

ALASKA LEGISLATIVE COUNCIL / HOUSE / 00072

793 SCOM124: SENATE SPEC. COMM. ON MINORITY RELATIONS 1979

pertaining to child labor, the age of majority or other age restrictions or requirements. (§ 6 ch 117 SLA 1965; am § 7 ch 104 SLA 1975)

Effect of amendment. — The 1975 amendment, effective June 4, 1975, deleted "or" preceding "sex" in subsection (a),

inserted "marital status, changes in marital status, pregnancy or parenthood" in that subsection, inserted "in credit and

financing practices" in the first sentence of subsection (b), deleted "or, in the case of employment, because of" following "national origin" and "or" following "sex" in that sentence, added "marital status, changes in marital status, pregnancy or parenthood" to the end of that sentence, and added the second sentence of that subsection.

Objective of this chapter is the elimination and prevention of discrimination, in many facets of our society, where such discrimination is based on race, religion, color, national origin, sex, age, marital status, pregnancy or parenthood. *Hotel Employees Local 879 v. Thomas*, Sup. Ct. Op. No. 1280 (File No. 2703), 551 P.2d 942 (1976).

Similarity between this article and Title VII of United States Civil Rights Act of 1964. — See *Wondzell v. Alaska Wood Prods., Inc.*, Sup. Ct. Op. No. 1720 (File No. 2804), 583 P.2d 860 (1978).

State jurisdiction not preempted. — The National Labor Relations Act, under the principle of federal preemption, does not deprive the Alaska courts of jurisdiction to hear cases of alleged employment

discrimination by either employers or unions on the basis of religion. *Bald v. RCA Alascom & Teamsters Local 959*, Sup. Ct. Op. No. 1509 (File No. 2554), 569 P.2d 1328 (1977).

For discussion of federal statutes in field of labor-management relations in determining whether application of state law would frustrate operation of federal law, see *Bald v. RCA Alascom & Teamsters Local 959*, Sup. Ct. Op. No. 1509 (File No. 2554), 569 P.2d 1328 (1977).

For discussion of civil rights laws which have been enacted to ban religious discrimination in employment, see *Bald v. RCA Alascom & Teamsters Local 959*, Sup. Ct. Op. No. 1509 (File No. 2554), 569 P.2d 1328 (1977).

Applied in *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alaska, 1976); *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

Quoted in *Hotel & Restaurant Union Local 878 v. Alaska State Comm'n for Human Rights*, Sup. Ct. Op. No. 1853 (File No. 4248), P.2d (1979).

Sec. 18.80.200. Purpose. (a) It is determined and declared as a matter of legislative finding that discrimination against an inhabitant of the state because of race, religion, color, national origin, age or sex is a matter of public concern and that such discrimination not only threatens the rights and privileges of the inhabitants of the state but also menaces the institutions of the state and threatens peace, order, health, safety and general welfare of the state and its inhabitants.

(b) Therefore, it is the policy of the state and the purpose of this chapter to eliminate and prevent discrimination in employment, in places of public accommodation, in housing accommodations and in the sale or lease of unimproved property because of race, religion, color, national origin, or, in the case of employment, because of sex or age. (§ 6 ch 117 SLA 1965)

Sec. 18.80.210. Civil rights. The opportunity to obtain employment, credit and financing, public accommodations, housing accommodations and other property without discrimination because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin is a civil right. (§ 6 ch 117 SLA 1965; am § 4 ch 42 SLA 1972; am § 8 ch 104 SLA 1975)

Effect of amendment. The 1975 amendment, effective June 4, 1975, inserted "credit and financing," "other," and "marital status, changes in marital status, pregnancy, parenthood."

Cited in *Loomis Electronic Protection, Inc. v. Schaefer*, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Sec. 18.80.215. Activities in aid of housing for minority groups. The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation of AS 08.88.161. (§ 3 ch 119 SLA 1969)

Legislative committee report. — For [Judiciary] am H), see 1969 House Journal, report on ch. 119, SLA 1969 (HCSSB 133 p. 869.

Sec. 18.80.220. Unlawful employment practices. (a) It is unlawful for

(1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood;

(2) a labor organization, because of a person's sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion,

color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;

(3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has opposed any practices forbidden under §§ 200—280 of this chapter or because he has filed a complaint, testified or assisted in a proceeding under this chapter;

(5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality; or

(6) a person to print, publish, broadcast or otherwise circulate a statement, inquiry or advertisement in connection with prospective employment which expresses directly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, unless based upon a bona fide occupational qualification.

(am § 9 ch 104 SLA 1975)

(b) The state, employers, labor organizations, and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall

be made available to the general public. (§ 5 ch 117 SLA 1970; am §§ 5, 6 ch 42 SLA 1972; am § 1 ch 119 SLA 1974)

Effect of amendments. — The 1969 amendment inserted "physical handicap or sex" in two places in paragraph (1).

The 1970 amendment added subsection (b).

The 1972 amendment inserted "sex" in paragraphs (2) and (3) of subsection (a).

Cross reference. — As to original jurisdiction of the superior court over suits arising under this chapter, see AS 22.10.020.

Effect of amendments.

The 1975 amendment, effective June 4, 1975, deleted "or" preceding "sex" twice in paragraph (1) of subsection (a), inserted "marital status, changes in marital status, pregnancy or parenthood" and "distinction on the basis of" in that paragraph, and substituted "marital status, changes in marital status, pregnancy or parenthood" for "distinction" at the end of that paragraph, inserted "marital status, changes in marital status, pregnancy, parenthood" in paragraphs (2), (3), and (6), and deleted "or" at the end of paragraph (4).

As the rest of the section was not affected by the amendment, it is not set out.

Section absolutely prohibits age discrimination — A. construed, this

requirements of the Federal Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq., this regulation does not discriminate against interstate businesses and is indistinguishable from a plethora of other regulations which vary from state to state. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

Congress has not expressly or impliedly created an area of federal exclusivity which denies the states the power to legislate in the field of age discrimination. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

Congress intended only to establish "minimum" standards in the Federal Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq., which prohibits employment discrimination based on age for persons 40 through 64. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

Nothing in the federal law indicates an intent to limit the Alaska statute. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

Thus, compliance with both this section and federal act possible. — Compliance with both this section and the Federal Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq., which prohibits employment discrimination based on age for persons 40 through 64, is possible even though Alaska's statute is more inclusive than the federal statute. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

The 1974 amendment added paragraph (6) of subsection (a).

Legislative committee report. — For report on ch. 119, SLA 1969 (HCSSB 133 [Judiciary] am H), see 1969 House Journal, p. 869).

section, with certain exceptions, absolutely prohibits discrimination based on age. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

There is no implied upper limitation in this section. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

This section is not vague and is not overly broad. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

As written this section precisely defines an employer's duty and applies only to persons whose age is the reason for the discriminatory practice. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alas. 1976).

Section does not discriminate against interstate businesses. — Although this section, construed to prohibit absolutely age discrimination, may extend the uniform

For discussion of federal statutes in field of labor-management relations in determining whether application of state law would frustrate operation of federal law, see *Bald v. RCA Alascom & Teamsters Local 959*, Sup. Ct. Op. No. 1509 (File No. 2554), 569 P.2d 1328 (1977).

Similarity of chapter to Title VII of United States Civil Rights Act of 1964. — See *I nis Electronic Protection, Inc. v. Schaefer*, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Similarity between this article and Title VII of federal Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq. — See *Wondzell v. Alaska Wood Prods., Inc.*, Sup. Ct. Op. No. 1720 (File No. 2804), 583 P.2d 860 (1978), rev'd on rehearing, P.2d 1979).

For discussion of civil rights laws which have been enacted to ban religious discrimination in employment, see *Bald v. RCA Alascom & Teamsters Local 959*, Sup. Ct. Op. No. 1509 (File No. 2554), 569 P.2d 1328 (1977).

