

ALASKA LEGISLATURE COMMITTEE REPORTS 1903-1904

3049 • SSA SB 386 - SB 395

8672



Alaska Women's Resource Center
241 E. 5th Avenue • Suite 203 • Anchorage, Alaska 99501 • (907) 276-0528

ST

February 27, 1984

Senator Vic Fischer
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Dear Senator Fischer:

It was a pleasure to meet with your aide, Suzanne Tryck, during my recent visit to Juneau. Among my primary concerns were the passage of appropriate legislation on child sexual abuse prevention and treatment, displaced homemakers' eligibility and continued funding for services to family violence and sexual assault victims, programs of the Department of Public Safety, statewide alcoholism programs of the State Office of Alcohol and Drug Abuse, and the displaced homemaker program of Community and Regional Affairs.

The hearing on SB386 to change displaced homemaker eligibility from seven years to three was encouraging. Further action is undoubtedly needed to secure its passage through both houses of the Legislature.

Thank you for your support and advice on this issue.

Sincerely,

Carol E. Richards
Executive Director

CER/aw

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

February 3, 1984

BILL SHEFFIELD, GOVERNOR

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

225 CORDOVA STREET - BLDG B
ANCHORAGE, ALASKA 99501
PHONE: (907) 264-2294

Position Paper

RE: SB 386

Sponsor: Rules Committee by Request of the Governor

PROGRAM EFFECTS:

This bill allows for individuals to be enrolled in the Displaced Homemaker Program following three (3) years of unsalaried service as a homemaker versus the existing seven (7) year requirement.

COMMENTS:

The Displaced Homemaker Program is designed to prepare individuals to enter the job market following an extended period of time (seven years) serving as homemakers for their families. These individuals for the most part have not been able to prepare themselves for the responsibility of sole support for their families as the need for entering the job market is the result of tragedy including death or disability of a spouse or divorce/separation. This bill changes the seven year provision for unsalaried service in the home to three years of homemaker service, as the present requirement, under State law, is an onerous provision.

The Displaced Homemaker Program has been in operation since February 1983. Statistics formulated for the first fiscal year February 1, 1983 through June 30, 1983 indicated that 337 individuals were interviewed for eligibility. Twenty-five percent (85 individuals) were ineligible. Of those ineligible, 70% (67 people) were not eligible because they did not meet the seven years in the home requirement.

Statistics formulated during the first half of the present fiscal year (July 1, 1983 through June 30, 1984) indicate that 277 individuals have been interviewed for eligibility. Thus far the ineligible percentage has risen to 36% (100 people) ineligible. Of this 36% ineligible, 85% (85 people) are not eligible because they did not meet the seven years in the home requirement.

Contractors have indicated that advertisement of the seven year requirement may have kept away other ineligible participants.

In other ways, statistics show that the Displaced Homemaker Program is meeting its goal of placing lower income individuals in employment.

* The average monthly family income before the displaced homemaker circumstances was \$2,416/mo.

* After the death, disability or divorce of the spouse the family income fell to \$423.00 per month.

* The average number of dependents was three (3).

* Thus far, in FY 84, 54% of the individuals leaving the program went directly to employment (27%), school or a vocational program (27%).

* 6% of the individuals were referred to other social service programs for assistance.

* 60% of those served were white, 31% Alaskan native, 14% other minorities; 11% were handicapped.

Client profiles show that the seven year requirement discriminates against the younger displaced homemaker. The average age of a participant under the present requirements is 37 years old.

The average age of ineligible clients is 30 years old and the average number of months in the home is 3.16 years. This would indicate that the actual client population is much younger on the average.

For the aforementioned reasons we would advocate that the statutes be changed from the seven (7) year requirement to three (3) years. This would create no fiscal impact; it would merely open up the available program to more Alaskans.

Approved: Emil Notti
Emil Notti, Commissioner

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

BILL/Resolution No.: SB 386
 Title: ~~Displaced Homemaker Program Revision~~
 Sponsor: ~~Rules Comm./Req. Governor Sheffield~~
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: C&RA
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Karen Perdue, Director
 Division: Community Development

Phone: 465-4890
 Date: 2/3/84

Approved by Commissioner: *Gavin R. ...*
 Department: C&RA

Date: 2/7/84

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

February 3, 1984

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JUNEAU, ALASKA 99811
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In other ways, statistics show that the Displaced Homemaker Program is meeting its goal of placing lower income individuals in employment.

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* The average number of dependents was three (3).

* Thus far, in FY 84, 54% of the individuals leaving the program went directly to employment (27%), school or a vocational program (27%).

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The average age of ineligible clients is 30 years old and the average number of months in the home is 3.16 years. This would indicate that the actual client population is much younger on the average.

For the aforementioned reasons we would advocate that the statutes be changed from the seven (7) year requirement to three (3) years. This would create no fiscal impact; it would merely open up the available program to more Alaskans.

Approved: *Emil Notti*
Emil Notti, Commissioner


Bill No. Senate Bill No. 386
Title "An Act relating to the displaced
homemakers program; and providing
for an effective date."

Date February 9, 1984
Contact: Eileen Plate 465-2700
Jack Shay 465-2712

The recommended change in the definition of "displaced homemaker" from a person providing unsalaried services for a family for a period of at least seven years to three years is strongly supported by the Department of Labor. The length of time a person has spent providing unsalaried services for a family generally has little relationship to the fact that a person may be displaced through death of spouse, divorce, separation, desertion, or loss of family income, and need assistance.

Senate Bill No. 386 would not have a fiscal impact on the Department of Labor.

Approved:


Jim Robison
Commissioner



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION

3601 C STREET - SUITE 742

ANCHORAGE, ALASKA 99503

MEMO

TO: Senate State Affairs

FROM: *KM* Kathy Marshall, Executive Director

SUBJECT: Senate Bill No. 386

DATE: February 6, 1984

The Alaska Women's Commission is firmly committed to supporting the Displaced Homemakers Programs which provides education and employment services to women who have been homemakers and due to death, divorce or separation are forced to re-enter the job market. In the past, many women who requested this service had to be denied because they had not worked as a homemaker providing unsalaried services for their families for at least seven years. Due to the high cost of living in Alaska, very few families survive for seven years without both spouses contributing to the family income. However, in most cases the homemaker's contribution was in a low paying, frequently part time capacity. As single heads of households these positions do not equip the homemaker with skills to support the family.

Of the homemakers who were refused service in the Displaced Homemakers Programs last year, the average length of time they had been homemakers without paid employment was 3.3 years.

The Commission urges State Affairs to recommend approval for the proposed amendment in SB No. 386 to change the seven year eligibility requirement to three years.

Please contact the Commission office if you need any additional information about the changes in the Displaced Homemakers legislation.

326

APPLICANT INFORMATION

The average age of ineligible applicants is 30 years old.

The average number of months in the home for ineligible applicants is 38 months or 3.16 years.

63% are White.
3% are Black.
4% are American Indian.
3% are Asian or Pacific Islander.
2% are Hispanic.
22% are Alaska Native.

PARTICIPANT INFORMATION

The average age of participants is 37 years old.
The average number of years in the home is 7.75 years.

60% are White.
1% are Black.
2% are American Indian.
1% are Asian or Pacific Islander.
2% are Hispanic.
31% are Alaska Native.

11% are handicapped.

38% are on public assistance.

20% are school dropouts.
47% have finished high school or gotten a GED.
30% have attended a post-secondary institution or higher.

The average monthly income before becoming a Displaced Homemaker is \$2,416.

The average monthly income after becoming a Displaced Homemaker is \$423.

That is an average loss of income of \$1,993 per month.

72% report that the reduction in income was a result of divorce, separation or desertion.

The average number of dependents is 3.

TERMINATION INFORMATION

*29% entered full or part-time employment.
7% entered school or a vocational training program.
6% were referred to other Social Service programs for assistance.

Of those who enter employment upon termination, the average placement wage is \$6.97.

* NOTE: Thus far, in FY 84, 54% of the individuals leaving the program went directly to employment, school or a vocational program.

FROM: DEPT OF
COMMUNITY & REGIONAL AFFAIRS

DISPLACED HOMEMAKERS PROGRAM
 DETAILED PARTICIPANT CHARACTERISTICS FORM
 PAGE 2

Characteristic	1) Total Part.	2) Total Inelig.	Total 1 & 2
11 or less School Dropout	85	36	121
V. Education 12-19 H.S. grad. or GED	200	83	283
13-18 Post H.S.	124	46	170
U.I.	24	1	38
AFDC	100	27	127
VI. Public Assistance (from optional section in application) SSI	24	5	29
Other cash asst.	37	27	64
Elig. but not receiving.	105	41	146

DISPLACED HOMEMAKERS PROGRAM

QUARTERLY PARTICIPANT STATUS SUMMARY

Region All Contract All Report period from: 2/1/83 to: 1/31/84

Participant/Termination Summary	Actual
A. Total Participants	429
B. Total Terminations	270
1. Type of termination	
01. Employed, part-time	25
02. Employed, full time	53
03. Entered Armed Forces	
04. Entered school	15
05. Entered a Vocational Training Program	4
06. Referred to other Social Service Program	17
07. Health problems	7
08. Moved from area	17
09. Transportation problems	
10. Death	
11. Child Care	3
12. Cannot locate	13
13. Returned to AFDC	1
14. Refused to continue	13
15. Remarried or reconciled with spouse	13
16. Other	44
17. Administrative separation	45

DISPLACED HOMEMAKERS
QUARTERLY PARTICIPANT STATUS SUMMARY
PAGE 2

Participant/Termination Summary	Actual
2. Services provided	
A. Job counseling	247
B. Job training & job placement	129
C. Health counseling	117
D. Financial management	125
E. Education information	199
F. Legal information	109
G. Federal & state services	198
H. Supportive services	142
I. Other	93

2/29/84

--SB 386 changes the definition of displaced homemaker by reducing from seven to three the number of years a person must have worked as an unsalaried homemaker.

--The bill has no fiscal impact because this legislation would open up available programs to more people.

--In FY '83, 70% (67 people) of those determined ineligible for the displaced homemaker program were not eligible because they did not meet the 7 year requirement. (for more on this see the first page of the CRA position paper)

--The average age of ineligible clients is 30 years old and the average period as a homemaker is 3.16 years.

--The average monthly family income before becoming a displaced homemaker was \$2,416/mo. The average income after becoming a displaced homemaker was \$423.00/mo. The average number of dependents was 3.

--Thus far, in FY '84, 54% of the individuals leaving the program went directly to employment, school or a vocational program.

--6% of the individuals who left the program were referred to other social service programs for assistance.

36% OF THOSE WHO SEEK ASSISTANCE from the Displaced homemaker's program are ineligible under state statutes.

The bill was heard on the 9th of February. Unanimous do pass in state affairs.

Introduced: 1/27/84
Referred: State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 386

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the displaced homemakers program;
7 and providing for an effective date."

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

9 * Section 1. AS 47.90.070(2) is amended to read:

10 (2) "displaced homemaker" means a person who

11 (A) has worked as a homemaker providing unsalaried
12 services for the family for a period of at least three [SEVEN]
13 years;

14 (B) faces a significant reduction in family income or
15 support through divorce, death, separation, desertion, or
16 disability; and

17 (C) has encountered difficulty in finding employment.

18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).

*Program now
processing
people into
fund
ineligible*

*are length of
ineligible
are 30 yrs.
non-serving
elder women*

S

B

3

8

7

Introduced: 1/27/84
Referred: State Affairs and
Finance

ST
3-30-84
18-0

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 387

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state employment."

