRAM FOR INPUT BOTH INTERNALLY (EMPLOYEES) AND EXTERNALLY

An analysis of the State's limited adoption of an "employee suggestion program"

revealed this process is not utilized to the fullest capacity. State employees are seldom encouraged to recommend cost-reduction ideas in their respective offices, nor do these agencies solicit substantive input from their staff. Yet, employee contributions to public-sector management's attempt at cost-savings has been proven to increase productivity and reduce overall costs. This is a tenet of privatization theory. It is further noted that certain State employee fear reprisals from superiors for making such recommendations. Protection under "whistleblower" laws do not diminish the apprehension of adverse consequences.

One recommendation is to implement a process-cost reduction program whereby State employees have a forum to generate ideas and suggestions regarding time savings, productivity; profitability; service quality, safety and customer service. A procedure could be established to compensate and/or recognize the employees and maintain anonymity if requested. Regular publication, distribution and commentary by staff would be encouraged, ultimately making the budget process and actual agency an evolving entity rather than a rigidly structured, unmalleable system of government. The process would be galvanized through routine reassessment and recognition. Avoidance of over-analysis is also recommended so that a foundation always remains to keep the structure and process intact.

4) INITIATE A PRIVATIZATION STUDY BASED ON A NEW/MODIFIED BUDGET

Practicality and efficiency dictate that an effort to privatize does not end in a study/analysis period lasting ad infinitum. Many individuals feel that results matter, rather than "studying something to death." Concurrence exists as to the threat of the depletion of income sources to operate our State government. A lengthy and intricate privatization study is not conducive to solving the problem. However, a report that assesses two or three budgetary schemes, recommended by private sector institutions, would be of use in improving the efficiency and clarity of the reporting process. If the OMB was to provide an alternative budget, coupled with recommendations from chief fiscal analysts in the Dept. of Revenue and Dept. of Administration, the selectivity and range of alternatives (public and private sector) would be comprehensive and in such a presentation as to allow thorough comparisons. The key is to include analysts from both sectors in patching a budgetary methodology.

As eluded to throughout this report, time is of the essence. Shoddy draftsmanship of our State budget is not the intent, nor is a lengthy delay in adopting prudent budgetary strategies. A time line of no more than one (1) year should be afforded to a salaried committee that pursues a privatization study. The sunset of the committee would be immediately prior to the convening of the Twenty-Second Legislature, with a full report provided to the legislative and executive branches and to the public by hard copy and Internet. The organization of the committee to perform the study should mix private and public backgrounds. It should be well-funded to aide in research and remain autonomous from any governmental entity. The study would have a specific criteria to overview - established by the legislation enacting it.

5) AMALGAMATE HB297 INTO THE BUDGET PROCESS

[Insert language from House Bill 297 with an explanation and rationale]

6) ESTABLISH SOLID DATES AND TIMES AND PROCEDURES FOR DEVELOPMENT AND REPORTING

This element of the budget is the lifeline to its existence. It is also one of the primary concerns of the subcommittee. If reasonable dates are established for recommendations, compilation, overview and presentation - the State budgetary process would be far more efficient. Regardless of what is budgeted, or how much/little, or why - it is the foundation of the process that requires stability and consistency.

The OMB is essentially in charge of this process, yet it resides under the Office of the Governor. Such gubernatorial purview should not be so extensive. Further, all State operating items and grants to non-profit or profit organizations and business should be in the annual operating budget. They should be visible, discernible and not hidden in the capital budget in the final days of legislative debate through conference committee interaction.

The total budget must be presented to the governor no later than December 31st of each year. All state expenditures, toward any purpose, should be fully disclosed (as in private enterprise) annually, as well as orally presented and in writing. All other recommendations shall be completed no later than the end of the fiscal year.

A unified procedural system will allow for better government and public review. It will put state officials and our legislators on notice that the budget can longer be fast-tracked without accountability. Time constraints and reporting requirements will ensure the budget can be accessed, reviewed and ultimately revised if necessary. The end result will be more efficient fiscal planning for the State, with private and public sector forces working in unison.

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



ADMIN & GOV
P.O. Box 113300
Juneau, AK 99811-3300
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FAX (907) 465-2347
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legaudit@legis.state.ak.us

SUMMARY OF: State of Alaska. Single Audit. For the Fiscal Year Ended June 30, 1998.

PURPOSE AND SCOPE OF THE REPORT

This report summarizes our review of the State of Alaska's general purpose financial statements, and the State's compliance with federal laws and regulations in the administration of over \$1.2 billion of federal financial assistance programs. The audit was conducted in accordance with generally accepted auditing standards, *Government Auditing Standards* issued by the Comptroller General of the United States, and complies with the federal Single Audit Act Amendments of 1996 and the related Circular A-133 issued by the U.S. Office of Management and Budget.

REPORT CONCLUSIONS

The FY 98 General Purpose Financial Statements for the State of Alaska are fairly presented in accordance with generally accepted accounting principles, except for the two issues discussed below. The amounts reported in the General Fixed Asset account group are inaccurate. Buildings are currently reported at replacement or insured value rather than on a historical cost basis as required by generally accepted accounting principles.

Additionally we were unable to gather sufficient audit evidence to support the year 2000 disclosures included in the Notes to the Financial Statements. Accordingly we do not provide any assurance that the State of Alaska is or will be year 2000 ready, that the State's year 2000 remediation efforts will be successful in whole or in part, or that parties with which the State does business will be year 2000 ready.

Over \$420 million was transferred from the Constitutional Budget Reserve Fund (CBRF) to the General Fund in accordance with Chapter 98 SLA 1997, section 35(b).

We were unable to obtain sufficient documentation supporting the State's compliance regarding allowable costs for the following federal programs:

- Department of Fish and Game, Pacific Salmon Treaty program.
- Department of Fish and Game Wildlife Restoration program; and
- Department of Administration, Aging cluster program.

Improving The Alaska State Budget Format

During the course of meetings of the Governor's Budget Privatization Committee and the required perusal of the State Budget, it became apparent that comprehension of budget documents was difficult at best. When compared with the budgets of corporations or other entities whose budgets all seem to follow a more conventional and familiar format, it was discovered that greater need for assistance and explanation was required for comprehension of even parts of the State budget.

Similarly, in contacting other Privatization Committee Members on other subjects, it was discovered that they were also having similar difficulties in reading and understanding budgetary documents.

It is the collective opinion of the membership of this committee that the budget of the State should more closely follow standard accounting format, and additionally, the budget should be easily read and understood by the average citizen.

Recommendation:

Accordingly, as a supplementary recommendation from our committee, it is recommended that the entire State financial account be incorporated into one, all encompassing source and distribution of funds document. This document would include all anticipated/forecasted sources of income and expenditures. It is further recommended that the conversion of the budget to a standard corporate format be out-sourced to the private accounting sector and the market process be employed to realize the lowest cost.

GUIDELINES:

1. FULL DISCLOSURE IN A SINGLE DOCUMENT OF ALL ^{OPERATING} REVENUES & EXPENSES.
2. DEFINE OPERATING OP. REV & EXP AND DISTINGUISH FROM CAPITAL REV. & EXP.
PROHIBIT INCLUSION OF CAPITAL ITEMS OPS BDGT. & VICE VERSA.
3. ENUMERATE ALL GRANTS WITHIN THE OP. BDGT.
4. BDGT. VS. ACTUAL COMPARISON ^{FOR EACH COMPONENT} MUST BE COMPLETED WITHIN 6 MOS FROM END OF F.Y. & SUBMITTED TO LEGIS.
5. Bdgt. ~~FORMAT~~ SHOULD ^{INCLUDE} ~~REPLACE~~ \$, MISSION, PERSONNEL, PE.'S IN ONE PLACE

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



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ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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- Department of Fish and Game, Pacific Salmon Treaty program.
- Department of Fish and Game Wildlife Restoration program; and
- Department of Administration, Aging cluster program.

Additionally the State of Alaska did not comply with requirements regarding allowable costs for the Public Water System Supervision program administered by the Department of Environmental Conservation or the special tests and provisions applicable to the Child Support Enforcement program administered by the Department of Revenue.

FINDINGS AND RECOMMENDATIONS

This report contains 36 recommendations, of which 12 were presented last year. Many of the recommendations made in this report require significant changes in procedures or a shifting of priorities, and therefore may take more than one year to implement.

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5. Bdc. ~~FORMAT~~ SHOULD ^{INCLUDE} ~~RECORD~~ \$, MISSION, PERSONNEL, PE.'S IN ONE PLACE

August 25th, 99

Wayne, my write up for the Friday morning (19 August) meeting.

I pretty well read everything that was provided. In order to follow some kind of methodology so that we may get things started, I offer the following:

Based on my analysis, I discern that the following tasks have to be completed:

Determine which state functions can be contracted out;

- transferring to local governments or regional service organizations;
- the federal government;
- private sector;
- consolidation, merging, or other efficiency changes;
- functions that should be eliminated entirely; or
- a combination of these initiatives; and
- a recommendation for those functions that are best performed by the state.

Because we have only 2 months to do the research and complete a report, I suggest that each participant is tasked with one or more areas in which they have some kind of background or expertise (i.e. commerce), and slice their functional area, to see were it would apply, across the aforementioned areas or criteria above.

There are private agencies out there that are doing economic development for Alaska; such as,

Commonwealth of the North and Northern Forum. Northern Forum is focused more on international economic development. There are agencies in State Government that are also working economic development at both the state and international level. This is one area or example in which efforts can be consolidated or contracted out.

Facts and assumptions bearing on the case:

Based on my reading of the basic legislation it would seem that the theme of the legislature, and my own sensing, is the cost of State Govt is lessened by downsizing and running it more efficiently. What is not desirable (by the legislature or constituents) is that any services or perks are reduced or eliminated. Making recommendations like eliminating the longevity bonus or property tax exemption for seniors or disabled veterans, for example, would not sit well with this special interest group or the legislature.

As workers, do we have any power to expect cooperation from government workers?

What we, the workers, would need from you is some kind of format to follow for enclosing information and level of research desired. There is only two months. The subcommittee does not have that much time and we should not do a lot of volume, which is not going to be read.

You should set some timelines for quality control of work performed and for final submission.

The Bibliography of Privatization handout is a good framework and model to follow for seeing what was done elsewhere. It has many examples of how other levels of government privatized, downsized, merged, etc.

To recapitulate what I have said, the steps to be taken are:

- Each worker takes a specialty area.
- For each specialty area slice the research across the criteria outlined and see were it fits (merged, contracted out, etc).
- Level of research desired (quantitative and qualitative).
- Have a format to put information into.
- Timelines for work to be performed, reviewed and submitted
- Someone who will package it all up.

You can pick an operations officer who can program manage the six aforementioned areas; particularly, for developing a format to follow. This person would not do any work.

I hope all this is helpful to you. If you want to designate functional areas, I will take commerce and economic development.

Email: power@aol.com or woerner@9sc-usar.army.mil (reserves unit).
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Recommendation from Sub-committee on Privatization of Governor's Office

Most concerns centered around how the Office of Management and Budget prepares and presents the annual budget to the Legislature.

- 1) We strongly recommend beginning with the FY2001 budget to be presented Dec. 15, 1999, that the Governor and his Office of Budget and Management return ~~their~~ ^{presenting} efforts of 1992 as honest, simple and totally ~~enumerated~~ ^{of all sections of the} budget in a form that the average citizen can visualize and understand.
- 2) Full disclosure of cost for all sections of the budget. The so called "front sections" of both the operating and capital budgets must have a clearly stated financial sum explicitly stated and added to the total summation of each bill. At a minimum the prior year's final cost should be a cap for ^{sections} ~~dependent upon program~~ ^{receipts of the} new budget and additional revenues from program receipts, ~~fees, grants, etc.~~ ^{or general revenues,} should be approved only during the following session by the full legislature.
- 3) Gov's Office and Legislature should stop the very anti-constitutional activity of bonding through A.H. Housh Finance Corp. for programs and capital projects outside of A.H.F. Corp. legal mission.

- 4) All State operating budget items and grants to non-profit or for profit organizations and businesses should be in the annual operating budget and not hidden in the capital budget at the last day through the free conference committee.
- 5) The Legislative Division of Budget and Audits along with the Div. of Finance and assisted by the Director of the Legislature Legal Services should be directed to develop legislation that would define ~~the~~ financial principal, concepts, and terminology to decrease deception and misuse of the public trust in following the original intent of a constitutionally sound annual budget.

Office of the Governor Subcommittee Membership							
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Commission on Privatization
Office of the Governor Subcommittee
August 27, 1999 at 10:00am

Anchorage LIO Conference Room

Wayne Anthony Ross, Chair

Members: Greg Hall, Spence Hochstein and Andree McLeod

Mike Abbott, contact for the Office of the Governor

On teleconference from Juneau

Annalee McConnell, Director of OMB and contact for the Office of the Governor

Format: Questions in bold with responses from Annalee (AM) on following lines.
Materials requested are preceded by ***.

Questions on new budget system in development: a) will information be available to anyone, and b) whether format will be similar to information provided by private corporations.

