

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1499 SHESS SB 248

above. At each of these meetings the format would involve a presentation by the head of the agency in question followed by those specific assistant attorneys general assigned to that department plus such other additional people as may be appropriate to achieve the dual goals outlined above.

G. Follow-Up:

To the extent that it has not been achieved at this point, the Governor should issue either in letter or executive order form the instructions to the attorney general and the Department of Administration suggested in paragraph B above. He should have designated an appropriate agency to develop standards and procedures for the management of equal employment opportunity plans and the directive should have issued from that agency to each of the agencies with a format and deadline for the plans and establishing a planning process.

This interagency committee will be responsible for developing a set of instructions which will be transmitted to agencies. Presumably they will, in turn, develop their Management Equal Employment Opportunity Plans (MEEOP) and their "Equal Employment Opportunity Management Plans (EMAPS). I would think that the Governor's executive order or implementing instructions should establish the Human Rights Commission as the final authority on substantive standards but should establish the Department of Administration as the final authority for the "approval" of specific departmental plans. If complaints are ultimately filed alleging that the agencies are still discriminating it will be the Human Rights Commission which must adjudicate these complaints. While it is appropriate for it to be involved in enunciating in advance the policies it believes should be applicable to those plans and by which it will, in turn, adjudicate such complaints, I believe it would be totally inappropriate for it to be involved in the specific approval process of a plan in connection with which it might later have to make a decision in a quasi-judicial fashion. Further, if this matter is being approached, as this memo recommends, as a managerial problem then it is appropriate that the Department of Administration as the chief management arm of the Governor be responsible for managing the voluntary compliance process of the state in its capacity as an employer/ manager.

V. CONCLUSION:

As I suggested in the introduction, the purpose of this outline is to present a number of elements which I believe should be included in your thinking as you attempt to develop an affirmative action plan and an affirmative action management process for the State of Alaska. It is not a rigid specific item plan although it is organized in such a format that it could be adapted to those purposes rapidly. The key throughout is to focus on several goals:

- Using the existing managerial strengths and expertise of state government managers in context of the pre-existing management by objectives system which your governor has established.
- developing in those managers the appropriate "technical perception" of systemic discrimination so that they may put that managerial expertise to work on this "new" managerial problem.
- establishing and providing sufficient resources to effectively implement a state equal employment opportunity management process government-wide and specific equal employment opportunity management plans in each state agency.
- providing support, advice, guidance and assistance to agencies in developing those plans from the personnel arm of state government (Office of the Administration) and from the legal arm of state government (attorney general).

As I also stated, above, my perception of existing capability in commitment of Alaskan State government lead me to be extremely optimistic as to your potential for success. While no one can guarantee immunity from complaints or lawsuits one can take responsible managerial action to substantially reduce the risk of such suits being filed and (if filed, the risk of a substantial loss by the state.

MIDWEST INTERGOVERNMENTAL EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE



M.I.E.E.O.C.

MIEEOC
149 E. Wilson Street
Madison, WI 53702
608/266-3991

February 26, 1981

Mr. Peter Robertson
3829 North Woodrow Street
Arlington, Virginia 22207

Dear Peter:

This letter will announce a scheduled National Conference of State EEO Managers to be held in Detroit, Michigan, during April 9-12, 1981. By way of this letter, we are inviting you to attend this national event.

Governor William G. Milliken of Michigan has accepted an invitation from the Midwest Intergovernmental Equal Employment Opportunity Committee (MIEEOC) for Michigan to serve as host state for the national conference. He has recently communicated with the governor of your state urging participation in the conference by designating the appropriate staff person responsible for the statewide management of your EEO program to attend (see enclosed Governor Milliken letter). The Personnel Director of each state has been notified by the Michigan State Personnel Director to enlist their support and state's participation (see Richard Ross letter to state Personnel Directors).

The conference will be held at the Hotel Pontchartrain in downtown Detroit. The Metropolitan Airport is located 30 miles from the hotel. There is coach service to all major hotels every half hour from 8:30 a.m. to 7:00 p.m. After 7:00 p.m. the coach runs every hour. You may board the coaches at the north and south terminals at the airport. The coach fare is \$7.75 one way or \$15.50 roundtrip. A map of downtown Detroit is enclosed for your convenience.

We have reserved a block of rooms at government rates and have enclosed a reservation card which you should send back to the Hotel Pontchartrain no later than March 25, 1981. The room rates are \$50.00 per night for a single and \$35.00 per night for a double. To keep your conference costs at a minimum, it would behoove you to make arrangements for a roommate, perhaps someone from a neighboring state. A list of state EEO Managers is enclosed.

Also enclosed is a MIEEOC preregistration form which we would like you to fill out so that we may have some indication of how many people will be attending the conference, and how many people to serve for the group meals during the conference. Please return the preregistration form by March 25, 1981.

STATES

Indiana, Illinois, Michigan, Minnesota, Ohio, Wisconsin

LOCAL JURISDICTIONS


Columbus, Flint, Ft. Wayne, Hennepin County, Madison, Peoria

February 25, 1981

There is a conference registration fee of \$60.00 which we would like you to pay at the time you register. If you must have state forms filled out by us for processing before the conference, please send them to me at your earliest convenience. The \$60.00 will pay for the group meals, with scheduled guest speakers for each meal. Included in the group meals are three lunches, one brunch, one dinner, and coffee for the conference. Other meals will be on your own.

You are invited to bring information about your AA/EEO program for display in an exhibit area that will be provided. If you have any questions concerning the conference, please call me at 608/266-3991 between the hours of 9:00 a.m. and 1:00 p.m. (CST).

Sincerely,



Parr Decorah
MIEEOC Conference Coordinator

PD:sn

Enclosures

MIEEOC CONFERENCE PRE-REGISTRATION FORM

National Conference of State EEO Managers
Detroit, Michigan
9-12 April 1981

Name _____ Phone _____

Title _____

Street _____

City/State/Zip _____

I have not have registered at the Hotel Pontchartrain.

Single Double

Dates I will attend conference: 9 10 11 12 April 1981.

I will pay the \$60.00 registration fee for the group meals. Yes No

I will bring material for display. Yes No

Name(s) of other State/Agency personnel who will be attending:

Name/Agency _____

Registered at hotel? Yes No Single Double Meals Yes No

Name/Agency _____

Registered at hotel? Yes No Single Double Meals Yes No

Name/Agency _____

Registered at hotel? Yes No Single Double Meals Yes No

Please fill out the form and return it in the enclosed self-address stamped
envelop no later than March 25, 1981. Thank you.

MIDWEST INTERGOVERNMENTAL EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE



M.I.E.E.O.C.

NATIONAL CONFERENCE OF STATE EEO DIRECTORS
April 9-12, 1981
Pontchartrain Hotel
Detroit, Michigan

AGENDA

Thursday, April 9, 1981

4:00 - 6:00 p.m. Registration
6:30 - 8:00 p.m. Reception
*Dinner on your own

Friday, April 10, 1981

Jim Wright, Master of Ceremonies for the day

9:00 a.m. Introduction, conference goals
9:15 a.m. Detroit Mayor Coleman Young
Introduced by: Ron Quincy
10:00 a.m. Peter Robertson, historical synopsis
11:00 - 11:30 a.m. Small groups to identify issues and develop questions
11:30 - 12:00 a.m. Peter Robertson responds
12:00 - 2:00 p.m. Lunch and talk from Governor Milliken
2:00 p.m. Workshop: Legal tools at the state level - what
you need to function - Washington, Kentucky, South
Carolina, Wisconsin
3:00 - 3:15 p.m. Coffee
3:15 - 4:15 p.m. Shared group tools and material
4:15 - 4:40 p.m. Facilitator recap
5:30 p.m. Group Dinner with Barbara Sunquist

STATES

Indiana, Illinois, Michigan, Minnesota, Ohio, Wisconsin

LOCAL JURISDICTIONS

Columbus, Flint, Ft. Wayne, Hennepin County, Madison, Peoria

Saturday, April 11, 1981

Minnie Linyear, Master of Ceremonies for the day

- 9:00 - 9:15 a.m. Recap yesterday and overview of today - Minnie Linyear
- 9:15 a.m. Panel discussion: Retention and layoff; three panelists each speaking ten minutes - Arizona, California, Massachusetts
- 10:00 a.m. Small groups identifying barriers to implementation
- 10:30 a.m. Discuss barriers and solutions
- 11:15 - 12:15 p.m. Availability analysis (Montana and Illinois) with open discussion
- 12:30 - 2:30 p.m. Lunch with speaker/new director of OPM
- 2:30 - 3:30 p.m. Management information systems - Alameda County, Connecticut, North Carolina, Pennsylvania
- 3:45 - 5:00 p.m. Effective Program Management (Regional Caucuses and networking) - Georgia, Kansas, Michigan, General Motors (?)
- *Dinner on your own

Sunday, April 12, 1981

Mary Hartmann, Master of Ceremonies for the day

- 9:15 a.m. Group brunch
- 10:00 a.m. Institutionalization of Affirmative Action (includes Uniform guidelines) - Miami, Michigan, Virginia, Dick Vail (Consultant)
- panel of speakers
 - participants share material
 - small groups identify barriers and alternative solutions
- 12:00 noon Lunch with major speaker
- 2:00 - 2:15 p.m. Wrap-up - Louis Hawkins

Sent to all Governors



mailed 2-18-81

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

WILLIAM G. MILLIKEN
GOVERNOR

February 17, 1981

FEB 23 1981

Dear :

The Midwest Intergovernmental Equal Employment Opportunity Committee (MIEEOC) is sponsoring a national conference of state-wide affirmative action directors and other government officials. I have accepted MIEEOC's invitation for Michigan to serve as host state.

The conference will be held April 9-12 at the Hotel Pontchartrain in Detroit. The conference will provide a forum for addressing the major issues confronting state and federal agencies.

I am urging your state to participate in this important national conference by designating appropriate staff responsible for affirmative action program management to attend.

Mr. James C. Wright, President, MIEEOC, and Mr. Ronald Quincy, of my staff, will keep your state informed of conference details.

Warm personal regards.

Sincerely,

Governor

Quincy

cc: Slotsema

STATE OF MICHIGAN This letter sent to State Personnel
Directors of all other States



WILLIAM G. MILLIKEN, Governor

DEPARTMENT OF CIVIL SERVICE

LEWIS CASS BUILDING
320 S. WALNUT STREET, BOX 30002
LANSING, MICHIGAN 48909

RICHARD A. ROSS, State Personnel Director

February 11, 1981

Mr. George R. Harrod
Director of Personnel
Personnel Office
499 Pennsylvania Avenue, N.W.
Washington, D.C. 20001

Dear Mr. Harrod:

Governor William G. Milliken has accepted an invitation from the Midwest Intergovernmental Equal Employment Opportunity Committee (MIEEOC) for Michigan, to serve as host state for a National Conference of State-wide Affirmative Action Directors and other government officials. He has recently communicated with the Governor of your state urging participation in this important National Conference by designating the appropriate staff person responsible for the state-wide management of your affirmative action program to attend.

As State Personnel Director for the State of Michigan, I am writing to enlist your support and state's participation in this noteworthy program.

The Conference, as indicated in Governor Milliken's letter, will be held April 9-12, 1981, at the Hotel Pontchartrain in Detroit. It is being funded by an IPA Grant to provide a forum for addressing the major affirmative action issues confronting state and federal agencies. I have agreed to serve as a panelist for one of the sessions and Governor Milliken has agreed to be a key speaker on April 10, 1981.

This will be the first attempt at bringing together in a National forum setting all state-wide affirmative action directors for purposes of exchanging ideas and information on state government affirmative action issues. I hope you will send your State Affirmative Action Director to this Conference. If you have any questions, please contact Ernie Wallick of my staff at (517) 373-2610 or Ron Quincy of the Governor's staff at (517) 373-3922.

Sincerely,

Richard A. Ross
State Personnel Director

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

WILLIAM G. MILLIKEN
GOVERNOR

February 11, 1981

Mr. Jim Littleton
Governor's Office
Capitol Building
Montgomery, Alabama 35130

Dear Mr. Littleton:

Last summer you were advised by the Michigan Intergovernmental Equal Employment Opportunity Committee (MIEEOC) of plans to convene a national conference of state-wide affirmative action directors and other government officials once IPA funding could be secured. We are delighted to be able to inform you that the committee has been successful in securing funding for the conference from the Office of Personnel Management, and that Governor William G. Milliken has agreed to Michigan hosting it April 9 - 12, 1981, at the Hotel Pontchartrain in Detroit.

Governor Milliken has been in communication with the Governors of other states to urge participation in this important national conference by designating the appropriate staff person responsible for the state-wide management of your affirmative action program to attend. Our State Personnel Director, Mr. Richard A. Ross, has communicated a similar request to your state personnel director.

As staff persons responsible for Michigan's state-wide affirmative action program, we are writing to urge your support and assistance with the conference.

The conference, itself, has been designed to provide an excellent opportunity for a discussion of the major issues confronting managers of affirmative action programs as well as to share information about resources we each possess for addressing top issues.

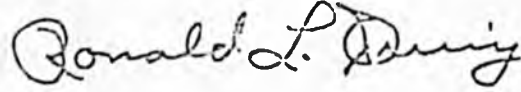
Knowledgeable professionals in the field will serve as speakers and presenters on topics that are especially valuable to our work.

Detroit is very accessible by air with daily service by Detroit Metropolitan Airport for all major airlines. Limousines and Greyhound Buses have direct routes downtown, and rental cars are available at the airport and the Hotel Pontchartrain. By automobile there are interstate connections directly into downtown Detroit.