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

8 * Section 1. AS 39.20.225(c) is amended to read:

9 (c) Each officer and employee shall, during each 12-month per-
10 iod, take at least five days of personal leave. If the officer or
11 employee does not take at least five days of personal leave during a
12 12-month period, the difference between five days and the amount of
13 personal leave taken [HE DID TAKE] shall be cancelled without pay un-
14 less the officer's or employee's [HIS] department or agency head cer-
15 tifies in writing that the officer or employee [HE] was denied the
16 opportunity to take five days of personal leave during the 12-month
17 period. This subsection does not apply to part-time officers or em-
18 ployees.

19 * Sec. 2. AS 39.20.245(b) is amended to read:

20 (b) An officer or employee, [OF THE LEGISLATURE OR OF A LEGISLA-
21 TIVE AGENCY] with the approval of the person authorizing the employ-
22 ment, may donate accrued personal leave to another officer or employee
23 [OF THE LEGISLATURE OR OF A LEGISLATIVE AGENCY] only for use as leave
24 for medical reasons. The official responsible for [LEGISLATIVE] em-
25 ployee accounts shall debit the donor's personal leave account and
26 credit the donee's personal leave account, for medical reasons only,
27 by converting the donated leave into cash value at the donor's rate of
28 pay and reconvertng the cash value to hours of leave at the donee's
29 rate of pay. Leave donated under this subsection is not leave taken

1 by the donor for purposes of AS 39.20.225(c).

2 * Sec. 3. AS 39.20.256(f) is amended to read:

3 (f) Upon an officer's or employee's separation from state ser-
4 vice, [HIS] banked medical leave shall be cancelled without pay, un-
5 less separation is caused by the officer's or employee's death, in
6 which case banked medical leave shall be treated as unpaid compensa-
7 tion in accordance with AS 39.20.360.

8 * Section 4. AS 39.25.130 is amended by adding a new subsection to
9 read:

10 (d) The commissioner of administration shall submit to the
11 lieutenant governor for publication in the Alaska Administrative Code
12 (AS 44.62.130) a list of all positions to which the partially exempt
13 service is extended under (a) of this section. As changes in the list
14 are adopted, the commissioner shall submit that information to the
15 lieutenant governor for publication.

SENATE BILL NO. 387 by the Rules Committee by request of the Governor, entitled:

"An Act relating to state employment."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

Fiscal note appears in Senate Supplement No. 46.

SB 387

SENATE JOURNAL - PAGE 1871- 1 1/27/84

January 27, 1984

The Honorable Jalmar Kerttula
President of the Senate
Pouch V
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to state employment. The bill would also amend the state's leave statutes in three respects, affecting state officers and employees who are not covered by a collective bargaining agreement ((see) the current AS 39.20.310(9) which is not being amended by this bill).

Section 1 of the bill addresses the requirement that nearly all state officers and employees take at least five days of personal leave per year. (See) AS 39.20.225(c). The amendment would exempt part-time employees from that requirement.

Section 2 amends state law concerning the donation of sick leave by one state worker for use by another. Currently, the law speaks only to legislative employees. (See) AS 39.-20.245(b). The amendment would allow the same charitable act to be accomplished by executive and judicial branch workers. State employees covered by a collective bargaining agreement are already allowed to donate sick leave in this same manner.

Section 3 allows the beneficiary of a state worker who dies to collect the monetary equivalent of the decedent's unused, banked sick leaves. Currently, unused, banked sick leave is cancelled upon the separation from service of a state worker, regardless of the cause. (See) AS 39.20.256(f). Currently, state employees covered by a collective bargaining agreement are provided this benefit.

Section 4 requires the commissioner of administration to submit to the lieutenant governor for publication in the Alaska Administrative Code a list of all positions to which the partially exempt service has been extended by the personnel board under AS 39.25.130. No official, comprehensive list

is currently published to inform the public of which positions are included in the partially exempt service.

Sincerely,

Bill Sheffield
Governor

SB 387

SENATE JOURNAL - PAGE 2037- 2 2/13/84

The State Affairs Committee considered SENATE BILL NO. 387 (state employment) and recommended do pass. The report was signed by Senator Vic Fischer, Chairman and concurred in by Senators Kelly, Sturgulewski, Rodey and Ray.

The State Affairs Committee attached a zero fiscal note with the same analysis as shown in Senate Supplement No. 46.

SENATE BILL NO. 387 was referred to the Finance Committee.

SB 387

SENATE JOURNAL - PAGE 2359- 1 3/15/84

The Finance Committee considered SENATE BILL NO. 387 (state employment). Senator Bennett, Co-Chairman and Senators Sackett, Mulcahy and Faiks signed "no recommendation". Senators Josephson and Vic Fischer signed "do pass".

SENATE BILL NO. 387 was referred to the Rules Committee.



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V
Juneau, Alaska 99811
(907) 465-4954

Official Business

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff
RE: SB 387 Leave Time for State Employees
DATE: February 9, 1984

Sectional Analysis

Section 1: Exempts ~~part-time~~ officers and employees from taking the mandatory five days of personal leave a year. *can if want*

Section 2: Extends to all employees under 39.20 the ability to donate accrued personal leave to another employee for medical reasons. *(classified now can)*

Section 3: Provides for the payment of banked medical leave to the beneficiary upon an employee's death for employees not covered under collective bargaining. *(this provision is most covered by I have very cheap & cost wise)*

Section 4: Requires that positions placed by the personnel board in the partially exempt service be published in the Alaska Administrative Code. *(the personnel board can change classification to partially exempt. this requires the change to be published)*

Fiscal Information

The cost of this legislation is estimated at \$5.3 thousand a year.

Enclosed as Back-up

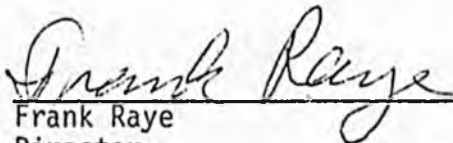
A position paper and fiscal note from the Department of Administration.

Senate Bill 387
 Position Paper
 Prepared by Division of Personnel
 Department of Administration
 February 7, 1984

SB 387 makes four changes to the Compensation and Allowances (AS 39.20) and State Personnel Act (AS 39.25). Section 1 relieves part-time officers and employees from the requirement to take five days of personal leave each year. Section 2 extends to all officers and employees covered by the statute the ability to donate accrued personal leave to another officer or employee for use for medical reasons. This ability is currently limited to employees of the legislature; however, most collective bargaining agreements contain such a provision. Section 3 provides for the payment of banked medical leave to the beneficiary upon an employee's death. Most employees are covered by this provision through collective bargaining agreements. Section 4 provides for publication in the Alaska Administrative Code of positions placed in the partially exempt service by the Personnel Board. There is no current means of notifying the public of such actions.

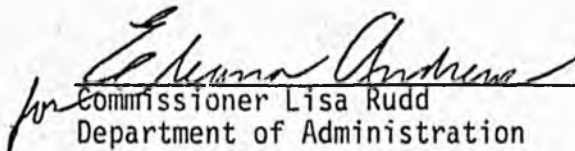
This bill was submitted by the Governor on the recommendation of this Department.

The Department of Administration supports this bill.



Frank Raye
 Director
 Division of Personnel
 Department of Administration

2/8/84
 Date


 for Commissioner Lisa Rudd
 Department of Administration

2/8/84
 Date

Revision Date: _____

REQUEST
Bill/Resolution No.: SB 387
Title: An act relating to state employment.

FISCAL DETAIL
Agency Affected: All
Program Category Affected: All

Sponsor: Rules by request of the Governor
Requestor: _____
Date of Request: _____

BRU, Program of Subprogram(s) Affected:
All

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	5.3	5.3	5.3	5.3	5.3	5.3
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	5.3	5.3	5.3	5.3	5.3	5.3
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	5.3	5.3	5.3	5.3	5.3	5.3
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	5.3	5.3	5.3	5.3	5.3	5.3

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Personal Services appropriation in existing budgets.

ANALYSIS: Attach a separate page for any analysis

Prepared By: Frank Raye *Frank Raye* Phone: 465-4430
 Division: Personnel Date: 1/16/84
 Approved by Commissioner Lisa Rudd *Lisa Rudd* Date: 1/17/84
 Department: ADMINISTRATION

4/BDFS2/0111-09/FISCAL NOTE
 Distribution:
 Legislative Finance
 Legislative Sponsor
 Registor
 Office of Management and Budget
 Impacted Agency(ies)

Senate Bill 387
Fiscal Note Analysis
Prepared by Division of Personnel
Department of Administration

Date:

Section 3 of this bill would extend the payment for unused banked medical leave upon death to employees not covered by collective bargaining. Only employees employed continuously since July 1, 1978 and not covered by a collective bargaining agreement, or employees who change from collective bargaining coverage to coverage of this statute will be eligible. At present, there are only 264 employees to whom this change in statute would apply. The number is likely to decrease over time.

Data from the Division of Retirement and Benefits indicates a death rate among state employees of 1.4 per thousand per year. Therefore for the potentially eligible employees, the annual death rate is less than .4 employees per year. For purposes of calculation, one death per year is used.

The average hours of banked medical leave for potentially eligible employees is 207 hours. The average pay range is range 23.

The estimated annual costs are:

$$1 \text{ employee} \times 207 \text{ hours} \times \$25.66 \text{ per hour} = \$5,312.$$

While this fiscal note shows the \$5.3 thousand annual expense, the actual costs will be borne from existing budgets in a similar manner as payments for sick or terminal leave.

Section 2 of this bill has the potential of shifting the expense associated with use of personal leave to an earlier period. For example, an employee who might separate in FY86 and be paid for unused personal leave may donate leave to another employee who uses it in FY85. There is no net effect in the present value cost to the state for such transfers.

4/BDGSF2/0111-09/2

SB 387. Questions for Mike McMullen
Division of Personnel

SECTION 4:

- ① what does placing ^{persons in} partially exempt positions have to do with the title of the Bill
- ② Does Section 1, lines 17 & 18 reduce the amount of time a part-time employee may have during a year?



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V
Juneau, Alaska 99811
(907) 465-4954

Official Business

JA
Here is Victor's
back-up from
SB 387.

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff
RE: SB 387 Leave Time for State Employees
DATE: February 9, 1984

Sectional Analysis

- Section 1: Exempts part-time officers and employees from taking the mandatory five days of personal leave a year.
- Section 2: Extends to all employees under 39.20 the ability to donate accrued personal leave to another employee for medical reasons.
- Section 3: Provides for the payment of banked medical leave to the beneficiary upon an employee's death for employees not covered under collective bargaining.
- Section 4: Requires that positions placed by the personnel board in the partially exempt service be published in the Alaska Administrative Code.

Fiscal Information

~~The cost of this legislation is estimated at \$5.3 thousand a year.~~
ZERO FISCAL NOTE WAS ADOPTED BY SSA.
Enclosed as Back-up

A position paper and fiscal note from the Department of Administration.