AM: a) The new budget system developed internally at OMB is scheduled for release this December. This new format will show all fund sources and should make the process clearer and more acceptable to the public. Under the old format, all information including actual expenses from the prior year is currently available at the Loussac Library and comprehensive financial statements can be found on the web. But the old format makes it virtually impossible for anyone to find any information.

b) Financial information for the state is presented in a different format than the private sector because they operate under different accounting principles than the private sector does.

***Requested a copy of a budget distribution sample of the new plan

Question on combining OMB within the Admin Dept.

AM: The location of the department is not the issue. OMB moved from the Admin Dept. to the Office of the Governor in the late 70's. Since the budget is the Governor's responsibility, having OMB in this department reflects that responsibility more clearly.

Questions on Office of EEO - why it is located in the Office of the Governor, whether every department has an OEEO, and whether it might be more efficient to contract out EEO and Human Rights Commission.

AM: There is a federal mandate for the location of the OEEO. Office provides centralized services for complaints and appeals from the public. Every department has a contact person within it for EEO, but they are not exclusively EEO officers.

***Request for copies of the Alaska Constitution relating to the state budget plus any summary documents relating to the Human Rights Commission.

Office of the Governor Subcommittee
August 27, 1999
Page 2

Questions on Contingency Funds - a) are departments closing out contingency funds each year to the GF, or do they spend entire amount and include in next year's budget requests and b) could contingency funds in different departments be consolidated into one long-term fund for all departments - for disasters, etc.

AM: a) "Use it or lose it theory" no longer applies because current budgets are so tight and have been in the past few years. There would be no economy of scale by aggregating contingency funds. Governor is the only one with a contingency fund that he uses for situations where things don't fit into the normal budget. It is not a tool for ongoing budgetary items, but for unanticipated expenses that come up every year.

b) There isn't a separate "Disaster Fund." The legislature has preferred to not put money up front, but put money in when disasters occur. In the event of a disaster, Governor notifies the Legislature with an estimated cost

***Requested list of expenditures for the last three years from the Governor's Contingency Fund.

Question on Dept. of Government Coordination - look at efficiencies realized, if any, by this department.

Mike Abbott: This Department has been in place since 1984 or 1985 and was required by statute for states with coastal zones.

The next meeting is scheduled for Friday, September 3rd at 11:00am. A vote will be taken on what issues the Subcommittee wants to look at.

Commission on Privatization
Office of the Governor Subcommittee
Meeting of September 3, 1999 at 11:00am

Anchorage LIO Conference Room

Wayne Anthony Ross, Chair

Members: Spence Hochstein and Andree McLeod

Mike Abbott, contact for the Office of the Governor

Paula Haley, Executive Director for the Human Rights Commission

On Teleconference from Juneau

Annalee McConnell, Director of OMB and contact for the Office of the Governor

Mike Nizich and Patrick Galvin, Office of the Governor

Paula Haley gave an overview of the Human Rights Commission. Handouts included the HRC 1998 Annual Report.

***Requested statistics for public sector cases HRC handles versus private sector cases.

The remainder of the meeting dealt with membership on the Subcommittee and contacting members regarding their participation. Tom Anderson was added to the Subcommittee.

The next meeting would be scheduled at a later date.

OFFICE OF THE GOVERNOR Subcommittee
Contact Information Sheet

Add To
~~Memorandum~~
List

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TOM ANDERSON ✓

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276-5307 ✓

Home Phone:

Fax:

276-6672 ✓

Company:

LAW OFFICES OF ROSS & MINER ✓

Email:

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327 E. FIREWALK LANE, STE. 201 ✓
ANCHORAGE, AK 99503

NOTE: TOM ANDERSON IS THE CHRONICLER
FOR THIS COMMITTEE EFFECTIVE w/
9/20 MEETING.

TRANSACTION REPORT

P. 01

AUG-26-1999 THU 01:20 PM

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TOTAL : 27S PAGES: 1



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NOTICE OF SUBCOMMITTEE MEETING

Subcommittee Name:

Office of the Governor

Chairperson: Wayne Anthony Ross

Phone: 276-5307

Fax: 276-6672

Committee Members:

Bill Allen	Andree McLeod
Matthew Fagnani	Mike Prax
Cheryl Frasca	Jim Holm
Jack Frost	Gregory Hall
Spence Hochstein	Paul Woerner
Pauline Martens	Terry Martin
Annalee McConnell	

Date:

FRIDAY, AUGUST 27, 10:00 AM



and Delivery of Government Services

www.privatizealaska.org

NOTICE OF SUBCOMMITTEE MEETING

Subcommittee Name: **Office of the Governor**
Chairperson: Wayne Anthony Ross
Phone: 276-5307
Fax: 276-6672

Committee Members:

Bill Allen	Andree McLeod
Matthew Fagnani	Mike Prax
Cheryl Frasca	Jim Holm
Jack Frost	Gregory Hall
Spence Hochstein	Paul Woerner
Pauline Martens	Terry Martin
Annalee McConnell	

Date: **FRIDAY, AUGUST 27, 10:00 AM**

Place: Legislative Information Office
716 W. 4th Avenue
Second Floor Conference Room
Juneau & Fairbanks LIO Teleconference On-line

If you have any questions please call Representative John Cowdery's office at 269-0222 or Senator Wards office at 269-0106.

The web site has a current list of members and schedule of meetings posted daily!

www.privatizealaska.org

Office of the Governor Subcommittee Membership							
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McConnell	Annalee	465-4660	465-3008	Office of the Governor - Contact Individual			Juneau
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Martin	Terry	333-6990	N/A	N/A		333-6990	

TRANSACTION REPORT

P. 01

AUG-26-1999 THU 12:14 PM

BROADCAST

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-26	11:56 AM	92766672	25"	1	SEND	OK	135	
	11:56 AM	919074519293	29"	1	SEND	OK	135	
	12:12 PM	95638383	**' **"	0	SEND	BUSY	135	
	11:58 AM	92582332	28"	1	SEND	OK	135	
	11:59 AM	95629257	41"	1	SEND	OK	135	
	12:00 PM	92731699	26"	1	SEND	OK	135	
	12:01 PM	95620283	27"	1	SEND	OK	135	
	12:02 PM	919074653008	29"	1	SEND	OK	135	
	12:13 PM	95613757	**' **"	0	SEND	BUSY	135	
	12:08 PM	919074882600	40"	1	SEND	OK	135	
	12:13 PM	919074518733	**' **"	0	SEND	BUSY	135	
	12:05 PM	96946324	41"	1	SEND	OK	135	
	12:06 PM	93381216	27"	1	SEND	OK	135	

TOTAL : 5M 13S PAGES: 10



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Date:

FRIDAY, AUGUST 27. 10:00 AM

Subject: Priv TF

Date: Sat, 17 Jul 1999 11:54:33 -0800

From: "Cheryl Frasca" <cfrasca@alaska.net>

To: Marco_Pignalberi@legis.state.ak.us

Marco:

Just a thought based on our phone conversation yesterday, one way to address areas of government such as OMB would to have a "sub-area" of "financial administration." This could then include the Division of Finance in DOA (check writing), OMB, Leg Finance, and Leg Audit. It could lead to recommendations such as contracting out check writing (Alberta did this but haven't checked on how it has worked), and performance evaluations/audits of state programs by third party auditors.

Talk to you later.
Cheryl Frasca

Alaska Constitution
Article IX

Article IX

Finance and Taxation

SECTION 1. TAXING POWER. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

SECTION 2. NONDISCRIMINATION. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to the residents of the State.

SECTION 3. ASSESSMENT STANDARDS. Standards for appraisal of all property assessed by the State or its political subdivisions shall be prescribed by law.

SECTION 4. EXEMPTIONS. The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

SECTION 5. INTERESTS IN GOVERNMENT PROPERTY. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interests.

SECTION 6. PUBLIC PURPOSE. No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.

SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in Section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

SECTION 8. STATE DEBT. No state debt shall be contracted unless authorized by law for capital improvements or unless authorized by law for housing loans for veterans, and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

SECTION 9. LOCAL DEBTS. No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

Alaska Constitution

SECTION 10. INTERIM BORROWING. The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

SECTION 11. EXCEPTIONS. The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise or corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

SECTION 12. BUDGET. The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

SECTION 13. EXPENDITURES. No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

SECTION 14. LEGISLATIVE POST-AUDIT. The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

SECTION 15. ALASKA PERMANENT FUND. At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All income from the permanent fund shall be deposited in the general fund unless otherwise provided by law.

SECTION 16. APPROPRIATION LIMIT. Except for appropriations for Alaska permanent fund dividends, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a nonstate source in trust for a specific purpose, including revenues of a public enterprise or public corporation of the State that issues revenue bonds, appropriations from the treasury made for a fiscal year shall not exceed \$2,500,000,000 by more than the cumulative change, derived from federal indices as prescribed by law, in population and inflation since July 1, 1981. Within this limit, at least one-third shall be reserved for capital projects and loan appropriations. The legislature may exceed this limit in bills for appropriations to the Alaska permanent fund and in bills for appropriations for capital projects, whether of bond proceeds or otherwise, if each bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without signature, and is also approved by the voters as prescribed by law. Each bill for appropriations for capital projects in excess of

Alaska Constitution

the limit shall be confined to capital projects of the same type, and the voters shall, as provided by law, be informed of the cost of operations and maintenance of the capital projects. No other appropriation in excess of this limit may be made except to meet a state of disaster declared by the governor as prescribed by law. The governor shall cause any unexpended and unappropriated balance to be invested so as to yield competitive market rates to the treasury.

SECTION 17. BUDGET RESERVE FUND. (a) There is established as a separate fund in the State treasury the budget reserve fund. Except for money deposited into the permanent fund under Section 15 of this article, all money received by the State after July 1, 1990, as a result of the termination, through settlement or otherwise, of an administrative proceeding or of litigation in a State or federal court involving mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments or bonuses, or involving taxes imposed on mineral income, production, or property, shall be deposited in the budget reserve fund. Money in the budget reserve fund shall be invested so as to yield competitive market rates to the fund. Income of the fund shall be retained in the fund. Section 7 of this article does not apply to deposits made to the fund under this subsection. Money may be appropriated from the fund only as authorized under (b) or (c) of this section.

(b) If the amount available for appropriation for a fiscal year is less than the amount appropriated for the previous fiscal year, an appropriation may be made from the budget reserve fund. However, the amount appropriated from the fund under this subsection may not exceed the amount necessary, when added to other funds available for appropriation, to provide for total appropriations equal to the amount of appropriations made in the previous calendar year for the previous fiscal year.

(c) An appropriation from the budget reserve fund may be made for any public purpose upon affirmative vote of three-fourths of the members of each house of the legislature.

(d) If an appropriation is made from the budget reserve fund, until the amount appropriated is repaid, the amount of money in the general fund available for appropriation at the end of each succeeding fiscal year shall be deposited in the budget reserve fund. The legislature shall implement this subsection by law.

Executive Budget Act

- **Statement of policy**
- **Responsibilities of the legislature**
- **Governor's primary duty**
- **Office of Management and Budget**

The Department of Administration for grants under AS 37.06.010 and the Department of Community and Regional Affairs for grants under AS 37.06.020

—(1) may adopt regulations that impose additional requirements or procedures to implement, interpret, make specific, or otherwise carry out the applicable provisions of this chapter for grants administered by the department;

—(2) shall adopt regulations providing for periodic audits of the use of money for grants administered by the department under this chapter, including audit of the department's determination of the value of, and adequacy of the verification of the actual use of, locally funded or contributed labor on projects funded by a grant under this chapter.

Sec. 37.06.090. Definition of "capital project."

In this chapter, "capital project" means a project with a cost exceeding \$10,000 to acquire or improve an asset with an anticipated life exceeding one year and includes land acquisition, construction, repair or structural improvement of a facility, engineering and design for a facility, and acquisition or repair of equipment.

Chapter 37.07. EXECUTIVE BUDGET ACT

Sec. 37.07.010. Statement of policy.

It is the purpose of this chapter to establish a comprehensive system for state program and financial management that furthers the capacity of the governor and legislature to plan and finance the services that they determine the state will provide for its citizens. The system must include procedures for

—(1) the orderly establishment, continuing review, and periodic revision of the program goals and policies of state agencies and financial goals and policies of the state;

—(2) the development, coordination and review of long-range program and financial plans that will implement established state goals and policies;

—(3) the preparation, coordination, analysis, and enactment of a budget that is organized to focus on the services provided by state agencies and on the cost of those services and that provides for implementation of policies and plans, in the succeeding budget period;

—(4) the evaluation of alternatives to existing policies, plans and procedures that offer potential for more efficient state services;

—(5) the regular appraisal and reporting of program performance;

—(6) public participation in the development of the annual budget, including opportunity for the public to review and comment upon the plans and programs of the Office of the Governor and all state agencies in the executive branch, the legislature, the judicial system, the University of Alaska, and the public corporations of the state.

Sec. 37.07.014. Responsibilities of the legislature.

—(a) To carry out its legislative power under art. II, sec. 1, Constitution of the State of Alaska, and to promote results-based government, the legislature shall issue a mission statement for each agency and the desired results the agency should achieve. The legislature may issue a separate mission statement for a subunit of an agency. A mission statement and desired results should promote the efficient, measured use of the state's resources. A mission statement and desired results constitute policy under which an agency shall operate, and, where appropriate, the mission statement may be implemented by statute.

