

PLANT CONTROL - 987

3050 SA - SB 3955

8677

1 physical, sensory, mental, or emotional disability that substan-
2 tially limits one or more major life activities;

3 (C) "Viet Nam era veteran" means a person with 181
4 days or more active service in the armed forces of the United
5 States who has been honorably discharged after having served
6 during any period between August 4, 1964, and November 7, 1975;
7 membership in the class lasts for a period of four years from the
8 date on which the veteran is honorably discharged from the armed
9 forces;

10 (D) "disabled veteran" has the meaning given in AS 39.-
11 25.150(19)(B).
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same or different plan?

Cramer
3/13/84

ST - much better - when have clear CS, pls circulate to committee w/ cover memo + original bill BY THE STATE AFFAIRS COMMITTEE + ask for comments prior to committee review. Thx V. 3/14

Original sponsor: State Affairs Committee

1 IN THE SENATE

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~~ establish and periodically review an affirmative action
18 plan for employment in the executive branch of state government;

19 (2) develop a plan to promote the recruitment of members of
20 protected classes for employment in the executive branch of state
21 government, ^(D) and advise the division of personnel in the Department of
22 Administration and other departments, and agencies ^{on how to best} about the plan;

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

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

(b) The division may recommend legislative or administrative

*Annually
Div prepare
report → gov & leg
on the plan and
its implementation
- date for report?*

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) Sec. 44.21.430. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The
13 division shall conduct an impartial fact-finding investigation of each
14 complaint of employment discrimination in the executive branch of
15 state government reported to the division. *the process will be informal*

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

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

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

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

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

6 (1) "commissioner" means the commissioner of administra-
7 tion;

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

12 (3) "member of a protected class" means a person protected
13 by federal or state laws that prohibit discrimination in employment.
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d costs only after
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 missionary authority to
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 which precedes a
 urant Union Local
 comm'n for Human
 No. 1853 (File No.
 1979).

s as remedy for
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 ns. 85 ALR3d 351.
 as "affirmative
 of redress under
 ALR3d 402.

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 eged to have

t. Op. No. 2035
 944 (1980).

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rise to the cause of action, the court shall, at the request of the commis-
 sion, defer proceedings for a period of not more than 45 days or such
 extended period as the court may allow; except that the court may enter
 an order or injunction if necessary to prevent irreparable injury to the
 plaintiff.

(b) If within the period allowed the commission conducts a hearing
 and reaches a decision under AS 18.80.120 and 18.80.130, the decision
 of the commission is binding on the parties to the court action as to all
 issues resolved in the hearing but not as to any issues not resolved in
 the hearing.

(c) When proceedings in the superior court are deferred for a hearing
 and decision by the commission under this section, the plaintiff may
 proceed, after the decision of the commission, as an aggrieved party for
 the purpose of obtaining judicial review under AS 18.80.135, whether
 or not he was a party to, or complainant in, the commission pro-
 ceedings.

(d) If the commission does not intervene or file a certificate and
 conduct a hearing as provided in this section, the court has complete
 jurisdiction of the case, notwithstanding the provisions of AS
 18.80.280. (§ 2 ch 240 SLA 1970)

NOTES TO DECISIONS

Executive director cannot initiate
 class action in superior court. —
 Although the Commission enjoys a limited
 right under subsection (a) to intervene in a
 private class action brought pursuant to
 AS 22.10.020(c), the executive director
 does not have statutory authority to initi-
 ate a class action in the superior court.

Hotel Employees Local 879 v. Thomas,
 Sup. Ct. Op. No. 1280 (File No. 2703), 561
 P.2d 942 (1978).

The commission is without authority
 to be granted the status of an
 intervenor under this section. Johnson
 v. State, Sup. Ct. Op. No. 2035 (File No.
 3899), 607 P.2d 944 (1980).

Article 3. Commission Reports and Publications.

Section

- 150. Annual report
- 160. Informative publications

Sec. 18.80.150. Annual report. The commission shall report annu-
 ally to the governor and the legislature on civil rights problems it has
 encountered in the preceding year, and may recommend legislative
 action. The commission shall provide the Legislative Affairs Agency
 with 100 copies of the report during the week preceding the convening
 of the annual legislative session for legislator and library distribution.
 The commission shall make copies of the report available to the public.
 (§ 1 ch 15 SLA 1963; am § 1 ch 75 SLA 1978)

Effect of amendments. — The 1978 amendment rewrote this section.