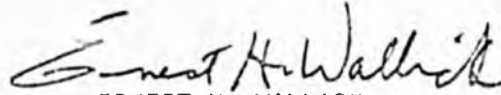
You are invited to bring information about your affirmative action program for display in an exhibit area which will be provided. More information concerning the program agenda details and conference registration fee will be provided to you later by the conference program coordinator.

See you in Detroit.

Sincerely,



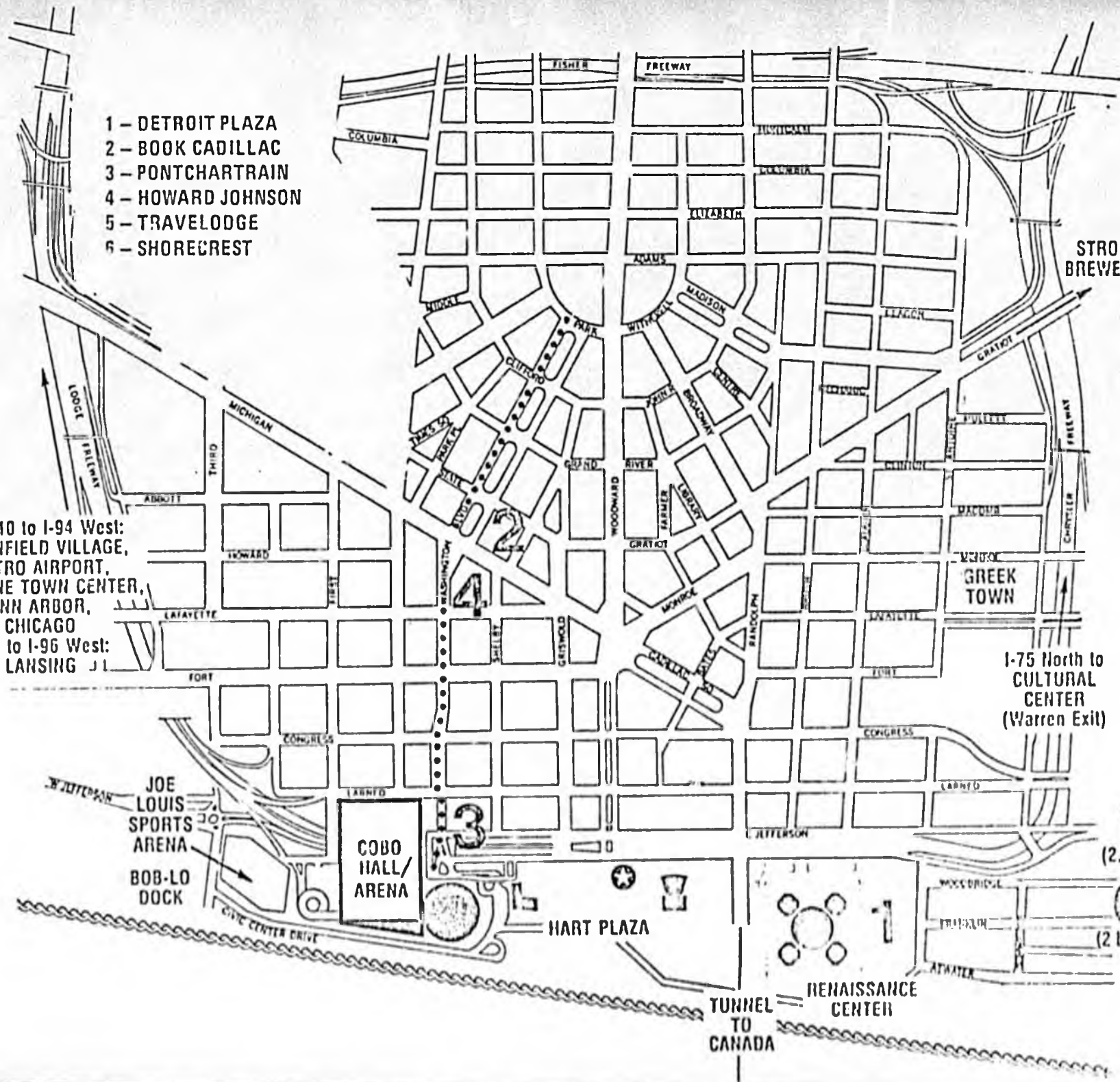
RONALD L. QUINCY
Special Assistant to the Governor
and Executive Director of the
Michigan Equal Employment
Opportunity Council



ERNEST H. WALLICK
Director
Bureau of Selection
Michigan Department of Civil Service

- 1 - DETROIT PLAZA
- 2 - BOOK CADILLAC
- 3 - PONTCHARTRAIN
- 4 - HOWARD JOHNSON
- 5 - TRAVELODGE
- 6 - SHORECREST

U.S. 10 to I-94 West:
 GREENFIELD VILLAGE,
 METRO AIRPORT,
 FAIRLANE TOWN CENTER,
 ANN ARBOR,
 CHICAGO
 and to I-96 West:
 LANSING



EASTERN MARKET

STROH BREWERY

GREEK TOWN

I-75 North to CULTURAL CENTER (Warren Exit)

BELLE ISLE (2.5 Miles)

6 (2 blocks)

5 (8 blocks)


TUNNEL TO CANADA

RENAISSANCE CENTER

HART PLAZA

COBO HALL/ARENA

JOE LOUIS SPORTS ARENA
 BOB-LO DOCK



WILLIAM G. MILLIKEN
GOVERNOR

STATE OF MICHIGAN

AFFIRMATIVE ACTION GUIDELINES
FOR
EQUAL EMPLOYMENT OPPORTUNITY
IN STATE GOVERNMENT

REVISED NOVEMBER 7, 1980

MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL
JAMES H. BRICKLEY, CHAIRMAN

Purpose

The Michigan Equal Employment Opportunity Council has the responsibility under Executive Directive 1979-2 to provide leadership and direction to executive departments within the state classified service with respect to matters relating to Equal Employment Opportunities. Experience under Executive Directives 1971-8 and 1975-3 has demonstrated that achieving the full and equal participation of minority individuals, women, and handicappers as mandated under state and federal law, and Executive Directive 1979-2 requires a comprehensive program of affirmative action.

An affirmative action program is a set of specific and result-oriented procedures to which a department pledges to apply every good faith effort. The objective of the plan is to promote equal employment opportunity. Plans without effort to make them work are meaningless; and effort undirected by specific and meaningful procedures is inadequate. An acceptable affirmative action program must therefore include an analysis of areas within which the department is deficient in the utilization of minority groups, women, and handicappers, plus goals and timetables to which good faith efforts will be directed to correct the deficiencies and achieve prompt and full utilization of minorities, women, and handicappers at all levels and in all segments of the work force. The guidelines contained herein have been developed with these critical factors in mind.

Scope

These guidelines apply to the principal executive departments and their subdivisions in the state classified service. Each department is required to formulate, implement and maintain a revised or updated affirmative action

(equal employment opportunity) plan, relating to minority individuals, women, and handicappers. The department's affirmative action plan will be reviewed by the Michigan Equal Employment Opportunity Council Liaison Staff and transmitted to the Michigan Equal Employment Opportunity Council with recommendations for acceptance or revision. The Michigan Equal Employment Opportunity Council will be notified in writing by the Michigan Equal Employment Opportunity Council Liaison Staff of every department which fails to submit a timely plan.

For purposes of these guidelines, the following race/ethnic categories and definitions will be used:

BLACK - (Not of Hispanic origin) All persons having origins in any of the black racial groups of Africa.

HISPANIC - All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

ASIAN OR PACIFIC ISLANDERS - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

NATIVE AMERICAN/AMERICAN INDIAN OR ALASKAN NATIVE - All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

HANDICAPPER - Any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (See MEEEOC Policy Statement Number 7, attached)

WORK FORCE - All persons between 16 and 65.

LABOR FORCE - All persons employed, on layoff, looking for work, or temporarily absent.

Requirements of the Affirmative Action Plan

Outlined below and on the following pages are essential elements each agency must incorporate into its Affirmative Action Plan in order to assure equal employment opportunity.

I. Development or re-affirmative of a written Equal Employment Opportunity Policy Statement to be issued by the Chief Executive Officer.

A. Scope of the Policy Statement

Specific items to be mentioned should include, but are limited to the following:

1. A firm commitment to equal employment opportunity for all persons regardless of race, religion, color, sex, national origin, age, physical or mental characteristic or other categories or groups protected by law.
2. A firm commitment to review all aspects of the employment (i.e., recruiting, hiring, transfer, promotion, training, salary/compensation, benefits, layoffs, terminations, grievances, etc) to identify and remedy those internal policies and procedures which unlawfully disadvantage minorities, women, or handicappers.
3. A clear acknowledgement that specific programs, including goals and objectives, are required to overcome the present effects of past discrimination and/or exclusion.

The Equal Employment Opportunity Coordinating Council issued a statement on affirmative action programs for state and local government agencies which was adopted by the Michigan Equal Employment Opportunity Council on November 23, 1975. (Copy attached) The statement should be incorporated into the departmental plans by reference.

B. Internal and External Dissemination of the Policy Statement

1. Executive, management, administrative, and supervisory personnel should be advised of the policy, preferably in meetings for that purpose, with emphasis on individual responsibilities for implementation.
2. The following methods of dissemination are also recommended by the Michigan Equal Employment Opportunity Council.
 - Agency Policy Manual
 - Supervisor's Handbook
 - Employee's Handbook
 - Orientation Sessions for New Employees
 - Employee Meetings
 - Supervisory/Management Meetings
 - Agency's Annual Report
 - Newsletters
 - Bulletin Boards (Permanent)
3. Applicants and organizations external to the agency should be made aware of the agency's policy on equal employment opportunity through:
 - notices to recruitment sources
 - letters to local leaders of various organizations (emphasis must be placed on identifying groups servicing or representing protected groups)
 - advertisement for positions
 - notices to contractors, vendors and suppliers of goods and services for the agency
4. Agency personnel should periodically participate with community organizations, high schools, colleges, etc., to explain the agency's hiring policies and employment opportunities.

II. Responsibility for Implementation

A. Agency Director:

1. Provides necessary continuing top management support for the affirmative action program.
2. Allocates sufficient authority, staff and resources to accomplish the agency's program.
3. Holds administrative, management, and supervisory personnel accountable through inclusion of their equal employment opportunity efforts and results as a part of the department's performance evaluation program.

B. Liaison Officer to the Michigan Equal Employment Opportunity Council*:

1. Serves as liaison between the department and the Michigan Equal Employment Opportunity Council (MEEEOC).
2. Keeps management informed of latest developments in the entire equal opportunity area.

C. Agency Affirmative Action Officer:

1. Develops internal department policy statements, affirmative action programs, internal and external communications techniques.
2. Coordinates and administers the programs and policies.
3. Assists in the identification and resolution of problem areas.
4. Designs, implements and monitors audit and reporting systems that will:
 - measure effectiveness of the department's programs
 - identify need for remedial action
 - evaluate the degree to which the goals and objectives have been attained in terms of results
5. Monitors personnel policies, practices, and recordkeeping procedures.

*May or may not be the department's affirmative action officer.

6. Reviews the qualifications of rejected minority, women, and handicapped applicants and employees to insure full opportunities for hires, transfers, or promotions.
7. Establishes a procedure whereby exit interviews are conducted with all protected group members, and the impact on representation is monitored to assure equal opportunity policies are enforced.
8. Establishes an internal system for handling applicant and employees complaints of discrimination.
9. Serves as liaison with organizations and community action groups concerned with employment opportunities for minorities, women, and handicappers.
10. Keeps management informed of latest developments in the entire equal opportunity area.

D. Agency Administrators, Managers, Supervisors:

1. Increases the utilization of minorities, women, handicappers in their respective divisions in accordance with their skills, availability and acceptable merit selection concepts.
2. Develops, identifies, explains and recommends or provides employee training aids (example: tuition reimbursement, on-the-job training, periodic workshops, seminars, etc.).
3. Assists in identifying problem areas and in developing solutions.
4. Provides career counseling to new and current employees.
5. Prevents harassment of any employee on the basis of race, sex, religion, national origin, or handicapped condition.

E. Special Counselor for sexual harassment matters:

1. Conducts a prompt investigation of sexual harassment complaints by applicants and employees.

2. Provides confidential advice and counseling to employees for the purposes of resolving the complaint.
 3. Initiates action to bring about appropriate resolution of the matter.
- F. Agencies should include the following in the ongoing training for personnel, administrative, supervisory, and management staff:
1. Current civil rights laws and federal and state regulations.
 2. Awareness of the Affirmative Action Plan and its objectives.
 3. Information on barrier-free design, work site modification, and other methods of accommodating handicappers.
 4. Awareness and sensitivity training in human relations.

III. Work Force Utilization Analysis

A. General considerations:

1. A necessary prerequisite to the development and implementation of a satisfactory equal employment opportunity program is the identification and analysis of the problem areas inherent in the utilization or participation of minorities, women, and handicappers in all of the department's employment phases (e.g., recruitment, selection and promotion). The focus should be on where minorities, women, and handicappers are not employed.
2. In making the evaluation of employment opportunities, the department shall conduct such analysis separately for minorities, women, and handicappers. All racial and ethnic data collected to perform an evaluation should be cross classified by sex to ascertain the extent to which minority women and minority men may be underutilized. The analysis begins with a chart of present representation of women, minority persons, and handicappers in all job categories by region, division, section, and unit.

3. The state-wide Utilization Standards adopted by MEEOC June 2, 1977 represent the availability of minorities in the population and females and handicappers in the labor force:

HISPANIC AMERICANS-----	1.7%
BLACKS-----	12.4%
AMERICAN INDIAN OR ALASKAN NATIVE-----	0.3%
ASIAN AND PACIFIC ISLANDERS-----	0.4%
WOMEN-----	41.5%
HANDICAPPERS-----	11.5%

Local utilization standards within cities, counties, or regions are provided in the Technical Manual issued in July, 1978.