___(b) The legislature shall provide for a budget review function that promotes results-based government. The legislature shall adopt a method of measuring results for each agency, and measurements shall be reported semi-annually by each agency to the legislature. The reports shall be used by the legislature to evaluate whether the mission and desired results for that agency or subunit of the agency are being achieved.

___(c) The legislature shall analyze the comprehensive operating and capital improvements programs and financial plans recommended by the governor.

___(d) To foster results-based government, to carry out the mission statements, and to obtain desired results, the legislature shall authorize the comprehensive operating and capital improvements programs and financial plans. The legislature shall allocate the state's resources for effective and efficient delivery of public services by

___(1) clearly identifying desired results;

___(2) setting priorities;

___(3) assigning accountability; and

___(4) using methods for measuring, reporting, and evaluating results.

___(e) The legislature shall

___(1) provide for a post-audit function to cover financial transactions, program accomplishment, and compliance with legislative intent;

___(2) adopt or revise the estimate of receipts required to balance the succeeding fiscal year's budget in order that proposed expenditures do not exceed estimated receipts for that fiscal year;

___(3) adopt, revise, or initiate revenue measures in order to balance the succeeding fiscal year's budget and the capital improvements section of the budget for the succeeding six years.

___(f) To help fulfill the legislature's responsibilities under this section and achieve results-based government, each agency shall

___(1) allocate resources to achieve the mission and desired results established by the legislature;

___(2) express desired results established by the legislature and other program results in measurable terms;

___(3) measure progress towards mission statements and desired results established by the legislature and other results;

___(4) promote activities consistent with mission statements and desired results established by the legislature that reduce or avoid future costs;

___(5) plan for the short-term and the long-term using consistent assumptions for major demographic and other trends; and

___(6) require accountability at all levels for meeting program mission statements and desired results established by the legislature.

Sec. 37.07.016. Governor's primary duty.

To carry out the executive power under art. III, sec. 1 and sec. 16, Constitution of the State of Alaska, the governor shall use the mission statements and desired results issued by the legislature as a guide to

implement and execute the law. The governor shall assure that each agency complies with the mission statement and achieves the desired results identified by the legislature.

Sec. 37.07.020. Responsibilities of the governor.

—(a) The governor shall prepare a budget for the succeeding fiscal year that must cover all estimated receipts, including all grants, loans, and money received from the federal government and all proposed expenditures of the state government. The budget shall be organized so that the proposed expenditures for each agency are presented separately. The budget must be accompanied by the information required under AS 37.07.050 and by the following separate bills: (1) an appropriation bill authorizing the operating and capital expenditures of the state's integrated comprehensive mental health program under AS 37.14.003(a); (2) an appropriation bill authorizing state operating expenditures other than those included in the state's integrated comprehensive mental health program; (3) an appropriation bill authorizing capital expenditures other than those included in the state's integrated comprehensive mental health program; and (4) a bill or bills covering recommendations, if any, in the budget for new or additional revenue. The budget for the succeeding fiscal year and each of the bills shall become public information on December 15 at which time the governor shall submit copies to the legislature and make copies available to the public. The bills, identical in content to the copies released on December 15, shall be delivered to the rules committee of each house before the fourth legislative day of the next regular session for introduction.

—(b) In addition to the budget and bills submitted under (a) of this section, the governor shall submit a capital improvements program and financial plan covering the succeeding six fiscal years.

—(c) Proposed expenditures may not exceed estimated revenue for the succeeding fiscal year. The expenditures proposed in the six-year capital improvements program and financial plan may not exceed the estimated revenue and bond authorizations passed and proposed.

—(d) [Repealed, Sec. 35 ch 126 SLA 1994].

—(e) The budget prepared under (a) of this section must present the proposed operating expenditures for each agency for annual facility operations, annual maintenance and repair, and periodic renewal and replacement for components of public buildings and facilities separately from the other proposed operating expenditures by the agency. Proposed annual appropriations for an agency's facility operations, maintenance and repair, and renewal and replacement for components of public buildings and facilities contained in an appropriation bill prepared under (a) of this section must be presented separately from appropriations for other proposed operating expenditures by the agency.

Sec. 37.07.030. Responsibilities of the legislature. [Repealed, Sec. 9 ch 27 SLA 1998].

—Repealed or Renumbered

Sec. 37.07.040. Office of management and budget.

The Alaska office of management and budget shall

—(1) assist the governor in the preparation and explanation of the proposed comprehensive program and financial plan, including the coordination and analysis of state agency goals and objectives, plans, and budget requests;

—(2) prepare for submission to the governor an annually updated six-year capital improvements program and the proposed capital improvements budget for the coming fiscal year, the latter to include individual project justification with documentation of estimated project cost;

—(3) develop procedures to produce the information needed for effective policy decision making, including procedures to provide for the dissemination of information about plans, programs, and budget requests to be included in the annual budget and opportunity for public review and comment during the

period of budget preparation;

____(4) assist state agencies in their statement of goals and objectives to achieve, among other things, the legislature's mission and desired results, preparation of plans, assessments of the extent to which missions and desired results have been achieved, budget requests, and reporting of program performance; all documents forwarded by the office to a state agency containing instructions for the preparation of program plans and budget requests and the reporting of program performance are public information after the date they are forwarded;

____(5) administer its responsibilities under the program execution provisions of this chapter so that the policy decisions and budget determinations of the governor and the legislature are implemented;

____(6) provide the legislative finance division with the budget information it may request;

____(7) provide the legislative finance division with an advance copy of the governor's budget workbooks by the first Monday in January of each year, except that following a gubernatorial election year the advance copy shall be provided by the second Monday in January;

____(8) prepare the proposed capital improvements budget for the coming fiscal year evaluating both state and local requests from the standpoint of need, equity, and priorities of the jurisdiction; other factors such as project amounts, population, local financial match, federal funds being used for local match, municipality or unincorporated community acceptance of the facility, and all associated costs of the facility may be considered;

____(9) for each department in the executive branch, report to the legislature by the 45th day of each regular session the amount of money appropriated to the department that is expected to lapse into the general fund at the end of the current fiscal year.



Article 06. OFFICE OF MANAGEMENT AND BUDGET

Sec. 44.19.141. Alaska office of management and budget.

There is in the Office of the Governor the Alaska office of management and budget.

Sec. 44.19.142. Director.

The office of management and budget is administered by a director who is appointed by, and serves at the pleasure of, the governor.

Sec. 44.19.143. Personnel.

The director shall employ such personnel as may be necessary to carry out the provisions of AS 44.19.141 - 44.19.152 and the relevant provisions of AS 37.07.

Sec. 44.19.144. Powers and duties of the director.

(a) The director shall

- (1) supervise and administer the activities of the office;**
- (2) advise the governor on matters of comprehensive state planning;**
- (3) [Repealed, Sec. 35 ch 126 SLA 1994].**

(b) The director may

(1) with the written concurrence of the governor, enter into contracts and subcontracts on behalf of the state to carry out the provisions of AS 44.19.141 - 44.19.152; contracting under this paragraph is governed by AS 36.30 (State Procurement Code);

(2) act for the state in the initiation, investigation, evaluation of or participation in any program relative to the stated purpose of AS 44.19.141 - 44.19.152 that may involve more than one government or governmental unit;

(3) on behalf of the state, accept and expend any gifts or grants made to the state with the approval of the governor when the gifts or grants were made for the purposes of furthering the objectives of the office.

Sec. 44.19.145. Functions and duties of the office.

(a) The office shall

- (1) provide technical assistance to the governor and the legislature in identifying**

long range goals and objectives for the state and its political subdivisions;

(2) prepare and maintain a state comprehensive development plan;

(3) provide information and assistance to state agencies to aid in governmental coordination and unity in the preparation of agency plans and programs;

(4) review planning within state government as may be necessary for receipt of federal, state, or other funds;

(5) participate with other countries, provinces, states, or subdivisions of them in international or interstate planning, and assist the state's local governments, governmental conferences, and councils in planning and coordinating their activities;

(6) encourage educational and research programs that further state planning and development, and provide administrative and technical services for them;

(7) publish such statistical information or other documentary material as will further the provisions and intent of AS 44.19.141 - 44.19.152;

(8) assist the governor and the Department of Community and Regional Affairs in coordinating state agency activities that have an effect on the solution of local and regional development problems;

(9) serve as a clearinghouse for information, data, and other materials that may be helpful or necessary to federal, state, or local governmental agencies in discharging their respective responsibilities or in obtaining federal or state financial or technical assistance;

(10) review all proposals for the location of capital improvements by any state agency and advise and make recommendations concerning location of these capital improvements;

(11) render, on behalf of the state, all federal consistency determinations and certifications authorized by 16 U.S.C. 1456 (Sec. 307, Coastal Zone Management Act of 1972), and each conclusive state consistency determination when a project requires a permit, lease, or authorization from two or more state resource agencies.

(b) The office shall, in carrying out its functions, consult with local, regional, state and federal officials, private groups and individuals, and with officials of other countries, provinces, and states, and may hold public hearings to obtain information for the purpose of carrying out the provisions of AS 44.19.141 - 44.19.152.

(c) The governor may establish coordinating or advisory planning groups.

(d) The office shall

(1) coordinate its services and activities with those of other state departments and agencies to the fullest extent possible to avoid duplication;

(2) [Repealed, Sec. 35 ch 126 SLA 1994].

(3) cooperate with the University of Alaska and other appropriate public and private institutions in research and investigations.

Sec. 44.19.150. [Renumbered as AS 44.19.046].

Repealed or Renumbered

Sec. 44.19.152. Definitions.

In AS 44.19.141 - 44.19.152,

(1) "director" means the director of the office of management and budget;

(2) "office" means the Alaska office of management and budget;

(3) "render" means to coordinate and issue;

(4) "resource agency" means

(A) the Department of Environmental Conservation;

(B) the Department of Fish and Game; or

(C) the Department of Natural Resources.

State Financial Web Resources

Revenue Sources Book:

<http://www.revenue.state.ak.us/oga/99SpringSources/SPR99.htm#top>

Income and Excise annual report: <http://www.revenue.state.ak.us/iea/98report/index.htm>

Comprehensive Annual Financial Report:

<http://www.state.ak.us/local/akpages/ADMIN/dof/fin-afr.htm>

Alaska Public Debt: <http://www.revenue.state.ak.us/treasury/debtbook/98debtbook.htm>

Population, Demographic Data, Cost of Living:

<http://www.labor.state.ak.us/research/research/col.htm>

Summaries of Appropriations:

<http://www.legfin.state.ak.us/Summary/99Summary/Summary.html>

Statewide Transportation Improvement Program:

http://www.dot.state.ak.us/external/state_wide/planning/stip.html

School Construction and Major Maintenance List:

<http://www.eed.state.ak.us/facilities/FacilitiesPL.html>

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

State Financial Web Resources

Revenue Sources Book:

<http://www.revenue.state.ak.us/oga/99SpringSources/SPR99.htm#top>

Income and Excise annual report: <http://www.revenue.state.ak.us/iea/98report/index.htm>

Comprehensive Annual Financial Report:

<http://www.state.ak.us/local/akpages/ADMIN/dof/fin-afr.htm>

Alaska Public Debt: <http://www.revenue.state.ak.us/treasury/debtbook/98debtbook.htm>

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School Construction and Major Maintenance List:

<http://www.eed.state.ak.us/facilities/FacilitiesPL.html>

Office of Equal Opportunity

- **Statutes**
- **Administrative orders**
- **Separate investigative function in the department of Administration**
- **Federal EEO information**

AS

Cross references. — For transitional provisions relating to the 1995 transfer of the Office of Equal Employment Opportunity from the Department of Administration to the Office of the Governor, see § 4,

E.O. 91, in the Executive Orders pamphlet.

Effective dates. — Section 5, E.O. No. 91 (1995) makes this article effective March 18, 1995.

172.

Sec. 44.19.450. Office established. The office of equal employment opportunity is established in the Office of the Governor. The governor shall appoint a director to administer the office. (E.O. No. 91, § 2 (1995))

For

Sec. 44.19.451. Powers and duties of the office. (a) The office shall administer the equal employment opportunity program for the executive branch of state government to ensure compliance with AS 44.19.450 — 44.19.458 and shall

§ 5

(1) assist state officials to carry out their equal employment opportunity responsibilities, including promoting the recruitment, employment, training, and retention of members of protected classes, and recommend solutions to any problems identified;

(2) train state managers and supervisors in their equal employment opportunity and affirmative action responsibilities and offer orientation programs to employees to inform them of their rights and responsibilities under AS 44.19.450 — 44.19.458;

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

78,

(4) prepare and submit the affirmative action plan for employment in the executive branch of state government to the governor;

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

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

2

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

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

(9) file quarterly reports with the governor and the legislature concerning agency compliance with and progress in its affirmative action program, the affirmative action plan, state and federal equal employment opportunity laws and regulations;

(10) accept, investigate, and resolve complaints of discrimination from employees, previous employees, or applicants for employment;

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

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

(b) The office may

(1) recommend legislative or administrative action to the governor relating to equal employment opportunity and affirmative action matters;

(2) require the purging of the records of a complaint of unlawful discrimination from the personnel file of an employee who has filed a complaint of unlawful discrimination;

(3) forbid an agency to hire or promote employees based on a discriminatory employment practice;

(4) require an agency to reverse a personnel action including a hiring decision if it finds that the action was based on a discriminatory employment practice;

(5) require an agency to change its selection procedures if it finds that the procedures violate state or federal laws prohibiting employment discrimination; and

(6) when there is reason to believe that an employee has violated this subsection, require the agency to investigate and to impose discipline if the investigation reveals facts warranting it.