NOTES TO DECISIONS

The legislature intended the commission to be more than a simple complaint-taking bureau; the statutory scheme constitutes a mandate to the agency to seek out and eradicate discrimination in employment, in credit and

financing practices, in places of public accommodations and in the sale, lease or rental of real property. *Hotel Employees Local 879 v. Thomas*, Sup. Ct. Op. No. 1280 (File No. 2703), 551 P.2d 842 (1976).

Sec. 18.80.160. Informative publications. The commission may prepare and distribute pamphlets and press releases to inform the public of its constitutional and statutory civil rights. The commission shall submit proposed publications to the Department of Law for a review of legal accuracy. (§ 1 ch 15 SLA 1963)

Article 4. Discriminatory Practices Prohibited.

- Section 200. Purpose
- 210. Civil rights
- 215. Activities in aid of housing for minority groups
- 220. Unlawful employment practices
- 230. Unlawful practices in places of public accommodation
- 240. Unlawful practices in the sale or rental of real property

- Section 250. Unlawful financing practices
- 255. Unlawful practices by the state or its political subdivisions
- 260. Coercion
- 270. Penalty
- 280. Acquittal bars other actions
- 290. Local human rights commissions
- 295. Apprenticeship programs

Collateral references. — 15 Am. Jur. 2d, Civil Rights, §§ 4-260.

14 C.J.S., Civil Rights Supplement, §§ 12-86.

Constitutionality of statute as affected by discrimination in punishments for same offense based upon age, color, or sex. 3 ALR 1614; 8 ALR 854.

Injunction to prevent one person from associating with another. 5 ALR 1044.

Validity of statute precluding alien from acting as guardian. 39 ALR 943.

Constitutionality of "civil rights" legislation by state. 49 ALR 505.

Validity and construction of statutes making conspiracy to deprive or deprivation of constitutional right a federal offense. 162 ALR 1373.

Racial segregation. 38 ALR2d 1188.

Municipal corporation's power to enact civil rights ordinance. 93 ALR2d 1028.

Validity and effect of gift for charitable purposes which excludes otherwise

qualified beneficiaries because of their race or religion. 25 ALR3d 736.

Actionability under state statutes of discrimination because of complaining party's association with persons of different race, color, or the like. 35 ALR3d 859.

Racial discrimination in punishment for crime. 40 ALR3d 227.

Recovery of damages for emotional distress resulting from discrimination because of sex or marital status. 61 ALR3d 844.

Application of state law to sex discrimination in sports. 66 ALR3d 1262.

Statute expressly allowing alimony to wife, but not expressly allowing alimony to husband, as unconstitutional sex discrimination. 85 ALR3d 940.

Construction and application of state equal rights amendments forbidding determination of rights based on sex. 90 ALR3d 158.

Constitutional
protection of fem
Constitutional

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status, pregnanc
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Op. No. 1280 (Fil
(1971)).

Similarly be
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v. Alaska Wood
No. 1720 (File 1
(1978), rev'd on
584 (1979), app
1040, 100 S. Ct
(1980).

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RCA Alascom t
Sup. Ct. Op. No.
P 2d 1326 (1977)

1) To over and work w/ Terry Cramer

① ~~The Department's~~ ~~RECORD~~
The Department shall
comply w/ the ~~old~~ plan approved
by the governor.

② The Division shall report to
the governor any department or
agency that does not comply w/
the plan

③ The Director of the
Division shall report to
the ombudsman ~~the~~ any
and the State Commission
on human rights any complaints
against an agency ~~to~~ or department.

④ Use definition section office
HB 824.

SB415

Section 1 & 2 address the problems of retirement.

"underutilized"

→ * * targeted recruitment is
first priority of Division.
develop a plan & advise
the Division of Personnel or
other agencies on targeted
recruitment.