B. Identification of Areas of Underutilization, Concentration or Non-Utilization of Minorities, Females, and/or Handicappers

1. Underutilization is defined as having fewer minorities, women, or handicappers in a particular job category or classification than would reasonably be expected by their availability in the area served.
2. The number (representing underutilization) of any employee group in the June 2, 1977 Utilization Standards adopted by the council is derived from a work force population (for minority groups) or labor force (for women and handicappers) standard in a reasonable recruiting area. It is recognized that for some administrative, professional, higher level technical and skilled craft classes, the work force population or labor force standard, by itself, may not suffice as an index of availability, and in some instances the department may want to revise the recruiting area. Any department which believes the MEEOC Utilization Standards to be inappropriate must substantiate the use of other availability data in a written attachment to the utilization analyses and the goals and timetable form for review and

approval by MEEOC. If a lower standard is set because of education and experience requirements that serve to disadvantage minorities, women, and handicappers, a plan to validate these requirements must also be included.

3. In determining whether minorities, women, or handicappers are being underutilized in any job group, the department will consider, to the extent these data are available, the following factors:

- their representation in the population in the area surrounding the facility
- their representation in the unemployment force in the area surrounding the facility
- their representation in the department as compared with the total work force in the area
- the general availability of such persons having requisite skills in the area
- the availability of such persons having requisite skills in an area in which the department can reasonably recruit
- the availability of such persons who are promotable and transferable within the department
- the existence of training institutions capable of training such persons in the requisite skills, and
- the degree of training which the department is reasonably able to undertake as a means of making all job classes available to minorities, women, and handicappers.

C. Underutilization, non-utilization or concentration of minorities or women in one or more areas constitutes a prima facie case of discrimination. For purposes of these guidelines, the same standard applies to handicappers. When any of the above conditions exist, the department is then required to identify the employment policies and procedures which contributed to the problem. For purposes of making such a determination, the department's analysis should include such things as:

1. An analysis of the department's role in all employment selection procedures for the preceding fiscal year, including such items as position descriptions, application forms, recruitment methods and sources, interview procedures, educational prerequisites, referral procedures and final selection methods.
 2. An analysis of internal upgrading and promotion procedures, transfer procedures (lateral or vertical), and formal and informal training programs during the preceding fiscal year.
- D. Those policies and procedures which disadvantage minorities, women, and handicappers are prohibited unless they can be shown to be necessary to satisfactory performance on the job. The Affirmative Action Plan should be designed to address each of the problem areas which emerge in the utilization analysis. Support data shall be compiled and maintained as part of the affirmative action program. This data will include, but not be limited to, progression line charts, seniority rosters, applicant flow data, and application rejection ratios indicating handicapper, minority, and sex status.

IV. Specific Programs to Eliminate and Remedy Discriminatory Employment Practices Revealed by the Work Force Utilization Analysis

A. Position requirements

The department should conduct a detailed analysis of position descriptions, to insure that they accurately reflect position functions. Special attention should be given to academic, experience and skill requirements to insure they do not become inadvertent or unnecessary barriers to minorities, women, or handicappers.

B. Recruitment:

1. Departments should analyze their role in recruiting. Departments, in conjunction with Civil Service, have identified the classes and

activity areas for which each has recruitment responsibility and have documented these in written recruitment agreements. These agreements are to be reviewed and updated on a quarterly basis and are subject to revision on an annual basis. In departments, divisions, sections, regions or units characterized by underutilization, internal job posting and/or word of mouth recruiting cannot be relied upon, particularly in temporary, emergency or provisional appointments. Applicant flow from Civil Service sources should be monitored and recorded in relation to minority, female, and handicapper representation, for later review by MEEOC.

2. When external factors, such as lack of suitable transportation or accessibility to the work place (e.g., accommodations for wheel chair users or other handicappers) are found to inhibit minority or handicapper employment, the department should encourage activities such as organizing car pools, assuring open housing and so forth to diminish the effect of such factors. The existence of such external factors does not diminish a department's obligation to eliminate underutilization of minorities and handicappers.

C. Selection Criteria and Procedure

1. All personnel involved in the recruiting, screening, selection, promotion, disciplinary and related processes should be carefully selected and trained to insure elimination of bias in all personnel action.
2. Methods and procedures to utilize special recruiting, selection and hiring techniques to assure that minorities, women, and handicappers are included in the selection process must be described. Such methods

and procedures must be consistent with the policy statement of the Michigan Equal Employment Opportunity Council, adopted November 23, 1976, (See Appendix I) and such other procedures adopted by the Civil Service Commission which are intended to assure the representation of handicappers and other protected class persons.

3. An employee selection process which has not been validated as predictive of success on the job should not necessarily be construed as a list of "best qualified" candidates based on their ranking.
4. Selection techniques other than written tests may also be improperly used so as to have the effect of discriminating against minorities, women, and handicappers. Such techniques include, but are not restricted to, unscored interviews, arrest records, credit checks, medical history, consideration of marital status or dependency or minor children. Where there exists data suggesting that such unfair discrimination or exclusion of minorities, women, or handicappers exist, the department should analyze unscored procedures and seek their elimination if they are not objectively valid.
5. Provisions must be made for pre-appointment review and sign off to assure the inclusion of protected group persons in the selection pool and their consideration for appointment to those classifications where there is identified underutilization. Such provisions and procedures must be consistent with the MEEOC policy governing the pre-review of appointments to 17 level and above positions.

D. Work Force Reduction and Employee Layoffs

On May 15, 1980, the Michigan Equal Employment Opportunity Council adopted and issued the following procedures to be followed during a reduction in

force in the state classified service:

1. Department personnel shall analyze the impact of a projected layoff separately for blacks, hispanics, American Indians, women, and handicappers. Whenever the layoff will result in an underutilization or increase an existing underutilization of one or more protected groups, the department shall submit to the council for prior review and comment a plan which indicates that all efforts were made to develop alternatives to layoffs.
2. The following factors should be evaluated in drafting the requested plan:
 - a. The Operational Needs of the Department
Operational needs are determined by the department's dependence on the cooperation of the population it serves for efficient and effective performance of its work.
 - b. The impact which societal discrimination has had upon the department's ability to achieve a representative work force in traditionally male or traditionally white areas of employment.
 - c. The impact which alternatives will have on other employees. An acceptable alternative will minimize the burden on other employees.
3. It is assumed that all departments will have implemented the following action to avoid or minimize layoffs:
 - a. Provision for the transfer of furloughed employees to departments where hiring is occurring.
 - b. Provision for the voluntary layoffs, early retirements, and reduction in hours.
 - c. Elimination of overtime and shifts requiring a pay differential.

The proposed plan for reduction in force should be consistent with procedures adopted by the Civil Service Commission which are intended to assure that minorities, women, and handicappers are not disparately affected by the layoff.

E. Employee Promotion, Upgrading and Training

1. The department should insure that promotion decisions are in accord with the principles of equal opportunity by imposing valid requirements.
2. The department should monitor the use of promotional examinations and lateral transfers to identify and remedy those which involve areas or classifications where underutilization occurs.
3. Selection of employees for training must be on a non-discriminatory basis. It should be a part of the Affirmative Action Plan to overcome the present effects of past discrimination.
4. Tuition-free courses should be utilized for developing specific job-related skills.
5. New employees should be offered or provided access to training sessions that will enhance adjustment to work and work environment.
6. Minorities, women, and handicappers qualified for upward mobility should be identified by reviewing and comparing qualifications, such as education, experience, seniority and performance records of all employees.
7. Employees should be interviewed to assess their potential and to obtain additional information on their background and career interests. A list of available training programs should then be provided such individuals.

8. Provision must be provided for an ongoing analysis of the participation rates of minorities, women, and handicappers in training courses (i.e., how many of those eligible actually participate).

9. Consideration must be given to the use of special classifications as a bridge between clerical or paraprofessional and professional jobs and at entrance levels.

F. Job Accommodation for Handicappers

Factors regarding availability of services, accommodations, architectural barriers, transportation and accessibility must be detailed as to current status and future plans for modification.

G. Return to Work of Handicapper Employees

Each department shall make reasonable efforts to accommodate individuals who have sustained illness or injury after their initial date of hire. Such efforts should be directed at job and work site accommodation, job restructuring and work site relocation.

H. Special Programs

Special employment programs should be undertaken for minorities, women, and handicappers whenever possible. Some such programs are:

1. Technical and non-technical co-op programs.
2. "After School: and/or work-study jobs.
3. Summer jobs for youth.
4. Summer work-study programs for minorities, women, and handicapper faculty members of schools and colleges.
5. Motivation, training, and employment programs.
6. Special programs such as those offered by Vocational Rehabilitation Services, NESC, Community Service Agencies, Employment and Training Programs and the like.

I. Goals and Timetables

1. Where underutilization is identified in the work force utilization analysis, the department shall establish specific annual and long-range goals with specific timetables separately for blacks, Hispanics, American Indians, women and handicapped.
2. Underutilization should be overcome as rapidly as possible. Where the department does not commit to full utilization within five years or less, the written affirmative action program must detail the reasons for establishing an extended goal, and outline the steps which will be taken to assure the extended goal is met.
3. In establishing timetables to meet the goals, the department should allow for anticipated expansion, contraction and turnover in the work force. In all circumstances the representation of the underutilized groups among new hires and/or promotions should equal or exceed the availability standards established in the underutilization analysis.
4. The goal setting process should involve department and division heads, and local and unit managers in addition to personnel office staff.
5. Goals should be specific for planned results, designed to overcome any underutilization with timetables for completion. They should not be established in areas where underutilization does not exist.
6. Goals should not be rigid and inflexible quotas, but must be targets reasonably attainable by utilizing the available Civil Service procedures to make all aspects of the entire affirmative action program work.

V. Internal Auditing and Reporting Systems

- A. The departmental EEO Officer should compile and maintain data on minor-

ities, women, and handicappers cross-indexed on the following actions taken within the preceding year, for audit or review by MEEOC and Civil Service.

1. The number of disciplinary actions taken against employees.
 2. The number and types of sanctions imposed (suspension indefinitely, suspension for a term, loss of pay, written reprimand, oral reprimand, other) against employees.
 3. The number of individuals referred for employment, through the certification of eligibles process, and the number of those referred who were offered employment and those who were actually hired.
 4. The number of individuals seeking employment outside of the certification of eligibles process. If such data is unavailable, the department should institute a system for the collection of such data.
 5. The number of employees in each job category who made application for promotion or transfer outside the regular examination and certification process and the number in each job category who were promoted or transferred.
 6. The number of employees who were terminated, identifying those which were voluntary or involuntary terminations.
 7. The number of sexual harassment and/or discrimination complaints filed against the department, identifying the action that was taken to resolve the complaint.
- B. The departmental EEO Officer should prepare monthly reports on the success or lack of success in meeting affirmative action goals for review by the Agency Director and, upon request, by MEEOC or Civil Service.

C. Departments are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection, promotional or termination policies directly or indirectly have the effect of denying Equal Employment Opportunities to minority individuals, women, or handicappers.

POLICY OF THE MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

The Michigan Equal Employment Opportunity Council endorses the memorandum issued by the federal Equal Employment Opportunity Coordinating Council on August 26, 1976, entitled, "A Policy Statement on Affirmative Action Programs for State and Local Government Agencies."

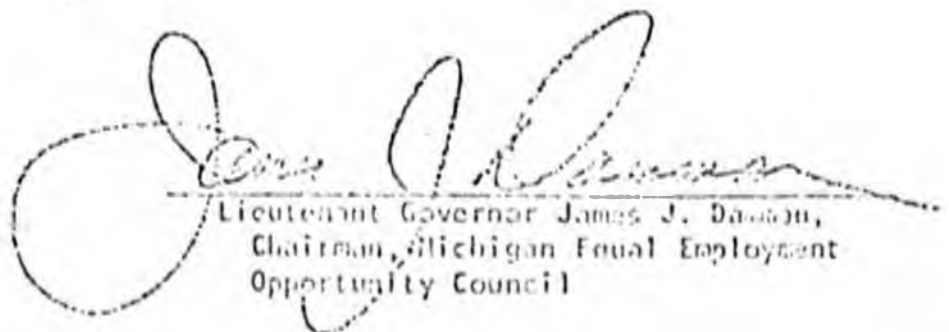
The attention of state agencies and departments is directed to the memorandum, especially Section 3, which advises that an employer who has reason to believe that its selection procedures have an exclusionary effect should initiate affirmative steps to remedy the situation which include, but are not limited to:

"The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;..."(subparagraph 5)

Through an Affirmative Action Research Study initiated in 1967 and culminated in 1968, a two year survey of employment practice study concluded in August, 1971 and departmental affirmative action plans required under Executive Directives 1971-8 and 1975-3, Michigan has ample and documented reasons to believe that its selection procedures have had an exclusionary effect on minority group persons and women and that such exclusion is immediately attributable to selection procedures which have not been validated according to acceptable professional standards. Affirmative steps to remedy this situation have been taken by the Michigan Civil Service Commission in its adoption of an Expanded Certification and Rescheduled Examination Policy as means of assuring that members of an affected group who are qualified to perform the job are included within the pool of persons from which the appointing authority makes the selection.

In order to strengthen and reinforce affirmative steps taken to date to remedy the effects of present exclusion, the Michigan Equal Employment Opportunity Council has adopted and is communicating through this issuance, the policy that each state agency and department, in filling all positions in the classified service, shall exhaust those procedures embodied in the Rules of the Civil Service Commission which intend to assure the representation of minority group persons and women in the pool from which the selection is to be made, before any such position is filled.