(c) A collective bargaining agreement adopted under AS 23.40.070 — 23.40.260 (Public Employment Relations Act) must be consistent with principles of equal employment opportunity and affirmative action. AS 44.19.450 — 44.19.458 supersede the provisions of AS 39.25 (State Personnel Act). (E.O. No. 91, § 2 (1995))

Sec. 44.19.452. Administrative regulations. The director of the office shall adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out the office's duties. (E.O. No. 91, § 2 (1995))

Sec. 44.19.453. Affirmative action plan. The governor shall establish an equal employment opportunity program and adopt annually an affirmative action plan for the executive branch of state government. The plan remains in effect until the governor establishes a subsequent plan. The office shall work with each agency to enhance equal employment opportunity. (E.O. No. 91, § 2 (1995))

Sec. 44.19.454. Compliance with affirmative action plan. (a) Each agency shall comply with the affirmative action plan. Each commissioner or executive head of an agency shall adopt an affirmative action program to implement the plan within the agency. At the request of the office, a state official shall report to the office about agency employment practices and activities to implement and comply with the plan or program.

(b) When the office finds that an agency has violated the affirmative action plan or its affirmative action program, the office may

(1) suspend the hiring authority of the agency; and

(2) impose mandatory affirmative action measures on the agency to bring the agency into compliance. (E.O. No. 91, § 2 (1995))

Sec. 44.19.455. Employment discrimination complaints. (a) The office shall accept complaints of employment discrimination in the executive branch of state government and shall confer with the complaint and the agency involved to bring about an informal resolution of complaint.

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

(c) The office may not make public the records of a complaint or investigation. (E.O. No. 91, § 2 (1995))

Sec. 44.19.456. Retaliation prohibited. (a) An agency, officer, or state employee may not directly or indirectly refuse to hire, transfer, or promote, or dismiss, demote, suspend, lay off, or otherwise discipline a person for filing a complaint with the office for a failure to comply with affirmative action or equal employment opportunity or for assisting the office in an investigation of a complaint.

(b) A person who knowingly violates this section is liable for a civil penalty of not more than \$1,000. (E.O. No. 91, § 2 (1995))

Sec. 44.19.457. Access to confidential records. The office may have access to all data, records, and reports necessary to carry out its functions under AS 44.19.450 — 44.19.458. The office may not make public information designated as confidential by AS 39.25.080 or another law. However, the office may make public statistical information compiled from confidential records. (E.O. No. 91, § 2 (1995))

Sec. 44.19.458. Definitions. In AS 44.19.450 — 44.19.458,

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

(2) "employment in the executive branch of state government" includes employment as a permanent, probationary, provisional, nonpermanent, or temporary employee in the classified, partially exempt, or exempt services in the executive branch of state government;

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

(4) "office" means the office of equal employment opportunity in the Office of the Governor. (E.O. No. 91, § 2 (1995))

Article 10. Telecommunications Information Council.

Section
502. Telecommunications Information Council
504. Powers and duties

Section
506. Court system
519. Definitions

Cross references. — For statement of legislative purpose, see § 1, ch. 53, SLA 1987, in the Temporary and Special Acts.

Sec. 44.19.502. Telecommunications Information Council. (a) There is created within the Office of the Governor the Telecommunications Information Council.

(b) The council is composed of the governor, the commissioner from each principal department of the executive branch, the president of the University of Alaska, the executive director of the Legislative Affairs Agency, a member of the public appointed by the governor, and one legislator from each house, appointed by the respective presiding officer. The legislators shall serve as nonvoting members of the council. The public member appointed by the governor may not have a financial interest in the information services industry. The chief justice of the supreme court may appoint a member to serve on the council. Each commissioner shall appoint a deputy commissioner to serve as an alternate for the commissioner. The vice-president of the University of Alaska shall serve as alternate for the president.

(c) The governor shall preside over the council. The council shall meet at least four times each year. The council may meet more frequently at the call of the chair or if requested by a majority of the council's members.

(d) The Office of the Governor shall provide professional and clerical staff for the council. (§ 2 ch 53 SLA 1987; am § 1 ch 156 SLA 1990)

Effect of amendments. — The 1990 amendment, effective June 22, 1990, deleted "and" following "Alaska" in the first sentence, added the phrase beginning

with "a member of the public" at the end of the first sentence and added the second and third sentences in subsection (b).

Sec. 44.19.504. Powers and duties. (a) The council shall

(1) establish guidelines and prepare a state short-range and long-range information systems plan to meet state needs;

(2) in accordance with the state information systems plan, establish guidelines and direct state agencies to prepare agency information systems plans;

Be it enacted by the Legislature of the State of Alaska:

Section 1. This Act establishes the office of equal employment opportunity in the Office of the Governor to ensure fair employment practices and eliminate barriers to employment in state government and to monitor the state's progress in accomplishing the goals set out in the state affirmative action plan and in reaching equal employment opportunity.

Sec. 2. Permanent law. See Table of Disposition of Acts.

Sec. 3. This Act may not be applied to limit the right of a person to file a complaint with the State Commission for Human Rights under AS 18.80.100.

Approved June 7, 1985
Effective: September 5, 1985

CHAPTER 98

~~AN ACT MAKING APPROPRIATIONS FOR THE OPERATING AND LOAN PROGRAM EXPENSES OF STATE GOVERNMENT; AND PROVIDING FOR AN EFFECTIVE DATE.~~

~~(CCSHB 60)~~

~~*Be it enacted by the Legislature of the State of Alaska:*~~

~~Editor's Notes. — Italics indicates new former figures and vetoed items are not figures inserted by the governor. The set out.~~

~~Section 1. Included within the general fund amounts appropriated according to the schedules in this Act, the following amounts are from the unreserved special accounts in the general fund:~~

~~Highway Fuel Tax Account~~	~~Operating~~
~~Aviation Fuel Tax Account~~	~~\$22,500,000~~
	~~8,000,000~~

~~Sec. 2. Federal or other program receipts that exceed the amounts appropriated in this Act are appropriated conditioned upon compliance with the program review provisions of AS 37.07.080(h).~~



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

Mailing Address

Telephone Number

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

Sec. 7. This Order takes effect July 1, 1994.

WALTER J. HICKEL
Governor

EXECUTIVE ORDER NO. 91

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I order the following:

Section 1. Findings. As governor, I find that the transfer of the office of equal employment opportunity from the Department of Administration to the Office of the Governor would be in the best interests of efficient administration. The transfer will permit closer coordination within state government regarding equal employment opportunity policy, and will ensure that pressing issues in the area of equal employment opportunity will come to the immediate attention of the Office of the Governor.

Secs. 2, 3. Permanent law. See Table of Disposition of Acts.

Sec. 4. Transition. (a) Litigation, hearings, investigations, and other proceedings pending under a law repealed by this Order, or in connection with functions transferred by this Order, continue in effect and may be continued and completed notwithstanding a transfer or repeal provided for in this order.

(b) Regulations adopted by the commission of administration under authority of former AS 44.21.502 before March 18, 1995, remain in effect until regulations are adopted under AS 44.19.452 by the director, and take effect. The director of the office of equal employment opportunity may enforce the regulations adopted under AS 44.21.502 until the director's own take effect.

(c) Contracts, rights, liabilities, and obligations created by or under a law repealed by this Executive Order, and in effect on March 17, 1995, remain in effect notwithstanding this Order's taking effect. Records, equipment, appropriations, and other property of an agency of the state whose functions are transferred under this Order shall be transferred to implement the provisions of this Order.

Sec. 5. This Order takes effect March 18, 1995.

TONY KNOWLES
Governor

Overview of the Investigations Function

Department of Administration Division of the Personnel Anchorage Personnel Office

The Anchorage office acts as a central point of contact for the EEOC and the ASHRC in the processing, investigation, and eventual resolution of employment related discrimination complaints filed with their agencies. In brief, our roles include acting as an intermediary between the EEOC/ASHRC and the department named in the complaint; assisting the department with their response; representing the department and protecting its interest during the Commission's investigation of the complaint; and working for a resolution of the complaint which best benefits the department and the State.

The Anchorage office of the Division of Personnel is not connected in any way with the Office of Equal Employment Opportunity under the Office of the Governor. Complaints filed with that office have no bearing on complaints filed with the Federal Equal Employment Office Commission (EEOC) in Seattle and the Alaska State Human Rights Commission (ASHRC) in Anchorage.

The Process:

Step 1:

- Receive and record complaint from the ASHRC and/or the EEOC.
- Review complaint for procedural/technical flaws, and compare to cases decided in the Ninth Circuit. If applicable, write letter to the ASHRC/EEOC rejecting claim.
- If claim is not rejected, request the department respond to the allegations in 30 days.
- If mediation is offered by the ASHRC/EEOC, discuss with department and respond to Commission.
- If mediation is accepted, represent the department at the mediation.

Step 2:

- Review department's response. Anticipate questions the ASHRC/EEOC investigator will ask, and if the questions are not answered in department's response, request department provide additional information and supporting documents.
- If questions remain unanswered either conduct, or ask the department to conduct, interviews with appropriate individuals to validate/rebut allegations.

Step 3:

- If allegations prove valid, or somewhat valid, discuss possibility of a predetermination settlement with department (PDS). If department decides to settle, negotiate with complainant through the ASHRC/EEOC on the terms of the PDS.

- If the allegations are disputed by the department, and the department's investigation concluded there was no evidence to support the allegations, then prepare the department's formal response to the complaint (a Position Statement) and submit to the ASHRC/EEOC.

Step 4:

- Serve as the liaison between the department and the ASHRC/EEOC; answer questions asked by the Commission investigator if answer is known (Workplace Alaska procedures, how a "register" works, interpretation of codes used, etc.); schedule interviews with the supervisors/managers at the Commission investigator's request; collect and review additional information requested by the Commission investigator and deliver to the ASHRC/EEOC.
- Function as management's representative during the ASHRC/EEOC investigator's interview of a supervisor or manager, and protect the department's interest as much as possible. Sometimes this means putting the best light on what would otherwise be a damaging response by the person being interviewed; sometimes it means challenging a half-truth or misrepresentation made by interviewee; it always means insuring the investigator keeps the question relevant to the allegation, and insuring the investigator's questions are of an investigative nature. Although the interview cannot be taped, a record of the interview must be made and kept pending the outcome of the investigation. **The interview is one of the most important, and often the most time consuming, part of the investigative process.**

Step 5:

- If the Commission's investigation results in a finding favorable to the department, the case is closed and determination letter and closing notice are sent to the department.
- If there is sufficient evidence to support the claim of discrimination, the Commission's investigator will call this office to discuss the finding and the terms of the proposed Conciliation Agreement that will accompany the determination letter from the ASHRC/EEOC.
- Function as a liaison between the department and the ASHRC/EEOC in working out the terms of the Conciliation Agreement. We recommend possible compromises to the department and negotiate with the ASHRC/EEOC until an agreement is reached. When one of the parties refuses to negotiate any further, conciliation fails and the case is scheduled for public hearing.

Step 6:

- Represent the department at the scheduling of the public hearing, the preparation for the public hearing, and at the public hearing. Usually the parties, through their attorneys, reach a settlement before the case is heard.

Additional Information:

In the vast majority of cases the department's initial response the complaint does not contain all the information and documents necessary to prepare a formal response to the ASHRC/EEOC, and in many cases the response does not address one or more of the allegations made in the complaint. Those problems are corrected by this office prior to submitting a response to the Commission.

This office coordinates cases with Labor Relations, the Department of Law, and other interested parties. Many of the ASHRC/EEOC cases are also filed as labor grievances and/or as civil cases.

EEO CORE SVC SUMMARY FY00

CORE SERVICES SUMMARY — *Charges to departments for EEO Function in Dept. of Administration*

A5	A14	B14	D7	F12	D10
	E-NOTICE TO DIR	E-APPROVE FROM DIR	ORIGINAL DOLLARS	BALLANCE DUE	HARD COPY SIGNED
1 OFFICE OF GOVERNOR	0	0	2600.00	2600.00	0
2 ADMIN	0	0	17800.00	17800.00	0
3 LAW	0	0	6300.00	6300.00	0
4 REVENUE	0	0	11000.00	11000.00	0
5 EDUCATION	0	0	5399.00	5399.00	0
6 HSS	0	0	29300.00	29300.00	0
7 LABOR	0	0	10057.00	10057.00	0
8 COMMERCE AND ECON DEV	0	0	6144.00	6144.00	0
9 MIL & VET AFFAIRS	0	0	3000.00	3000.00	0
10 NAT RES	0	0	7800.00	7800.00	0
11 FISH & GAME	0	0	11400.00	11400.00	0
12 PUBLIC SAFETY	0	0	10700.00	10700.00	0
18 ENV CON	0	0	6900.00	6900.00	0
20 CORRECTION	0	0	19200.00	19200.00	0
25 TRANSPORTATION	0	0	38500.00	38500.00	0
31 LEG AFFAIRS	0	0	0.00	0.00	0
41 COURTS	0	0	0.00	0.00	0
			186100.00	186100.00	



FYI: federal EEO information
Executive Order 11246



Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I--NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice.