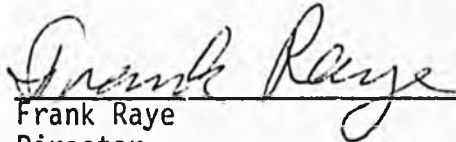
file
Dead
file

Senate Bill 387
Position Paper
Prepared by Division of Personnel
Department of Administration
February 7, 1984

SB 387 makes four changes to the Compensation and Allowances (AS 39.20) and State Personnel Act (AS 39.25). Section 1 relieves part-time officers and employees from the requirement to take five days of personal leave each year. Section 2 extends to all officers and employees covered by the statute the ability to donate accrued personal leave to another officer or employee for use for medical reasons. This ability is currently limited to employees of the legislature; however, most collective bargaining agreements contain such a provision. Section 3 provides for the payment of banked medical leave to the beneficiary upon an employee's death. Most employees are covered by this provision through collective bargaining agreements. Section 4 provides for publication in the Alaska Administrative Code of positions placed in the partially exempt service by the Personnel Board. There is no current means of notifying the public of such actions.

This bill was submitted by the Governor on the recommendation of this Department.

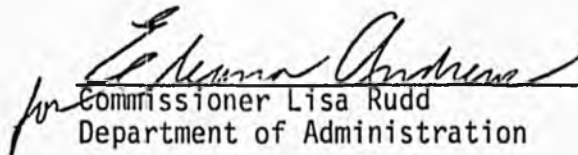
The Department of Administration supports this bill.



Frank Raye
Director
Division of Personnel
Department of Administration

2/8/84

Date


for Commissioner Lisa Rudd
Department of Administration

2/8/84

Date

Revision Date: _____

Page 1 of 2

REQUEST

Bill/Resolution No.: SB 387
Title: An act relating to state employment.

FISCAL DETAIL

Agency Affected: A11
Program Category Affected: A11Sponsor: Rules by request of the Governor
Requestor: _____
Date of Request: _____BRU, Program of Subprogram(s) Affected:
A11

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	5.3	5.3	5.3	5.3	5.3	5.3
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	5.3	5.3	5.3	5.3	5.3	5.3
	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	5.3	5.3	5.3	5.3	5.3	5.3
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	5.3	5.3	5.3	5.3	5.3	5.3

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Personal Services appropriation in existing budgets.

ANALYSIS: Attach a separate page for any analysis

Prepared By: Frank Raye *Frank Raye*
Division: Personnel

Phone: 465-4430

Date: 1/16/84

Approved by Commissioner: Lisa Rudd *Lisa Rudd*
Department: ADMINISTRATION

Date: 1/17/84

4/BDFS2/0111-09/FISCAL NOTE

Distribution:

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

12/1/83

Senate Bill 387
Fiscal Note Analysis
Prepared by Division of Personnel
Department of Administration

Date:

Section 3 of this bill would extend the payment for unused banked medical leave upon death to employees not covered by collective bargaining. Only employees employed continuously since July 1, 1978 and not covered by a collective bargaining agreement, or employees who change from collective bargaining coverage to coverage of this statute will be eligible. At present, there are only 264 employees to whom this change in statute would apply. The number is likely to decrease over time.

Data from the Division of Retirement and Benefits indicates a death rate among state employees of 1.4 per thousand per year. Therefore for the potentially eligible employees, the annual death rate is less than .4 employees per year. For purposes of calculation, one death per year is used.

The average hours of banked medical leave for potentially eligible employees is 207 hours. The average pay range is range 23.

The estimated annual costs are:

$$1 \text{ employee} \times 207 \text{ hours} \times \$25.66 \text{ per hour} = \$5,312$$

While this fiscal note shows the \$5.3 thousand annual expense, the actual costs will be borne from existing budgets in a similar manner as payments for sick or terminal leave.

Section 2 of this bill has the potential of shifting the expense associated with use of personal leave to an earlier period. For example, an employee who might separate in FY86 and be paid for unused personal leave may donate leave to another employee who uses it in FY85. There is no net effect in the present value cost to the state for such transfers.

4/BDGSF2/0111-09/2

(2) two and one-quarter days for each full monthly pay period in the case of officers and employees with two but less than five years of service;

(3) two and one-half days for each full monthly pay period in the case of officers and employees with five but less than 10 years of service;

(4) three days for each full monthly pay period in the case of officers and employees with 10 years or more service. (§ 11-5-6 a ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 10 ch 148 SLA 1976; am § 1 ch 136 SLA 1978)

Effect of amendments. — The 1976 amendment rewrote this section.

The 1978 amendment rewrote this section.

Cited in *State v. Worden*, 7 Alas. L.J. No. 9, p. 641 (Sept., 1969).

Am. Jur. 2d reference. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 158, 403.

Sec. 39.20.210. Determining years of service. In determining years of service for the purpose of computing personal leave, all service with the Territory and State of Alaska is included. A change in the rate of accrual of personal leave by an officer or employee takes effect upon the beginning of the monthly pay period following the monthly pay period in which the officer or employee completes the prescribed period of service. (§ 11-5-6 b ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 2 ch 136 SLA 1978)

Effect of amendment. — The 1978 amendment substituted "personal leave" for "annual leave" in the first and second sentences.

Sec. 39.20.220. Requirement that employment be continuous. Notwithstanding AS 39.20.200, an officer or employee is entitled to personal leave only after having been employed currently for a continuous period of 30 days under one or more appointments without break in service. When an officer or employee completes a period of continuous employment of 30 days, an amount of personal leave is credited to him equal to the amount which, but for this section, would have accrued under AS 39.20.200 during the period. (§ 11-5-6 c ACLA 1949; am § 1 ch 182 SLA 1957; am § 1 ch 145 SLA 1960; am § 3 ch 136 SLA 1978)

Effect of amendment. — The 1978 amendment substituted "personal leave" for "annual leave" and "30 days" for "90 days" in the first and second sentences.

Sec. 39.20.225. Use of personal leave. (a) An officer or employee may take personal leave at any time business permits upon permission by the head of the department or agency for which he works.

(b) An officer or employee may take personal leave for medical reasons, regardless of whether business permits, upon permission by the head of the department or agency for which he works. A

department or agency head shall grant personal leave for medical reasons if he is satisfied that the officer or employee is absent for medical reasons. The taking of personal leave for medical reasons shall be reduced by the amount of wage continuation payments made under the Alaska Workers' Compensation Act (AS 23.30). The following constitute "medical reasons" and are subject to the conditions noted.

(1) Medical disability of an officer or employee is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(2) Medical disability of a member of an officer's or employee's immediate family is a medical reason for taking personal leave if the disability is such that the attendance of the officer or employee is required. A department or agency head may require a doctor's certificate showing the disability if the absence exceeds three consecutive working days.

(3) A medical condition of an officer or employee which makes his presence at work a danger to the health of his fellow employees is a medical reason for taking personal leave. A department or agency head may require a doctor's certificate showing the condition if the absence exceeds three consecutive working days.

(4) Pregnancy and childbirth is a medical reason for a female officer or employee to take personal leave. A female officer or employee, otherwise qualified for a leave of absence, is entitled to take a maximum of nine weeks leave immediately preceding and following childbirth. If the officer's or employee's accrued personal leave is insufficient for this purpose, she is entitled to take leave without pay for the balance of the nine-week period.

(5) Death of a member of an officer's or employee's immediate family is a medical reason for taking personal leave. No more than five days of personal leave may be taken for this purpose.

(c) Each officer and employee shall, during each 12-month period, take at least five days of personal leave. If the officer or employee does not take at least five days of personal leave during a 12-month period, the difference between five days and the amount of personal leave he did take shall be cancelled without pay unless his department or agency head certifies in writing that he was denied the opportunity to take five days of personal leave during the 12-month period. (§ 4 ch 136 SLA 1978; am § 60 ch 94 SLA 1980)

Effect of amendment. — The 1980 Compensation Act" in the introductory amendment substituted "Workers' paragraph of subsection (b). Compensation Act" for "Workmen's

Sec. 39.20.230. When annual leave may be taken.
Repealed by § 15 ch 136 SLA 1978.

Cross refer provisions cover the repealed sect

Sec. 39.20. provided in A officer or emp succeeding 12 SLA 1957; an ch 31 SLA 19

Effect of am amendment rew

Sec. 39.20. employee may memorial sch in the fund, t administration revolving loan equal to the v the officer or e am § 6 ch 136

Effect of am amendment subst "A state" in the fi

Sec. 39.20. personal leave payment equa have received the period of u employee shall a period of tin (b) If the o before the exp: leave payment: leave payment: and the expir: him. The leave or employee b

(c) The pay or compensati 1949; am § 1 c SLA 1978; am:

Sec. 39.05.110. Definitions. In AS 39.05.010 -- 39.05.110

(1) "confirmation" means confirmation or approval by the legislature of a name submitted for appointment to a position or membership;

(2) "position or membership" means an executive position or membership on a state board, commission, authority, council, or committee which by law requires appointment by the governor and confirmation by the legislature. (§ 2 ch 64 SLA 1955; am §§ 73, 74 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment deleted "or either house of the legislature" following "by the legislature" in paragraphs (1) and (2), and, deleted "or other appointing authority" following

"appointment by the governor" in paragraph (2).

Editor's notes. — AS 39.05.010, referred to in the introductory language, was repealed by § 29, ch. 208, SLA 1975.

Chapter 20. Compensation and Allowances.

Article

1. Salaries (§ 39.20.100)

3. Leaves of Absence (§§ 39.20.245, 39.20.310, 39.20.320, 39.20.340)

Article 1. Salaries.

Section

100. [Repealed]

Sec. 39.20.100. Fees, mileage or compensation.

Repealed by § 75 ch 59 SLA 1982.

Editor's notes. — The repealed section derived from § 11-3-9 ACLA 1949.

Article 3. Leaves of Absence.

Section

245. Donation of personal leave

310. Exceptions

320. Adoption of regulations

Section

340. Leave of absence for reserve or auxiliary members of armed forces

Sec. 39.20.245. Donation of personal leave. (a) An officer or employee may donate one or more days of personal leave a year to the memorial scholarship revolving loan fund, or to a scholarship account in the fund, under AS 14.43.250 — 14.43.325. The commissioner of administration shall pay to the account of the memorial scholarship revolving loan fund, or to a scholarship account in the fund, an amount equal to the value of the day or days of personal leave contributed by the officer or employee.

(b) An employee of the legislature or of a legislative agency with the approval of the person authorizing the employment may donate accrued personal leave to another employee of the legislature or of a

mentation of this chapter. (§ 2 ch 61 SLA 1982)

Sec. 47.90.050. State employment assistance. Contractors operating programs under AS 47.90.010 shall, to the maximum extent possible, provide displaced homemakers with assistance in qualifying on state employment registers under regulations of the commissioner. (§ 2 ch 61 SLA 1982)

Sec. 47.90.060. Regulations. The commissioner may adopt regulations to implement this chapter. (§ 2 ch 61 SLA 1982)

Sec. 47.90.070. Definitions. In this chapter

(1) "commissioner" means the commissioner of community and regional affairs;

(2) "displaced homemaker" means a person who

(A) has worked as a homemaker providing unsalaried services for the family for a period of at least seven years;

(B) faces a significant reduction in family income or support through divorce, death, separation, desertion, or disability; and

(C) has encountered difficulty in finding employment. (§ 2 ch 61 SLA 1982)

This table shows laws not codified in the temporary act that repealed Code

A. cap. = amended Statutes; c. = chapter first special session laws of Alaska

ACLA 1949

35-1-15

35-2-173

35-2-174

37-10-41

37-10-42

37-10-43

37-10-44

37-10-45

40-5-11

40-5-12

40-5-13

40-5-14(a)

40-5-14(b)

40-5-14(c)

40-5-14(d), (e)

40-5-14(f)

40-5-15

1949

c. 59, § 2

c. 59, § 5

c. 59, § 6

1953

c. 86, § 1

1935

c. 82, art. I, § 1

c. 82, art. I, § 2

c. 112, § 1

c. 112, § 2

c. 140, § 1

pay, time or efficiency rating on all days during which he or she is ordered to training duty, as distinguished from active duty, with troops or at field exercises, or for instruction, or when under direct military control in the performance of a search and rescue mission. The leave of absence may not exceed 16½ working days in any 12-month period. (§ 1 ch 49 SLA 1976)

Revisor's note. — Chapter 49, SLA 1976 changed "12-month period" back to "calendar year" in the last sentence of subsection (a). As a change was the result of drafting error "12-month period" has been retained.