Adopted November 23, 1976



Lieutenant Governor James J. Dawson,
Chairman, Michigan Equal Employment
Opportunity Council

EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

AFFIRMATIVE ACTION PROGRAMS FOR STATE AND LOCAL GOVERNMENT AGENCIES

POLICY STATEMENT

The Equal Employment Opportunity Coordinating Council was established by Act of Congress in 1972, and charged with responsibility for developing and implementing agreements and policies designed, among other things, to eliminate conflict and inconsistency among the agencies of the Federal government responsible for administering Federal law prohibiting discrimination on grounds of race, color, sex, religion, and national origin. This statement is issued as an initial response to the requests of a number of State and local officials for clarification of the Government's policies concerning the role of affirmative action in the overall equal employment opportunity program. While the Coordinating Council's adoption of this statement expresses only the views of the signatory agencies concerning this important subject, the principles set forth below should serve as policy guidance for other Federal agencies as well.

1. Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin shall have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important, are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.

As with most management objectives, a systematic plan based on sound organizational analysis and problem identification is crucial to the accomplishment of affirmative action objectives. For this reason, the Council urges all State and local governments to develop and implement results oriented affirmative action plans which deal with the problems so identified.

The following paragraphs are intended to assist State and local governments by illustrating the kinds of analyses and activities which may be appropriate for a public employer's voluntary affirmative action plan. This statement does not address remedies imposed after a finding of unlawful discrimination.

2. Voluntary affirmative action to assure equal employment opportunity is appropriate at any stage of the employment process. The first step in the construction of any affirmative action plan should be an analysis of the employer's work force to determine whether percentages of sex, race or ethnic groups in individual job classifications are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job related qualifications.

When substantial disparities are found through such analyses, each element of the overall selection process should be examined to determine which elements operate to exclude persons on the basis of sex, race, or ethnic group. Such elements include, but are not limited to, recruitment, testing, ranking, certification, interview, recommendations for selection, hiring, promotion, etc. The examination of each element of the selection process should at a minimum include a determination of its validity in predicting job performance.

3. When an employer has reason to believe that its selection procedures have the exclusionary effect described in paragraph 2 above, it should initiate affirmative steps to

remedy the situation. Such steps, which in design and execution may be race, color, sex or ethnic "conscious," include, but are not limited to, the following:

The establishment of a long term goal, and short range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant job market;

A recruitment program designed to attract qualified members of the group in question;

A systematic effort to organize work and redesign jobs in ways that provide opportunities for persons lacking "journeyman" level knowledge of skills to enter and, with appropriate training, to progress in a career field;

Revising selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;

The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;

A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead end jobs; and

The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

4. The goal of any affirmative action plan should be achievement of genuine equal employment opportunity for all qualified persons. Selection under such plans should be based upon the ability of the applicant(s) to do the work. Such plans should not require the selection of the unqualified, or the unneeded, nor should they require the selection of persons on the basis of race, color, sex, religion or national origin. Moreover, while the Council believes that this statement should serve to assist State and local employers, as well as Federal agencies, it recognizes that affirmative action cannot be viewed as a standardized program which must be accomplished in the same way at all times in all places.

Accordingly, the Council has not attempted to set forth here either the minimum or maximum voluntary steps that employers may take to deal with their respective situations. Rather, the Council recognizes that under applicable authorities, State and local employers have flexibility to formulate affirmative action plans that are best suited to their particular situations. In this manner, the Council believes that affirmative action programs will best serve the goal of equal employment opportunity.

Respectfully submitted,

Harold E. Tyler, Jr.

Deputy Attorney General and Chairman of the
Equal Employment Coordinating Council

Michael H. Moskow

Under Secretary of Labor

Ethel Bent Wald

Acting Chairman, Equal Employment Opportunity Commission

Robert E. Hampton, Chairman

Civil Service Commission

Arthur E. Fleming, Chairman

Commission on Civil Rights

Because of its equal employment opportunity responsibilities under the State and Local Government Fiscal Assistance Act of 1972 (the revenue sharing act), the Department of Treasury was invited to participate in the formulation of this policy statement; and it concurs and joins in the adoption of this policy statement.

Done, this 26th day of August 1976.

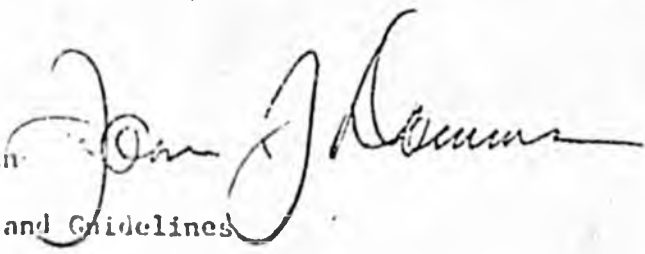
Richard Albrecht, General Counsel

STATE OF MICHIGAN
OFFICE OF THE LIEUTENANT GOVERNOR
LANSING

JAMES J. DAMMAN
LIEUTENANT GOVERNOR

December 4, 1978

TO: Department Directors

FROM: Lieutenant Governor James J. Damman 

SUBJECT: MEOC Affirmative Action Policies and Guidelines

The policy statements and guidelines accompanying this memorandum are promulgated by the Council to ensure that the departments will eliminate the few barriers to equal employment opportunity remaining in the selection process.

These policies are intended to impact on the conduct of department promotional examinations, the review and application of education and experience requirements and the use of affirmative action procedures for filling higher level positions especially through promotion. The guidelines set forth the conditions which need to exist whenever out-of-state recruitment is required.

Your cooperation in fully implementing these policies is appreciated.

Attachments

cc: Personnel Directors

POLICY OF THE MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

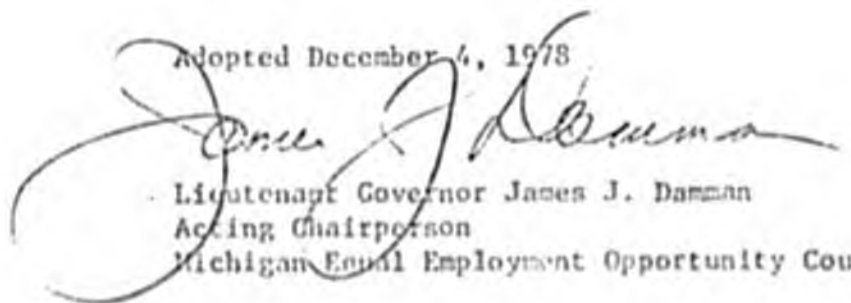
Number 2

Affirmative Action recruitment for positions having protected group member underutilization and which are filled through promotion should be focused on protected group members within the department then on such members elsewhere in the classified service. Accordingly, to fully utilize the availability of protected group members within the classified service, the Michigan Equal Employment Opportunity Council has adopted and is communicating through this issuance, a policy directing state departments to request the Civil Service Selection Bureau to post examination announcements on a statewide promotion basis rather than as department promotion whenever:

1. there is underutilization of protected groups in the classification in the county location of the position as enumerated in the most recent Utilization Analysis Report, and
2. the percentage of protected group members in the department deemed eligible for promotional exam is less than the utilization standards for the groups for the county in which the position is located.

A copy of the department's request shall be sent to the MEEOC Staff Coordinator. In the absence of a department request, the Department of Civil Service will use statewide promotional examinations whenever the above conditions apply.

Adopted December 4, 1978



Lieutenant Governor James J. Damman
Acting Chairperson
Michigan Equal Employment Opportunity Council

POLICY OF THE MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

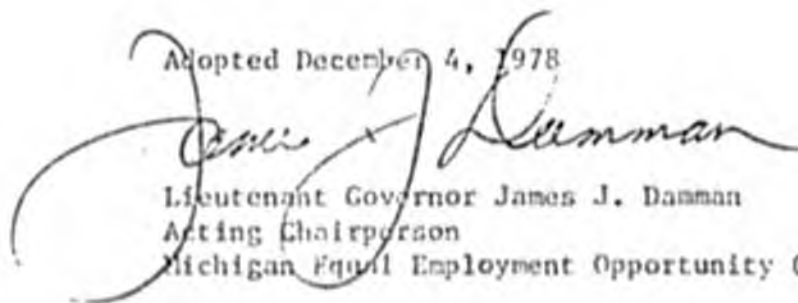
Number 3

One of the more critical barriers to full representation of protected group members in the state classified service is the application of education and experience requirements to classifications which disadvantage protected group persons and which are not substantiated as being job related. Accordingly, to ensure that every effort is undertaken to validate education and experience requirements, the Council has adopted and is communicating through this issuance a policy directing departments:

1. to request the Civil Service Bureau of Classifications to review the minimum education and experience requirements for underutilized technician, professional and administrative classifications before the department requests posting of an examination or before the examination announcement decision is made by the Civil Service Bureau of Selection. A copy of the request shall be forwarded to the MEEOC Staff Coordinator.
2. to use more flexibility in establishing and interpreting the education and experience requirements to allow the qualification of persons having degrees and/or work experience related to that required in the class specification.

The Department of Civil Service will direct its examiners to be more flexible in their interpretation of education and experience requirements when evaluating applications.

Adopted December 4, 1978



Lieutenant Governor James J. Damman
Acting Chairperson
Michigan Equal Employment Opportunity Council

POLICY OF THE MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

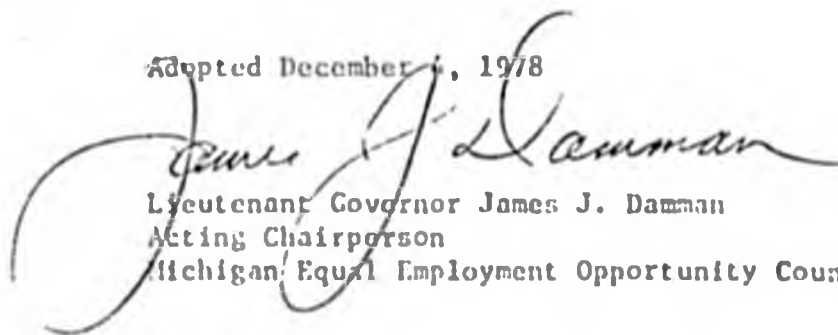
Number 4

On November 23, 1976, the Council adopted Policy Number 1 directing state departments to exhaust those procedures embodied in the Rules of the Civil Service Commission which intend to assure the representation of minority group persons and women in the pool from which the selection is to be made before any such position is filled.

It is evident from statistical reports that the use of rescheduled examinations and expanded certification by departments has significantly increased. It is also evident, however, that these procedures are seldom applied to higher level positions and to those filled through promotional examination.

Accordingly, to reaffirm its previous policy and ensure the application of these procedures to all positions in the classified service, the Council has adopted and is communicating through this issuance, a policy directing state departments to use the Civil Service expanded certification and rescheduled examination procedures whenever their use is necessary to ensure the inclusion of protected group persons in the pool from which the selection is to be made before filling any position in an underutilized classification whether from an open-competitive or promotional register.

Adopted December 1, 1978

A large, stylized handwritten signature in cursive script, reading "James J. Damman".

Lieutenant Governor James J. Damman
Acting Chairperson
Michigan Equal Employment Opportunity Council

MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

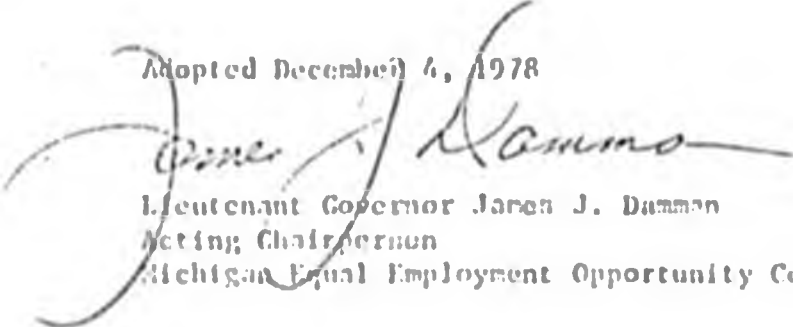
OUT-OF-STATE RECRUITMENT GUIDELINES

The Michigan Equal Employment Opportunity Council has adopted and is communicating through this issuance guidelines setting forth the conditions that shall exist whenever out-of-state recruitment is required to meet applicant needs for professional and administrative positions not otherwise met by the availability of persons in the Michigan labor force or graduates of state colleges and universities.

The conditions are as follows:

1. There is a known underutilization in the classification as identified in the Utilization Analysis Report.
2. The underutilization cannot be corrected by reliance upon recruitment of recent graduates from Michigan's colleges and universities.
3. The underutilization cannot be remedied by reliance upon the number of protected group members ranked on the class or an appropriate employment register.
4. The department in which the underutilized class exists satisfies Civil Service that the underutilization cannot be remedied through the promotion and transfer of its own or other state employees.
5. Data sources reveal that there is an availability of protected group members graduating from colleges and universities or in the labor force of another state.
6. Such out-of-state recruitment is focused on colleges, universities, organizations and associations having substantial numbers of protected group individuals enrolled, graduating, employed or as members.

Adopted December 4, 1978


Lieutenant Governor James J. Dammann
Acting Chairperson
Michigan Equal Employment Opportunity Council

STATE OF MICHIGAN
OFFICE OF THE DEPUTY GOVERNOR
LANSING

JAMES H. BRICKLEY
LIEUTENANT GOVERNOR

March 11, 1980

TO: Department Directors
FROM: *JHB* Lieutenant Governor James Brickley
SUBJECT: Michigan Equal Employment Opportunity Council Sexual
Harassment Policy

At its November 19, 1979 meeting, the Civil Service Commission gave approval to an amendment to Section 1.2 of the rules prohibiting sexual harassment in the state classified service. This amendment will follow the final sentence of current Section 1.2 and reads as follows:

No person shall be subjected to sexual harassment by another employee in seeking employment or during the course of employment in the state classified service.