Interpretation of subsection (a). — Subsection (a) of this section is not only "modeled on" the federal law, thus making federal case law relevant, but it is intended to be more broadly interpreted than federal law to further the goal of eradication of discrimination. *Wondzell v. Alaska Wood Prods., Inc.*, Sup. Ct. Op. No. 1720 (File Nos. 2792, 2804), P.2d 1979).

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And section. not void though more inclusive than federal act. — Since there are no specific conflicts between the state and federal statutes and since Congress has expressly left the states the power to act in this field, the fact that Alaska has gone beyond the federal government in enacting a complementary scheme in this area does not make the Alaska law void. *Simpson v. Alaska State Comm'n for Human Rights*, 423 F. Supp. 552 (D. Alaska, 1976).

State jurisdiction not preempted. — The National Labor Relations Act, under the principle of federal preemption, does not deprive the Alaska courts of jurisdiction to hear cases of alleged employment discrimination by either employers or unions on the basis of religion. *Bald v. RCA Alascom & Teamsters Local 959*, Sup. Ct. Op. No. 1509 (File No. 2554), 569 P.2d 1328 (1977).

on religious grounds to pay an amount equivalent to the dues to a charity selected by the union. *Wondzell v. Alaska Wood Prods., Inc.*, Sup. Ct. Op. No. 1720 (File Nos. 2792, 2804), P.2d (1979).

The burden of proving undue hardship from accommodation lies with the union and the employer. *Wondzell v. Alaska Wood Prods., Inc.*, Sup. Ct. Op. No. 1720 (File Nos. 2792, 2804), P.2d (1979).

Hardship not undue. — Where the record revealed no employee other than plaintiff who was subject to the local union's jurisdiction and who shared plaintiff's theological anti-union beliefs, and since union dues were only \$6.75 per month, the hardship to the union could not be regarded as undue. *Wondzell v. Alaska Wood Prods., Inc.*, Sup. Ct. Op. No. 1720 (File Nos. 2792, 2804), P.2d (1979).

The only exception to the statutory requirement prohibiting discrimination is that discrimination is permitted only "when the reasonable demands of the position" require distinctions on the basis of sex. *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

Religion is not included within the "reasonable demands" exception in subsection (a)(1) of this section. *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

"Reasonable demands" exception is unambiguous. — The "reasonable demands" exception to the prohibition against discrimination on account of sex in the Alaska Statute is clear and unambiguous and does not necessitate resort to federal decisional law for interpretation. *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

The statutory exception in subsection (a)(1) is construed strictly against the one who seeks to utilize it. *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

"Demands" means something more than mere "requirements." *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

18.20.200, the legislature's intent that as many "teeth" into the statute as possible, it would be anomalous to interpret state law as not requiring accommodation to an employee's religious beliefs by a labor union, when in many instances that same accommodation could now be compelled by an employee invoking the proper procedures under 42 U.S.C. § 2000e. *Wondzell v. Alaska Wood Prods., Inc.*, Sup. Ct. Op. No. 1720 (File Nos. 2792, 2804), P.2d (1979).

The state law duty to accommodate is potentially governed by a federal law limitation contained in the National Labor Relations Act, 29 U.S.C. §§ 158-159, which authorizes a union shop and allows the discharge of an employee who does not pay union dues. However, the National Labor Relations Act does not preclude a plan of substitute payment to charity. *Wondzell v. Alaska Wood Prods., Inc.*, Sup. Ct. Op. No. 1720 (File Nos. 2792, 2804), P.2d (1979).

A union could be required to allow a worker who resisted payment of union dues

The connotation the supreme court placed on "demands" is that of requirements or necessities that are of an urgent nature. *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

Burden of proving exception. — The burden of proving by clear and convincing evidence that the exception to the antidiscrimination policy is amply justified is on the one seeking to utilize the exception. *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

Sexual segregation of positions held discriminatory. — Sexual segregation of positions in the steward's department of the division of marine transportation, i.e., waiters and utility workers were exclusively male; matrons, exclusively female, was discriminatory since there was no urgent or overriding necessity that there be a distinction in such employment on the basis of sex. *McLean v. State*, Sup. Ct. Op. No. 1721 (File No. 3421), 583 P.2d 867 (1978).

Award of damages for violations of chapter authorized. — The broad language of AS 22.10.020(c) indicates a legislative intent to authorize an award of compensatory and punitive damages for violations of this chapter, in addition to the equitable remedies such as enjoining illegal employment activities and ordering back pay as a form of restitution. *Loomis Electronic Protection, Inc. v. Schaefer*, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Right to jury trial in civil action. — In a civil action based upon an alleged violation of subsection (a)(1), the parties are entitled to a jury trial. *Loomis Electronic Protection, Inc. v. Schaefer*, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Cited in *Brown v. Wood*, Sup. Ct. Op. No. 1551 (File Nos. 2564, 2565), 575 P.2d 760 (1978).

Sec. 18.80. Unlawful practices in places of public accommodation. It is unlawful for the owner, lessee, manager, agent or employee of a public accommodation

(1) to refuse, withhold from or deny to a person any of its services, goods, facilities, advantages or privileges because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin;

(2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies

(A) that any of the services, goods, facilities, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, religion, sex, marital status, color or national origin or because of pregnancy, parenthood, or a change in marital status, or

(B) that the patronage of a person belonging to a particular race, creed, sex, marital status, color or national origin or who, because of pregnancy, parenthood, or a change in marital status, is unwelcome, not desired or solicited. (§ 6 ch 117 SLA 1965; am § 7 ch 42 SLA 1972; am § 10 ch 104 SLA 1975)

Effect of amendment.

The 1975 amendment, effective June 4, 1975, inserted "marital status, changes in marital status, pregnancy, parenthood" in paragraph (1), designated the provisions of paragraph (2) following "advertisement which states or implies" as subparagraphs

(A) and (B) of that paragraph, and inserted "marital status" in subparagraphs (A) and (B), "or because of pregnancy, parenthood, or a change in marital status" in subparagraph (A), and "or who, because of pregnancy, parenthood, or a change in marital status" in subparagraph (B).

Sec. 18.80.240. Unlawful practices in the sale or rental of real property. It is unlawful for the owner, lessee, manager or other person having the right to sell, lease or rent real property

(1) to refuse to sell, lease or rent the real property to a person because of sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin; however, nothing in this paragraph prohibits the sale, lease or rental of classes of real property commonly known as housing for "singles" or "married couples" only;

(2) to discriminate against a person because of sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin in a term, condition or privilege relating to the use, sale, lease or rental of real property; however, nothing in this paragraph prohibits the sale, lease or rental of classes of real property commonly known as housing for "singles" or "married couples" only;

(3) to make a written or oral inquiry or record of the sex, marital status, changes in marital status, race, religion, color or national origin of a person seeking to buy, lease or rent real property;

(4) to offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's sex, marital status, changes in marital status, pregnancy, race, religion, color, national origin or age;

(5) to represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse a person to inspect real property because of the race, religion, color, national origin, age, sex, marital status, change in marital status or pregnancy of that person or of any person associated with that person;

(6) to engage in blockbusting;

(7) to make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of real property that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make the preference, limitation or discrimination. (§ 6 ch 117 SLA 1965; am § 8 ch 42 SLA 1972; am § 11 ch 104 SLA 1975)

Effect of amendment.

The 1975 amendment, effective June 4, 1975, so changed this section as to make a

detailed comparison impracticable. Among other things, however, it added paragraphs (4) through (7).