SEC. 102. The head of each executive department and agency shall establish and maintain a positive program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in Section 101.

SEC. 103. The Civil Service Commission shall supervise and provide leadership and guidance in the conduct of equal employment opportunity programs for the civilian employees of and applications for employment within the executive departments and agencies and shall review agency program accomplishments periodically. In order to facilitate the achievement of a model program for equal employment opportunity in the Federal service, the Commission may consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Part.

SEC. 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, creed, color, or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

SEC. 105. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this Part, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Part.

LYNDON B. JOHNSON

THE WHITE HOUSE,

September 24, 1965.

13

AFFIRMATIVE ACTION AND EEO

Affirmative action and equal employment opportunity laws are designed to help employers recognize possible discrimination in their workplaces and to discontinue such discrimination.

Equal Employment Opportunity (EEO) was legislated with Title VII of the 1964 Civil Rights Act. It prohibits discrimination on the basis of race, color, national origin, religion, sex, and any condition related to pregnancy. Title VII prohibits employers with 15 or more employees from illegally discriminating in employment decisions. The Equal Employment Opportunity Commission is responsible for controlling EEO violations. Employers who violate Title VII may have to reinstate the employee with back pay, fringe benefits, and attorney's fees.

Affirmative Action (AA) was mandated by Presidential Executive Order 11246. Executive Order 11246 prohibits discrimination against any employee or applicant because of race, color, religion or national origin. It applies to employers with at least \$10,000 in government contracts. The law also requires contractors and subcontractors with 50 or more employees and government contracts of \$50,000 or more to detail in writing the steps they will take to increase or maintain an appropriate percentage of minority and female employees. The Office of Federal Contract Compliance Programs (OFCCP) is responsible for controlling AA violations. Violators may have their federal contracts suspended or terminated.

Both EEO and AA are designed to encourage employers to take positive steps toward eliminating the present and future effects of past discrimination against women and minorities. AA applies to larger companies and requires employers to establish and follow a written policy designed to lessen discrimination and its effects. EEO requires employers to uniformly avoid illegal discrimination. Even if your company is not required to have a written Affirmative Action plan by law, it is important that you remain aware of any discrimination occurring in your workplace and that you eliminate it.

AFFIRMATIVE ACTION: EXECUTIVE ORDER 11246

Enforcement Agency: Office of Federal Contract Compliance Programs (OFCCP).

Summary: Executive Order 11246 prohibits government contractors and subcontractors with contracts in excess of \$10,000 annually from discriminating on the basis of race, color, religion, sex, or national origin. A statement reflecting this must be included in every contract. Covered employers must take affirmative action to ensure equal treatment of employees and applicants.

In addition, Revised Order No. 4 requires employers with 50 or more employees and government contracts totaling at least \$50,000 to take affirmative action to encourage employment on behalf of women and minorities. Employers must have written Affirmative Action plans on file.

Penalties for Violations:

- **Cancellation of current government contracts**
- **Debarment from future government contracts**
- **Backpay (The Office of Federal Contract Compliance Programs takes the position that backpay is available; the question is unsettled in courts)**
- **Criminal penalties (for filing false information)**

Human Rights Commission

- **Statute**
- **Background paper**
- **Caseload statistics**
- **Detailed budget information**

the internal management of state agencies, and their adoption is not subject to the Administrative Procedure Act (AS 44.62).

Sec. 3. AS 39.35 is amended by adding a new section to read:

Sec. 39.35.042. **Regulations.** Regulations adopted by the board under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62).

Approved March 16, 1963

CHAPTER 14

AN ACT

Appropriating for the reissue of state date warrants; and providing for an effective date.

(HB 103)

Be it enacted by the Legislature of the State of Alaska:

Section 1. The sum of \$15,562.55 is appropriated from the general fund to the Department of Revenue for the reissue of

state date warrants.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 18, 1963

CHAPTER 15

AN ACT

Relating to the creation of a Commission for Human Rights.

(HB 120)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 18 is amended by adding a new chapter to read:

Chapter 80. State Commission for Human Rights

Article 1. Creation and Organization of Commission

Sec. 18.80.010. **Creation.** There is created in the office of the governor a State Commission for Human Rights.

Sec. 18.80.020. **Composition and Appointment.** The commission consists of five commissioners, appointed by the governor for staggered terms of five years, and confirmed by the legislature.

Sec. 18.80.030. **Chairman of Commission.** The commission shall elect one of its members as chairman.

Sec. 18.80.040. **Commission Meetings.** The commission shall hold a regular annual meeting and shall hold special meetings as necessitated by sec. 120 of this chapter.

Sec. 18.80.050. **Regulations.** The commission shall adopt procedural and substantive regulations necessary to implement this chapter.

Sec. 18.80.060. **Executive Director.** The commission shall appoint an executive director approved by the governor, and may hire other administrative staff as may be necessary to the commission's function. The commission may delegate to the executive director all powers and duties given it by this chapter except the duties given it in secs. 120 and 130 of this chapter.

Sec. 18.80.070. **Compensation.** The members of the commission are authorized per diem and travel allowances al-

lowable to members of other boards and commissions.

Article 2. **Commission Investigation and Hearing**

Sec. 18.80.100. **Complaint.** A person who believes he is aggrieved by any discriminatory conduct prohibited by AS 11.60.230, AS 11.60.240, AS 23.10.155, AS 23.10.190, or AS 23.10.255 may sign and file with the commission a written, verified complaint stating the name and address of the person alleged to have engaged in discriminatory conduct, and the particulars of the discrimination. The executive director may file a complaint in like manner when an alleged discrimination comes to his attention.

Sec. 18.80.110. **Investigation and Conciliation.** The executive director or a member of the commission's staff designated by the executive director shall informally investigate the matters set out in a filed complaint, promptly and impartially. If the investigator determines that the allegations are supported by substantial evidence, he shall immediately try to eliminate the discrimination complained of by conference, conciliation, and persuasion.

Sec. 18.80.120. **Hearing.** If the informal efforts to eliminate the alleged discrimination are unsuccessful, the executive director shall inform the commission of the failure, and the commission shall serve written notice requiring the person charged in the complaint to answer the allegations of the complaint at a hearing before the commission. The case in support of the complaint shall be presented before the commission by the executive director. The person charged in the complaint may file a written answer to the complaint and may appear at the hearing in person or otherwise, with or without counsel, and submit testimony. The executive director has the power reasonably and fairly to amend the complaint, and the person charged has the power reasonably and fairly to amend his answer. The commission shall

not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed.

Sec. 18.80.130. **Order.** At the completion of the hearing, if the commission finds that a person against whom a complaint was filed has engaged in the discriminatory conduct alleged in the complaint, it shall order him to refrain from engaging in the discriminatory conduct. The order shall include findings of fact, and may prescribe conditions on the accused's future conduct which the commission determines are relevant to the cessation of the discrimination. A copy of the order shall be delivered in all cases to the attorney general of Alaska.

Sec. 18.80.140. **Effect of Compliance with Order.** Immediate and continuing compliance with all the terms of a commission order is a bar to criminal prosecution for the particular instances of discriminatory conduct described in the accusation filed before the commission.

Article 3. **Commission Reports and Publications.**

Sec. 18.80.150. **Report to the Legislature.** The commission shall, at the beginning of each legislative session, report to the legislature on civil rights problems it has encountered in the preceding year, and may recommend legislative action. The commission shall file the report with the governor of Alaska and the Alaska Legislative Council by December 31 of each year. The Alaska Legislative Council shall prepare a copy of the report for each member of the legislature.

Sec. 18.80.160. **Informative Publications.** The commission may prepare and distribute pamphlets and press releases to inform the public of its constitutional and statutory civil rights. The commission shall submit proposed publications to the Department of Law for a review of legal accuracy.

Approved March 19, 1963

CHAPTER 16

AN ACT

Relating to subsistence licenses; and providing for an effective date.

(C.S.H.B. 52)

Alaska State Commission for Human Rights

Issue Paper

I. History

Alaska has a rich history of protecting its citizens from discrimination. Long before Statehood, in 1945, the Territorial Legislature enacted its first civil rights law when it declared it unlawful to discriminate against a person in any place of public accommodation because of race, creed, color or national origin. In 1949, the Territory's Legislators passed a law stating that women must be paid the same as men, and in 1953, enacted the Fair Employment Practices Act outlawing discrimination in the workplace.

Four years after Alaska became a State, the Legislature declared discrimination against Alaskans to be a matter of public concern and created the Alaska State Commission for Human Rights (Commission). With overwhelming support from the Legislature and Governor Egan, the Commission was created to provide a more flexible means for enforcing the state's anti-discrimination laws. In enacting the Human Rights Law and creating the Commission, the Legislature established the important state policy of eliminating and preventing discrimination, and provided the means for all Alaskans to seek redress for discrimination through an administrative process.

When first passed, the Alaska Human Rights Law was among the first comprehensive laws of its kind, and over the years it has been consistently strengthened. The law now makes it illegal to discriminate in employment, housing, public accommodation, credit and financial practices, and practices by the State and its political subdivisions. Discrimination is prohibited on the bases of race, religion, color, national origin, sex, age, marital status, changes in marital status, pregnancy, parenthood, and physical and mental disability. Alaskans may resolve discrimination complaints with the Commission more informally and efficiently than would be possible in another forum. Today, only three states—Alabama, Mississippi, and Arkansas—do not have agencies to process complaints of discrimination by their citizens.

II. Commission in Relationship to Others

The Commission serves as Alaska's civil rights enforcement agency. The Commission's primary mission is to eliminate unlawful discrimination by investigating complaints and conciliating disputes. Where necessary, the Commission resolves violations at public hearings. In addition to its enforcement activities, and as resources allow, the Commission works to prevent discrimination through public education. The Commission provides training in anti-discrimination laws to other state agencies and to members of the Alaska business community with limited resources.

When the Legislature placed the Commission in the Office of the Governor, it structured the Commission to be uniquely independent, resting final program and administrative responsibilities with seven Commissioners who are appointed by the Governor and confirmed by the Legislature. Because the Commission has enforcement authority over other state agencies, this structure serves to insulate the Commission from political pressures and insures that its investigations and determinations are impartial.

The Commission maintains a worksharing agreement with its federal counterpart, the U.S. Equal Employment Opportunity Commission (EEOC). EEOC is responsible for enforcing federal civil rights laws pertaining to employment. Pursuant to the Congressional mandates in Title VII EEOC has entered into charge resolution contracts with some 92 State and local agencies across the nation. In employment cases filed with the Commission where violations of both state and federal anti-discrimination laws are alleged, EEOC provides the Commission with a contribution towards the cost of conducting and processing the investigation. This allows the Commission to independently resolve issues of mixed state and federal jurisdiction without unnecessary federal oversight.

The Commission's role also differs significantly from that of the Office of Equal Employment Opportunity (OEEO). The OEEO is responsible for the development and implementation of the State's Affirmative Action plan, and may informally resolve employment complaints against the State of Alaska. The OEEO does not, however, have any authority to provide remedies for illegal acts of discrimination. By contrast, the Commission has jurisdiction to investigate complaints filed by all Alaskans in employment, housing, public accommodations, financing practice, and practices by the State or its

political subdivisions. Furthermore, the Commission is the only state body authorized to enforce Alaska's civil rights laws.

III. Workload and Resources

Over the years the numbers of Alaskans contacting the Commission for assistance has fluctuated. For example, in 1981 the Commission completed 261 investigations with 26 staff and had an end-of-year inventory of 401 cases. In 1995 the Commission completed 455 investigations with 17 staff and had a year end inventory of 721 cases. The agency thus completed 74% more investigations with 35% fewer staff. That year, then-Chairman Edna DeVries stated, in her letter transmitting the Commission's annual report, that "complaint filings have increased in each of the last five years and the Commission's inventory is at an all time high". The Commission had a burgeoning inventory *despite* the fact that staff completed more and more investigations each year. Noting that Alaskans had to wait longer for investigations to be completed, Chairman DeVries asked for the Governor's and Legislature's support of the Commission's efforts to prevent and eliminate discrimination in Alaska. At its worst, the backlog required a wait of nearly a year before a case could be assigned to an investigator.

Over the past few years, through a combination of changes to the agency's procedures, regulations, and statutes, along with the addition of much needed resources, the Commission began to reduce its investigative backlog¹. Today the Commission is pleased to report that all cases are assigned for investigation within a month of filing.

¹ Past five years of Annual Report's Case Processing Statistics attached.