The Civil Service Commission's action, in amending its rule to prohibit sexual harassment, gave rise to the Michigan Equal Employment Opportunity Council to address the problem and develop the policy herein included. The policy statement accompanying this memorandum is promulgated by the Michigan Equal Employment Opportunity Council to insure that departments of state government will address the problem of sexual harassment and eliminate any such acts of sex discrimination that might impact on its employees.

POLICY OF THE MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

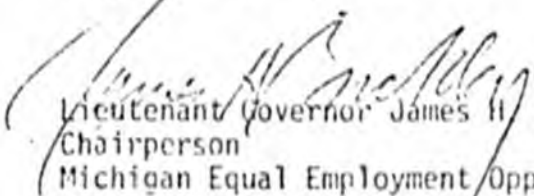
Number 5

The Michigan Equal Employment Opportunity Council has adopted, by reference, and is communicating through this issuance, the rule adopted by the Michigan Civil Service Commission on November 19, 1979, regarding sexual harassment.

For the purpose of this policy, sexual harassment is unwanted conduct of a sexual nature which adversely effects another person's conditions of employment and/or employment environment. Such harassment includes, but is not limited to:

- A. Repeated or continuous conduct which is sexually degrading or demeaning to another person.
- B. Conduct of a sexual nature which adversely effects another person's continued employment, wages, advancement, tenure, assignment of duties, work shift or other conditions of employment.
- C. Conduct of a sexual nature that is accompanied by a threat, either expressed or implied, that continued employment, wages, advancement, tenure, assignment of duties, work shift, or other employment conditions may be adversely effected.

Adopted March 7, 1980


Lieutenant Governor James H. Brickley
Chairperson
Michigan Equal Employment Opportunity Council



STATE OF MICHIGAN
OFFICE OF THE LIEUTENANT GOVERNOR
LANSING

JAMES H. BRICKLEY
LIEUTENANT GOVERNOR

May 15, 1980

TO: Department Directors

FROM: Lieutenant Governor James H. Brickley

SUBJECT: Michigan Equal Employment Opportunity Council Layoff
Policy Statement

At its May 15, 1980 meeting, the Michigan Equal Employment Opportunity Council approved the accompanying policy statement addressing layoff procedures for classified Civil Service employees. These procedures are required in order to assure that the progress that state government has made in affirmative action efforts is not diminished by impending staff reductions. They are subject to revisions based on any modifications of Civil Service Employment Preference Rules, including Employment Preference Rule changes granted through the Civil Service Commission's approval of negotiated labor agreements.

Your cooperation in fully implementing this policy is appreciated.

Attachment

POLICY OF THE MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

Number 6

It is well established that the state has a substantial interest in attaining and preserving a work force that adequately reflects the diversity of the citizens it serves. The state's interest is rooted in the Michigan Constitution of 1963, and U.S. Constitution, Michigan and federal civil rights legislation, and Michigan Executive Directives. In Swann vs. Charlotte Mecklenberg Board of Education, the U.S. Supreme Court held that the states have a duty to take affirmative steps to eliminate the continuing affects of unconstitutional discrimination.

Executive Directive 1971-8, issued nearly nine years ago, formally recognized that, despite constitutional and statutory prohibitions against discrimination, the state was failing to provide equal opportunity for minority group persons and women in its own classified employment service. This conclusion was based upon a comparison of the representation of protected groups in state employment with their representation in the population of the state. Executive Directive 1971-8 and later Directives 1975-3 and 1979-2 called for comprehensive plans to provide equal representation with regular evaluations of progress within the departments.

Under Executive Directive 1979-2, the Michigan Equal Employment Opportunity Council has responsibility for providing guidance to the state executive departments and agencies in implementing affirmative action programs.

During periods of economic expansion, there were abundant opportunities to recruit, hire, train, and promote minorities and women, and the Affirmative Action Plans were directed toward those activities. Consistent with the mandate of the U.S. Supreme Court, much of the attention was focused on overcoming the disparate impact of unvalidated selection procedures.

Periodic reports presented to this Council have documented progress in many areas but have also identified areas of continuing underrepresentation. Now, in a period of economic decline, attention must be focused on the impact of a reduction in force on the affirmative action programs.

Recent increases in minority and female representation, particularly in traditionally white male dominated areas of employment, are seriously threatened if major layoffs occur under the Civil Service Employment Preference Rule, which provides for layoff in order of inverse seniority.

The Council has adopted and is communicating through this issuance the following procedures to be followed whenever a reduction in force, which is likely to affect the representation of a protected group, is anticipated:

1. Department personnel shall analyze the impact of a projected layoff separately for blacks, Hispanics, Native Americans, women and handicappers. Whenever the layoff will result in an underutilization or increase an existing underutilization

of one or more protected groups, the department shall submit to the Council for prior review and comment a plan which indicates that all efforts were made to develop alternatives to layoffs.

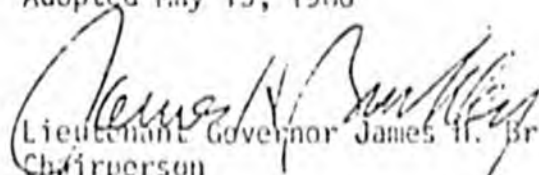
2. The following factors should be evaluated in drafting the requested plan:
 - a. The operational needs of the department.

Operational needs are determined by the department's dependence on the cooperation of the population it serves for efficient and effective performance of its work.
 - b. The impact which societal discrimination has had upon the department's ability to achieve a representative work force in traditionally male or traditionally white areas of employment.
 - c. The impact which alternatives will have on other employees. An acceptable alternative will minimize the burden on other employees.
3. It is assumed that all departments will have implemented the following action to avoid or minimize layoffs:
 - a. Provision for the transfer of furloughed employees to departments where hiring is occurring.
 - b. Provision for the voluntary layoffs, early retirements, and reduction in hours.
 - c. Elimination of overtime and shifts requiring a pay differential.

Notwithstanding any of the above during the negotiation of collective bargaining agreements, departments and the state employer are urged to make every effort to protect affirmative action gains by providing for flexibility in layoff procedures.

The Civil Service Commission is also urged to review and modify the Employment Preference Rule to allow for flexibility in the layoff procedure in order to permit the protection of affirmative action progress.

Adopted May 15, 1980


Lieutenant Governor James H. Brickley
Chairperson
Michigan Equal Employment Opportunity Council

STATE OF MICHIGAN
OFFICE OF THE LIEUTENANT GOVERNOR
LANSING

JAMES H. BRICKLEY
LIEUTENANT GOVERNOR

July 23, 1980

TO: Civil Service Commission

FROM: *JHB* Lieutenant Governor James H. Brickley

SUBJECT: Michigan Equal Employment Opportunity Council
Handicapper Concerns Policy Statement

At its June 27, 1980 meeting, the Michigan Equal Employment Opportunity Council approved the accompanying policy statement addressing affirmative action for handicapped persons. This policy is essential in order to meet the commitment the MEEOC has made to further employment opportunities in state government for handicappers.

In order to implement this policy, you are urged to modify your policy on expanded certification to include handicappers as protected group members.

Your cooperation and support are appreciated.

POLICY OF THE MICHIGAN EQUAL EMPLOYMENT OPPORTUNITY COUNCIL

Number 7

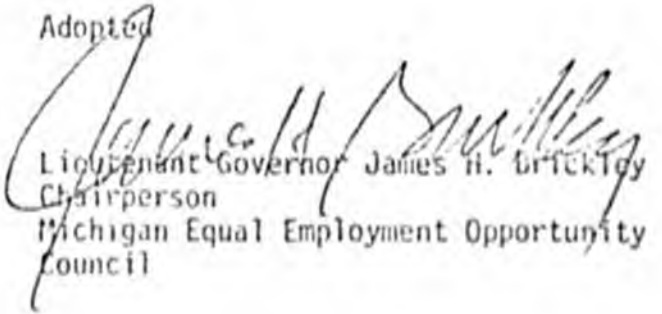
Under Executive Directive 1979-2, the Michigan Equal Employment Opportunity Council has responsibility for providing guidance to the state executive departments and agencies in implementing affirmative action programs. Included among those programs are those which address the needs of Michigan's handicapper population. The Council has adopted and is communicating through this issuance the following definition of handicapper, to be used for affirmative action purposes. This definition is that which is found in the E.E.O.C. November, 1979 proposed guidelines and will meet the requirements of the 1976 P.A. 220 and Section 504 of the Federal Vocational Rehabilitation Act of 1973.

1. Under the definition:

- a. "Handicapped person" means any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Insofar as this Part relates to employment of handicapped persons, the term "handicapped person" does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reasons of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.
- b. As used in paragraph (a) of this section, the phrase: "Physical mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation and emotional illness. The term "physical or mental impairment" also includes drug addiction and alcoholism except to the extent that individuals suffering from such ailments are excluded from the definition of a handicapped person in Subsection 1615.4(a) of the proposed E.E.O.C. regulations of November 29, 1979.

- c. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- d. "Has a record of such an impairment" means has a history of or has been misclassified as having, a mental or physical impairment which substantially limits one or more major life activities.
- e. "Is regarded as having an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined in paragraph (b) (1) of this section but is treated by a recipient as having such an impairment.
- f. "Qualified handicapped person" means (a) with respect to employment, a handicapped person, who, with reasonable accommodation, can perform the essential functions of the job in question.
2. The Department of Civil Service is urged to design a survey to identify employees who meet the definition of handicapper, for affirmative action purposes, and to develop a tracking system for a periodic retrieval of the data.
3. Because the existing Civil Service procedure, the Six Month Trial Appointment, is restricted to those persons who cannot compete in a regular examination (approximately 3% of the handicapped population), the Civil Service Commission is urged to modify the expanded certification procedure to allow inclusion of handicappers.

Adopted


Lieutenant Governor James H. Brickley
Chairperson
Michigan Equal Employment Opportunity
Council

**PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.**

MEMORANDUM

State of Alaska

TO: The Cabinet

DATE: March 26, 1981

FILE NO:

TELEPHONE NO: 465-3500

FROM: Jay S. Hammond
Governor

SUBJECT: Affirmative Action
Plan/EEO

I have approved a new procedure to be employed within the Executive Branch in order to more fully implement my policy of Equal Employment Opportunity/Affirmative Action. This procedure, which will be issued by the Division of Personnel, will allow you to execute your affirmative action plans once they are approved by the Director of Equal Employment Opportunity. We have extensively discussed the problem of executing our good intent in connection with EEO/AAP at the Cabinet level. The procedure is an important positive step to make certain my policy is implemented throughout State government. You will note that the procedure allows us to rectify any underutilization by race and/or sex based on merit and ability.

I expect this procedure to be implemented when a condition of underutilization exists for any job classification. In order for this procedure to be successful, the full cooperation of the Cabinet -- as well as your line managers -- is necessary. I am, therefore, relying on the Cabinet to implement this procedure in good faith.

cc: Lt. Governor Miller

MEMORANDUM

PERSONNEL MEMORANDUM 81-1
TO: All Personnel Officers

DATE: March 25, 1981

FILE NO:

TELEPHONE NO: 465-4430

FROM: *Bruce Cummings*
Bruce Cummings
Director
Division of Personnel
Department of Administration

SUBJECT: Use of Personnel Rules
5 02.4 and 5 02.5 for
Affirmative Action Program

Affirmative action necessitates every reasonable effort to employ in state government qualified persons of each race and sex at least in proportion to their availability in the relevant job markets. To the extent that we fail to meet that goal, so-called underutilization of persons by race or sex may exist. Personnel Rules 5 02.4 and 5 02.5 permit hiring from other than the top five ranked available candidates "when unique or unusual circumstances are recorded by the appointing authority." Correcting underutilization of employees of racial or sexual groups may constitute "unique and unusual circumstances," and therefore, the authority of that rule can be used to correct underutilization which has been documented by an employing agency in its approved affirmative action plan and by the Division of Equal Employment Opportunity (EEO).

Accordingly, beginning immediately and until any underutilization is corrected, the following procedures apply:

- (1) When an executive agency determines that it employs fewer members of a racial or sexual class, or both, in a job classification within a specific job group (e.g., entry professional, mid-level professional, senior professional, etc.), than the proportionate number of qualified persons of that racial or sexual class in the relevant job market without a racially or sexually neutral explanation, that class is considered to be underutilized. Until more reliable data have been developed, employing agencies and EEO will use the data used in preparing affirmative action plans to determine the numbers of qualified persons of each race and sex available in relevant job markets and to determine whether and to what extent underutilization exists.
- (2) Each time an agency fills a vacant position in a job group where underutilization has been documented in the agency's approved affirmative action plan, the agency can and should request discretionary authorization to appoint from below the top five ranked available candidates under the provisions of Personnel Rules 5 02.4 and 5 02.5 by submitting a memorandum to the director of EEO requesting authorization to correct the

underutilization. The request must specify the job classification to be filled in the job group in which underutilization has occurred and the racial or sexual group, or both, which are underutilized. The latter specification may be simply for "any minority." The request should be accompanied by supporting data. The formal Request for Certification (02-254), with Section A fully completed, must be attached to the request to the director of EEO. In the space provided for special requests, the agency is to enter "Affirmative Action" examining option, and specify the racial or sexual class or classes underutilized in the job group, or specify "any minority." An example is attached.