Sec. 18.80.250. Unlawful financing practice. (a) It is unlawful for a financial institution or other commercial institution extending secured or unsecured credit, upon receiving an application for financial assistance or credit for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or other property or services, or the acquisition or improvement of unimproved property, or upon receiving an application for any sort of loan of money, to permit one of its officials or employees during the execution of his duties

(1) to discriminate against the applicant because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance or credit, except to the extent of a federal statute or regulation applicable to a transaction of the same character;

(2) to make or cause to be made a written or oral inquiry or record of the sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin of a person seeking the institution's financial assistance or credit, unless the inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and is not made or used in order to discriminate in a determination of creditworthiness;

(3) to refuse to extend credit, issue a credit card or make a loan to a married person, who is otherwise creditworthy, if so requested by the person;

(4) to refuse to issue a credit card to a married person in that person's name, if so requested by the person, provided, however, that the person so requesting a card may be required to open an account in that name.

(b) Notwithstanding the provisions of (a) of this section any practice permitted by federal statute or regulation applicable to financial or credit transactions of the same character as those covered by this section shall not constitute discrimination under this section.

(c) No action by a financial institution or other commercial institution extending credit taken in compliance with (a) of this section, including the extension of credit or the making of a loan, is a violation of AS 06.20.240, unless done with the intent or purpose of obtaining a higher

rate of interest than would otherwise be permitted by AS 06.20.230. (§ 6 ch 117 SLA 1965; am § 9 ch 42 SLA 1972; am § 12 ch 104 SLA 1975)

Effect of amendment.

The 1975 amendment, effective October 28, 1975, so changed this section as to make a detailed comparison impracticable. Among other things, however, it

designated the provisions of this section as subsection (a), added paragraphs (3) and (4) of that subsection, and added subsections (b) and (c).

Sec. 18.80.25. Unlawful practices by the state or political subdivisions. It is unlawful for the state or any of its political subdivisions

(1) to refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color or national origin;

(2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any local, state or federal funds, services, goods, facilities, advantages or privileges of the office or agency will be refused, withheld from or denied to a person of a certain race, religion, sex, color or national origin or that the patronage of a person belonging to a particular race, creed, sex, color or national origin is unwelcome, not desired or solicited. (§ 1 ch 79 SLA 1966; am § 10 ch 42 SLA 1972)

Effect of amendment. — The 1972 Legislative committee report. — For amendment inserted "sex" once in report on ch. 79, SLA 1966, see 1966 House paragraph (1) and twice in paragraph (2). Journal, p. 433.

Stated in *Brown v. Wood*, Sup. Ct. Op. No. 1551 (File Nos. 2564, 2565), 575 P.2d 760 (1978).

Sec. 18.80.260. Coercion. It is unlawful for a person to aid, abet, incite, compel or coerce the doing of an act forbidden under this chapter or to attempt to do so. (§ 6 ch 117 SLA 1965)

Sec. 18.80.270. Penalty. A person, employer, labor organization or employment agency, who or which wilfully engages in an unlawful discriminatory conduct prohibited by this chapter, or wilfully resists, prevents, impedes or interferes with the commission or any of its authorized representatives in the performance of duty under this chapter, or who or which wilfully violates an order of the commission, is guilty of a misdemeanor and upon conviction by a court of competent jurisdiction is punishable by a fine of not more than \$500, or by imprisonment in a jail for not more than 30 days, or by both. (§ 6 ch 117 SLA 1965)

Sec. 18.80.280. Acquittal bars other actions. The acquittal of a person by the commission or a court of competent jurisdiction of any alleged violation of this chapter is a bar to any other action, civil or criminal, based on the same act or omission. (§ 6 ch 117 SLA 1965)

Sec. 18.80.290. Local human rights commissions. (a) The legislative body of a general law or home rule municipality may, by ordinance or resolution, authorize the establishment of membership in and support of a local human rights commission. The number and qualifications of the members of a local commission and their terms and method of appointment or removal shall be as determined by the legislative body, except that no member may hold office in a political party.

(b) The legislative body of a general law or home rule municipality has the authority to appropriate funds in amounts as considered necessary for the purpose of contributing to the operation of a local commission, including the payment of its share of the salary of an investigator or staff member acting jointly for it and one or more other local commissions.

(c) The local commission has the power to appoint employees and staff as it considers necessary to fulfill its purpose, including the power to appoint an investigator or staff member to act jointly for it and one or more other local commissions.

the authority under AS 29.48.035 to grant to local commissions powers and duties similar to those exercised by the Alaska Human Rights Commission under the provisions of this Act. (§ 15 ch 104 SLA 1975)

Effective date. — Section 16, ch. 104, June 4, 1975, in accordance with AS SLA 1975, makes this section effective on 01.10.070(c).

Sec. 18.80.295. Apprenticeship programs. The provisions of this chapter affecting discrimination in employment on the basis of age shall not apply to apprenticeship programs registered by the Bureau of Apprenticeship and Training, United States Department of Labor, or apprenticeship programs that meet standards equivalent to apprenticeship programs registered by the Bureau of Apprenticeship and Training. (§ 1 ch 122 SLA 1976)

Article 5. General Provisions.

Section

300. Definitions

Sec. 18.80.300. Definitions. In this chapter

(1) "person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies or labor organizations;

(2) "employee" means an individual employed by an employer but does not include an individual employed in the domestic service of any person;

(3) "employer" means an employer of one or more persons in the state but does not include a club that is exclusively social, or a fraternal, charitable, educational, or religious association or corporation, if the club, association or corporation is not organized for private profit;

(4) "employment agency" means a person undertaking to procure employees or opportunities to work;

(5) "labor organization" means an organization and an agent of the organization, for the purpose, in whole or in part, of collective bargaining, dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection of employees;

(6) "national origin" includes ancestry;

(7) "public accommodation" means a place which caters or offers its services, goods or facilities to the general public and includes a public inn, restaurant, eating house, hotel, motel, soda fountain, soft drink parlor, tavern, night club, roadhouse, place where food or spiritous or malt liquors are sold for consumption, trailer park, resort, campground, barber shop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons;

(8) "real property" means a building or portion of a building, whether constructed or to be constructed, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(9) "financial institution" means a commercial bank, trust company, mutual savings bank, cooperative bank, homestead association, mutual savings and loan association or an insurance company. (§ 6 ch 117 SLA 1965)

(10) "blockbusting" means an unlawful discriminatory practice by real estate brokers, real estate salesmen or employees or agents of a broker or another individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or its stockholders or members may benefit financially, to represent directly or indirectly that a change has occurred or will or may occur from a composition with respect to race, religion, color or national origin of the owners or occupants of the block, neighborhood or area in which the real property is located, and to represent directly or indirectly that this change may or will result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities.

(am §§ 13, 14 ch 104 SLA 1975)

Effect of amendment. — The 1975 amendment, effective June 4, 1975, substituted "real property" for "housing accommodations" at the beginning of paragraph (8) and the language beginning "structures, real estate" for "which is or will be used as the sleeping quarters of its occupants" at the end of that paragraph, and added paragraph (10).

As the rest of the section was not affected by the amendment, it is not set out.

Applied in *Morris v. City of Soldotna*, Sup. Ct. Op. No. 1296 (File No. 2286), 553 P.2d 474 (1976).

Cited in *Brown v. Wood*, Sup. Ct. Op. No. 1551 (File Nos. 2564, 2565), 575 P.2d 760 (1978).

**THE ALASKA PLAN
TO PROVIDE EQUAL EMPLOYMENT
OPPORTUNITY IN THE
CONSTRUCTION INDUSTRY**

Approved by U.S. Department of Labor

March 31, 1972

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(Reprinted by ADH 8/76)

P U R P O S E

The objective of this Agreement is to increase minority group * employment in all phases of the construction industry in the Alaska ** area. This Agreement establishes a comprehensive program to encourage and facilitate employment of minority group persons in the building and construction trades and to encourage and facilitate the admission of such persons to membership in unions representing employees in those trades. The parties also intend to ensure equitable participation for minority group persons in managerial and supervisory capacities in work performed under this Agreement. The program is designed to assure that all interested parties, labor, management and the minority community share in the authority and responsibility for its administration. All parties to this Agreement shall make every good faith effort to achieve the objectives outlined herein, and all provisions of this Agreement shall be interpreted to further the objective of this Agreement.