W/ the governor's plan,

Complaints

① ~~Complaints made to Dep EEO officers shall be passed on to the division of EEO~~

② ~~unresolved complaints will be reported to the governor, the human rights commission, and the ombudsman~~

③ ~~state will regulations shall be promulgated on internal complaints.~~

unresolved complaints

Departmental EEO

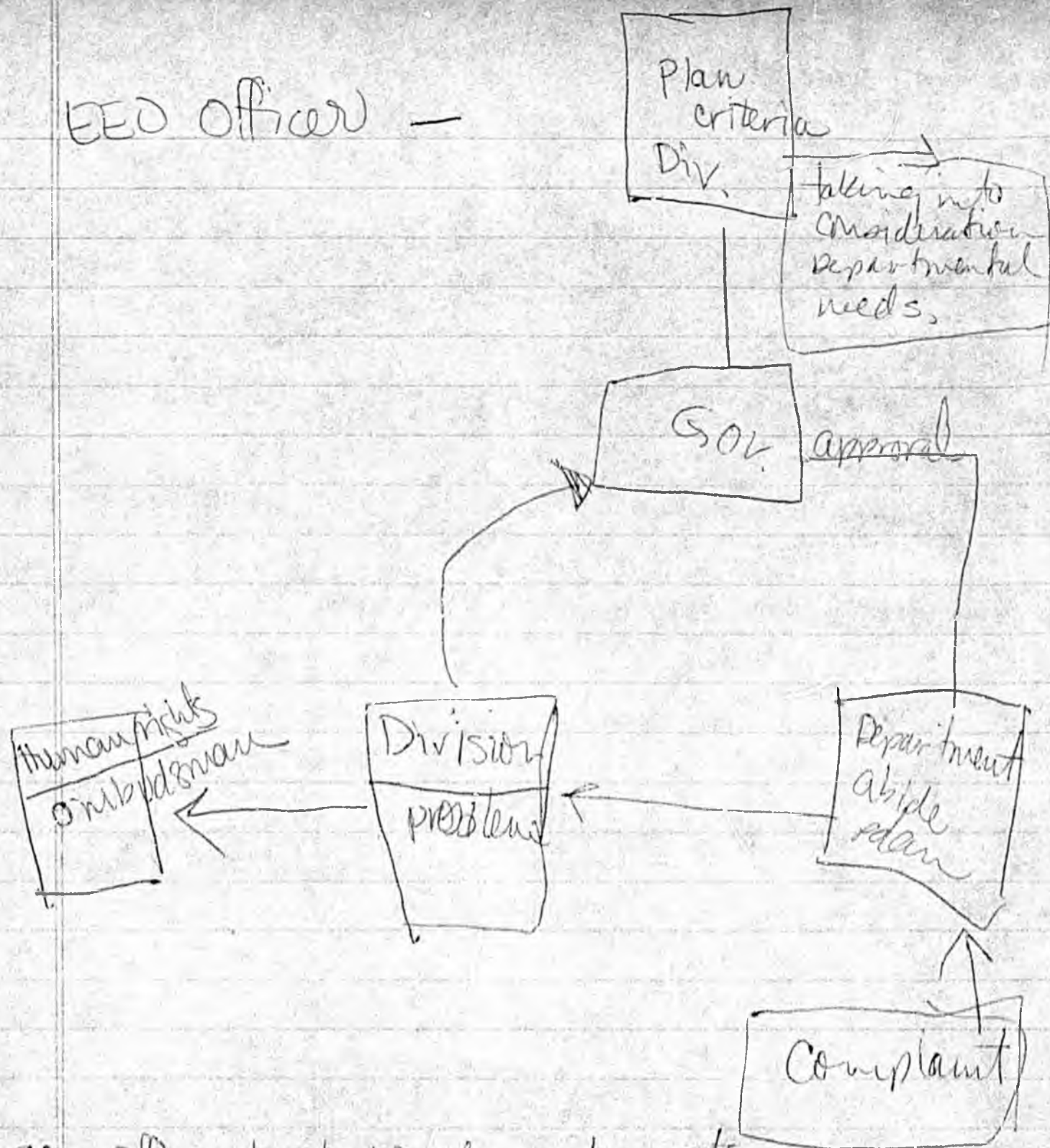
- criteria for AAP Development
- 1) Commissioner / NO resolution
 - 2) Complain to you

- ① Solicit and take into account Departmental EEO officers' comments and views on ~~the~~ the plan.
- ② Director of Division / yearly
- ③ Governor shall approve an affirmative action plan annually.
- ④ The plan will be in effect for one year from the date of approval or until a new plan is approved by the governor.