- (3) If the director of EEO finds that the agency determination of underutilization has been documented, he shall note his concurrence and forward the agency request for certification under these procedures to the director of personnel.
- (4) The Division of Personnel shall then issue a certification of eligibles for the agency's consideration from which the agency may:
 - (a) select from among the top five available eligibles, or
 - (b) select from among the top five available eligibles from the underutilized minority or racial or sexual group.
- (5) An agency is not required to appoint a candidate from an underutilized racial or sexual group. The appointing authority, on the basis of all relevant factors, which may include the need for the state government's workforce to be composed of qualified persons of each race and sex in proportion to their number in the relevant job markets, is expected to hire on the basis of ability.

Under these procedures, no applicant is to be denied employment solely on the basis of race or sex, and none is to be hired solely on that basis. Rather, these procedures are designed to correct, so long as it may exist, any underutilization of racial or sexual groups which may have resulted from pre-existing selection procedures or from their misapplication. These procedures may be utilized only where underutilization is documented by an agency's affirmative action plan and not otherwise. When documented underutilization of a class has been corrected, these procedures no longer apply.

Ultimately, affirmative action and the merit system are two sides of the same coin. Both demand that employment and promotion decisions be made on the basis of ability. Where recruiting, selection, and promotion practices result in underutilization of racial or sexual groups in comparison to the number of qualified persons of each race or sex in the relevant labor market, those practices must be corrected. These procedures will help, but they are not a solution to the overall problem. That solution will take more time. While we work on that solution, we will use these procedures.

We anticipate that there will be occasions when eligible lists will not have sufficient numbers of candidates in requested classes for adequate consideration. In such cases, the Divisions of Equal Employment Opportunity and Personnel are prepared to assist in recruitment efforts.

In order to be able to determine underutilization in your agency -- and therefore to use these procedures -- it is imperative that your Affirmative Action Plan be completed, approved by the Division of EEO, and maintained in a current status. In the absence of such a plan, we have no data on which to make determinations and will return your requests without action.

If you or members of your staff have any questions regarding these procedures, please contact the director of personnel at 465-4430.

BAC/n1
Attachment
C3/B

MEMORANDUM

State of Alaska

TO: Senator Vic Fischer, Chair
State Affairs Committee

DATE: March 10, 1981

cc: Senator Ferguson

FILE NO:

TELEPHONE NO:

FROM:  Niel Thomas
Executive Director
Human Rights Commission

SUBJECT: SB248
Equal Opportunity in
State Government.

Following are the Commission's comments offered at your request on this bill in your committee which would ratify by statute the activities of the existing Division of Equal Employment Opportunity in the Department of Administration. We officially supported a 1978 bill of this type (HB864 and various committee substitutes).

We support in principle the idea of defining in state law the responsibility of the EEO Division. We believe the administration can proceed with greater confidence along the course it has already chosen in support of equal employment opportunity if these activities simultaneously have the support of the entire Legislature by way of a bill. Most of the bill describes commonly accepted activities for programs of this type, including the present activities of the EEO Division.

One duty specified for the Division overlaps the responsibility of the Human Rights Commission. Proposed A.S. 39.28.020(6) is similar to existing A.S. 18.80.075(b) which authorizes the Human Rights Commission to employ separate counsel when enforcement proceedings before the Commission involving State government are taking place. The bill, therefore, creates the possibility of both the Commission and the EEO Division simultaneously pursuing the same enforcement action against state government in court.

The bill describes an EEO Division which operates as an internal advisor to state government. We suggest not assigning enforcement responsibility to the division which is also supposed to be the State's advisors. The incentive of enforcement should continue to reside at the somewhat independent quasi-judicial Human Rights Commission.

In place of the existing enforcement section in the bill the Legislature might create a mechanism to reward, recognize or even sanction state employee performance in carrying out affirmative action plans. That mechanism would be to have EEO performance reflected on performance evaluations. The option of granting or denying merit increases for this reason could be offered. These are different from the options which the Human Rights Commission provides in its cases, since the Commission's

enforcement focus is on providing relief to the victims of discrimination. State government can, however, reinforce its own commitment to equal opportunity with rewards and sanctions for employee performance on affirmative action requirements. There is presently no formalized procedure for reviewing compliance with EEO as part of the regular performance evaluation process, except passing mention of it in connection with the supervisory rating box on the present form.

The Legislature could implement this concept by making it a duty of the EEO Division director to

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

Our final comment is to suggest revision of the definition of "affirmative action" in proposed A.S. 39.28.040(1) to track more closely on the key legal concepts of goals and timetables and elimination of discriminatory employment barriers:

(1) "affirmative action plan" means a set of achievable goals within reasonable time frames for each department to fully employ minority people and women at all pay grades consistent with their availability and includes an assessment of current utilization and availability with specific results-oriented procedures to identify and eliminate artificial or customary practices which operate to exclude minority people and women where not justified by operational necessity.

The concepts here, which are well supported by Alaska and Federal case law, are:

- (1) it is legal for employers to voluntarily establish goals and timetables in order to avoid discrimination charges (Steelworkers v. Weber).
- (2) goals must be established for all levels of an employer's workforce, hence the appropriateness of Senator Ferguson's concern for the upper salary grades (Executive Order 11246).
- (3) goals are established by comparing existing employment levels with the availability of minority people and women for each type of job (Executive Order 11246).

Memo to Senator Vic Fischer
March 10, 1981
Page 3

- (4) employers have a duty to root out unjustified exclusionary procedures which would otherwise make the goals unattainable (Griggs v. Duke Power Co.)

BILL ANALYSIS

ASSIGNMENT DATE 3/6/81

UNASSIGNED _____

DEPARTMENT Administration	SPONSOR (PRINCIPAL) Senator Ferguson	BILL NO. SB 248
DEPARTMENT POSITION Support of SB 248		
DIVISION DIRECTOR Aaron Isaacs <i>AI</i>	DATE 3/31/81	COMMISSIONER W.R. Hudson <i>WRH</i>
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED <input type="checkbox"/> POSITION APPROVED <input type="checkbox"/> POSITION DISAPPROVED		
BY: _____ DATE: _____		
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING) A.S. 18.80.075(b)		
(2) OTHER AGENCIES AFFECTED BY BILL All executive branch agencies		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL <div style="text-align: center;">N/A</div>		(2) b. ORGANIZATIONAL OPPOSITION TO BILL <div style="text-align: center;">N/A</div>
(3) PROGRAM EFFECTS OF BILL		
<p>The bill is a revised version of Administrative Order No. 59. It will give emphasis to the affirmative action program within the executive branch if the enforcement provisions are deleted.</p>		
(4) FISCAL IMPACT: <input type="checkbox"/> NONE <input checked="" type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED:		
Delete proposed: 39.28.020(6) Delete proposed: 39.28.010-39.28.040 and amend to read the same as Administrative Order No. 59. Delete proposed: 44.17.090 and amend to read the same as Admin. Order 59.		
(6) COMMENTS:		



CENTRAL COUNCIL

Tlingit and haida indian TRIBES of alaska
One Sealaska Plaza - Suite 200
Juneau, Alaska 99801
(907) 586-1432 or 586-3613

TESTIMONY OF JOHN HOPE

on

SB 248, "AN ACT RELATING TO EQUAL EMPLOYMENT OPPORTUNITY
IN THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT;
AND PROVIDING FOR AN EFFECTIVE DATE"

(Presented at the Senate State Affairs
Committee meeting on March 31, 1981.)

HONORABLE CHAIRMAN FISCHER, VICE CHAIRMAN COLLETTA,
AND COMMITTEE MEMBERS. GOOD AFTERNOON, MY NAME IS JOHN
HOPE. I AM THE PRESIDENT OF THE CENTRAL COUNCIL OF THE
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA. WE ARE THE
CONGRESSIONALLY-RECOGNIZED GENERAL GOVERNING BODY FOR MORE
THAN 16,000 TLINGIT AND HAIDA INDIANS, WHO, FOR THE MOST
PART, RESIDE IN NINETEEN SOUTHEAST ALASKA COMMUNITIES. AS
YOU CAN SEE, WE MUST BE CONCERNED ABOUT THE ISSUE OF EQUAL
OPPORTUNITY IN STATE GOVERNMENT.

I AM HERE TODAY TO OFFER CENTRAL COUNCIL SUPPORT
FOR SENATE BILL 248. THE DIVISION OF EQUAL EMPLOYMENT
OPPORTUNITY NOW HAS THE RESPONSIBILITY OF CARRYING OUT THE
STATE'S POLICY OF EQUAL OPPORTUNITY IN THE EMPLOYMENT
ACTIVITIES, PROGRAMS AND DECISIONS OF THE EXECUTIVE BRANCH
AGENCIES. WE SUPPORT SB 248 BECAUSE IT DEFINES IN STATE LAW
THOSE RESPONSIBILITIES.

WE NOTE THAT THE BILL ACKNOWLEDGES (IN THE FACE OF
CONTINUED LACK OF OPPORTUNITY FOR MEMBERS OF ALASKA'S RACIAL
MINORITIES AND WOMEN) THAT AGGRESSIVE MEASURES NEED TO BE

Testimony of John Hope
SB 248
Page 2

TAKEN TO IMPROVE THOSE OPPORTUNITIES. WE AGREE. WE WOULD HOWEVER, LIKE TO ENCOURAGE THE LEGISLATURE TO ADDRESS IN THIS BILL A POSITIVE MEANS OF ACCOMPLISHING AFFIRMATIVE ACTION, SUCH AS REWARDING STATE EMPLOYEE PERFORMANCE IN CARRYING OUT AFFIRMATIVE ACTION PLANS BY HAVING IT REFLECTED ON EMPLOYEE PERFORMANCE EVALUATIONS. THIS IN CONJUNCTION WITH WITH ENFORCEMENT CAPABILITY SHOULD INCREASE THE EFFECTIVENESS OF THE EEO DIVISION. WE URGE YOUR FAVORABLE CONSIDERATION OF THIS LEGISLATION. THANK YOU.

Contact:

Mr. John Hope, President Tlingit & Haida Central Council One Sealaska Plaza, Suite 200 Juneau, Alaska 99801 (907) 586-1432



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senator Fischer, Chairman
Senate State Affairs

FROM: Senator Ferguson *RF*

DATE: March 31, 1982

SUBJECT: SB 248

I am proposing the following amendments to SB 248.

1. Page 2, Delete subsection 6 and insert new subsection 6 to read:

"(6) implement standards by which performance evaluations of supervisors reflect their compliance with affirmative action plans and objectives including the granting or denial of merit increases."

2. Page 4, Delete subsection 1 and insert new subsection 1 to read:

"(1) 'affirmative action plan' means a set of achievable goals within reasonable time frames for each department to fully employ minority people and women at all pay grades consistent with their availability and includes an assessment of current utilization and availability with specific results-oriented procedures to identify and eliminate artificial or customary practices which operate to exclude minority people and women where not justified by operational necessity."

SB 248

Anch Times 3-29-81
Miller questions hiring

The state's personnel system has effectively denied Alaskans equal access to state jobs, Lt. Gov. Terry Miller said Saturday.

Speaking to the Alaska Black Caucus, Miller called the personnel system "a system that has over-credentialed positions and allows state administrators too often to use arbitrary methods to fill state positions."

(Related story, page B-9)

"While these practices discriminate against Alaskans of every circumstance, they impact women and minorities most severely. The results are obvious. In a recently published list of top-paid state employees, few were women and even fewer were minorities."

Miller said he wasn't condemning the efforts of the Division of Personnel but rather questioning the progress the state has made in promoting and hiring women and minorities.

He proposed a regular, thorough review of state hiring practices and said Gov. Jay Hammond will propose a hiring policy designed to ensure more Alaskans have an opportunity for state employment.

The policy, Miller said, would require the Division of Personnel to provide state employers with the names of the top five women applicants for a job and the top five minority applicants. Those would be in addition to the top five applications currently given to the employers.

"This will reduce the dependence of the actual state employer on what are too often arbitrary decisions by the Division of Personnel — based too often only on resumes and the ability to take tests," he said.

"It will enlarge the pool of Alaskans that will be interviewed for state jobs."

MEMORANDUM

State of Alaska

TO: Senator Vic Fischer, Chair
State Affairs Committee

DATE: March 10, 1981

cc: Senator Ferguson

FILE NO:

TELEPHONE NO:

FROM: ~~AW~~ Niel Thomas
Executive Director
Human Rights Commission

SUBJECT: SB248
Equal Opportunity in
State Government.

Following are the Commission's comments offered at your request on this bill in your committee which would ratify by statute the activities of the existing Division of Equal Employment Opportunity in the Department of Administration. We officially supported a 1978 bill of this type (HB864 and various committee substitutes).

We support in principle the idea of defining in state law the responsibility of the EEO Division. We believe the administration can proceed with greater confidence along the course it has already chosen in support of equal employment opportunity if these activities simultaneously have the support of the entire Legislature by way of a bill. Most of the bill describes commonly accepted activities for programs of this type, including the present activities of the EEO Division.

One duty specified for the Division overlaps the responsibility of the Human Rights Commission. Proposed A.S. 39.28.020(6) is similar to existing A.S. 18.80.075(b) which authorizes the Human Rights Commission to employ separate legal counsel when enforcement proceedings before the Commission involving State government are taking place. The bill, therefore, creates the possibility of both the Commission and the EEO Division simultaneously pursuing the same enforcement action against state government in court.

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enforcement focus is on providing relief to the victims of discrimination. State government can, however, reinforce its own commitment to equal opportunity with rewards and sanctions for employee performance on affirmative action requirements. There is presently no formalized procedure for reviewing compliance with EEO as part of the regular performance evaluation process, except passing mention of it in connection with the supervisory rating box on the present form.