*Minority group is defined to include Black, Philipino, Spanishsurnamed, Oriental, American Indian, Eskimo and Aleut.

**The word "Alaska" is used here, and on subsequent pages to describe the word "area". It is used subject to the understanding that such designation can be changed by area groups in Alaska.

PART II

PARTIES

This Agreement shall be binding upon all local building and trades unions which are signatory hereto, hereinafter referred to severally and collectively as the "Unions", the local general contractors association, the associations of sub or specialty contractors signatory hereto, and the individual general and sub or specialty contractors which have signed collective bargaining agreements with the signatory unions and are also signatory hereto, all of which are hereinafter referred to severally and collectively as the "Contractors"; the individual minority group organizations in the local area signatory hereto which are hereinafter referred to severally and collectively as the "Coalition".

PART III

SPECIFIC GOALS

In order to assure the prompt realization of equal employment opportunity in the construction industry, there are hereby established specific goals for minority manpower utilization in all construction (Federal, Federally-assisted, State or local government, State or local government-assisted, and private). This includes, but is not limited to, demolition, repair, alteration, rehabilitation and construction of residential, commercial, industrial, institutional buildings and/or other facilities; and other structures including roads and bridges, landing strips and related aviation facilities, docks and related marine facilities, and above-or underground wire and pipelines in the geographic area covered by this Agreement. The overall objective, as evidenced by the specific goals established, is a commitment to reach, within each union, a membership of minorities proportionate to the minority population in Alaska. This Agreement does permit a higher percentage of minority persons within a given local or locals than the percentage of minorities to the total Alaska population if such percentage of minority membership in a given local or locals is proportionate to the minority population of the area from which the local or locals obtain their membership.

SCHEDULE MINORITY MANPOWER UTILIZATION GOALS EXPRESSED IN PERCENTAGE TERMS

TRADES	12/31/72	12/31/73	12/31/74	12/31/75	12/31/76	12/31/77	12/31/78
Asbestors Workers	8.5%	12.8%	15.7%	20.2%	23.4%	26.4%	28.0%
Carpenters	9.4%	13.2%	16.7%	19.9%	22.9%	25.7%	28.0%
Electricians	9.4%	13.2%	16.7%	19.8%	22.8%	25.7%	28.0%
Ironworkers	8.1%	12.1%	15.8%	19.2%	22.3%	25.7%	28.0%
Operating Engineers	13.4%	16.4%	19.2%	21.7%	24.0%	26.1%	28.0%
Painters	10.7%	14.2%	17.5%	20.4%	23.5%	25.8%	28.0%
Pile Drivers	8.1%	12.1%	15.8%	19.1%	22.6%	25.1%	28.0%
Plumber & Steamfitters	8.3%	12.4%	16.1%	19.4%	22.5%	25.4%	28.0%
Roofers	20.9%	22.5%	23.6%	24.7%	26.7%	27.6%	28.0%
Sheet Metal Workers	9.2%	12.9%	16.4%	19.6%	23.0%	25.6%	28.0%
Teamsters	9.9%	13.6%	17.0%	20.1%	23.0%	25.6%	28.0%

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SCHEDULE

MINORITY MANPOWER UTILIZATION GOALS EXPRESSED
IN PERCENTAGE TERMS

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Teamsters	9.9%	13.6%	17.0%	20.1%	23.0%	25.6%	28.0%

SECTION (A) - JOURNEYMEN

All minority group persons who are determined to be eligible journeymen in accordance with Part VII of this Agreement and who so desire shall:

- (1) be placed on the proper out-of-work list for their trade without delay.
- (2) be assigned work in their trade by the respective unions and employers in the same way as those who have been members of the union and/or have previously worked in the area;
- (3) be admitted to union membership as journeymen via the normal procedure of the respective union. If the normal procedure is to give each applicant a written and/or manual examination, such examination shall be the same as that administered to any applicant under similar conditions, and shall be made available at least once each calendar month. The minority member of the Ad Hoc Panel or his designee may be present as an observer.

SECTION (B) - NON-JOURNEYMEN

In each year of this Agreement, there shall be a goal of minority persons as set forth herein above, accepted in training and employed under the applicable training program to become journeymen in the construction trades covered by this Agreement. Each participating union shall project a specific goal, with the goal of each local sufficient in proportion to its underutilization of minorities. The specific assignment of individual minority persons to trades and to employers shall be performed by the Executive Director in accordance with Part VII of this Agreement.

For each succeeding year of the Plan, the goals are to be reviewed by the Board and the Executive Director not later than September 1, of the calendar year preceding the schedule year. Regional plans may be developed to implement the annual goal. Such regional plans can be designed to achieve a higher percentage of minorities to the total Alaskan population if such percentage of minorities to the total Alaskan population in a given local or locals is proportionate to the minority population in a given area from which the local or locals obtain their membership. Such regional plans must be approved by the Board and the Executive Director sitting as one body.

Section(C) No Discrimination

The purpose of the Contractors' and Unions' commitment to specific goals is to provide equal employment opportunity for minority group persons in the construction industry in the Alaska area and is not intended and shall not be used to discriminate against any qualified applicant or employee.

PART IV

ADMINISTRATION

There is hereby established the Alaska Construction Opportunity Policy Committee which shall generally oversee the implementation of this Agreement.

Section (A) Membership

The Committee shall consist of nine members, two of whom shall be representative of the Contractors, two of whom shall be representative of the Union, and four of whom shall be representative of the Coalition. The ninth member shall be selected as follows: The parties signatory hereto as represented by the Minority Coalition, the Unions and the Contractors each submit the name of one person for consideration, and the eight members of the Committee vote to select the ninth member from the three names submitted.

In the event of a tie vote, the three names submitted shall be placed in a container and the ninth member elected by drawing one name.

Section (B) Quorum and Voting

Five members of the Committee, with at least one member from the Contractors, one member from the Unions, and two members from the Coalition, shall constitute a quorum for the purpose of transacting business. Decisions shall be made on the basis of vote by a majority of those present.

Section (C) Powers and Responsibilities

The Committee shall be empowered to develop or approve specific programs to further the goals of this Agreement and to enter into contracts with Federal, State and local governments and other organizations in cooperation with Contractors, Unions, the Coalition, individuals, or community organization or organizations for the purpose of recruiting, counseling, training and orienting persons for employment in the Alaska building and construction industry. It shall adopt rules of procedure. The Committee shall authorize the level and kind of expenditures, including any additional professional and clerical staff it deems necessary to accomplish the desired goals under this Agreement, by means of adopting a formal operating budget. It shall review all activities of the Executive Director, his staff, the ad hoc panels, and reports of the program. It shall be empowered to make changes in the procedures for implementation of this Agreement except that the section entitled Specific Goals shall be changed only by a vote of two-thirds (2/3) of the membership of the Committee, and with the approval of the U. S. Departments of Interior and Labor, OFCC.

Section (D) Executive Director

There shall be an Executive Director who shall be selected by a majority vote of the Committee on the basis of suggestions by the Coalition of a person or persons sufficiently sensitive to the problems of the minority community, sufficiently knowledgeable of the construction industry and sufficiently skilled to administer a journeyman training program. No person shall serve as Executive Director who is a member of the Committee.

The Executive Director shall perform the duties prescribed in an official position description for the position. He shall be responsible for the implementation of the programs established pursuant to this Agreement in accordance with the budget allotted for that purpose by the Committee. The Executive Director shall be responsible for the general supervision of his staff; and shall be empowered to employ, train, evaluate, discipline, and discharge both professional and clerical personnel in authorized positions. The Executive Director shall report and be responsible directly to the Committee. He shall attend all Committee meetings. The Executive Director may be removed by a two-thirds vote of the membership of the Committee.