Effect of amendment. — The 1976

amendment, in subsection (a), inserted "or auxiliary" following "member of a reserve" and "or she" following "during which he" near the middle of the first sentence and added "or when under direct military control in the performance of a search and rescue mission" to the end of that sentence.

Sec. 39.20.350. Restoration of reserve members to former positions. A member of a reserve component of the United States Armed Forces employed by the state, or a political subdivision or a municipal corporation with the approval of the city council who is ordered to duty by proper authority, shall, when relieved from duty, be restored to the position held by him when ordered to duty. (§ 2 ch 20 SLA 1951)

Article 4. Payments Due to Deceased State Employees.

Section	Section
360. Order of payment	390. Employees to be informed
370. Inapplicability of provisions to certain benefits, funds, or interest	400. Definitions
380. Change or revocation of designation	

Sec. 39.20.360. Order of payment. All unpaid compensation due to a deceased employee of the state at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order of precedence, and the payment is a bar to recovery by any other person of amounts so paid:

- (1) to the beneficiary or beneficiaries designated by the employee in writing to receive the compensation filed with Department of Administration at the time of his death; if he designates more than one beneficiary, each shall share equally unless he specifies a different allocation or preference;
- (2) if there is no beneficiary designated, to his surviving spouse;
- (3) if there is no beneficiary or surviving spouse, to his child or children and descendants of deceased children by representation;
- (4) if none of the above, to his parents, or the survivor of them;
- (5) if none of the above, to the legal representative of his estate, or if there is none, to the person determined to be entitled under the laws of his domicile. (§ 1 ch 72 SLA 1964)

Sec. 39.20.370. benefits, funds, to any benefit, re Retirement System the disposition of (§ 1 ch 72 SLA 1976)

Cross reference. Employees' Retirement 39.35.

Sec. 39.20.380. employee may ch at any time with with the Department

Sec. 39.20.390. shall inform its e SLA 1964)

- Sec. 39.20.400
- (1) "unpaid compensation other than compensation due the state;
- (2) "employee" compensation from

Chapter

Section 10-130. [Repealed]

Secs. 39.23.01 Repealed by §

Editor's note. — 7 derived from § 1, ch. 80, SLA 1978.

Ch:

- Article
- 1. Administration 39.25.080)
- 2. Coverage of Personnel — 39.25.130)
- 3. Personnel Rules 39.25.155)
- 4. Prohibitions (§ 39

Sec. 39.25.130. Extension of partially exempt and classified services. (a) After June 30, 1961, the personnel board; upon written recommendation of the commissioner of administration, may extend the partially exempt service to include any position which was in the classified service on April 19, 1960, which, in the judgment of the board:

- (1) involves principal responsibility for the determination of policy;
- (2) involves principal responsibility for the way in which policies are carried out; or
- (3) involves responsibilities and duties of a type not susceptible to the ordinary recruiting and examining procedures.

(b) No positions may be included in the partially exempt service under this section if the inclusion is inconsistent with federal requirements for state agencies supported in whole or in part by federal funds.

(c) After June 30, 1961, the personnel board, upon written recommendation of the commissioner of administration, may extend the classified service to include any position which was in the partially exempt service on April 19, 1960. (§ 7 ch 144 SLA 1960)

Cited in *Haffling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Article 3. Personnel Rules.

Section

140. Amendment of personnel rules
150. Scope of rules
153. Personnel rules for certain departments
155. Vocational substitution program

Sec. 39.25.140. Amendment of personnel rules. (a) The director of personnel shall prepare and submit to the commissioner of administration any proposed amendments to the personnel rules for all positions and employees subject to this chapter.

(b) The commissioner of administration shall review the amendments and submit them to the personnel board.

(c) At the time he submits the amendments to the personnel board, the commissioner of administration shall, by posting in public buildings throughout the state, give notice that the personnel board has the amendments under consideration. The amendments have the effect of law 30 days after they are submitted to the personnel board if not disapproved by the personnel board. The personnel board, if requested, may hold public hearings on the amendments.

(d) The rules may provide for exemptions and modifications which are necessary to assure the continuity of federal grants to agencies supported in whole or in part by federal contributions.



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V
Juneau, Alaska 99811
(907) 465-4954

Official Business

COMMITTEE REPORT

February 9, 1984
3:00 pm

Butrovich room
Capitol building

Members Present:

- Senator Vic Fischer, Chair
- Senator Bill Ray
- Senator Tim Kelly
- Senator Pat Rodey
- Senator Arliss Sturgulewski

EO 56 Transferring the distribution of session laws from the Department of Administration to the Department of Education.

The meeting was brought to order at 3:00 by Senator Vic Fischer. Senator Vic Fischer introduced Dick Engen from the Department of Education.

Dick Engen testified in favor of EO 56.

Senator Arliss Sturgulewski moved that EO 56 be approved.

EO 56 was moved from committee with no objections.

HB 110 Relating to fire weather and avalanche forecasting.

Ned Fahrquhar testified in favor of HB 110. He said the Department of Natural resources was a good department to handle the forecasting because they also do avalanche training. Ned Fahrquhar made a few points about the avalanche forecasting.

Senator Bill Ray said that the Alpine Ski Club was opposed to the way the Division of Parks was using their avalanche training money.

The committee decided to hold the bill over.

SB 386 Displaced homemakers

Karen Perdue from the Department of Community and Regional Affairs explained the displaced homemaker program. She said that 36% of those who seek assistance from the displaced homemaker's programs are ineligible under the state statutes. She also added that the bill had no fiscal note.

The committee members discussed the fiscal note.

SB 386 was moved out of committee with individual recommendations.

SB 323 relating to the Pioneers' homes

Lou Keller, Director of the Division of Pioneer home benefits, testified in favor of the proposed committee substitute.

Senator Vic Fischer suggested an additional change on page 2 of the proposed committee substitute allowing persons designated by the resident an extended amount of time to retrieve the belongings of a deceased resident.

Senator Rodey suggested they re-word the title on the proposed committee substitute.

There was discussion on possible options for a new title. The title on the proposed committee substitute was not changed.

Senator Rodey made a motion to adopt the CS and move it out of committee.

CSSB 323 was moved out of committee with individual recommendations.

file ✓
SB 387 Relating to working hours of state employees

Mike McMullen from the Division of Personnel testified in favor of the bill. He said that the employees covered under section 1 should be able to take 5 days of personal leave a year as an option. He said the provision should not be mandatory. He explained and also spoke in favor of the disbursement of the banked medical leave to the beneficiaries of a state employee who has died.

Discussion occurred on the number of people the above provision would affect.

The committee decided to request a new fiscal note from the Department of Administration.

The bill was moved out of committee with a new fiscal note.

The committee meeting was adjourned at 3:50 pm.

12/11
[Handwritten signature]

SENATE STATE AFFAIRS COMMITTEE

Bill Number 387 Title _____ Date received _____

Fiscal Position	Date requested	From	Amount	Date Rec'd
Note Paper				Note Paper
<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	4/26	VOA		

CONTACTS Backup list

Rebecca Bunn
Sherric Sulley 586-2334
(2384)

~~par~~

HEARING INFORMATION

NOTES

partially exempt or exempted
Doesn't affect AREA.

FINAL ACTION _____ DATE _____

Suzanne:

The medical leave bank was created effective July 1, 1978, when the personal leave amendments were made to the leave statute.

See AS 39.20.256 attached.

Under collective bargaining, most employees now have unused sick leave paid to beneficiaries in case of death while still an employee.

See highlighted portion of current General Government Unit collective bargaining agreement attached.

Section 3 of SB 387 would extend the payoff to employees not covered by collective bargaining. The fiscal note shows the added cost, but does

not require any additional appropriation.

Call me if you need any more information.

Trish

X4430

Title 39
Title 39
Public Officers
and Employees

Effect of amendments. — The 1978 amendment substituted "personal leave" for "annual leave" in the first and second sentences of subsection (a).

The 1979 amendment, in subsection (a), deleted "as a lump sum" following "shall be allowed" in the first sentence, deleted "lump-sum" preceding "payment" in the second sentence, and added the third

sentence; in subsection (b), the amendment inserted "balance of the" preceding "unused leave payment" and substituted "equal to the leave payment" for "equal to the compensation" in the first sentence and added "which has been paid to him" to the end of the first sentence; and in subsection (c), deleted "lump-sum" preceding "payment."

Sec. 39.20.255. Conversion of accrued annual leave to personal leave. An officer or employee who has accrued annual leave shall have that annual leave transferred to his personal leave account. (§ 8 ch 136 SLA 1978)

Sec. 39.20.256. Transfer of accrued medical leave. (a) An officer or employee who has accrued medical leave shall have 40 per cent of that medical leave transferred to his personal leave account and 60 per cent of that medical leave transferred to a medical leave bank. Banked medical leave may be taken only in accordance with this section.

(b) An officer or employee may not take any of his banked medical leave unless

(1) he has no accrued personal leave; and

(2) he has a medical disability exceeding 10 consecutive working days in duration; or

(3) he has a medical disability exceeding 30 consecutive working days in duration.

(c) Once the requirements of (b) and (d) of this section have been met, an officer or employee may take banked medical leave until the medical disability is terminated or his banked medical leave is exhausted. If an officer or employee qualifies for banked medical leave under (b)(3) of this section, his banked medical leave may be taken for all working days of the medical disability following the 10th working day of the disability.

(d) When leave is taken under (b)(1) and (2) of this section, a department or agency head may require a doctor's certificate showing the disability. When leave is taken under (b)(3) of this section, the officer or employee must submit a doctor's certificate showing the disability.

(e) The taking of leave under this section shall be reduced by the amount of wage continuation payments made under the Alaska Workers' Compensation Act (AS 23.30).

(f) Upon an officer's or employee's separation from state service, his banked medical leave shall be cancelled without pay. (§ 8 ch 136 SLA 1978; am §§ 1 — 3 ch 52 SLA 1979; am § 60 ch 94 SLA 1980)

Effect of amendments. — The 1979 amendment, retroactive to July 9, 1975, in subsection (b), added "or" to the end of paragraph (2) and added paragraph (3); in

subsection (c), inserted "and (d)" in the first sentence and added the second sentence; and in subsection (d), substituted "under (b)(1) and (2)" for

between
the
STATE OF ALASKA
and



**ALASKA PUBLIC
EMPLOYEES
ASSOCIATION**

covering
General Government Unit Employees
1980-1982

over to be used within ninety (90) days.

2. If an employee has an amount of annual leave in excess of sixty (60) days as of January 15, such amount in excess of sixty (60) days shall be paid in cash except as otherwise provided in paragraph (1).