1994 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	298
Male	323
Total Filings	621

ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	319
Black	123
Alaska Native	63
Hispanic	37
Unknown	27
Asian	26
American Indian	13
Other	13
Total Filings	621

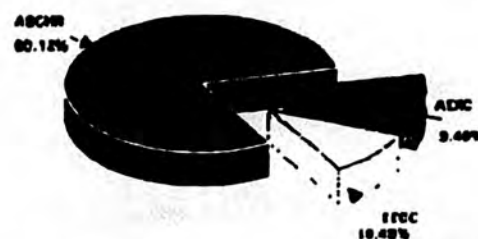
ANALYSIS OF FILINGS BY TYPE

Employment	545
Public Accommodation	29
Housing	17
Government Practices	26
Finance	0
Multiple	4
Total Filings	621

ORIGIN OF COMPLAINTS FILED WITH ASCHR FOR INITIAL PROCESSING (BY REGION)



LOCATION OF CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS



ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	124	80
Sex	69	106
Physical Disability	72	35
Age	56	59
National Origin	29	25
Retaliation for Filing	11	20
Pregnancy	15	9
Retaliation	13	87
Marital Status	5	16
Mental Disability	15	11
Parenthood	4	9
Religion	14	7
Multiple Bases	194	0
Total Filings	621	464

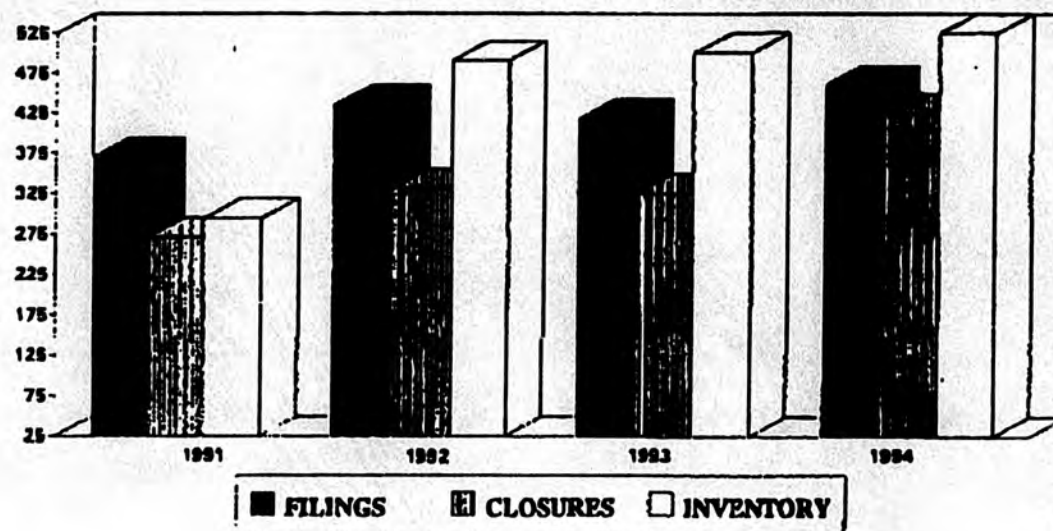
ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	139	167
Failure to Hire	97	24
Terms & Conditions	95	157
Other	12	20
Denied Service	21	4
Sexual Harassment	5	55
Failure to Rent	3	0
Failure to Promote	13	17
Pay Equity	4	15
Eviction	2	7
Demotion	1	18
Harassment	3	46
Multiple Issue	226	0
Total Filings	621	530

ANALYSIS OF 1994 CLOSURES

REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
ADMINISTRATIVE:	96	16.11%
Complaint Withdrawn	36	6.04%
Lack of Jurisdiction	8	1.34%
Complainant Not Available	11	1.85%
Failure of Complainant to Proceed	9	1.51%
Complainant to Court	14	2.35%
Administrative Dismissal	18	3.02%
NOT SUBSTANTIAL EVIDENCE	424	71.14%
CONCILIATION/SETTLEMENT:	70	11.74%
Complaint Withdrawn with Successful Settlement	8	1.34%
Predetermination Settlement (PDS)	51	8.56%
PDS-Full Relief	3	.50%
PDS-Cause/Full Relief	1	.17%
Substantial Evidence/ Conciliation Agreement	7	1.17%
HEARING:	6	1.01%
Decision for Respondent	1	.17%
Pre-Hearing Settlement	3	.50%
Hearing Unit-Other	2	.34%
TOTAL 1994 CLOSURES	596	100%

FILINGS, CLOSURES AND YEAR END INVENTORY OF CASES PROCESSED BY ASCHR



SUMMARY OF CLOSURES

CATEGORY OF CLOSURE	1992		1993		Detail of 1994 Closures					
					ASCHR		EEOC		AERC	
	No.	%	No.	%	No.	%	No.	%	No.	%
Administrative	97	19.6	102	22.0	68	11.4	16	2.7	12	2.0
Not Substantial Evidence	293	59.2	264	57.0	317	53.2	25	4.2	82	13.8
Conciliation/Settlement	98	19.8	93	20.1	33	5.5	1	0.2	36	6.0
Hearing	7	1.4	4	.9	6	1.0	0	0	0	0
TOTAL CLOSURES	495		463		424		42		130	
					596					

ATTACHMENT

1995 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	346
Male	318
Total Filings	664

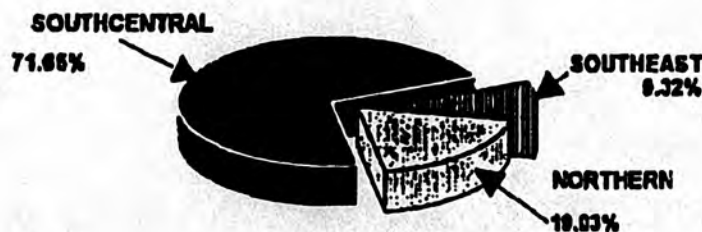
ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	344
Black	122
Alaska Native	73
Hispanic	41
Asian	38
Unknown	24
American Indian	14
Other	8
Total Filings	664

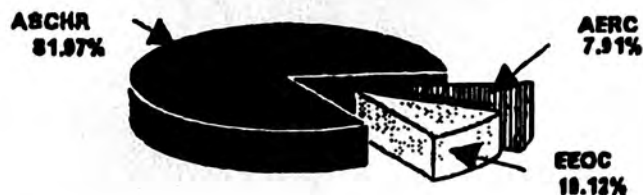
ANALYSIS OF FILINGS BY TYPE

Employment	543
Public Accommodation	46
Government Practices	31
Housing	29
Finance	1
Coercion	1
Multiple	13
Total Filings	664

ORIGIN OF COMPLAINTS FILED WITH ASCHR FOR INITIAL PROCESSING (BY REGION)



LOCATION OF CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS



ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	118	112
Sex	94	96
Physical Disability	82	55
Age	37	76
National Origin	24	33
Retaliation for Filing	24	25
Pregnancy	19	5
Marital Status	15	19
Mental Disability	12	19
Retaliation	8	122
Religion	6	5
Parenthood	1	12
Multiple Bases	224	0
Total Filings	664	579

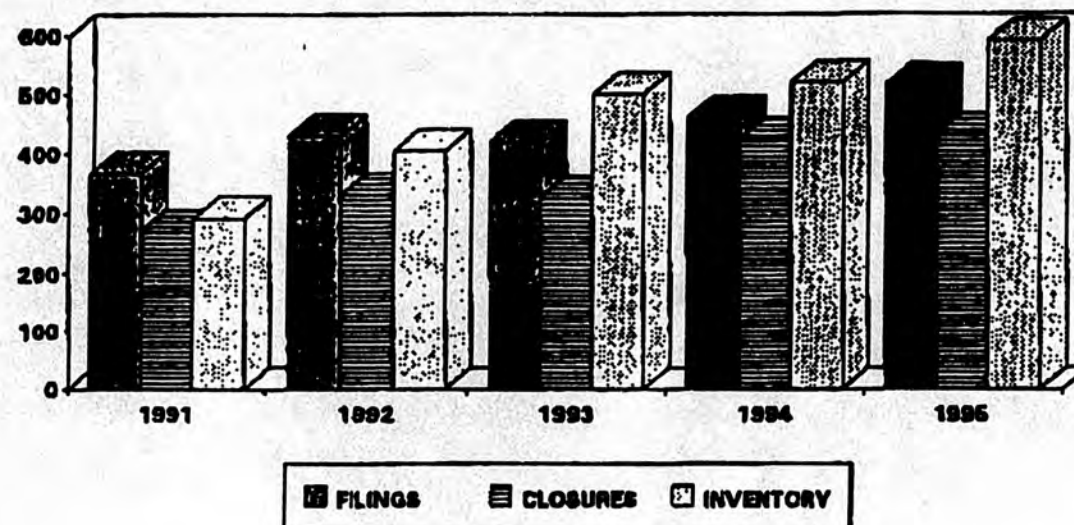
ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	94	203
Failure to Hire	87	27
Terms & Conditions	73	211
Denied Service	33	5
Other	16	18
Failure to Promote	14	34
Sexual Harassment	12	58
Harassment	5	77
Pay Equity	5	22
Demotion	5	17
Eviction	4	11
Failure to Rent	4	0
Failure to Dispatch	3	0
Multiple Issue	309	0
Total Filings	664	683

ANALYSIS OF 1995 CLOSURES

REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
ADMINISTRATIVE:	112	18.63%
Complaint Withdrawn	41	6.82%
Lack of Jurisdiction	14	2.33%
Complainant Not Available	6	1.00%
Failure of Complainant to Proceed	8	1.33%
Complaint to Court	23	3.82%
Administrative Dismissal	20	3.33%
NOT SUBSTANTIAL EVIDENCE	377	62.73%
CONCILIATION/SETTLEMENT:	98	16.31%
Complaint Withdrawn with Successful Settlement	22	3.66%
Predetermination Settlement (PDS)	62	10.32%
Substantial Evidence/ Conciliation Agreement	12	2.00%
Substantial Evidence/ Complainant Rejected Full Relief	2	.33%
HEARING:	14	2.33%
Decision for Complainant	7	1.16%
Pre-Hearing Settlement	6	1.00%
Administrative Dismissal	1	.17%
TOTAL 1995 CLOSURES	601	100%

FILINGS, CLOSURES AND YEAR END INVENTORY OF CASES PROCESSED BY ASCHR



SUMMARY OF CLOSURES

CATEGORY OF CLOSURE	1993		1994		Detail of 1995 Closures					
					ASCHR		EEOC		AERC	
	No.	%	No.	%	No.	%	No.	%	No.	%
Administrative	102	22.0	96	16.1	75	12.5	22	3.7	15	2.5
Not Substantial Evidence	264	57.0	424	71.1	293	48.7	28	4.7	56	9.3
Conciliation/Settlement	93	20.1	70	11.8	49	8.2	5	0.8	44	7.3
Hearing	4	.9	6	1.0	14	2.3	0	0	0	0
TOTAL CLOSURES	463		596		431*		55		115	
					601					

* This total does not include completed investigations for cases still in conciliation or transferred to the hearing unit. ASCHR completed 431 investigations in 1995.

ATTACHMENT

1996 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	299
Male	241
Total Filings	540

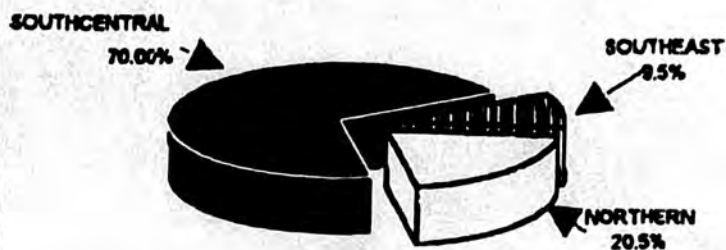
ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	287
Black	96
Alaska Native	49
Hispanic	34
Asian	28
Unknown	24
American Indian	14
Other	8
Total Filings	540

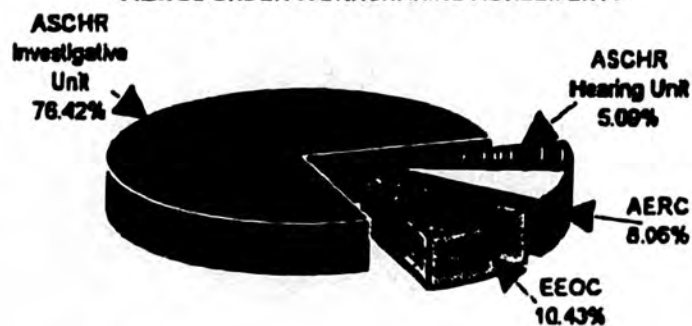
ANALYSIS OF FILINGS BY TYPE

Employment	447
Government Practices	33
Public Accommodation	31
Housing	27
Coercion	0
Finance	0
Multiple	2
Total Filings	540

ORIGIN OF COMPLAINTS FILED WITH ASCHR FOR INITIAL PROCESSING (BY REGION)



LOCATION OF OPEN CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS



ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	103	79
Physical Disability	73	37
Sex	54	96
Age	34	46
National Origin	22	26
Retaliation for Filing	19	18
Religion	15	12
Mental Disability	8	15
Marital Status	7	19
Pregnancy	7	10
Retaliation	5	69
Parenthood	1	10
Multiple Bases	192	0
Total Filings	540	437