*The word "Alaska" is used here subject to the understanding that such resignation can be changed by area groups.

PART V

R E C R U I T M E N T

There shall be established a program to recruit minority persons in the Alaska area and to acquaint them with employment, training and apprenticeship opportunities in the construction industry. This program shall be administered by the Executive Director and shall include but not be limited to:

- A. Taking appropriate steps to establish a new relationship with the Alaska minority communities demonstrating that the Contractors and Unions will not discriminate against minority groups in their employment and referral practices, including, but not necessarily limited to, publicizing through advertising in the communications media serving the Alaska area the Contractors' and Unions' commitment to an affirmative program in the construction industry.
- B. Establishing a counseling program for the purpose of making personal contact and holding meetings with interested students in all schools and colleges in the Alaska area with substantial minority group enrollment. The Director also shall provide information concerning the opportunities available to minority group persons pursuant to this Agreement. Counselors shall provide specific information and guidance relative to the kinds of training and apprenticeship programs, the types of jobs available, methods of entering the trades, requirements of union membership, length of apprenticeship programs open, wages paid in the construction industry, and such other information which may be pertinent to the programs established pursuant to this Agreement.
- C. Contacting and maintaining continuing relationships with likely sources of minority group persons available for employment and training (including apprenticeship training) in the construction industry. Counselors shall establish such relations with signatory members of the Coalition and any other groups which are or hereafter may be organized to facilitate the objectives of this Agreement.

PART VI

C O U N S E L I N G

All minority persons seeking employment and training in the construction industry shall be encouraged to contact the office maintained by the Executive Director and his staff. Each individual shall be counseled with regard to entry into the trade consistent with the development of his skills, work potential, and his personal desires. Individuals shall be advised of rates of pay for each of the construction trades and shall be told of the amount of training and skill required to attain journeyman and other permanent employment status.

Counseling services shall be available, (1) to all persons placed in jobs, (2) to training programs established pursuant to this Agreement, and (3) to all other minority persons employed or seeking employment and/or training in the construction industry in the Alaska area at any time such services are requested.

PART VII

CLASSIFICATION OF WORKMEN AND TRAINING PROGRAMS

Section (A) Panel on Experience Equivalency

All minority group persons seeking employment and training in the construction industry shall be classified by an Ad Hoc Panel on Equivalency. The Panel shall consist of persons having expertise in manpower needs of the construction industry with one (1) member chosen by the Contractors, one (1) member chosen by the Unions, and two (2) members chosen by the coalition. In the event of a tie vote, the Executive Director may vote to break the tie. The Contractor and Union members shall be representative of the trade the applicant wishes to enter. Each Union and Contractor association shall designate who shall act as its representative. The Panel shall establish at least one day per month for the screening of applicants of each trade so that Panel members will know when to be available.

Section (B) Classifications

The Panel shall, with the approval of the Committee and subject to the criteria listed in this part, determine the experience necessary for the classification of minority persons seeking employment or training in the construction industry as follows:

Journeyman
Apprentice
Advanced Trainee
Trainee

Section (C) Journeymen

All minority group persons who are classified by the Panel on Experience Equivalency as eligible journeymen for the designated trades shall be referred for employment as outlined in Part III above.

All minority group persons shall be classified as eligible journeymen who:

- (1) are licensed by any public authority to perform the functions of said trade; or
- (2) have, in fact, functioned as journeymen in the trade regardless of union membership or non-membership; or
- (3) have performed at a level of skill which is equivalent to that required of journeymen.

All persons classified as eligible journeymen shall be advised of their classification in writing.

Section (D) Apprentices

Minority persons who possess the established experience equivalency or who meet the valid, established qualifications for Apprenticeship Programs, and who desire to become apprentices shall be classified by the Panel on Experience Equivalency as applicant apprentices. Such persons shall be referred to the proper Joint Apprenticeship Training Council and be admitted into the Apprenticeship Program of the trade for which they have been determined to be qualified as openings occur. Employment of minority persons in the Apprenticeship Program of the trade for which they have been determined to be qualified shall be paid at the rates of pay established for apprentices at the particular level of skill which has been determined by the Joint Apprenticeship Training Council. Enrollment and/or employment of minority persons in the Apprenticeship Programs for the designated trades shall count toward fulfillment of the goals for minority group non-journeyman employment for each calendar year as set forth in Part III.

Section (E) Advanced Trainees

Minority persons who are not classified as journeymen who have had some construction work experience or its equivalent and who in the judgment of the Ad Hoc Panel will require one year or less of job training to qualify as

journeymen, but who do not meet the requirements or do not seek admission to apprenticeship programs, shall be classified by the Ad Hoc Panel as advanced trainees. Advanced trainees shall be placed in job training programs supplemented by related theory as needed in accordance with the goals for minority group non-journeymen employment as outlined in this document when openings are available. The objective of the training program shall be to prepare advanced trainees to enter into the construction industry as journeymen. Advanced trainees shall remain in this classification for no more than one (1) year without re-evaluation by the Ad Hoc Panel as to whether or not they have attained the equivalent of journeymen status and if not, the extent to which further training may be required.

Advanced trainees shall be paid the existing pay grade established by each craft in accordance with the Trade Supplemental Agreement.

Advanced trainees being classified as journeymen by the Ad Hoc Panel shall be entitled to all the benefits which relate to that status. Persons requiring job related training as advanced trainees for a period of longer than one (1) year shall be dealt with on a case-by-case basis. Enrollment and/or employment of minority persons as advanced trainees for the designated trade shall count toward fulfillment of the goals as set forth in this Agreement.

Section (F) Trainees

Minority group persons who do not possess the qualifications for classification as a journeymen, apprentice or advanced trainee shall be classified by the Panel as trainees. Trainees shall be placed in job-related training programs as openings become available in accordance with the Trade Supplemental Agreements. Trainees shall remain in this classification for no more than two (2) years without re-evaluation by the Ad Hoc Panel as to whether or not they have attained the equivalent of journeymen status and if not, the extent to which further training may be required.

PART VIII

TRAINING PROGRAMS

It is understood that all training programs shall be considered so as to provide both job-related and classroom training. Advanced trainees and trainees shall be paid at their respective job rates (if Federal or State funds are made available for such purposes) for all classroom time which is a part of the training programs established by the Executive Director pursuant to this Agreement.

PART IX

ALLOCATION OF RECRUITS AND TRAINEES

Referral and allocation of recruits and trainees to the designated trades shall be made by the Executive Director. The counseling staff shall assist the Executive Director in such referral and allocation. The Executive Director shall use as criteria for referring and allocating recruits and trainees to the trades the degree of under-utilization of minority manpower by the particular trades, the desire of those minority persons available for employment or assignment to job-related training programs and the immediate manpower needs as training program vacancies in the designated trades.

PART X

CONTROL OF THE WORK FORCE

The determination of the size of the work force on each project, the allocation of kinds of work, the establishment of quality and safety standards and the maintenance of discipline shall be the responsibility of each of the signatory Contractors and Unions within the framework of valid provisions of collective bargaining agreements. Contractors and Unions agree that all practices and procedures will be carried out so as to assure employment opportunities as envisioned in this Agreement.

PART XI

A P P R E N T I C E S H I P

Section (A) Pre-apprenticeship Training

Any minority group persons who desire to enter apprenticeship programs for the construction industry in the Alaska area, but who do not meet the established qualifications for apprenticeship programs shall be placed in pre-apprenticeship training programs subject to available funds.