F. Terminal Leave. Any employee who is separated from State service for any reason including layoff shall receive within thirty (30) days a lump sum payment for the number of working days of accrued annual leave. If an employee who resigned is reemployed in State service prior to the end of the period covered by his/her terminal leave, he/she shall refund to the State an amount equal to the compensation covering the period between the date of reemployment and the expiration of terminal leave. The hours of leave represented by this refund shall then be recredited to the employee's annual leave account.

Section 2 - Sick Leave

A. Accrual. Full-time employees of the bargaining unit shall accrue sick leave at the rate of one and one-quarter (1-1/4) days prorated over the monthly pay period. Employees of less than full-time shall accrue sick leave credit monthly on a prorated basis according to the hours in pay status. There shall be no accrual of sick leave during any monthly pay period during which the employee is absent without approved leave. An employee on approved sick leave shall receive payment at his current salary to the extent that he has sick leave accrued.

B. Sick leave accrued but not used shall accumulate until termination of employment in accor-

dance with Personnel Rule 10 02.15. Upon the death of an employee, any unused sick leave balance shall be paid in cash to his/her beneficiary/s at his/her current rate of pay.

C. Availability of Sick Leave: Sick leave shall be granted by the department or agency only in the following instances:

1. An employee may be granted sick leave for a medical or dental appointment or illness or injury for himself or his immediate family at the discretion of the supervisor. Such absence, at the discretion of the supervisor, may be required to be supported by a physician's certificate. Employees will not be required to provide a physician's certificate for illness of less than three (3) days unless improper use is suspected.

2. Illness within the officer's or employee's immediate family which requires the attendance of the officer or employee or where his presence on the job could jeopardize the health of fellow employees, such absence in all instances shall be supported by a physician's certificate.

3. Upon the death of the spouse or other member of the immediate family of an officer or employee, the officer or employee may avail himself of not more than five (5) days of accrued sick leave with pay.

4. In each case of absence due to illness or injury it shall be the responsibility of the employee to notify his/her supervisor of his/her absence immediately and to report periodically the anticipated duration of his absence. Failure to notify the supervisor may result in disciplinary action.

S B

395

SENATE STATE AFFAIRS COMMITTEE

Bill Number 395 Title LED Date received _____

Fiscal Note	Position Paper	Date requested	From	Amount	Date Rec'd	
					Note	Paper

CONTACTS

Backup list

- ① Barry Best 2/10/84
to Will Now, A Black Community, Philli.
- ② Ed Cronick

- 1) copy of the Bill
- 2) fiscal note
- 3) copy of the statutes
- 4) LBT A Summary of 4/29/83 on LED

HEARING INFORMATION

Barry Best (will speak in Department's position) will provide justification

NOTES:

FINAL ACTION _____ DATE _____



Grand Camp
Alaska Native Brotherhood

71ST, ANNUAL ANB-ANS GRAND CAMP CONVENTION
JUNEAU, ALASKA
NOVEMBER 14-19, 1983

RESOLUTION NO. 53

WHEREAS, The State of Alaska is a major employer in the State, and

WHEREAS, The State population is comprised of approximately 23% Alaska Natives, and

WHEREAS, The State (of Alaska) instituted an Alaska local hire policy in State funded public works projects, and

WHEREAS, There are qualified and eligible Alaska Natives capable of serving in State employment, NOW

THEREFORE BE IT RESOLVED that the 71st Annual Grand Camp Convention of the Alaska Native Brotherhood and Sisterhood assembled in Juneau, Alaska recommend the following:

That the State of Alaska institute and enforce an affirmative action program designed to bring Alaska Natives into the State work force; and

That the Tlingit and Haida Central Council - Manpower Division be instructed to establish constant communication with the State Job Service, State Personnel Division, the University of Alaska, Alaska Court System, and the Equal Employment Opportunity Division to advise names, addresses, and telephone contact of eligible Alaska Natives; and

That the Sealaska Corporation (Shareholder Relations Division) present a listing to the Alaska Department of Administration of the names, addresses and telephone contact numbers of qualified Alaska Natives in the Southeast; and

BE IT FURTHER RESOLVED that Governor Bill Sheffield be held personally responsible for the success, or failure, of a program to bring the State of Alaska into compliance in equal employment opportunity in State government for Alaska Natives. Copies of this resolution be presented to the Honorable Bill Sheffield, Governor of Alaska; Commission of Administration Lisa Rudd; all departments of the State; Sealaska Corporation, Tlingit and Haida Central Council.

ATTEST:

I certify that this resolution was adopted by the ANB ANS Grand Camp in Convention at Juneau during the week of November 14-19, 1983.

Ronald Williams

Ronald Williams, Grand President

Albert Kookesh

Albert Kookesh, Grand Secretary

Past ANB Grand Presidents
Roy Peratrovich
Alfred Widmark
Cyrus Peck

Frank Peratrovich
Patrick J. Paul
Thomas Jackson
John Hope

Frank See
Walter Soboleff
Richard Stilt
Steven V. Hotch

Nelson D. Frank
Frank O. Williams
Herbert Hope
Robert A. Martin

Roy Peratrovich, Grand President Emeritus
Cyrus Peck, Sr., Grand Secretary Emeritus
Alfred Widmark, ANS Grand President Emeritus

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C - 0201
JUNEAU, ALASKA 99811
PHONE:

DIVISION OF PERSONNEL

(907) 465-4430

February 17, 1984

Honorable Vic Fischer
Chairman
Senate State Affairs Committee
Pouch V
Juneau, AK 99811

Dear Mr. Chairman:

The Division of Equal Employment Opportunity has forwarded to us three questions regarding SB 395. That Division indicated the desire of your Committee to have these answers from the Division of Personnel.

The questions, as I understand them and the answers follow:

1. Is there a conflict between a merit system and equal employment opportunity?

No. The merit principle of employment (see AS 39.25.010) provides for such things as recruiting, selecting and advancing employees based on relative ability, knowledge and skill; retention of employees based on adequacy of performance; and equal treatment of applicants and employees. There is no place in a merit system for those things which are prohibited by antidiscrimination laws. Equal employment opportunity/affirmative action efforts by any employer are intended to insure that discriminatory practices are not used, intentionally or accidentally, by the employer and to overcome or correct the results of former discriminatory practices. A merit system and equal employment opportunity complement each other rather than conflict.

2. Does the Division of Personnel support SB 395?

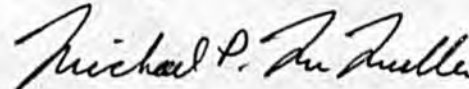
Yes. The bill will formalize in statute the existing Division as well as procedures generally required by various compliance agencies or dictated by good management practices. Formalizing the Division and its practices will give it higher visibility and authority, and clarify any confusion or resistance to its authority and responsibility.

3. Is there any conflict between the Personnel Act and SB 395?

No. See the answer to question 1, above, with regard to the compatible purposes. There are no specific provisions in the Personnel Act or this bill that would cause conflict.

I would be happy to answer any further questions you or your Committee may have regarding SB 395 as it affects the Division of Personnel.

Sincerely,



Michael P. McMullen
Deputy Director

MPM/cfm
1/4D2/0217-01

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

April 29, 1983

SUMMARY OF: A Special Report on the Department of Administration, Division of Equal Employment Opportunity, September 1981 - March 1983.

PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee request and Title 24 of the Alaska Statutes, this special report has been prepared to evaluate the Division of Equal Employment Opportunity's performance in promoting and achieving equal employment opportunity in the executive branch departments of the State of Alaska.

FINDINGS AND RECOMMENDATION

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

DEEO has no specific statutory responsibility or support. The Division derives what authority and responsibilities it has from administrative order. Consequently, the effectiveness of the Division depends on the nature and extent of the governor's leadership. Commitment and leadership are especially vital to a function that requires coordination and direction of various executive branch departments.

2. DEEO should improve Affirmative Action Plan (AAP) procedures and elicit more cooperation from executive branch departments.

The Commissioner of Administration should consider writing a centralized, statewide AAP for the executive branch as a whole and establishing statewide hiring goals and timetables. Departments would still play a significant role in developing the goals, particularly departments with unique underutilized jobs. However, the overall approach would shift from the current decentralized method to a more centrally directed effort.

3. The Department of Administration (DOA) should assume central administrative control over the use and release of expanded certification registers.

4. DEEO should develop and use data that analyzes the availability of women and minorities in a more consistent and useful manner.
5. DEEO should establish a comprehensive internal complaint procedure to be utilized by all executive branch departments.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 14, 1984

SUBJECT: Protected Class Status for
Vietnam era veterans (SB 395)

TO: Senator V. Fischer
Chairman, State Affairs

FROM: Teresa B. Cramer *TBCramer*
Legislative Counsel

You have asked whether the legislature may constitutionally include Vietnam era veterans within a protected class as defined in SB 395. The legislature may decide that Vietnam era veterans need the special consideration created for members of protected classes because of their experience in Vietnam and therefore include them within the definition.

Under Sec. 44.21.410(1) of the bill, the division of equal employment opportunity is required to "ensure the recruitment of members of protected classes for employment," and, in paragraph (4), the division is directed to advise the governor on procedures to ensure effective recruitment, to identify and eliminate barriers to employment and advancement, and to provide assistance to members of protected classes who are applying for positions in the executive branch. Under the bill, membership in a protected class enhances an individual's chance of being informed about employment opportunities with the executive branch and of being able to apply properly for them. It does not provide a preference in securing employment. (A general preference for veterans is already part of state law, see AS 39.25.150(19)).

In Isakson v. Rickey, 550 P.2d 359, 362, (1976), the Alaska Supreme Court held that a challenge to a statute based on denial of equal protection should be decided by using a "rational basis" standard where the right allegedly denied was not a fundamental right. The court stated:

under the rational basis test, in order for a classification to survive judicial scrutiny, the classification "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike."

The court has not recognized an interest in employment as a fundamental right entitled to compelling interest scrutiny under equal protection standards. Hilbers v. Municipality of Anchorage, 611 P.2d 31 (1980). Therefore the rational basis standard is appropriate and the issue is whether the classification of Vietnam era veterans is reasonable and not arbitrary and based on a difference related to an object sought by the legislation. The court would also examine whether the classification is over or under inclusive.

The legislation seeks to promote equal employment opportunity in the executive branch of state government and to assist individuals having particular difficulties in employment (handicapped individuals) or having suffered past discrimination (minority persons and women) to gain greater access to state employment. The legislature could reasonably find that Vietnam era veterans have particular difficulty arising from their military service in finding employment during the four years after their discharge and that because of their service to the country it is appropriate to offer them assistance in finding employment with the state during their reentry into civilian life.

TC·ojb
J3/091

TO: The State of Affairs Committee of the 13th Alaska Legislature

FROM: Rosalee T. Walker

7677 North Douglas Road Juneau, Alaska 99801

586 - 2873

RE: Senate Bill #395

The following statement is being offered in opposition to SB 395. This is in addition to the comments made at the Committee hearing on February 14, 1984. Although I am currently active in several organizations that are concerned with Civil Rights issues, my comments are submitted as an individual who is a retired State employee. The comments are being submitted as constructive criticism and I am available to work toward the strengthening of the EEO office.

Senate Bill 395 suggests many areas of concern, as I stated during the hearing. Additional points are as follows:

The State already has a comprehensive antidiscrimination statute (A.S. 18.80) administered by the Commissioners and staff of the Alaska State Commission for Human Rights. The Commission is charged with the responsibility for enforcement of A.S. 18.80 and review/assessment of the progress of EEO in State government. A.S. 18.80 and Title VII of the Civil Rights Act of 1964 (as amended) cover the activities of most of Alaska's employers in the public and private sectors. Why is an additional statute necessary?