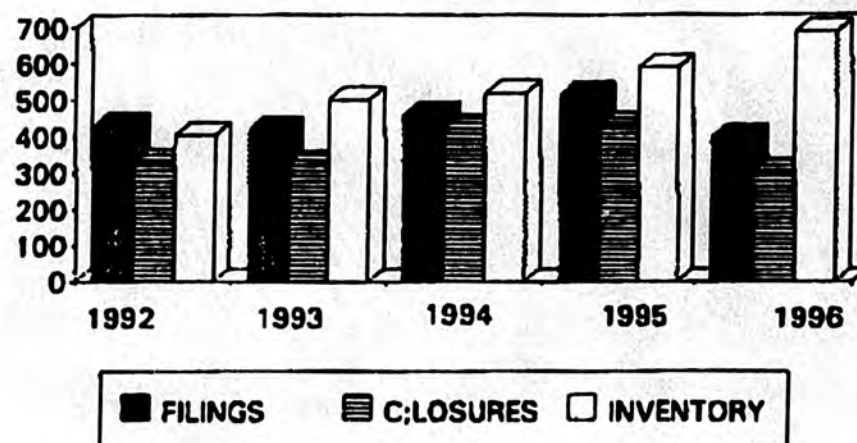
ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	86	154
Failure to Hire	76	21
Terms & Conditions	68	171
Denied Service	26	5
Failure to Promote	9	20
Other	8	16
Harassment	7	75
Sexual Harassment	5	46
Failure to Rent	5	3
Pay Equity	3	14
Demotion	3	13
Eviction	1	7
Failure to Dispatch	0	3
Multiple Issue	243	0
Total Filings	540	548

ANALYSIS OF 1996 CLOSURES

REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
ADMINISTRATIVE:	91	21.36%
Complaint Withdrawn	42	9.86%
Lack of Jurisdiction	30	7.04%
Complainant Not Available	2	.47%
Failure of Complainant to Proceed	6	1.41%
Complainant to Court	5	1.17%
Administrative Dismissal	6	1.41%
NOT SUBSTANTIAL EVIDENCE	261	61.27%
CONCILIATION/SETTLEMENT:	61	14.32%
Complaint Withdrawn with Successful Settlement	13	3.05%
Predetermination Settlement (PDS)	31	7.28%
Substantial Evidence/ Conciliation Agreement	14	3.29%
Substantial Evidence/ Complainant Rejected Full Relief	3	.70%
HEARING:	13	3.05%
Decision for Respondent	3	.70%
Pre-Hearing Settlement	9	2.11%
Administrative Dismissal	1	.24%
TOTAL 1996 CLOSURES	426	100%

FILINGS, CLOSURES AND YEAR END INVENTORY OF CASES PROCESSED BY ASCHR



SUMMARY OF CLOSURES

CATEGORY OF CLOSURE	1994		1995		Detail of 1996 Closures					
					ASCHR		EEOC		AERC	
	No.	%	No.	%	No.	%	No.	%	No.	%
Administrative	96	16.1	112	18.7	45	10.5	12	2.8	34	8.0
Not Substantial Evidence	424	71.1	377	62.7	206	48.4	16	3.8	39	9.2
Conciliation/Settlement	70	11.8	98	16.3	41	9.6	3	.7	17	4.0
Hearing	6	1.0	14	2.3	13	3.0	0	0	0	0
TOTAL CLOSURES	596		601		305*		31		90	
					426					

*This total does not include completed investigations for cases still in conciliation or transferred to the Hearing Unit. ASCHR completed 328 investigations in 1996.

1997 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS
BY COMPLAINANT'S SEX

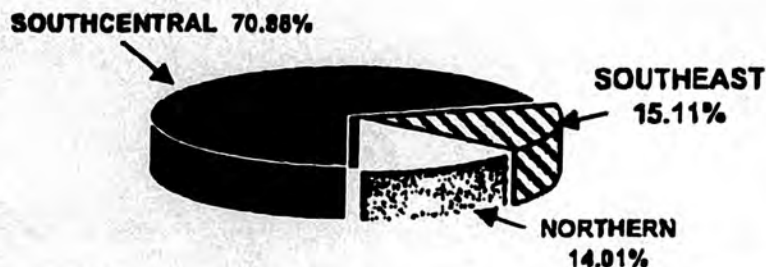
Female	285
Male	186
Total Filings	471

ANALYSIS OF FILINGS
BY COMPLAINANT'S RACE

Caucasian	238
Black	81
Alaska Native	79
Asian	27
Hispanic	19
Unknown	14
American Indian	7
Other	6
Total Filings	471

ANALYSIS OF FILINGS
BY TYPE

Employment	415
Government Practices	22
Public Accommodation	17
Housing	12
Finance	3
Coercion	0
Multiple	2
Total Filings	471

ORIGIN OF COMPLAINTS FILED WITH ASCHR
FOR INTIAL PROCESSING (BY REGION)LOCATION OF OPEN CASES AT YEAR END INCLUDING
FILINGS UNDER WORKSHARING AGREEMENTS

ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	121	68
Physical Disability	65	25
Sex	54	72
Age	41	36
Retaliation for Filing	12	6
National Origin	10	31
Pregnancy	9	4
Retaliation	9	55
Mental Disability	6	4
Religion	3	6
Parenthood	2	1
Marital Status	0	7
Multiple Bases	139	1
Total Filings	471	315

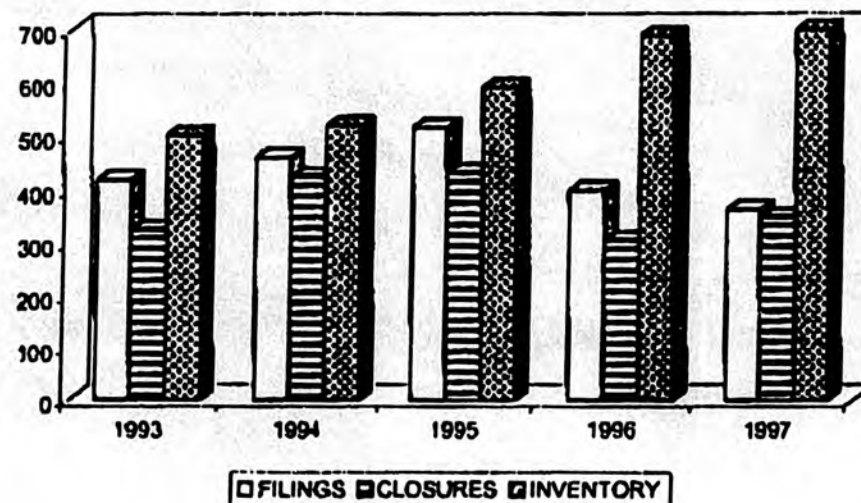
ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Failure to Hire	104	25
Discharge	79	135
Terms & Conditions	51	53
Denied Service	14	2
Sexual Harassment	6	45
Failure to Promote	4	18
Harassment	3	51
Pay Equity	3	4
Failure to Sell	3	0
Other	2	10
Demotion	1	12
Denied Credit	1	1
Failure to Rent	1	0
Eviction	0	5
Failure to Dispatch	0	1
Multiple Issue	199	1
Total Filings	471	362

ANALYSIS OF 1997 CLOSURES

REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
ADMINISTRATIVE:	104	22.22%
Complaint Withdrawn	44	9.40%
Lack of Jurisdiction	7	1.50%
Complainant Not Available	16	3.42%
Failure of Complainant to Proceed	14	2.99%
Complaint to Court	9	1.92%
Administrative Dismissal	14	2.99%
NOT SUBSTANTIAL EVIDENCE	293	61.61%
CONCILIATION/SETTLEMENT:	59	12.39%
Complaint Withdrawn with Successful Settlement	4	.85%
Predetermination Settlement (PDS)	42	8.97%
Substantial Evidence/ Conciliation Agreement	10	2.14%
Substantial Evidence/ Complainant Rejected Full Relief	2	.43%
HEARING:	13	2.78%
Decision for Complainant	2	.43%
Decision for Respondent	1	.21%
Pre-Hearing Settlement	9	1.93%
Other	1	.21%
TOTAL 1997 CLOSURES	468	100%

FILINGS, CLOSURES AND YEAR END INVENTORY OF CASES PROCESSED BY ASCHR



SUMMARY OF CLOSURES

CATEGORY OF CLOSURE	1995		1996		Detail of 1997 Closures					
					ASCHR		EEOC		AERC	
	No.	%	No.	%	No.	%	No.	%	No.	%
Administrative	112	18.7	91	21.4	75	16.0	14	3.0	15	3.2
Not Substantial Evidence	377	62.7	261	61.3	228	48.7	44	9.4	21	4.5
Conciliation/Settlement	98	16.3	61	14.3	33	7.1	1	.2	24	5.1
Hearing	14	2.3	13	3.0	13	2.8	0	0	0	0
TOTAL CLOSURES	601		426		349*		59		60	
					468					

*This total does not include completed investigations for cases still in conciliation or transferred to the Hearing Unit.
 NOTE: A number of Substantial Evidence Determinations were prepared for legal review, however, due to the vacancy of the attorney position these Substantial Evidence Determinations were not issued in 1997.

ATTACHMENT

1998 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	252
Male	189
Total Filings	441

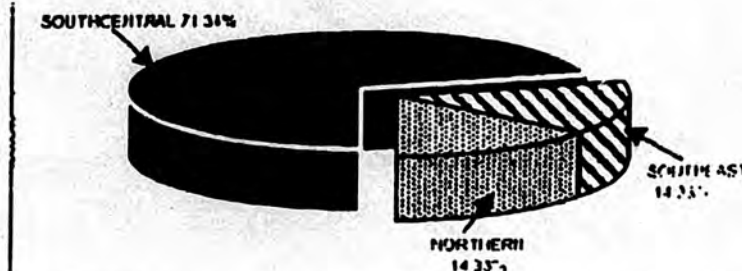
ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	217
Black	79
Alaska Native	48
Asian	29
Unknown	26
Hispanic	24
American Indian	14
Other	4
Total Filings	441

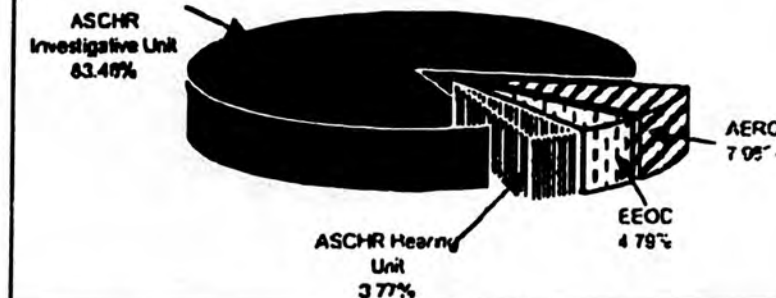
ANALYSIS OF FILINGS BY TYPE

Employment	393
Public Accommodation	26
Housing	11
Government Practices	9
Finance	0
Coercion	0
Multiple	2
Total Filings	441

ORIGIN OF COMPLAINTS FILED WITH ASCHR FOR INITIAL PROCESSING (BY REGION)



LOCATION OF OPEN CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS



ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	81	72
Age	66	31
Sex	62	61
Physical Disability	37	20
National Origin	21	24
Retaliation for Filing	16	10
Mental Disability	9	6
Religion	8	4
Pregnancy	6	1
Retaliation	3	45
Parenthood	2	9
Marital Status	0	3
Multiple Bases	130	..
Total Filings	441	286

ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Failure to Hire	85	9
Discharge	68	155
Terms & Conditions	56	130
Denied Service	16	4
Failure to Promote	8	11
Sexual Harassment	7	35
Failure to Rent	6	0
Other	5	5
Harassment	3	31
Demotion	2	11
Pay Equity	2	4
Eviction	2	1
Failure to Dispatch	1	1
Multiple Issue	180	1
Total Filings	441	397

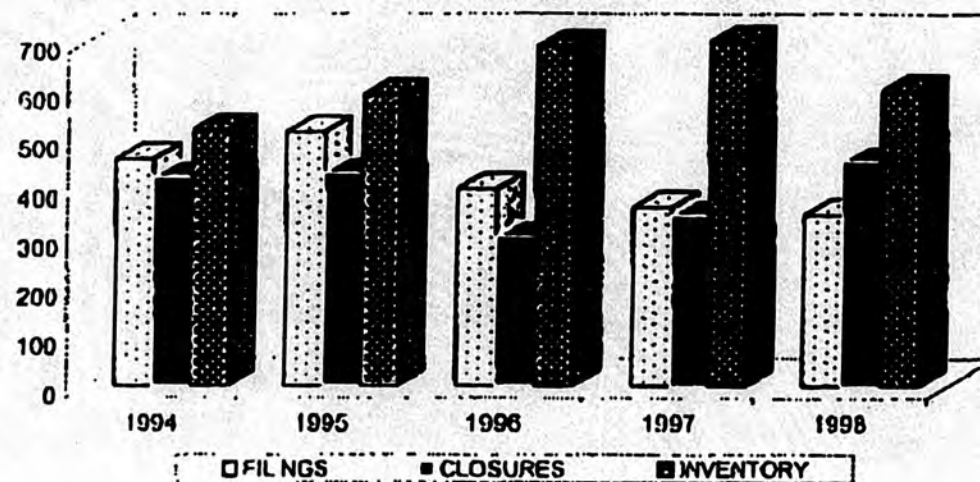
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ANALYSIS OF 1998 CLOSURES