The objective of pre-apprenticeship training programs shall be to assist those persons who desire to enter apprenticeship programs for the construction industry and who meet the established criteria for entry into such programs. These pre-apprenticeship programs shall include counseling, tutoring, and other assistance necessary to prepare minority persons for entry into existing apprenticeship programs. Persons successfully completing pre-apprenticeship training for the designated trades shall thereafter be classified as apprentices pursuant to Part VII.

Section (B) Existing Apprenticeship and Apprenticeship Outreach Programs

This Agreement shall not affect the operation of existing apprenticeship and apprenticeship outreach programs in the Alaska area. It is understood that the parties concerned shall continue to take affirmative steps to recruit minorities for enrollment as apprentices in accordance with all laws, regulations, and other agreements currently in effect. The number of minority persons recruited and employed as apprentices pursuant to such existing programs shall be considered a part of the specific goals to which the parties commit themselves as outlined in Part III.

It is agreed that the Executive Director and his staff shall lend all necessary technical, recruitment, and counseling assistance for the successful operation of existing apprenticeship outreach programs in the Alaska area.

PART XII

FINANCING

The Committee and the Director are authorized to seek funds for the operation of this program from Federal, State and local governments and from any other public or private sources of funds.

PART XIII

GRIEVANCES AND DISPUTES SETTLEMENT

For the settlement of misunderstandings, disputes, grievances, or differences in the interpretation of this Agreement, including but not limited to the following: recruitment, classification of workmen, training programs, allocation of recruits and trainees, the parties agree to the following procedure, or abide by the decision of the Panel, there shall be no work stoppage or lockouts.

In the event that a dispute, grievance or difference in the interpretation or in the administration of this Agreement by any person prior to his classification and assignment to a Union cannot be settled by the Executive Director (or a member of his staff) within ten (10) calendar days, the matter shall be referred to a Panel consisting of four (4) members, with two (2) members appointed by the Minority Coalition, one (1) by the Contractors, and one (1) by the Unions. In the event of a tie vote, the Executive Director may vote to break the tie. However, in work areas covered by collective bargaining agreements, Union members will be bound by their established respective grievance procedures.

This Panel shall meet as soon as possible but in no event later than five (5) calendar days after the dispute has been referred to it. The decision by the Panel shall be rendered within five (5) calendar days after the dispute is heard by it, and such decision shall be final and binding upon all parties.

Compliance and execution of such decision shall be within two (2) calendar days from the date of the decision. The aggrieved employee shall be made whole in the case of a decision made in his favor.

Any controversies concerning work jurisdiction shall be resolved in accordance with the procedure rules established by the applicable industry.

It is agreed that the expense of the Panel shall be borne equally by the parties to the dispute. There shall be no expense borne by the aggrieved person.

Any claim must be brought forward by the aggrieved person within thirty (30) days of the occurrence of the alleged violation or there shall be no claim. Wage claims shall be excluded from any time limitations.

PART XIV

S C O P E

This Agreement shall be applicable to all work on demolition, repair alteration, rehabilitation and construction in the residential, commercial, industrial, and institutional phases in the construction industry in the Alaska area performed by the Contractors and Unions signatory hereto, regardless of whether said work is Federally financed, Federally assisted, State or local government, State or local government assisted, or privately financed.

PART XV

MINORITY CONTRACTORS AND SUBCONTRACTORS

Under the direction of the Executive Director, a list shall be compiled of all minority contractors and subcontractors in the Alaska area showing work experience and current bonding capabilities. This list will be made available to all contractor associations who will contact each minority contractor and/or subcontractor and with the assistance of the Executive Director make available membership requirements for entry into the various associations signatory hereto. All information and technical assistance of the various contractor associations will be made available upon their (minority contractors and/or subcontractors) acceptance into the various association.

PART XVI

RECORDKEEPING AND REPORTING

The Executive Director and his staff shall keep complete records relating to the operation and implementation of the programs outlined in this Agreement. Such records shall be available for inspection by all parties and any Federal, State or local agency of government concerned with the operation of the program.

Records shall include likely sources for minority group recruits, journeymen, apprentices and trainees, names, addresses, and disposition (including complete follow-up) of minority persons availing themselves of the programs established herein, and such other information and reference files may be necessary for the efficient and effective operation of this Agreement.

The Executive Director shall compile a comprehensive quarterly report of the operation of this Agreement on the form attached hereto as Appendix I, which shall be available to the parties and for inspection on request of any person, group, Federal, State or local agency of government.

PART XVII

GENERAL PROVISIONS

Section (A) Relation of Specific Goals to Equal Employment Opportunity Generally

The applicability of specific goals to the trades as outlined in Part III shall not constitute a restriction upon minority employment, and, thus, shall in no way diminish the objectives of this Agreement to increase minority participation in all phases of the construction industry in the Alaska area.

Section (B) Other Laws, Regulations and Orders

It is the desire of the parties to satisfy the non-discrimination and affirmative action requirements of Executive Order 11246 and Title VII of the Civil Rights Act of 1964, and the rules and regulations issued pursuant thereto, and all other applicable Federal, State and local laws, regulations or orders.

This Agreement shall not, however, be interpreted or construed to mean that the parties hereto, in whole or in part, are relieved or absolved from any duty, obligation or liability pursuant to Title VII of the Civil Rights Act of 1964, and the rules and regulations issued pursuant thereto, Executive Order 11246 and the rules and regulations issued pursuant thereto, or any other applicable Federal, State and local law regulation or order.

The execution and implementation of this Agreement shall have no effect upon the handling or disposition of individual complaints of employment discrimination before any tribunal, Federal, State, local or private, except that the execution and implementation of this Agreement may be asserted as evidence of compliance with Executive Order 11246 in any proceeding or compliance review undertaken pursuant to the Order.

Section (C) Duration of this Agreement

This Agreement shall be in full force and effect for seven years from the date of signing by the Contractors, Unions, and the Coalition, and thereafter shall automatically renew itself from year to year. Except, as agreed in Section (F), should the goals be escalated, the Agreement may be terminated prior to the seven years, at such time as the overall minority membership in each signatory union shall be proportionate to the minority population in Alaska. If any party wishes to terminate or modify this Agreement, he must give the other parties written notice of this intent not less than 60, nor more than 90-days prior to the annual renewal date hereof.

Section (D) Union Membership, Initiation Fees and Dues

It is understood that all minority persons who are employed as journeymen and apprentices and all advanced trainees and trainees who successfully complete job-related training programs established herein shall be afforded the opportunity to become union members. Further, persons who participate in the trainee classifications shall be afforded that level of membership commensurate with the time and/or level of training they have had within the jurisdiction union unit, so long as such placement does not violate any Federal law or application thereof. All minority persons who become union members pursuant to this Agreement shall be required to pay the current union fees and dues for the appropriate Union. Furthermore, all minority persons shall be afforded the maximum length of time to pay such dues and fees that has been accorded to any other union member or prospective member. A revolving fund may be set up for this purpose by the Committee.

Section (E) Modification of Existing Collective Bargaining Agreements

To the extent that the provisions of all collective bargaining agreements between the Contractors and Unions who are parties to this Agreement conflict with the terms of this Agreement, Contractors and Unions agree to make every attempt to modify such collective bargaining agreements.

Section (F) Review of Effectiveness of this Agreement

Each year for the duration of this Agreement, the Committee shall review the effectiveness of the procedures and specific goals established herein. This review shall have as its objective, the determination of whether these procedures are achieving the result of improving employment opportunity for minority persons in the construction industry. The review of the specific goals established herein shall lead to a determination whether the specific goals adequately reflect the construction labor market situation at the time.

If construction of the Alaska pipeline occurs or there is a significant increase in construction activity, the Committee shall review and escalate goals when either of the following conditions occur:

- (1) An announcement that the construction of the Trans Alaska Pipeline will begin.
- (2) A project or projects will be constructed having a major economic impact on the construction industry that is estimated to result in a number of new jobs greater than 5% of the number of persons employed in construction during the peak month of the previous construction season.