P.2, line 7 (12) Sec.44.21.020 - This is a very nebulous statement. At any rate, the time for study, formulate, review, etc. is long past due. The division of EEO is responsible for ENSURING that the executive branch of Alaska State government is an equal opportunity employer. To accomplish this, the Division must take assertive and affirmative actions to eliminate State employment policies, practices, procedures, regulations, conditions and benefits which do not treat

all employees and applicants for employment in an equitable manner.

P2, line 14 Sec. 44.21.405(a) - What guarantee is there that the Commissioner of Administration will appoint a Director who is qualified for the job? The EEO Division has run through a series of Directors since its concept. All but one of these people have been members of a minority group. I suspect that in the majority of these hires, being a member of a minority group has been the only criteria used in the selection of a Director. I would recommend that a group or a committee composed of people who are knowledgeable in Civil Rights law and affirmative action be consulted to review the applications of people who apply for the Director's position. This group could select the three most qualified persons and submit these names to the Governor for consideration.

P2, line 24 Sec. 44.21.410(a) (1) - Recruitment is a direct responsibility of the Division of Personnel. The Division of Personnel and Departmental Personnel officers are supposed to conduct targeted recruitment for qualified minorities and women when they do not appear on State registers, and when there are position vacancies. It is my understanding that under both Federal and State law, targeted recruitment is limited to minorities and women, and does not apply to ALL protected groups.

P2, line 28 Sec 44.21.410 (3) - Every agency of the executive branch should have a written affirmative action plan. This is especially true for those agencies that receive federal funds as mandated by Presidential Executive Order No. 11246, Rev. Order No. 4 for grant-in-aid agencies (i.e. Dept. of Labor, Health and Social Services, etc.).

P3, line 5 Sec. 44.21.410 (4) (b) - During FY 1981 or 1982 there was a capital budget appropriation to the Division of EEO for the development of a computerized system to identify barriers in the personnel system. What happened to this plan? Will it ever be

implemented?

Administrative Order No. 75, signed by the Governor, clearly delineates EEO roles and responsibilities, very little of which has ever been carried out. Re: P3, lines 22 - 29 - Why not abide by the Administrative Order long enough to see if it is operational? Where is the EEO report to the Governor and Legislature for December 1983?

P4, Sec. 44.21.430 - The EEO Division is not supposed to be a law enforcement agency. Why should an executive branch agency or department ask EEO's permission to solve their own problems? If the EEO office has done its job effectively, the agencies and departments should have the skills and knowledge to do that which is necessary. The EEO Division should not have to initiate complaints, if it is aware of discrimination in the executive branch or departments, then it is EEO's responsibility to inform those responsible of the possible violation

P5, Sec. 44.21.450 (f) (g) (h) - This is also covered in the Administrative Order No. 75. Under SB395, the EEO office would still be within the Department of Administration. Would there not be a conflict of interest if the appealing party had to appeal to the same people who made the initial findings and recommendations? It stands to reason that the Commissioner of Administration would uphold the EEO Director who would be a part of the Department of Administration.

P6, Sec. 44.21.450 line 1, (i) - Does this violate the Confidentiality law? This type of information is privy only to the client and official compliance agencies that have power to subpoena. Only with the clients' permission can this type of information be disclosed to others.

P.7, Sec. 44.21.480 line 10 (4) - This definition is not consistant with either state or federal laws. What about age, marital status, pregnancy, etc.?

P.7, line 16 Sec. 44.21.480 (A)(I,II,III,IV) - Although these definitions are very unpopular, they are definitions that are currently used by the federal Equal Employment Opportunity Commission. (1) describes American Indian and Alaskan Natives; (2)describes Black, (3) describes Spanish surnamed or Hispanic, and, (4) describes Asians or Pacific Islanders.

P. 7 & 8, line 29, Sec. 44.21.480. (B) - This is the definition of the "physically handicapped" as promugated in 18.80. The division is also responsible for following the definition of "handicapped" under the U.S. Rehabilitation Act of 1973 which is different.

P.8. line 3, Sec. 44.21.480 (C) - This definition should be verified. I feel that this definition may be applicable only in certain cases of veteran preference in hiring. It is commonly accepted that "once a veteran, always a veteran".

POSITION PAPER AND FISCAL NOTE

It is just incomprehensible to me that a division in state government feels that it must have statutory powers in order to carry out its responsibilities that are specifically stated by Administrative Order. Will statutory status and/or authority guarantee that the division will be more effective in carrying out its responsibilities?

Agency EEO representatives should be trained by the Division of EEO staff members, conducted in the representatives' own agencies. Is the travel budget (for training) inflated? Historically, the agencies of the executive branch have borne the expenses for travel incurred by EEO Division staff for complaint investigation and resolution. Why should this arrangement change?

I respectfully suggest that this Committee carefully scrutinize SB 395, the accompanying fiscal note and the Division's operating budget request. I further recommend that SB 395 not pass and that no additional money or positions be appropriated for the EEO Division until it proves that it can fulfill its current responsibilities as stipulated in Administrative Order No. 75. There has been little public accountability of affirmative action in our executive branch agencies. In view of the constant reports of budget restraints, and the ineffectiveness of the EEO Division in the past; there should be some assurance of improvements before establishing a new statute and authorizing the expenditure of more funds.



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V

Juneau, Alaska 99811

(907) 465-4954

Official Business

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

DATE: March 19, 1984

RE: CSSB 395 (State Affairs) creating the division of Equal Employment Opportunity

The proposed committee substitute for SB 395 (attached) extensively amends the original bill. The cs places the emphasis of the division on efforts to employ members of protected classes in state government, whereas much of the emphasis of the original bill addressed internal complaint proceedings.

Page 1

44.21.410 outlines the powers and duties of the division as:

- a)
 - 1) establishing and reviewing an affirmative action plan.
 - 2) advising agencies on the recruitment of protected classes.
 - 3) consulting departments on matters of EEO.
 - 4) adopting regulations.
- b) recommending to the governor or the commissioner legislative or administrative action on EEO matters.

Page 2

44.21.420

- a) requires the division to annually develop and submit to the governor an affirmative action plan. This plan would become effective upon signature by the governor, and would remain in effect until the next plan was approved.
- b) requires the departments to comply with the plan, and to report to the division quarterly on their compliance with the plan.
- c) requires the division to annually report to the legislature and governor on the implementation of the plan.

44.21.430 outlines the internal complaint procedures, and states that the investigation shall be impartial and for the purpose of determining facts.

Page 3

44.21.440 allows the division to have access to certain records.

44.21.450 is the definition section.

Fiscal information

The bill has a zero fiscal note.

New back-up information

New fiscal note

New CS



Official Business

Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V
Juneau, Alaska 99811
(907) 465-4954

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff *ST*
RE: SB 395
DATE: February 14, 1984

SB 395 was introduced to put into law a division created by an administrative order. Since the Division of Equal Employment Opportunity was created, its strength has been determined by the level of the Governor's commitment.

In a 1983 LB&A report, Commissioner Rudd responded that "perhaps the only solution to the wavering support for EEO is the promulgation of legislation or regulation which would clearly state the division's authorities and responsibilities."

SECTIONAL ANALYSIS

- Section 1: Adds to the duties of the Department of Administration the duties and responsibilities of the Division of Equal Employment Opportunity.
- Section 2: Creates the division; states that the director shall advise the governor on matters of equal employment, and affirmative action programs.
pg. 2, lines 11-19
- pg. 2, lines 19-26 Outlines the powers and duties of the division.
- pg. 4, lines 1-7 Outlines the division's role as liaison with state agencies.
- Pg. 4, lines 8-17 States that the division shall be asked to advise other executive branch departments and agencies on complaints of discrimination and other EEO questions.
- pg. 4, lines 18-22 States that individuals filing charges against a state agency or department on discrimination matters shall also serve the division of EEO.

pg. 4 and 5 Gives guidelines on how the division shall resolve internal complaints. States who the division can accept claims from, and outlines how the claims can be resolved.

pg. 6, Outlines the rights of complainants, and the prohibitions
lines 5-21 of those cited in the complaint.

pg. 6, Gives the division access to certain confidential records.
lines 22-28

pg. 6, Defines terms necessary for the creation of the
lines 29... division.

Fiscal information

FY '84 \$124.5 thousand.

Back-up information

A position paper from the Department of Administration
A fiscal note from the Department of Administration
A LB&A Report and attached summary (April 29, 1983)
A copy of the statutes

Create a division.

Powers and duties of the Director

Director shall solicit and take into account the comments of departmental Equal Employment Opportunity officers.

Create a plan for affirmative action for the state.

Develop a plan and advise the Division of Personnel and other agencies on targeted recruitment.

Plan developed under (a) shall be submitted to the Governor once a year for approval by the Governor.

The affirmative action plan shall be in effect for one year from the date of approval or until a new plan is approved by the Governor.

Each department shall comply with the plan.

Each commissioner shall make a quarterly report to the division reflecting their compliance with the plans.

Departmental Equal Employment Opportunity officers shall notify the division of EEO of all complaints.

The division shall conduct an impartial fact finding investigation of all complaints reported to that division.

The complainant must be notified that they may also take their complaints to the Ombudsman or the Human Rights Commission.

The Human Rights Commission, and the Ombudsman's office shall have access to files and persons involved in the complaint, if the complainant seeks those avenues of recourse.

What is the Division Director to do if a department is not complying with the plan.

Authority to promulgate regulations in compliance with this act.

Should we include a section stating that all State employees shall be notified of how they can make a complaint of discrimination, and what their rights are after they make a complaint.

Sec. 44.19.970. DEFINITIONS. As used in secs. 960 - 970 of this chapter, "members of the protected classes" means those persons protected by federal or state anti-discrimination laws.

Sec. 2. This Act takes effect July 1, 1978.

Original sponsor: State Affairs Committee

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 395 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment
7 opportunity in the Department of Administration."

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

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

10 ARTICLE 8. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

11 Sec. 44.21.400. DIVISION CREATED. The division of equal employ-
12 ment opportunity is established in the Department of Administration.

13 Sec. 44.21.405. DIRECTOR. The division shall be administered by
14 a director appointed by the commissioner.

15 Sec. 44.21.410. POWERS AND DUTIES OF THE DIVISION. (a) The
16 division shall

17 (1) establish and periodically review an affirmative action
18 plan for employment in the executive branch of state government;

19 (2) advise the division of personnel and other departments
20 and agencies on methods to promote the recruitment of members of
21 protected classes for employment in the executive branch of state
22 government;

23 (3) consult with departmental equal employment opportunity
24 officers about equal employment opportunity, affirmative action, and
25 recruitment matters; and

26 (4) adopt regulations necessary to carry out the duties
27 imposed by AS 44.21.400 - 44.21.450 in accordance with the Administra-
28 tive Procedure Act (AS 44.62).

29 (b) The division may recommend legislative or administrative

1 action to the governor and the commissioner relating to equal employ-
2 ment opportunity and affirmative action matters.

3 Sec. 44.21.420. AFFIRMATIVE ACTION PLAN. (a) The division
4 shall annually develop and submit to the governor an affirmative
5 action plan for the executive branch of state government. The plan
6 becomes effective upon the signature of the governor and remains in
7 effect until a subsequent plan is approved by the governor.