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Memo to Senator Vic Fischer

March 10, 1981

Page 3

- (4) employers have a duty to root out unjustified exclusionary procedures which would otherwise make the goals unattainable (Griggs v. Duke Power Co.)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 248
 Title An Act relating to equal employment opportunity, in the executive branch.
 Requested by Senator Fischer Date March 20, 1981

II. FISCAL DETAIL

Agency Affected Department of Administration
 Program Category Affected General Government
 BRU, Program, or Subprogram(s) Affected Equal Employment Opportunity/Admin. Svcs: WP-AS
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	255.5	275.9	298.0	321.8	347.5
200 TRAVEL	0	22.0	24.6	27.6	30.9	34.6
300 CONTRACTUAL	0	62.5	67.5	72.9	78.7	85.0
400 COMMODITIES	0	11.1	2.3	2.5	2.7	2.9
500 EQUIPMENT	0	10.8	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	361.9	370.3	401.0	434.1	470.0

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	0	361.9	370.3	401.0	434.1	470.0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	0	7	7	7	7	7
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. ASSUMPTIONS:

The fiscal detail is based on the assumption that SB 248 is signed into law.

B. PROGRAM SUMMARY:

SB 248 outlines program areas for the Division of Equal Employment. Key elements include:

- Administration of the Equal Employment Opportunity and Affirmative Action programs in the executive branch of Alaska state government;
- Development and implementation of standards and procedures for agency affirmative action plans and programs;

(continued on next page)

IV. DATE March 20, 1981 PREPARED BY Kaye Hovan
 AGENCY Division of Equal Employment Opportunity
 PHONE 465-3571

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Senator Ferguson
Keith Speckinj
 33-001 (Rev. 12, 80)

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

SB 248 (continued)

3. Review and monitoring of affirmative action plans, programs, and employment system practices for compliance with equal employment opportunity laws and regulations;
4. Enforcement of equal employment opportunity and affirmative action; and,
5. Provide training in anti-discrimination laws and regulations to managers, supervisors, and employees.

SB 248 will necessitate the addition of the following seven (7) positions:

1. Three Equal Employment Officer II's
2. Two Investigator III's
3. One Training Specialist
4. One Correspondence Secretary II

Funds for travel will be necessary for investigations and to provide training in locations where a majority of state employees are located. Contractual services include telephone, printing, office space, etc. Commodities include small desk top items such as pencils, pens, paper, etc. and major items under \$500.00 such as desks, chairs, calculators, bookcases, tables, etc.

Funding for the program will be general fund and will be allocated as follows:

<u>EXPENDITURES</u>	<u>EEO</u>	<u>ADMIN. SERVICES</u>
100	230.1	25.4
200	22.0	0
300	58.5	4.0
400	10.1	1.0
500	0	10.8
TOTAL	320.7	41.2

C. COMPUTATIONS:

This fiscal note was prepared by line item - no formula was used.

1	POSITION TITLE Equal Employment Officer II				RANGE/STEP 16 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 1		FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE				JUSTIFICATION:					
	1	2	3							
4	PERSONAL SERVICES:									
	SALARY		2291	27,492						
5	BENEFITS		.1579	4340						
6	FICA		.0613	1685						
7	HEALTH INS.		150/mo.	1800						
8	TOTAL PERSONAL SERVICES		01	35,317						
9	TRAVEL		02	795						
10	CONTRACTUAL		03	4,333						
11	COMMODITIES		04	1,598						
12	EQUIPMENT		05							
13	OTHER									
14	TOTAL COST			42,043						
	CODE	FUNDING SOURCE								
15		FED RCPTS 1002								
16		GF MATCH 1003								
17		GEN. FUND 000		42,043						
18		I-A RCPTS 1005								
19		PGM RCPTS 1008								
20		OTHER								
21	CONTINUATION									
22	ADDITION		X	FOR B&M USE ONLY						
4A KEY NUMBER				COLUMN NO.						

These 3 positions will be necessary to implement the department affirmative action plan and program provisions of SB 248.

Each of these positions will have the responsibility for 3 executive branch agencies. Their duties will include but not be limited to:

1. Providing technical assistance to the agencies in preparation and implementation of affirmative action plans and programs which identify problems, establish goals and time tables, and set forth remedies;
2. Monitor agency programs to ensure that actions are implemented in order that all personnel practices, terms and conditions are non-discriminatory;
3. Assist agencies in evaluating their programs and plans and monitor work force statistics.

AGENCY Administration PROGRAM Labor Services

13 REQUEST FOR NEW POSITION.

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

Page 1 of 6

REVISED DATE _____

FY 82

1	POSITION TITLE Equal Employment Officer II			RANGE/STEP 16 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV	APPROV	DISAPP.						
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 2	FORM 12	PAGE/LINE	LEG.							
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:									
	1	2	3												
4	PERSONAL SERVICES: SALARY	2291	27,492	<p>These 3 positions will be necessary to implement the department affirmative action plan and program provisions of SB 248.</p> <p>Each of these positions will have the responsibility for 3 executive branch agencies. Their duties will include but not be limited to:</p> <ol style="list-style-type: none"> Providing technical assistance to the agencies in preparation and implementation of affirmative action plans and programs which identify problems, establish goals and time tables, and set forth remedies; Monitor agency programs to ensure that actions are implemented in order that all personnel practices, terms and conditions are non-discriminatory; Assist agencies in evaluating their programs and plans and monitor work force statistics. 											
5	BENEFITS	.1579	4,340												
6	FICA	.0613	1,685												
7	HEALTH INS.	150/mo.	1,800												
8	TOTAL PERSONAL SERVICES	01	35,317												
9	TRAVEL	02	795												
10	CONTRACTUAL	03	4,333												
11	COMMODITIES	04	1,598												
12	EQUIPMENT	05													
13	OTHER														
14	TOTAL COST		42,043												
	CODE	FUNDING SOURCE													
15		FED RCPTS. 1002													
16		GF MATCH. 1003													
17		GEN. FUND 1004		42,043											
18		I-A RCPTS. 3001													
19		PGM RCPTS 1020													
20		OTHER													
21	CONTINUATION			FOR B&M USE ONLY											
22	ADDITION	X													
4A KEY NUMBER _____ COLUMN NO. _____															

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

Page 2 of 6

REVISED DATE _____

FY 82

1	POSITION TITLE Equal Employment Officer II			RANGE/STEP 16 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV	APPROV.	DISAP					
2	TYPE OF POSITION PFT	STAFF MONTHS	RP No.	PCN No.	PRIORITY 3	FORM 12 PAGE/LINE	LEG.							
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:								
	1	2	3											
4	PERSONAL SERVICES:													
	SALARY	2291	27,492											
5	BENEFITS	.1579	4,340											
6	FICA	.0613	1,685											
7	HEALTH INS.	150/mo.	1,800											
8	TOTAL PERSONAL SERVICES		01	35,317	<p>These 3 positions will be necessary to implement the department affirmative action plan and program provisions of SB 248.</p> <p>Each of these positions will have the responsibility for 3 executive branch agencies. Their duties will include but not be limited to:</p> <ol style="list-style-type: none"> 1. Providing technical assistance to the agencies in preparation and implementation of affirmative action plans and programs which identify problems, establish goals and time tables, and set forth remedies; 2. Monitor agency programs to ensure that actions are implemented in order that all personnel practices, terms and conditions are non-discriminatory; 3. Assist agencies in evaluating their programs and plans and monitor work force statistics. 									
9	TRAVEL		22	795										
10	CONTRACTUAL		03	4,333										
11	COMMODITIES		04	1,598										
12	EQUIPMENT		05											
13	OTHER													
14	TOTAL COST			42,043										
15	CODE	FUNDING SOURCE												
16		FED RCPTS 1117												
17		GE MATCH 1003												
18		GEN FUND 1001		42,043										
19		I-ARCPTS 1075												
20		PGM RCPTS 102												
21	CONTINUATION													
22	ADDITION	X		FOR B&M USE ONLY										

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Investigator III			RANGE/STEP 18 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV.	APPROV.	DISAPP.						
2	TYPE OF POSITION PFT	STAFF MONTHS	RP No.	PCN No.	PRIORITY 4	FORM 12	PAGE/LINE	LEG.							
3	TYPE OF EXPENDITURE			JUSTIFICATION:											
	1	2	3												
4	PERSONAL SERVICES:			<p>Sec. 39.28.020(6) which gives the Division of Equal Employment Opportunity enforcement powers will require the addition of 2 investigator positions. These positions will:</p> <ol style="list-style-type: none"> Investigate charges alleging violations of affirmative action standards and procedures; Collect and prepare evidence for the legal enforcement of affirmative action standards and procedures; Interview and take statements from those alleging non-compliance and witnesses; Analyze and evaluate evidence and assist legal counsel with complex or unusual problems relating to investigation and substantiation of the charge; Appear as an expert witness for the prosecution in legal proceedings. 											
5	SALARY	2640	31,680												
6	BENEFITS	.1579	5,003												
7	FICA	.0613	1,942												
8	HEALTH INS.	150/mo.	1,800												
9	TOTAL PERSONAL SERVICES	01	40,425												
10	TRAVEL	02	3,749												
11	CONTRACTUAL	03	4,833												
12	COMMODITIES	04	1,862												
13	EQUIPMENT	05													
14	OTHER														
15	TOTAL COST		50,869												
16	CODE	FUNDING SOURCE													
17		FED RCPTS 1002													
18		GF MATCH 1002													
19		GEN. FUND 1001		50,869											
20		I-A RCPTS 1003													
21		PGM RCPTS 1002													
22		OTHER													
21	CONTINUATION			FOR B&M USE ONLY											
22	ADDITION	XX													
4A KEY NUMBER _____				COLUMN NO. _____											

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Investigator III			RANGE/STEP 18 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS	RP No.	PCN No.	PRIORITY 5	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	2640	31,680						
5	BENEFITS	.1579	5,003						
6	FICA	.0613	1,942						
7	HEALTH INS.	150/mo.	1,800						
8	TOTAL PERSONAL SERVICES		40,425						
9	TRAVEL		3,749						
10	CONTRACTUAL		4,833						
11	COMMODITIES		1,862						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		50,869						
	CODE	FUNDING SOURCE							
15		FED RCPTS 1002							
16		GF MATCH 1003							
17		GEN FUND 1001		50,869					
18		I-A RCPTS							
19		PCM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION	X		FOR B&M USE ONLY					
4A KEY NUMBER _____				COLUMN NO. _____					

Sec. 39.28.020(6) which gives the Division of Equal Employment Opportunity enforcement powers will require the addition of 2 investigator positions. These positions will:

1. Investigate charges alleging violations of affirmative action standards and procedures;
2. Collect and prepare evidence for the legal enforcement of affirmative action standards and procedures;
3. Interview and take statements from those alleging non-compliance and witnesses;
4. Analyze and evaluate evidence and assist legal counsel with complex or unusual problems relating to investigation and substantiation of the charge;

Appear as an expert witness for the prosecution in legal proceedings.

AGENCY Administration PROGRAM Labor Services

BAU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Training Specialist			RANGE/STEP 19 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV	APPROV.	DISAPP.						
2	TYPE OF POSITION PFT	STAFF MONTHS	RP No.	PCN No.	PRIORITY 6	FORM 12	PAGE/LINE	LEG.							
3	TYPE OF EXPENDITURE			JUSTIFICATION:											
	1	2	3												
4	PERSONAL SERVICES:			<p>Passage of SB 248 Sec. 39.28.020.(7) will require the addition of 1 Training Specialist position. The Training Specialist will have the responsibility for:</p> <ol style="list-style-type: none"> 1. Accessing the training needs of departments of the Executive Branch; 2. Developing and preparing seminars, workshops, bulletins, pamphlets, etc. to address the training needs identified through accessments or requests from departments; 3. Instruct/facilitate and coordinate training; 4. Follow-up on training to assure that it is effective. 											
5	SALARY	2837	34,044												
6	BENEFITS	.1579	5,376												
7	FICA	.0613	2,087												
8	HEALTH INS.	150/mo.	1,800												
9	TOTAL PERSONAL SERVICES		43,307												
10	TRAVEL		12,137												
11	CONTRACTUAL		5,835												
12	COMMODITIES		1,598												
13	EQUIPMENT														
14	OTHER														
15	TOTAL COST		62,877												
15	CODE	FUNDING SOURCE													
16		FED RCPTS. 1102													
17		GEN. FUND 1004			62,877										
18		I-A RCPTS. 1001													
19		PGM RCPTS 1102													
20		OTHER													
21	CONTINUATION				FOR B&M USE ONLY										
22	ADDITION	X													
1a KEY NUMBER _____ COLUMN NO. _____															

AGENCY Administration PROGRAM Labor Services

BAU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Correspondence Secretary II			RANGE/STEP 10B	BARG. UNIT. G	LOCATION Juneau	GOV	APPROV	DISAPP.					
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 7	FORM 12	PAGE/LINE	LEG						
3	TYPE OF EXPENDITURE			AMOUNT										
	1	2	3											
4	PERSONAL SERVICES:				JUSTIFICATION: This position will be necessary to provide typing support for EEO Division staffing increase. The position will type documents, reports, plans, letters, memos, etc. on sophisticated word processing equipment.									
	SALARY	1,613	19,356											
5	BENEFITS	.1579	3,056											
6	FICA	.0613	1,187											
7	HEALTH INS.	150/mo.	1,800											
8	TOTAL PERSONAL SERVICES		01	25,399										
9	TRAVEL		02	-0-										
10	CONTRACTUAL		03	4,000										
11	COMMODITIES		04	1,000										
12	EQUIPMENT		05	10,800										
13	OTHER													
14	TOTAL COST			41,199										
	CODE	FUNDING SOURCE												
15		FED RCPTS 1002												
16		GF MATCH 1003												
17		GEN FUND 1004			41,199									
18		I-A RCPTS 1005												
19		PGM RCPTS 1028												
20		OTHER												
21	CONTINUATION		FOR B&M USE ONLY											
22	ADDITION	X												
4A	KEY NUMBER		COLUMN NO.											