Failure to modify the goals within a reasonable time may result in revocation of the approval given by Interior and Labor, OFCC, to this Plan.

Should the Committee determine that the goals should be modified such modification may be made only upon a vote of two-thirds (2/3) of its membership and with the approval of the U. S. Departments of Interior and Labor, OFCC.

The signatory parties hereto, having exchanged promises and other good and valuable consideration, do consider this Agreement to be legally binding upon themselves, their agents, servants and assigns, including joint apprenticeship committees. All efforts will be made to resolve disputes between parties concerning the interpretation of application of this Agreement by informal methods of conference, conciliation, arbitration, mediation and persuasion.

SUMMARY OF OPERATION OF AREA WIDE MULTI EMPLOYER PROGRAMMING

AREA _____

QUARTER ENDING _____

REPORTING UNIT _____

Director _____

Address _____

Phone _____

[illegible]

Total	American D.	Eskimo	Aleut	Oriental	Span. Amer.	Black
60	10	10	10	10	10	10

[illegible]

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VIII. EMPLOYMENT EXPERIENCE During Period

- (a) Journeymen
- (b) Apprentices
- (c) Advanced Trainees
- (d) Trainees
- (e) Other Construction
- (f) Not in Construction
- (g) Employment by Trade

Specific trades for persons
who dropped out

1. 30 days or less
2. 90 days or less
3. 180 days or less
4. 360 days or less
5. More than 360 days

IX. Average earnings of persons in program - Total

- (a) Journeymen
- (b) Apprentices
- (c) Advanced Trainees
- (d) Trainees
- (e) Others in Construction
- (f) Others not in Construction

X. Average hours worked by persons in program

- (a) Journeymen
- (b) Apprentices
- (c) Advanced Trainees
- (d) Trainees
- (e) Others in Construction
- (f) Others not in Construction

[illegible]

ALASKA PLAN POLICY BOARD INC.

2636 SPENARD ROAD * ANCHORAGE, ALASKA 99503 * PHONE (907) 276-1313

CONTRACTOR'S MONTHLY MANPOWER UTILIZATION REPORT

NAME OF CONTRACTOR:

ADDRESS:

TRADE:

TELEPHONE NO:

DATE:

CLASSIFICATION	MAN HOURS OF EMPLOYMENT										TOTAL # MINORITY EMPLOYEES				TOTAL # EMPLOYEES		% MINORITY MAN HOURS	
	White		Black		AK. NATIVE AM. INDIAN		ASIAN AMERICAN		HISPANIC		TOTAL		TOTAL		TOTAL		TOTAL	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
JOURNEYMEN																		
HELPER																		
APPRENTICE																		
TRAINEE																		

GOAL: 8% FEMALE HIRE
(6% White - 2% Minority)
25% MINORITY HIRE

PART III
SCHEDULE

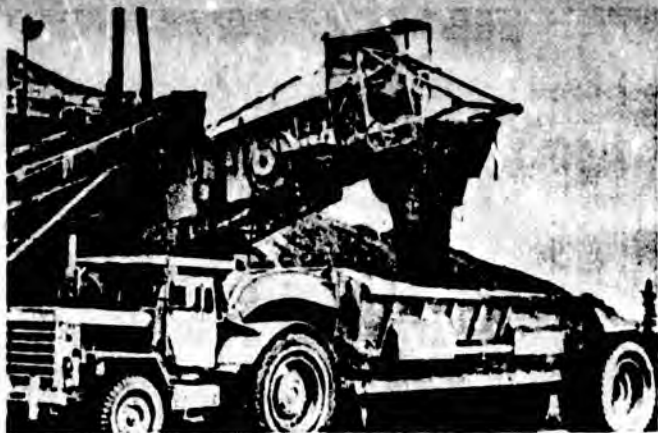
MINORITY MANPOWER UTILIZATION

GOALS AND TIMETABLES

TIMETABLE		GOAL (PERCENT)
UNTIL FURTHER NOTICE	ASBESTOS WORKERS.....	28 %
	CARPENTERS.....	28 %
	ELECTRICIANS.....	28 %
	IRONWORKERS.....	28 %
	OPERATING ENGINEERS.....	28 %
	PAINTERS.....	28 %
	PILE DRIVERS.....	28 %
	PLUMBERS AND STEAMFITTERS.....	28 %
	ROOFERS.....	28 %
	SHEETMETAL WORKERS.....	28 %
	TEAMSTERS.....	28 %
	ALL OTHERS.....	28.1 %

GOALS AND TIMETABLES - WOMEN

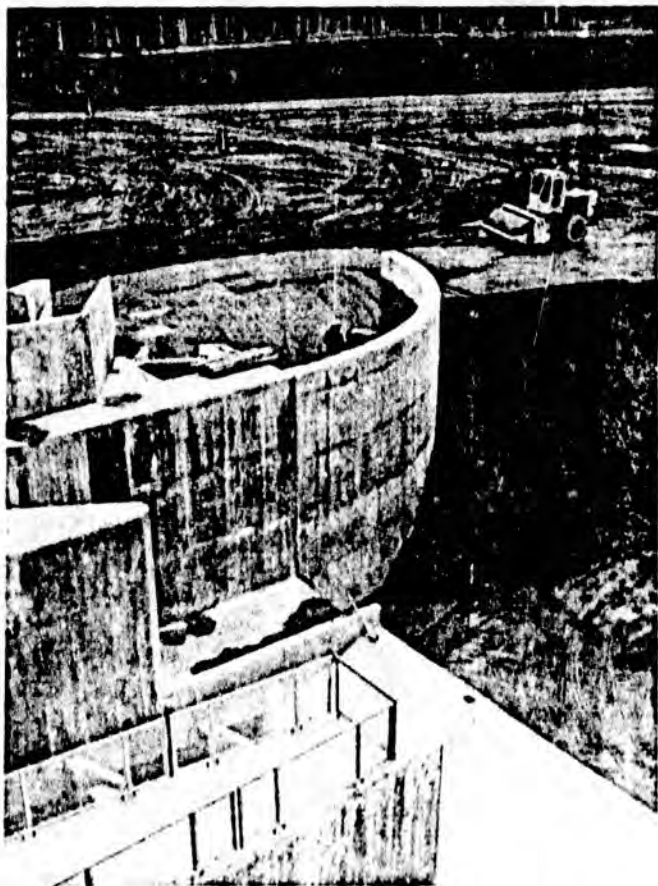
FROM APRIL 1, 1978 - MARCH 31, 1979	3.1 %
FROM APRIL 1, 1979 - MARCH 31, 1980	5.1 %
FROM APRIL 1, 1980 - MARCH 31, 1981	6.9 %



A special 50/50 per cent gravel/dirt mixture is prepared for Green Construction belly dumps. This mixture is the final step for parts of the 23.5 miles of levy at Moose Creek dam.



Howard Mays of Teamsters Local 959 is the day fuel truck driver for Northwestern Construction's airport project.



This wide angle shot shows the south side of the dam at Moose Creek in Fairbanks. A Green Construction project.



Northwestern's Earl Douglas works the dirt at the Anchorage International Airport project. Another Laborer's 341 Local.



Alvin W. Stroud, project monitor for the Alaska Plan in Anchorage talks to James Ford of Labors Local 341. Mr. Ford works for M-B Construction.

The Alaska Plan

TO PROVIDE

Equal Employment Opportunity

IN THE

Construction Industry



THE ALASKA PLAN POLICY BOARD INC.