8 (b) Each executive branch department and agency shall comply
9 with the affirmative action plan. Each commissioner or executive head
10 of an agency shall report quarterly to the division about activities
11 to implement and comply with the plan.

12 (c) The division shall report annually to the governor and the
13 legislature on the content and implementation of the affirmative
14 action plan.

15 Sec. 44.21.430. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The
16 division shall conduct an impartial fact-finding investigation of each
17 complaint of employment discrimination in the executive branch of
18 state government reported to the division.

19 (b) An equal employment opportunity officer in an executive
20 branch, department, or agency shall notify the division when the
21 officer receives a complaint alleging employment discrimination.

22 (c) The division may not make public the records of an ongoing
23 investigation. However, the division shall release records of an on-
24 going investigation to the Alaska State Commission on Human Rights or
25 the Office of the Ombudsman if the complainant authorizes the release
26 in writing and if the commission or the office is pursuing an inves-
27 tigation on behalf of the complainant. After a case is closed the
28 division shall release information that is not otherwise confidential
29 upon request to do so.

1 Sec. 44.21.440. ACCESS TO CONFIDENTIAL RECORDS. (a) Notwith-
2 standing AS 39.25.080, the division may have access to all records
3 necessary to carry out its functions under AS 44.21.400 - 44.21.450.

4 (b) The division may not make public any confidential informa-
5 tion obtained under (a) of this section. However, the division may
6 make public statistical information compiled from confidential re-
7 cords.

8 Sec. 44.21.450. DEFINITIONS. In AS 44.21.400 - 44.21.450

9 (1) "commissioner" means the commissioner of administra-
10 tion;

11 (2) "employment in the executive branch of state govern-
12 ment" includes employment as a permanent, probationary, provisional,
13 or nonpermanent employee in the classified, partially exempt, and
14 exempt services in the executive branch of state government;

15 (3) "member of a protected class" means a person protected
16 by federal or state laws that prohibit discrimination in employment.
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STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

March 18, 1983

SUMMARY OF: A Report on the Department of Administration,
For the Fiscal Year Ended June 30, 1982.

PURPOSE OF THE REPORT

In accordance with the provisions of Title 24 of the Alaska Statutes, an examination of the Department of Administration was conducted to determine:

1. If the financial statements appearing in the State's Annual Financial Report for the 1982 Fiscal Year are fairly presented.
2. The compliance by the Department of Administration with applicable State statutes and regulations governing fiscal activities.

FINANCIAL STATEMENTS

We do not express an opinion on the Agency Trust Funds' Statement of Changes in Fund Balance. In our opinion, the Statement of Revenues - Budget and Actual and the Statement of Expenditures and Encumbrances Compared with Appropriations are fairly stated, and the program is in compliance with major statutes and regulations governing fiscal activities.

FINDINGS AND RECOMMENDATIONS

1. The Department of Administration should establish a formal written policy and procedures manual and properly train and supervise employees to ensure its implementation.

The Department of Administration can strengthen its central accountability and protect against any future problems by proceeding with a departmental policy and procedures manual to provide its various fiscal officers with a standard, uniform guideline by which to follow.

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment
7 opportunity in the Department of Administration."

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

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

10 ARTICLE 8. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

11 Sec. 44.21.400. DIVISION CREATED. The division of equal employ-
12 ment opportunity is established in the Department of Administration.

13 Sec. 44.21.405. DIRECTOR. (a) The office is administered by a

14 director appointed by the commissioner of Administration

15 needs
Def is

16 (b) The director advises the governor and the commissioner on
17 equal employment policies and practices and on the ~~program of the~~
18 state for affirmative action. *programs & policies*

19 Sec. 44.21.410. POWERS AND DUTIES OF THE DIRECTOR. (a) The

20 director shall act to ensure the recruitment of members of protected

21 Def.

22 classes for employment and to ensure that all employees and applicants
23 for employment are treated fairly and not subjected to discrimination
24 prohibited by state or federal law as to employment, applications for
25 employment or recruitment.

26 (b) The director shall formulate policies and programs to pro-
27 mote equal employment opportunity and affirmative action and shall
28 establish and periodically review an affirmative action plan for
29 employment in the executive branch of state government.

(c) The director shall advise the governor and the commissioner
on procedures

IT is redundant

none it and was. Is it necessary

(1) to ensure the effective ~~recruitment~~ recruitment of members of protected classes into the work force of the executive branch;

(2) to identify and eliminate barriers in departments and agencies and in the personnel system to the employment and advancement of members of protected classes and ~~underrepresented~~ ^{underutilized} groups;

Head
Def

(3) to review periodically the activities of departments and agencies to implement affirmative action and equal employment opportunity; and

(4) to provide direct assistance to members of protected classes and underutilized groups who are applying for employment in the executive branch of state government.

(d) The director shall provide information and training on equal employment opportunity ^{principles} and affirmative action ^{requirements} to departments, agencies and employees and assist them ^{in evaluating} ~~to~~ discriminatory procedures and practices.

(e) The director shall provide technical advice to agencies in the executive branch of state government on compliance with AS 18.80 and with provisions of federal law prohibiting ^{unlawful} discrimination.

(f) The director shall adopt ~~an~~ internal discrimination complaint procedures ^{for the resolution of} to address complaints of employment discrimination in the executive branch of state government. ^{as described in AS 18.80 and federal laws.}

(g) The director shall report annually to the governor and the commissioner on equal employment opportunity and affirmative action matters ^{by the Division} ~~it has~~ encountered in the previous year and may recommend legislative or administrative action.

(h) The director may adopt regulations necessary to perform the duties imposed by AS 44.21.400 - 44.21.450.

Insert?

(i) Sec. 44.21.420. INTERNAL DISCRIMINATION COMPLAINTS. (a) The

Want these two the same -2- won't your procedures go in here?

1 division shall accept complaints of employment discrimination from
2 employees or applicants for employment in the executive branch of
3 state government including permanent, probationary, and nonpermanent
4 employees within the classified, partially exempt, and exempt services
5 who believe that they have been discriminated against because of race,
6 religion, color or national origin, age, physical handicap, sex,
7 marital status, changes in marital status, pregnancy or parenthood.

8 (b) The division may accept complaints filed by individuals who
9 are not themselves directly affected by an alleged discriminatory
10 activity on behalf of an employee or applicant.

11 (c) The division may not accept a complaint until the complain-
12 ant has made reasonable efforts to resolve the dispute within the
13 complainant's department or agency. ~~within 30 days~~

14 (d) The division shall investigate complaints accepted for
15 processing and notify the parties of its findings of fact. If it
16 finds evidence of substantial discrimination, the division may recom-
17 mend a settlement to the parties.

18 (e) Either party may appeal the findings of fact or the recom-
19 mended settlement to the commissioner. If the division is unable to
20 bring about a settlement between the parties, it may certify the
21 dispute to the commissioner. After reviewing the dispute, the commis-
22 sioner shall issue a ruling. ~~within 30 days~~

23 (f) The internal discrimination complaint procedure supplements
24 any other complaint procedures available to complainants.

25 (g) The division may not make public the records of an ongoing
26 investigation or conciliation. After a case is closed the division
27 ~~shall~~ ^{must} release information that is not otherwise ^{made} confidentially ~~by stat.~~
28 request to do so. ^{By stat. regulation}

29 Sec. 44.21.430. RIGHTS AND PROHIBITIONS. (a) Complainants may

1 have an individual of their choice present during an interview, dis-
2 cussion, or other conference held during the investigation and con-
3 ciliation of their complaint. *this word seems too strong*

4 (b) A complainant may ~~require~~ ^{request} the division to close an inves-
5 tigation or conciliation by filing a written request with the divi-
6 sion. *what if you don't want to close it?*

7 (c) Retaliation for exercising rights provided under AS 44.21.
8 400 - 44.21.450, threats of retaliation or any other form of coercion
9 that discourages or attempts to discourage a person from filing or
10 cooperating in an investigation of a complaint or that incites or
11 compels or attempts to incite or compel an act forbidden by state or
12 federal anti-discrimination law is prohibited.

13 (d) A person who violates ^C (b) of this section may be discipl-
14 ~~ined. The discipline may include termination of state employment.~~
By whom? By whom their immediate supervisor.

15 Sec. 44.21.440. ACCESS TO CONFIDENTIAL RECORDS. (a) Notwith-
16 standing AS 39.25.080, the division may have access to all records
17 necessary to carry out its functions under AS 44.21.400 - 44.21.450.

18 (b) The division may not make public confidential information
19 *Good!* obtained under (a) of this section. However, the division may make
20 public statistical information compiled from confidential records.

21 Sec. 44.21.450. LIAISON WITH AGENCIES. (a) The division is the
22 primary liaison between the executive branch and other government
23 agencies for all equal employment opportunity and affirmative action
24 matters. Executive branch agencies and departments receiving in-
25 *from external agencies* quires concerning an equal employment opportunity or affirmative
26 action matter shall refer the inquiry to the division. Executive
27 branch agencies and departments shall notify the division before
28 *This implies first Amendment problems - don't you mean "conducting"*
~~communicating~~ *conducting official business* with any civil or human rights compliance agency. *business*

29 (b) An agency or individual filing charges of discrimination

1 against any department, agency or official in the executive branch
2 shall serve the charge on the division with a copy to the respondent.

3 *(need to spell out who is respondent)*

P. 1.1

He

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Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • 1024 W. 6th Ave., Suite 204 C,
Anchorage, Alaska 99501
(907) 278-3654

Official Business

August 12, 1983

Fred Johnson, Chairman
Alaska Black Caucus
P.O. Box 3342
Anchorage, Alaska 99510

Dear Mr. Johnson,

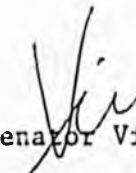
Attached is a summary of the Legislative Budget & Audit report on the Department of Administration, Division of Equal Employment Opportunity. I have requested the full report and will forward you a copy when I receive it.

While the auditors fell short of recommending that the DEEO be moved to the Governor's office, they do indicate a strong need for more executive branch support and active interest.

The State Affairs Committee is continuing to work with the Governor's office responsible for appointments to boards and commissions to provide the information and overview you requested in your previous letter.

I will forward that information as soon as it is complete.

Best regards,


Senator Vic Fischer

VF/gb
attachment

1983 Interim
File

April 20, 1983

Fred Johnson, Chairman
E. Louis Overstreet, President
Alaska Black Caucus
P.O. Box 3342
Anchorage, AK 99510

Gentlemen:

Many thanks for your April 13 letter about state hiring practices and the progress of the audit that I've requested. I share your concern that the audit will not extend to all agencies in need of review.

I agree that little can be done before the end of session. Rather than wait until next year, however, I'd like to pursue this during the interim.

In addition, the Governor's office responsible for appointments to boards and commissions will be conducting a review of past appointments and developing recommendations for future appointments, specifically in view of increasing participation of women and minorities. I will be working with them on this project during the interim.

Thanks again for your letter and your kind words. ~~My aide, Ginger Baim will contact you when we get back to Anchorage to work out some coordinated strategy~~ to make the state assume responsibility for their hiring practices and to eliminate systemic discrimination against women and minorities. Together we can do something about this, alone I can hardly make a dent.

Best regards,

Senator Vic Fishcer

- see ltr. from Nina Harding
in file also

DSK: GINGER
DOC: EEO DRAFT REQUEST
DATE OUT: 9/2/83

September 1, 1983

To: Billy Berrier, Director
Legislative Legal Services

From: Senator Vic Fischer

Re: Drafting request/ Equal Employment Opportunity

Recently Legislative Audit completed a review of the Division of Equal Employment Opportunity in the Department of Administration. I refer you the report released April 29, 1983 under Audit Control Number 02-4164-83-R.