AGENCY Administration PROGRAM Labor Services
Equal Employment Opportunity
BRU Equal Employment Opportunity
COMPONENT _____

13 REQUEST FOR NEW POSITION.

FY 82

Original sponsor: Ferguson

Jenny please make changes needed by 8/22 Wed. afternoon
Thanks, Nancy Guss
Sen. Ferguson

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 248 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to equal employment opportunity in
7 the executive branch of the state government; and
8 providing for an effective date."

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

10 * Section 1. FINDINGS AND PURPOSE. (a) There is evidence of continued
11 lack of opportunity for members of Alaska's protected classes to obtain
12 appointment to and employment in responsible positions in the executive
13 branch of the state government.

14 (b) In furtherance of the commitment of the state to human rights and
15 employment opportunity, it is the policy of the state that there shall be
16 equal opportunity and nondiscrimination in the employment activities, pro-
17 grams, and decisions of the executive branch of the state government, and
18 that aggressive affirmative action is required by executive branch agencies,
19 individually and collectively, to provide equal employment opportunities for
20 all Alaskans in those agencies.

21 (c) Affirmative action requires that steps be taken in all executive
22 branch departments to eliminate discriminatory barriers to employment on the
23 grounds of race, religion, color, national origin, age, sex, handicap,
24 marital status, changes in marital status, pregnancy, parenthood, or any
25 other reason not related to merit. It also requires positive, aggressive
26 measures to ensure that all terms and conditions of employment including,
27 but not limited to, the areas of recruitment, hiring, assignments, evalua-
28 tion, promotion or transfer, layoff, termination, training, compensation,
29 and treatment are not arbitrarily discriminatory on the grounds listed in

WHAT IS "EQUAL OPPORTUNITY"?

1 this subsection.

2 * Sec. 2.1 AS 44.21.020(9) is repealed and reenacted to read:

3 (9) administer a statewide personnel program consisting of

4 (A) central personnel services, including but not
5 limited to recruitment, hiring, examination, assignments, position
6 classification, pay administration based on equal pay for work of
7 comparable value, promotion, transfers, layoff, and termination;
8 and

9 (B) the equal employment opportunity program estab-
10 lished in AS 39.28;

11 * Sec. 3. AS 39 is amended by adding a new chapter to read:

12 CHAPTER 28. EQUAL EMPLOYMENT OPPORTUNITY IN STATE EMPLOYMENT.

13 Sec. 39.28.010. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY. The
14 division of equal employment opportunity is established in the Depart-
15 ment of Administration. The director of equal employment opportunity
16 shall administer the programs of the division.

17 Sec. 39.28.020. DUTIES OF DIRECTOR. The director shall

18 (1) administer the equal employment opportunity program for
19 the executive branch of state government;

20 (2) implement state policies with respect to nondiscrimina-
21 tion in employment, equal employment opportunity, and affirmative
22 action;

23 (3) develop and implement standards and procedures for the
24 preparation, timely submission, and review of affirmative action plans
25 by each department;

26 (4) review and approve affirmative action plans submitted by
27 each department;

28 (5) monitor employment practices of each department to
29 assure that terms and conditions of employment ~~do not violate affirma-~~
THE NEW 1991-1992...

1 ~~tive action standards and procedures;~~

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

5 (7) maintain contact with each department, and provide
6 training to management, supervisors, and employees to improve their
7 knowledge and understanding of laws prohibiting discrimination in
8 public employment and affirmative action standards and practices;

9 (8) cooperate with the director of the division of personnel
10 to assure that the state personnel system operates to assist appointing
11 authorities in each department in meeting affirmative action goals, and
12 that the policies, practices, and regulations of the personnel system
13 ~~comply with affirmative action requirements;~~ *BE NONDISCRIMINATORY; (ALL HERE FROM PAGE 4)*

14 (9) advise the director of the division of labor relations
15 on equal employment opportunity matters; ~~which pertain to contract~~
16 ~~negotiations and the management of the affairs of the division of labor~~
17 ~~relations;~~ *DO NOT ADVISE ON CONTRACTS AND TOLERANCE*

18 *112* (10) prepare, adopt, and implement procedures to investigate,
19 determine, and resolve issues related to affirmative action plans; and

20 *1* (11) prepare the annual affirmative action plan and report
21 for the executive branch of state government as required by AS 39.28.-
22 030.

23 Sec. 39.28.030. ANNUAL PLAN AND REPORT. (a) The director shall
24 prepare the annual affirmative action plan and annual report. The plan
25 and report shall be presented to the commissioner of administration,
26 the governor, and the legislature by January 31 of each year.

27 (b) The annual plan and report includes, but is not limited to
28 (1) a comprehensive plan, establishing goals and objectives
29 for equal employment opportunity through compliance with affirmative

1 action standards and procedures;

2 (2) identification of problems and concerns, and of efforts
3 which have been considered or implemented to address or correct those
4 problems and concerns;

5 (3) a summary of efforts to eliminate the effects of past or
6 present discriminatory practices in the terms, conditions, and privi-
7 leges of employment;

8 (4) an evaluation of the efforts of the division of equal
9 employment opportunity, and of the efforts of each state department, to
10 achieve equal employment opportunity in employment in a department;
11 ~~through affirmative action standards and procedures.~~

12 (5) a set of achievable goals within reasonable time frames
13 for each department to fully employ ~~minority people and women~~ *protected classes* at all
14 pay grades consistent with their availability;

15 (6) an assessment of current ~~utilization and~~ *utilization* availability of
16 minority people and women with specific procedures to identify and
17 eliminate artificial or customary practices not justified by operational
18 necessity which operate to exclude ~~minority people and~~ *protected classes*

19 (7) recruitment techniques designed to reach minorities, ~~and~~ *protected classes*
20 women, handicapped persons and others *protected classes*;

21 (8) an identification of ~~discriminatory selection and promo-~~ *discriminatory*
22 tion devices and recommendations for the elimination of those discrimi-
23 natory practices; and

24 (7) ~~(9)~~ goals, time tables, or some other formula which defines
25 objective hiring aims.

26 Sec. 39.28.040. DEFINITIONS. In this chapter

27 (1) "department" means a department or agency in the execu-
28 tive branch of state government;

29 (2) "director" means the director of the division of equal

1 employment opportunity.

2 * Sec. 4. AS 44.17 is amended by adding a new section to read:

3 Sec. 44.17.090. RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY.

4 (a) The principal executive officer of each state department is
5 responsible for the activities, programs, and decisions of that depart-
6 ment which relate to equal opportunity in employment of persons in that
7 department.

8 (b) The principal executive officer of each state department
9 shall

10 (1) prepare, adopt, and implement an affirmative action plan
11 for the department, including

12 (A) a comprehensive plan, establishing goals and ob-
13 jectives for equal employment opportunity through compliance with
14 affirmative action standards and procedures;

15 (B) identification of problems and concerns, and of
16 efforts which have been considered or implemented to address or
17 correct those problems and concerns;

18 (C) a summary of efforts to eliminate the effects of
19 past or present discriminatory practices in the terms, conditions,
20 and privileges of employment; and

21 (D) an evaluation of the department's efforts to achieve
22 equal employment opportunity in employment in the department
23 through affirmative action standards and procedures; and

24 (2) employ an equal employment opportunity officer to super-
25 vise the development and implementation of the department's affirmative
26 action program.

27 * Sec. 5. ~~AS 18.80.060(6) is amended to read:~~

28 (6) ~~make an overall assessment, at least once every three~~
29 ~~years, of the progress made toward equal employment opportunity by each~~

1 [EVERY] department of state government, and of the affirmative action
2 plan for employment in the executive branch of the state government;
3 the assessment--[.--- RESULTS OF THE ASSESSMENT] shall be included in the
4 annual report made under AS 18.80.150.

5 * Sec. 6. This Act takes effect July 1, 1981.
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STATE OF ALASKA

Office of the Governor

Administrative Order No. 59

Executive Order ???

send veteran's
pref.
Vietnam ERA
veterans
disabled
5 yrs.

In further pursuit of the State of Alaska's commitment to human rights as expressed in the State Constitution and Alaska Statute 18.80.200, as amended, I, Jay S. Hammond, Governor of the State of Alaska, under the authority granted by Article III of the Alaska Constitution and by Alaska Statute 44.17.060, order the following as the equal employment opportunity policy of the executive branch of the State of Alaska:

1. Statement of Policy; General Requirements

1.1 The policy of the executive branch of the State of Alaska is equal opportunity and nondiscrimination in all of its employment decisions, programs, and activities. The state shall take affirmative steps to implement this policy in the internal affairs of state government, as well as its relations with the public.

1.2 All departments or appointing authorities shall have affirmative action programs and written plans to conform with this order. All affirmative action programs and plans shall be reviewed by the Department of Administration, Division of Equal Employment Opportunity, established in part 2 of this order.

1.3 Affirmative action requires that steps be taken in all departments to eliminate discriminatory barriers to employment on the grounds of race, religion, color, national origin, age, sex, handicap, marital status, changes in marital status, pregnancy or parenthood, when the reasonable

insert

demands of the position do not require a distinction. It also requires positive, aggressive measures to ensure that all terms and conditions of employment including, but not limited to, the areas of recruitment, hiring, assignments, evaluation, promotion or transfer, layoff, termination, training, compensation, and treatment are not arbitrarily discriminatory on the grounds listed.

2. Responsibilities

2.1 The Commissioner of the Department of Administration is responsible for the Equal Employment Opportunity Program. Specific responsibility and authority for administering and implementing the state's Equal Employment Opportunity Program is assigned to the Division of Equal Employment Opportunity, established within the Department of Administration.

2.2 The Director of the State Division of Equal Employment Opportunity shall administer the Equal Employment Opportunity Program for employment within the executive branch, and shall carry out the state's policy on nondiscrimination, equal employment opportunity, and affirmative action in employment within the executive branch. The Director shall:

- (1) develop and implement guidelines, standards, and procedures governing the preparation, timely submission, and review of affirmative action plans by all departments within the executive branch;
- (2) give final approval or disapproval of all affirmative action plans submitted by each department;
- (3) conduct an ongoing review of affirmative action plans and their implementation to assure that programs are in compliance with this administrative order;

- (4) Establish a uniform complaint procedure which is to be included in all affirmative action plans and available to all persons subject to this administrative order, including applicants as well as employees. This procedure must be used to investigate, determine, and resolve issues covered by this Administrative Order or related to affirmative action plans. This procedure is a means by which persons may bring issues covered by this order to the attention of responsible officials for the purpose of investigation, determination, and resolution. However, a failure to comply with this procedure does not deny a person any right he would not otherwise have under the United States and Alaska Constitutions and statutes.
- (5) Maintain contact with state agencies, employees, or applicants and any state or federal enforcement agency in connection with all issues covered by this administrative order.
- (6) Cooperate with the director of the Division of Personnel to ensure that the state personnel system is operated in ways which provide assistance to appointing authorities in meeting affirmative action goals and that all personnel system policies, practices, and regulations comply with this administrative order.
- (7) Monitor employment practices and policies and take necessary measures to ensure that all conditions of employment, including but not limited to, the areas of recruitment, hiring, assignment, evaluation, promotion, demotion, transfer, layoff, termination, training, compensation and treatment are not arbitrarily discriminatory on the grounds listed in sections 1.3 of this order.

(8) Review all employee collective bargaining agreements on a continuing basis to ensure ^{and the} compliance with this ~~administrative order~~ ^{AS. 39.28} and advise the director of the Division of Labor Relations on FEO matters as they pertain to contract negotiations and management.]

call Labor Relations Sandy Wilkins

(9) Provide training to management, supervisors, and employees to strengthen knowledge and understanding of state and federal anti-discrimination laws and subjects covered under this administrative order.

(10) Prepare the overall state affirmative action plan which is to consist of this administrative order, the annual plan, and the annual report. The state affirmative action plan must be submitted to the commissioner of administration, the governor, and the legislature no later than January 31 of each year.

2.3 The commissioner of each department or the authority in agencies of the executive branch that are not in departments shall:

(1) Have an affirmative action plan setting forth goals and timetables, identifying problem areas, outlining remedies, and specifying reasonable measures to eliminate the effects of any past or present discriminatory practices and terms, conditions, and privileges of employment.

(2) ~~Select an official~~ of the department at the level of director or above who is to be designated the department equal employment opportunity ^{officers} ~~representative~~. The department equal employment opportunity representative;

Hire an

Range 13
-4-

shall supervise development and implementation of the department's affirmative action plan and program.

This administrative order takes effect immediately.

DATED June 20, 1980, at Juneau, Alaska.


Jay S. Hammond, Governor

1992

STATE OF ALASKA
THE LEGISLATURE

1627

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 22, 1981

SUBJECT: Equal employment opportunity in state
government (CSSB 248)

TO: Senator Vic Fischer
Attn: Nancy Groszek

FROM:  Linn H. Asper
Legislative Counsel

Because of your rush request for a final of the committee substitute for SB 248 I have made the changes you request without significant alteration. I want to note, however, that your use of the phrase, "protected classes" causes problems, because it is a vague term without legal meaning. When you requested this phrase in the findings and purpose clause (Sec. 1), I included it because I did not think its vagueness would do any harm in that context. If you use the phrase in the main part of the bill, however, it should be defined, and I am not sure what the definition would be, again because of the vagueness of the term.

To some extent the above comments apply to the list of the contents of the annual report. It is very difficult to understand what some of these phrases mean [see 39.28.-030(b)(5) - (7)], but I have left them in the bill per your request.

LHA:ljb

Enclosure