Compliance

- 1) The Commissioner of each Department shall comply w/ plan.
- 2) ~~There~~ Each Commissioner shall make a report reflecting their compl.

EEO officer —



1 eeo officer to two departments

← Should they have to report to the ombudsman

Is there any way to have it a crime?

18.30.180 ① report from EEO to governor & legislature.

② and report from Departments to the legislature.

If they have failed to make a targeted ~~major~~ approach, then (women & minorities)

① make sure every agency has an affirmative action plan.

② ~~should be~~ ~~respons~~ should develop a new affirmative action plan as regulation under AAZ, that is to be followed by the whole Executive branch.

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.

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1
- What is the Division Director to do if a ~~the~~ Department is not complying w/ the plan.

- authority to promulgate regulations in compliance w/ this act.

- Should we include a section ~~and~~ ^{and} 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.

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

get zero fiscal note

① create a division

Powers + Duties of the Director

② Director shall ^{solicit and take into account the comments of Departmental EEO Officers.}

③ Create a plan ~~for~~ ~~for~~ ~~for~~ for affirmative action for the state.

④ Develop a plan and advise the Division of personnel and other agencies on targeted recruitment.

⑤ plan developed under (a) shall be submitted to the governor once a year ~~a year~~ for approval by the governor.

⑥ 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 w/ the plan.

- Each Commissioner shall make a quarterly report to the division reflecting their compliance w/ the plan.

Departmental 290 officers shall ~~report~~ activity to the Division of 290 ~~of~~ ~~that~~ ~~unresolved~~ of ^{all} complaints.

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

The complainant must be notified that they may ~~also~~ also take their complaints to ombudsman or the human rights commission.

The ~~below~~ human rights commission, and the ombudsman's office shall have access to files and persons involved ~~in the complaint~~ in the complaint, if the complainant seeks to ~~those~~ those avenues of recourse.

A SPECIAL REPORT ON THE
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

April 29, 1983

Audit Control Number

02-4164-33-R

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THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

May 17, 1983

Members of the
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes and your special request, the attached report is presented for your review:

A SPECIAL REPORT ON THE
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

September 1981 - March 1983



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

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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.

Evaluation of performance was essentially based on activities from the beginning of the 1982 fiscal year through the third quarter of the 1983 fiscal year. Administrative Order #59 (effective June 20, 1980) was used as evaluative criteria in determining DEEO's performance of its responsibilities. Near the end of the audit Administrative Order #75 was adopted, effective April 2, 1983, which replaced the previous order.

The policy and audit approach utilized by the Division of Legislative Audit for Performance Review can best be described as "audit by exception".

This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made and little time is devoted to reviewing well run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

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ORGANIZATION AND FUNCTION

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

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

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

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SUMMARY OF REPORT FINDINGS

The focus of the audit centered on four evaluative questions and one policy issue. The Division of Equal Employment Opportunity (DEEO) was evaluated in the context of the following questions:

1. How effective has DEEO been in assuring that each department of the Executive Branch provides equal employment opportunity in filling positions and screening applicants for positions?

The filling of positions and the screening of applicants is largely a duty of the Department of Administration's Division of Personnel and individual departments. There does exist a system by which equal employment opportunity and affirmative action can be enhanced at the point of hire (see Recommendation No. 3 for a discussion of expanded certification). However, the legal justification for implementing affirmative action is predicated on the timely and reasonable analysis of an Affirmative Action Plan (AAP).

To the extent that DEEO has failed to have put in place departmental AAPs they have failed to assure equal employment opportunity, because the needed justification and proof of underutilization is lacking. As discussed in Recommendations No. 1 and 2 there has been less than satisfactory compliance with developing departmental AAPs. Much of the affirmative action at the point of hire has been stymied. DEEO does not have the authority to assure that each department is providing equal employment opportunity at that point.

DEEO will be able to use a computerized information system to better monitor the flow of applications and hiring of individuals. In Recommendations No. 2 and 3, we discuss this prospective use to afford better implementation of equal employment opportunity goals.

2. How effective has DEEO been in assuring that each department take affirmative action to improve minority and female utilization in functions where under-utilization has been noted?

The legal basis for taking remedial affirmative action lies with the development of a prescribed AAP. As discussed in Recommendation No. 2 of the report there has been widespread disregard and lack of use of the AAP process and data. As a result, DEEO has been rendered ineffective in assuring that each department take affirmative action to improve minority and female utilization.