The report makes several references to the need for statutory authority clearly stating the divisions scope and responsibilities. Specifically, Commissioner Rudd suggests this may be the best solution to "wavering" support for EEO (see page 33).

I would like a bill drafted that clearly states the divisions authority and responsibilities, which heretofore have been essentially administrative functions. Please consult with Commissioner Rudd to assure that the draft appropriately and completely addresses the issues raised in the audit.

Please contact my aide, Ginger Baim, at 278-3654 should you have any questions.

cc: Lisa Rudd, Commissioner DOA
E.Louis Overstreet, Alaska Black Caucus

SB 248 (State Affairs 1981) 4737 1525

KEYWORDS: employment
labor relations/labor
government organization

ASSIGNED TO 9070

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT EEO Division Authority

REQUESTED FOR Sen. V. Fischer BY Sen. Fischer EXT. _____

* DELIVER TO Senator V. Fischer TAKEN BY Barnes

INSTRUCTIONS, EXPLANATIONS _____

Draft bill clearly stating the authority and responsibilities
of the Division of Equal Employment Opportunity in the Department
of Administration. See attached letter. If you have any questions
call Ginger Daim at 278-3654.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____
Lisa Eudd, Commissioner
Department of Administration

RETURN _____
_____ TO REQUESTER

APPROVED: BOB Director, Legal Services

REVIEWED _____

IN 9/8 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT FINAL

13-1525
Cramer
1/27/84 ✓

1 IN THE SENATE

2 SENATE BILL NO. 395

~~BY V. FISCHER~~
STATE AFFAIRS
FINANCE

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of equal employment
7 opportunity in the Department of Administration."

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

9 * Section 1. AS 44.21.020 is amended to read:

10 Sec. 44.21.020. DUTIES OF DEPARTMENT. The Department of Adminis-
11 tration shall

12 [(1) Repealed.]

13 (1) [(2)] make surveys and studies to improve administra-
14 tive procedures, methods, and organization;

15 (2) [(3)] keep general accounts;

16 (3) [(4)] approve vouchers and disburse funds for all
17 purposes;

18 (4) [(5)] operate centralized purchasing and supply ser-
19 vices, and necessary storerooms and warehouses;

20 (5) [(6)] allot space in state buildings to the various
21 departments according to need and available space;

22 (6) [(7)] supervise telephone, mailing, messenger, duplicat-
23 ing, and similar services adaptable to centralized management;

24 (7) [(8)] administer the public employees' retirement
25 system and teachers' retirement system;

26 (8) [(9)] administer a statewide personnel program, includ-
27 ing central personnel services such as recruitment, examination,
28 position classification, and pay administration;

29 (9) [(10)] administer the Alaska Pioneers' Homes;

1 (10) [(11)] administer and supervise a statewide automatic
2 data processing program;

3 [(12) Repealed.]

4 (11) [(13)] study, design, implement, and manage the telecom-
5 munications systems and services of the state under AS 44.21.300 -
6 44.21.330;

7 (12) study, formulate, recommend, review, and administer equal
8 employment opportunity and affirmative action programs, policies, and
9 practices under AS 44.21.400 - 44.21.480.

10 * Sec. 2. AS 44.21 is amended by adding new sections to read:

11 ARTICLE 8. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY.

12 Sec. 44.21.400. DIVISION CREATED. The division of equal employ-
13 ment opportunity is established in the Department of Administration.

14 Sec. 44.21.405. DIRECTOR. (a) The division shall be adminis-
15 tered by a director appointed by the commissioner.

16 (b) The director shall advise the governor and the commissioner
17 on equal employment and affirmative action programs, policies, and
18 practices.

19 Sec. 44.21.410. POWERS AND DUTIES OF THE DIVISION. (a) The
20 division shall

21 (1) act to ensure the recruitment of members of protected
22 classes for employment and to ensure that all employees and applicants
23 for employment are treated fairly and not subjected to discrimination
24 prohibited by state or federal law as to employment, applications for
25 employment, or recruitment;

26 (2) formulate policies and programs to promote equal em-
27 ployment opportunity and affirmative action;

28 (3) establish and periodically review an affirmative action
29 plan for employment in the executive branch of state government;

1 (4) advise the governor and the commissioner on procedures
2 to

3 (A) ensure the effective recruitment of members of
4 protected classes into the work force of the executive branch;

5 (B) identify and eliminate barriers in departments and
6 agencies; and in the personnel system to the employment and
7 advancement of members of protected classes and under-represented
8 groups; and

9 (C) provide assistance to members of protected
10 classes, under-represented groups, and others who are applying
11 for positions in the executive branch of state government;

12 (5) periodically review the activities of departments and
13 agencies to implement affirmative action and equal employment oppor-
14 tunity; and

15 (6) provide information and training on equal employment
16 opportunity principles and affirmative action requirements to depart-
17 ments, agencies, and employees and assist them in eliminating any
18 discriminatory procedures and practices;

19 (7) provide technical advice to agencies in the executive
20 branch of state government on compliance with AS 18.80 and provisions
21 of federal law prohibiting discrimination;

22 (8) report annually to the governor and the commissioner on
23 equal employment opportunity and affirmative action matters encoun-
24 tered in the previous year;

25 (9) adopt regulations necessary to carry out the duties
26 imposed by AS 44.21.400 - 44.21.480.

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

1 Sec. 44.21.420. LIAISON WITH AGENCIES. The division is the
2 primary liaison between the executive branch and other federal or
3 state compliance agencies for all equal employment opportunity and
4 affirmative action matters. Executive branch agencies and departments
5 receiving inquiries from these compliance agencies concerning an equal
6 employment opportunity or affirmative action matter shall refer the
7 inquiry to the division.

8 Sec. 44.21.430. PARTICIPATION IN EMPLOYMENT DISCRIMINATION
9 INQUIRIES AGAINST THE STATE. An executive branch agency or department
10 that is the responding party in an official inquiry, complaint investi-
11 gation, or hearing based on equal employment opportunity or affirma-
12 tive action issues from a state or federal compliance agency shall ask
13 for advice from the division before participating in the inquiry,
14 investigation, or hearing. The division may take part in all conversa-
15 tions and meetings between the parties and review all written communi-
16 cations from the agency or department about the inquiry, investiga-
17 tion, or hearing.

18 Sec. 44.21.440. SERVICE OF PROCESS IN ADMINISTRATIVE HEARINGS.
19 An agency or individual filing charges of employment discrimination in
20 an administrative proceeding against any department, agency, or offi-
21 cial in the executive branch shall serve the charge on the division
22 and deliver a copy to the respondent.

23 Sec. 44.21.450. INTERNAL DISCRIMINATION COMPLAINTS. (a) The
24 division shall establish an internal discrimination complaint proce-
25 dure for complaints of employment discrimination in the executive
26 branch of state government. The procedures shall be informal and
27 oriented toward resolution of complaints without resort to judicial
28 proceedings. A complainant may pursue resolution of a complaint under
29 AS 18.80 or other federal or state laws or regulations at the same

1 time the complainant is pursuing resolution of the complaint under
2 this procedure.

3 (b) The division shall accept complaints of employment dis-
4 crimination from employees or applicants for employment who believe
5 that they have been discriminated against because of race, religion,
6 color or national origin, age, physical handicap, sex, marital status,
7 changes in marital status, pregnancy or parenthood.

8 (c) The division may accept a complaint filed by an employee who
9 is not directly affected by an alleged discriminatory activity if the
10 complaint is on behalf of an employee or applicant.

11 (d) The division may initiate a complaint if it has reason to
12 believe prohibited employment discrimination has occurred.

13 (e) The division may not accept a complaint until the complain-
14 ant has made reasonable efforts to resolve the dispute within the
15 department or agency where the alleged discriminatory activity occur-
16 red.

17 (f) The complaint shall be in writing on a form approved by the
18 division.

19 (g) The division shall investigate complaints accepted for
20 processing and notify the parties of its findings of fact. If it
21 finds evidence of discrimination, the division shall try to resolve
22 the dispute by conference, conciliation, and persuasion and may recom-
23 mend a settlement to the parties.

24 (h) Either party may appeal the findings of fact or the recom-
25 mended settlement to the commissioner. If the division is unable to
26 bring about a settlement between the parties, it may certify the case
27 to the commissioner. After reviewing the case, the commissioner shall
28 issue a written ruling in which the commissioner approves, amends, or
29 reverses the division's findings of fact and recommended settlement.

1 (i) The division may not make public the records of an ongoing
2 investigation or conciliation. After a case is closed the division
3 shall release information that is not otherwise confidential upon
4 request to do so.

5 Sec. 44.21.460. RIGHTS AND PROHIBITIONS. (a) Complainants may
6 have an individual of their choice present at an interview, discus-
7 sion, or other conference held during the investigation and concilia-
8 tion of their complaint.

9 (b) A complainant may request the division to close an inves-
10 tigation or conciliation by filing a written request with the divi-
11 sion.

12 (c) Retaliation for exercising rights provided under AS 44.21.-
13 400 - 44.21.480, threats of retaliation, or any other form of coer-
14 cion that discourages or attempts to discourage a person from filing
15 or cooperating in an investigation of a complaint or that incites or
16 compels or attempts to incite or compel an act forbidden by state or
17 federal anti-discrimination law is prohibited.

18 (d) The immediate supervisor of an employee who violates (c) of
19 this section may discipline the employee under AS 39.25, or an agree-
20 ment entered under AS 23.40, or other disciplinary procedures and
21 regulations that apply to that employee.

22 Sec. 44.21.470. ACCESS TO CONFIDENTIAL RECORDS. (a) Notwith-
23 standing AS 39.25.080, the division may have access to all records
24 necessary to carry out its functions under AS 44.21.400 - 44.21.480.

25 (b) The division may not make public any confidential informa-
26 tion obtained under (a) of this section. However, the division may
27 make public statistical information compiled from confidential re-
28 cords.

29 Sec. 44.21.480. DEFINITIONS. In AS 44.21.400 - 44.21.480,

1 (1) "applicant" includes applicants for positions in the
2 classified, partially exempt, and exempt services in the executive
3 branch of state government;

4 (2) "commissioner" means the commissioner of administra-
5 tion;

6 (3) "employee" includes permanent, probationary, provi-
7 sional, and nonpermanent employees in the classified, partially
8 exempt, and exempt services in the executive branch of state govern-
9 ment;

10 (4) "member of a protected class" means a woman, a minority
11 person, a handicapped person, a Viet Nam era veteran, a disabled
12 veteran, or a man who is an applicant for a position in which men have
13 not been traditionally employed. As used in this paragraph

14 (A) "minority person" means a member of one or more of
15 the following groups:

16 (i) a person having origins in any of the origi-
17 nal peoples of North America and who maintains cultural
18 identification through tribal affiliation or community
19 recognition with those peoples;

20 (ii) a person having origins in any of the black
21 racial groups of Africa;

22 (iii) a person of Mexican, Puerto Rican, Cuban,
23 South American, or other Spanish culture origin, regardless
24 of race; or

25 (iv) a person with ancestry in the Indian subcon-
26 tinent, the region referred to as the Far East, Southeast
27 Asia, or the Pacific Islands, but not the region referred to
28 as the Middle East;

29 (B) "handicapped person" means a person who has a