REASON FOR CLOSURE	NUMBER OF CLOSURES	PERCENTAGE OF TOTAL
ADMINISTRATIVE:	96	15.84%
Complaint Withdrawn	35	5.78%
Lack of Jurisdiction	5	.82%
Complaint Not Available	15	2.48%
Failure of Complainant to Proceed	20	3.30%
Complaint to Court	9	1.48%
Administrative Dismissal	12	1.98%
NOT SUBSTANTIAL EVIDENCE	417	68.81%
CONCILIATION/SETTLEMENT:	69	11.39%
Complaint Withdrawn with Successful Settlement	9	1.48%
Predetermination Settlement (PDS)	42	6.93%
Substantial Evidence/ Conciliation Agreement	15	2.48%
Substantial Evidence/ Complainant Rejected Full Relief	3	.50%
HEARING:	24	3.96%
Decision for Complainant	2	.33%
Decision for Respondent	7	1.16%
Decision - Other	8	1.31%
Pre-Hearing Settlement	7	1.16%
TOTAL 1998 CLOSURES	606	100%

FILINGS, CLOSURES, AND YEAR END INVENTORY OF CASES PROCESSED BY ASCHR



SUMMARY OF CLOSURES

CATEGORY OF CLOSURE	1996		1997		Detail of 1998 Closures					
					ASCHR		EEOC		AERC	
	No.	%	No.	%	No.	%	No.	%	No.	%
Administrative	91	21.4	104	22.2	68	11.2	8	1.3	20	3.3
Not Substantial Evidence	261	61.3	293	62.6	327	54.0	43	7.1	47	7.7
Conciliation/Settlement	61	14.3	58	12.4	38	6.3	4	.7	27	4.4
Hearing	13	3.0	13	2.8	24	4.0	0	0	0	0
TOTAL CLOSURES	426		468		457*		55		94	
					606					

*This total does not include completed investigations of 26 cases which are still in conciliation or have been transferred to the Hearing Unit.

Component: Human Rights Commission

Manager: Paula M. Haley, Executive Director
Tel: (907) 276-7474 Fax: (907) 376-7462 E-mail: Unknown

Component Mission

Eliminate and prevent discrimination in employment, in credit and financing practices, in places of public accommodation, in the sale, lease, or rental of real property, in practices by the state or its political subdivisions because of race, religion, color, national origin, sex, age, physical or mental disability, marital status, changes in marital status, pregnancy or parenthood.

Component Services Provided

- Answer questions from Alaskans regarding human rights concerns.
- Accepts jurisdictional complaints, refers others to appropriate entities.
- Provides the public with information and education regarding Alaska's Human Rights Law.

Component Goals and Strategies for FY2000

- 1) Enforce the Human Rights Law prohibiting discrimination through impartial investigation of complaints, conciliation, administrative hearings and public education.
 - Accept complaints of discrimination; mediate predetermination settlements; impartially investigate complaints; determine whether allegations are supported by substantial evidence; eliminate discrimination by conciliation; present cases at public hearing; issue orders dismissing the complaint or, where appropriate, enjoining the discriminatory acts and providing appropriate relief.

Key Component Issues for FY1999 – 2000

During fiscal year 1998, over 5000 Alaskans contacted the agency to inquire about their rights and responsibilities under the Human Rights Law. In recent years Alaskans filed complaints of discrimination in record numbers, resulting in the largest inventory of complaints in the agency's history. The increased demand for services and corresponding rise in inventory has caused delays in investigation and presentation of cases at public hearing. To reduce these delays, the Commission continued to revise its procedures and amend its regulations. These efforts combined with additional resources have reduced the time Alaskans must wait for complete investigation, however delays continue to be significant.

Major Component Accomplishments for FY1998

The Commission further streamlined its investigative procedures and revised its regulations to decrease the amount of time to investigate and present a case at public hearing.

Statutory and Regulatory Authority

AS 18.80.010-330
3AAC 30.011-990

Human Rights Commission Resource Summary

All dollars in thousands

	FY1998 Actuals	FY1999 Authorized	FY2000 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,054.4	1,249.3	1,249.3
72000 Travel	17.3	33.5	33.5
73000 Contractual	236.7	164.7	164.7
74000 Supplies	16.4	10.9	10.9
75000 Equipment	47.4	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,372.2	1,458.4	1,458.4
Funding Sources:			
1002 Federal Receipts	169.5	150.5	150.5
1004 General Fund Receipts	1,202.7	1,305.7	1,307.9
1053 Investment Loss Trust Fund	0.0	2.2	0.0
Funding Totals	1,372.2	1,458.4	1,458.4

Estimated Human Rights Commission Revenue Collections

Description	Master Revenue Account	FY1998 Actuals	FY1999 Authorized	FY1999 Cash Estimate	FY2000 Governor
Unrestricted Revenues					
None.		0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0
Restricted Revenues					
Federal Receipts	51010	169.4	150.5	150.5	150.5
Restricted Total		169.4	150.5	150.5	150.5
Total Estimated Revenues		169.4	150.5	150.5	150.5

Human Rights Commission
Proposed Changes in Levels of Service for FY2000

No service changes.

Component — Summary of Budget Changes
From FY1999 Authorized to FY2000 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY1999 Authorized	1,307.9	150.5	0.0	1,458.4
Adjustments which will continue current level of service:				
-Change Investment Loss Trust Fund to General Fund	0.0	0.0	0.0	0.0
FY2000 Governor	1,307.9	150.5	0.0	1,458.4

Office of the Governor

Human Rights Commission

Component — Personal Services Information

Authorized Positions			Personal Services Costs	
	<u>FY1999</u> <u>Authorized</u>	<u>FY2000</u> <u>Governor</u>		
Full-time	19	19	Annual Salaries	950,583
Part-time	3	3	Premium Pay	6,082
Nonpermanent	0	0	Annual Benefits	303,492
			Less 0.86% Vacancy Factor	(10,857)
			Lump Sum Premium Pay	0
Totals	22	22	Total Personal Services	1,249,300

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Admin Asst I	1	0	0	0	1
Administrative Off I	1	0	0	0	1
Attorney IV	1	0	0	0	1
Clerk IV	1	0	0	0	1
Division Director	1	0	0	0	1
Hearing Examiner	1	0	0	0	1
Human Rights Fld Rep II	1	0	0	0	1
Human Rights Fld Rep III	9	0	0	0	9
Human Rights Fld Rep IV	2	0	0	0	2
Legal Secretary I	2	0	0	0	2
Paralegal Asst II	1	0	0	0	1
Secretary I	1	0	0	0	1
Totals	22	0	0	0	22

Component Detail

Office of the Governor

Component: Human Rights Commission

BRU: Commissions/Special Offices

	FY1998 Actuals	FY1999 ABS Conference Committee	FY1999 Authorized	FY2000 Adjusted	FY2000 Governor	FY1999 Authorized Vs FY2000 Governor	
71000 Personal Services	1,054.4	1,244.5	1,249.3	1,249.3	1,249.3	0.0	0.0%
72000 Travel	17.3	33.5	33.5	33.5	33.5	0.0	0.0%
73000 Contractual	236.7	164.7	164.7	164.7	164.7	0.0	0.0%
74000 Supplies	16.4	10.9	10.9	10.9	10.9	0.0	0.0%
75000 Equipment	47.4	0.0	0.0	0.0	0.0	0.0	0.0%
76000 Land/Buildings	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
77000 Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
78000 Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Totals	1,372.2	1,453.6	1,458.4	1,458.4	1,458.4	0.0	0.0%
Funding Sources :							
1002 Fed Rcpts	169.5	150.0	150.5	150.5	150.5	0.0	0.0%
1004 Gen Fund	1,202.7	1,303.6	1,305.7	1,307.9	1,307.9	2.2	0.2%
1053 Invst Loss	0.0	0.0	2.2	0.0	0.0	-2.2	-100.0%
Positions :							
Permanent Full Time	18	19	19	19	19	0	0.0%
Permanent Part Time	1	3	3	3	3	0	0.0%
Non Permanent	0	0	0	0	0	0	0.0%

Change Record Detail - Multiple Scenarios

Office of the Governor

Component: Human Rights Commission
BRU: Commissions/Special Offices

Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land Buildings	Grants Claims	Misc.	Non Specific	PFT	Positions PPT	NP
***** Changes From FY1999 ABS Conference Committee To FY1999 Authorized *****														
Breakout Conference Committee	Breakout	1,453.6	1,244.5	33.5	164.7	10.9	0.0	0.0	0.0	0.0	0.0	19	3	0
1002 Fed Rcpts	150.0													
1004 Gen Fund	1,303.6													
FY1999 Salary Adjustment	SalAdj	4.8	4.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1002 Fed Rcpts	0.5													
1004 Gen Fund	2.1													
1053 Invst Loss	2.2													
***** Changes From FY1999 Authorized To FY2000 Adjusted *****														
Change Investment Loss Trust Fund to General Fund	FndChg	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund	2.2													
1053 Invst Loss	-2.2													
***** Changes From FY2000 Adjusted To FY2000 Governor *****														

Change Record Detail With Description
Office of the Governor

Scenario: FY2000 Governor
Component: Human Rights Commission
BRU: Commissions/Special Offices

Change Record Title	Trans Type	Totals	Personal Services	Travel	Contractual	Supplies	Equipment	Land/ Buildings	Grants Claims	Misc.	Non Specific	Positions		
												PFT	PPT	NP
Breakout Conference Committee	Breakout	1,453.6	1,244.5	33.5	164.7	10.9	0.0	0.0	0.0	0.0	0.0	19	3	0
1002 Fed Rcpts 150.0														
1004 Gen Fund 1,303.6														
 FY1999 Salary Adjustment	SalAdj	4.8	4.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1002 Fed Rcpts 0.5														
1004 Gen Fund 2.1														
1053 Invst Loss 2.2														
 Change Investment Loss Trust Fund to General Fund	FndChg	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund 2.2														
1053 Invst Loss -2.2														
 Totals		1,458.4	1,249.3	33.5	164.7	10.9	0.0	0.0	0.0	0.0	0.0	19	3	0

Personal Services Expenditure Detail

Office of the Governor

Scenario: FY2000 Governor
 Component: Human Rights Commission
 BRU Name: Commissions/Special Offices

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range / Steps	Budg Months	Split / Count	Annual Salaries	COLA	Premium Pay	Annual Benefits	Total Costs	GF Amount
01-9001	Division Director	FT	A	XE	Anchorage	AA	26 K	12.0		90,012	0	0	22,636	112,648	112,648
01-9002	Human Rights Fid Rep IV	FT	A	XE	Anchorage	AA	20 L	12.0		63,876	0	0	18,481	82,357	82,357
01-9003	Secretary I	FT	A	XE	Anchorage	AA	10 A	12.0		24,852	0	2,293	11,142	38,287	38,287
01-9005	Administrative Off I	FT	A	XE	Anchorage	AA	17 E	12.0		45,180	0	0	14,745	59,925	59,925
01-9006	Hearing Examiner	PT	A	XE	Anchorage	AA	24 B	8.0		43,656	0	0	10,629	54,285	46,142
01-9008	Human Rights Fid Rep IV	FT	A	XE	Anchorage	AA	20 F / J	12.0		57,920	0	0	17,291	75,211	57,912
01-9010	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 F	12.0		50,088	0	0	15,726	65,814	55,942
01-9011	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 A / B	12.0		43,430	0	0	14,396	57,826	57,826
01-9018	Human Rights Fid Rep II	FT	A	XE	Anchorage	AA	16 B	12.0		37,980	0	0	13,307	51,287	51,287
01-9022	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 A / B	12.0		43,430	0	0	14,396	57,826	46,261
01-9023	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 B / C	12.0		44,805	0	0	14,671	59,476	50,555
01-9024	Admin Asst I	FT	A	XE	Anchorage	AA	12 D	12.0		30,816	0	1,422	12,160	44,398	37,738
01-9025	Attorney IV	FT	A	XE	Anchorage	AA	24 A / B	12.0		64,514	0	0	18,608	83,122	83,122
01-9027	Clerk IV	FT	A	XE	Anchorage	AA	9 D / E	12.0		26,058	0	2,367	11,398	39,823	39,823
01-9030	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 B / C	12.0		45,055	0	0	14,720	59,775	59,775
01-9031	Legal Secretary I	FT	A	XE	Anchorage	AA	10 B / C	12.0		25,851	0	0	10,884	36,735	20,204
01-9032	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 C	12.0		45,180	0	0	14,745	59,925	59,925
01-9033	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 D	12.0		46,740	0	0	15,057	61,797	61,797
01-9036	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 D	12.0		46,740	0	0	15,057	61,797	61,797
01-9037	Paralegal Asst II	PT	A	XE	Anchorage	AA	16 A	6.0		18,294	0	0	5,085	23,379	23,379
01-9039	Human Rights Fid Rep III	FT	A	XE	Anchorage	AA	18 B	12.0		43,680	0	0	14,446	58,126	58,126

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.