Ironically, DEEO has been placed into a position of actually discouraging the use of affirmative action measures such as expanded certification (see Recommendation No. 3). Departments that have not submitted recent, approved AAP have no legal basis for implementing such measures and DEEO has elected to restrict their efforts to protect the State from legal liability.

3. Has DEEO provided effective procedures for dealing with complaints of discrimination filed by State employees or applicants for employment with the State?

DEEO is the departmental representative for discrimination complaints filed against Executive Branch departments through outside anti-discrimination agencies. In the past, the Division has acted as a departmental advisor and complaint resolution coordinator. Actual fact finding investigations were not conducted by the Division. We found that, taken as a whole, departmental personnel interviewed were satisfied with DEEO's performance in the handling of externally received discrimination complaints.

As detailed in Administrative Order No. 75 (effective April 1983) DEEO will expand the scope of its external complaint procedures to include the fact finding investigation of all discrimination complaints. These complaints will be investigated by a DEEO trained, Department of Administration, investigator.

DEEO has not established a comprehensive internal complaint procedure that could be utilized by employees of all Executive Branch departments (see Recommendation No. 5). Administrative Order No. 59 gave this responsibility to DEEO. Not all departments have established their own internal complaint procedures. For these reasons we recommend that a comprehensive internal complaint procedure be established and administered by DEEO.

4. How effective has DEEO been in reviewing the accomplishments or non-accomplishments of State supervisors and managers in the performance of their EEO functions?

DEEO does not review the accomplishments of supervisors in the performance of their equal employment opportunity (EEO) responsibilities. Additionally, based on interviews, departments individually do not have an effective means of evaluating supervisory EEO performance.

On the standard State performance evaluation form EEO duties are lumped together with a list of other miscellaneous administrative functions. The evaluator guide issued by the Division of Personnel provides no criteria or suggestions on

how EEO performance can be evaluated. Supervisory evaluations are especially critical in the current situation where the Division of Personnel has delegated much of hiring and recruiting for State positions to the Departments.

Policy Issue Are there any indications that DEEO would function better under the Office of the Governor?

Our report points out in Recommendation No. 1 that gubernatorial leadership and support is especially vital to DEEO's effectiveness. To the extent that the needed leadership and support would be enhanced as part of the Office of the Governor, DEEO would benefit from a transfer.

However, we feel that EEO is essentially a personnel function. DEEO is developing data for, and uses information from, the Department of Administration's (DOA) Division of Personnel. EEO issues also affect the State's dealings with unions, which require some administrative contact with the Division of Labor Relations. These necessary contacts would probably be better maintained and more efficiently coordinated if left within DOA. The necessary gubernatorial leadership and support needed should accrue to DEEO just as well in DOA as it would in the Office of the Governor.

Another option to be considered is giving DEEO and its activities a more clear cut statutory mandate. Currently, DEEO uses two rather broad sections of the statutes (AS.14.80.200 and 39.25.150) for their legal authority. The legislature, may wish to consider if they want to provide statutory reference, to what has heretofore been an essentially administrative program, strictly coordinated within the executive branch.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

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

The Division of Equal Employment Opportunity's (DEEO) performance of responsibilities as listed in Administrative Order No. 59 has been inadequate and incomplete. DEEO has not effectively developed, coordinated or monitored a comprehensive, widely supported policy of equal opportunity and non-discrimination in all executive branch employment decisions, programs, and activities.

DEEO's lack of effective performance is demonstrated by the following:

1. Of the 15 executive branch departments, 4 did not submit the annually required affirmative action plans for 1982, and 2 of 11 submitted were done in rough draft form only and were not generally available for public review (See Recommendation No. 2).
2. DEEO has not completed the overall State affirmative action report required annually by January 31, for the past two years.
3. DEEO does not have adequate review procedures to ensure that the state's conditions of employment such as recruitment, hiring, assignment, evaluation, promotion, demotion, transfer, layoff, termination, training, compensation, and treatment are not arbitrarily discriminatory.
4. DEEO has not effectively monitored various departments' implementation of affirmative action goals (See Recommendation No. 3).
5. DEEO has not established a uniform internal complaint procedure for the executive branch (See Recommendation No. 5).
6. DEEO has not developed an adequate analysis of female and minority utilization compared to work force availability. As a result, the Division cannot adequately assess the performance, or nonperformance of the State's affirmative action efforts (See Recommendation No. 4).