Chairman — Clifford A. Black
Vice Chairman — Ben Humphries
Executive Director — Marva J. Williams

BOARD MEMBERS

Richard Boyles
Laura M. Bergt
Jeff Berry
Dan Perry
George E. Smith
"Spud" Williams
Hameed Ahmad

STAFF

Vertis M. Williams
Alvin W. Stroud
Linda Brown
Grace S. Knapp
Charlie Moses
Rosemary Groudin



MARVA J. WILLIAMS

Executive Director for the Alaska Plan. Joined the Plan in July, 1974 as a Field Coordinator; she acquired her B.A. Degree in Political Science at U.C.S.B. and is originally from San Diego, California.



LOUISE L. BROWN

Louise has been Executive Secretary since June, 1978 from Kotzebue, Alaska.



VERTIS MARIE WILLIAMS

Vertis has been employed for the Alaska Plan for four years as a Field Coordinator. Her experience and knowledge in affirmative action has promoted her to our Labor Relations Officer.



GRACE S. KNAPP

Grace is originally from Karachi, Pakistan. Her first visit to the United States was in 1973 and she became a U.S. citizen in 1975. She arrived in Alaska on November 7, 1977, and joined the Alaska Plan Policy Board as a general clerk on October 10, 1978.

Photographer: Bartz English

EXECUTIVE ORDER 11246 1965

Prohibits covered Federal Contractors and sub-contractors from discriminating against any employee or applicant for employment based on race, color, religion, sex or national origin.

ADMINISTRATIVE ORDER #18: 1973

In order to insure equal employment opportunity for minority persons, all state construction contracts shall contain in the contract, specification affirmative action commitments.

"Minority" Includes:

- Black (all persons having origins in any of the Black African racial groups, not of Hispanic origin).
- Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanic culture or origin regardless of race).
- Asian and Pacific Islander (all persons having origins in any of the original peoples of Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands).
- American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

Title VII prohibits:

Title VII of the Civil Rights Act of 1964.

Discrimination because of race, color, sex, religion or national origin, in all employment practices, including hiring, firing, layoffs, promotion, wages, training, disciplinary action, and other terms, privileges, conditions, or benefits of employment.

PAST

Fewer minorities and females were members of the local and building trades unions prior to the initiation of the Alaska Plan.

PRESENT

The Alaska Plan has been in existence for six years and 64% of the local and building trades have an equitable representation of minority membership.

Boilermakers #104
Carpenters
I.B.E.W. #1547
Ironworkers Local #751

Laborers Local #341 & #942
Operating Engineers Local #302
Painters & Allied Trades
Workers Local #1140



A Moose Creek dam gravel pit gets cleaned out for future recreational use. The sides will be covered with top soil to encourage natural plant growth.



Northwestern Construction, Inc. scrapers working to level the earth for the new runway addition at Anchorage International Airport.



Paul Brown climbs into Northwestern's 14 foot blade. He's been in the International Union of Operating Engineers Local 302 for 32 years. Congratulations!

WHAT IS THE ALASKA PLAN?

It is the equal employment opportunity agreement for the construction industry in the state of Alaska.

HOW DID IT EVOLVE?

A Hometown Plan originates when the construction industry in conjunction with the minority community developed and agreed upon a voluntary area wide affirmative action program (Alaska Plan). This affirmative action plan includes craft placements, membership goals, and timetables for minorities and females.

WHO IS ELIGIBLE?

Any minority or female seeking an opportunity in the construction industry.

WHO PARTICIPATES?

- A. The local building and trades unions.
- B. Contractors and subcontractors signatory to this agreement.
- C. Minority coalition groups.

WHERE CAN YOU SEEK ADVICE?

The Alaska Plan offices are located at:
2636 Spenard Road
Anchorage, Alaska 99503
Phone: 276-1313
or
1514 Cushman, Suite 202
Fairbanks, Alaska 99701
Phone: 456-7717

WHEN IS IT OPEN?

Office is open daily, Monday through Friday, 8:00 AM to 4:30 PM.

WHY GET INVOLVED?

Affirmative action is the active assurance that fair and equal employment opportunities will prevail throughout an organization for all employees.



William Florez makes the Westward Hilton Hotel's twelfth floor look like new. A good man for Redford Painting to employ.



Mike Steffens instructs Lois Haper in the procedures of insulating the new Anchorage Federal Building. Both are in Asbestos Workers Local 97.



Henry Driggs and Brigett Burke of Fairbanks Labors Local 942 move asphalt at the Fairbanks International Airport for Earth Movers of Fairbanks, Inc.



Cynthia Thomas, an 80 per cent apprentice of Local I.B.E.W. 1547 is caught in the act of stringing electrical wire.



Roy Kenick is well known for his recruiting abilities for the Carpenter's Apprenticeship Program.



This cement form gets its final touches from John Jackson of Plasterers and Cement Masons Local 887.



Frances Greenway of Fairbanks Labors Local 942 makes sure safety is ensured on the new Steese Highway project.



Johnny Lockhart welds on the new octagonal office building in downtown Anchorage. He's a Modern Construction employee.



Art Hunter digs ground for Acme Electric of Fairbanks. His effort will modernize Fairbanks International Airport.



Jeanne Payne, an I.B.E.W. 90 per cent apprentice, works in the new Anchorage Federal Building.

The objective of this agreement is to increase minority and female group participation in all phases of the construction industry in the state of Alaska.

PARTIES

This Plan is a tripartite agreement among the contractors, the unions, and the minority coalition groups.

GOAL

The Alaska Plan is an agreement developed to ensure compliance with Executive Order 11246. In order to assure equal employment opportunities in the construction industry, there shall be specific goals for minority manpower, utilization on all construction projects (Federal, Federally-assisted, state or local government, state or local government assisted and private).

This includes, but is not limited to demolition, repair, alteration, rehabilitation and construction of residential, commercial, industrial, institutional buildings and/or other facilities; and other structures, including roads and bridges, landing strips, related aviation facilities, docks and related marine facilities, and above or underground wire and pipelines in the geographic area covered by this agreement.

The overall objective, as evidenced by the specific goals established is a commitment to reach, within each union, a membership of minorities proportionate to the minority population in Alaska.

The Alaska Plan staff shall monitor and evaluate the employment practices of parties signatory to this agreement in order to ensure that an equitable representation of minorities and females are ascertained on construction projects.

RECRUITMENT

Minority and female persons shall be recruited in the Alaska area to acquaint them with employment, training and apprenticeship opportunities in the construction industry.



John Agibinik of Tanana Chiefs Employment Office watches as Charley Moses of the Alaska Plan shakes hands with Earth Movers Superintendent Donald Parks.



Ken Brady Construction Company's crew working on Alaska's largest single concrete pour ever made. It will be the main foundation of the new International Brotherhood of Electrical Workers Trust Tower.

COUNSELING

The Alaska Plan staff will counsel minority and female individuals with regard to entry into the trade consistent with the development of the person's skills, work potential or personal desires.

APPRENTICESHIP

The term of apprenticeship for the construction trade will range from two to four years. Apprenticeship training is divided into two areas; technical instructions and on-the-job training. No charge is made for the classroom instructions.

REQUIREMENTS

I. Each local building and trades union signatory to this agreement shall report monthly, the names of minorities and females dispatched from their local, indicating the employer and location of worksite.

This information is mandatory for reporting procedures for the Office of Federal Contract Compliance.

II. Contractors signatory to this agreement shall report to this office by the 15th of each month; a standard form #257 reflecting the man-hours of employment for each employee he has employed in the construction industry.

state and local government, state and local government assisted and private).

Form 257 is required by Executive Order 11246, Section 203. Failure to report this information can result to a contractor being placed under the Office of Federal Contract Compliance.



David Victoroff works on cement forms for Baugh Construction. He is a member of Local Carpenters Union 1281.



Isaac Stephan drills for Baugh Construction & Engineering Company. Isaac is in I.B.E.W. 1547.



Willy Shears of Roofers Local 190 makes sure Calista Corporation's new Sheraton Hotel in Anchorage gets the best roof possible.