Many of these deficiencies noted in the course of our review have been of long standing concern. We found that several

of the problems that plague effective Equal Employment Opportunity (EEO) implementation in the executive branch were previously identified in a 1980 report of the Alaska Advisory Committee to the United States Commission on Civil Rights.

In general, our audit work indicates there has been no cohesive, centrally directed management attack on eliminating discriminatory practices in state government employment. Impetus for any significant action has come from other sources such as legal rulings, relief agreements, Human Rights Commission decisions and the initiative of individual departments. In such a setting, the executive branch becomes a passive actor, reacting to outside uncontrollable events, rather than an aggressive initiator of a reasonable, well coordinated effort.

As will be evident in the discussions that accompany the following recommendations, a great deal of DEEO's ineffectiveness can be attributed to a lack of centralized administrative support. DEEO has no specific statutory responsibility or support. The Division derives what authority and responsibilities it has from executive order. Consequently, the effectiveness of the Division depends on the nature and extent of the Governor's leadership. Commitment and leadership are especially vital to a function that requires coordination and direction of various executive branch departments.

Recommendation No. 2

DEEO should improve affirmative action plan procedures and elicit more cooperation from executive branch departments.

The primary analytical tool for identifying problems and promoting EEO is the departmental Affirmative Action Plan (AAP). An AAP begins with a breakdown of the work force by women and minorities, by job classes for each department. The departments then analyze the work force compared to a subjective appraisal of female and minority availability to determine what job classes in the department "underutilize" women and/or minorities.

This method of developing affirmative action goals and timetables has proved cumbersome. Many departments contacted expressed frustration with the process. Much of the analytical work has had to be hand tallied. Departments complained that DEEO was late in issuing AAP guidelines and instructions, and often changed the guidelines, contributing to the delay in the preparation of AAPs. The table on Appendix B provides an indication of the cumbersome nature and departmental dissatisfaction with the AAP-writing process. As can be observed, 4 of 15 departments submitted no AAPs for 1982 while 2 others submitted only rough drafts which were not

printed or disseminated. Departments not submitting AAPs complained that benefits derived from them did not merit the manpower and time involved in their preparation. Clearly, it is time for a different approach.

DEEO has tested and developed a data processing management information system that will permit more timely monitoring and evaluation of the status of equal employment opportunity. The system, the Affirmative Action Internal Audit and Reporting System (AIRS) potentially can eliminate many of the burdensome duties required of departments in AAP preparation.

DEEO should carefully evaluate the current AAP process and identify areas where it can provide more centralized data analysis through AIRS. The Commissioner of Administration should consider developing the analytical portion of an AAP for the executive branch as a whole to establish 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.

Recommendation No. 3

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

In the 1981 State Affirmative Action Report, DEEO reported that the State had adopted an expanded certification policy. Stated succinctly, the policy "expands" the number of people who can be considered for hire. Departments who have identified an "underutilization" of women and/or minorities in a particular job class may hire for positions in that class from an "expanded" register. That is, they can consider not only the top five candidates on the certified register, but in addition they can also consider up to the top five women and/or minorities for an underutilized position.

A policy of expanded hire has been identified and endorsed as a means of remedying discriminatory employment practices. DEEO reported that several other states have adopted the policy. In a personnel memorandum of January 21, 1981 the Attorney General said that "underutilization of employees of racial or sexual groups may constitute 'unique circumstances'" which allows use of expanded hire under the State's Personnel Rules.

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In addition to the adoption by other states and tacit approval of the Attorney General, expanded certification has the endorsement of the Blue Ribbon Commission on the State Personnel Act. In a report entitled Employment of Women and Minorities in State Government submitted in March, 1982 the Commission recommended "...the executive branch make use of affirmative action certifications to improve employment opportunities for members of underutilized groups."

Executive branch departments have largely ignored the use of Expanded Certification Registers (ECR) when filling positions. Six departments requested no ECR at all in the nine months between April 1 and December 31, 1982. We examined 120 registers requested by those departments during that period and found that 81 or 68% of them were for positions in identified underutilized job classes (See Appendix C for a table listing use of ECR by department).

Few of the departments that we contacted have established internal departmental procedures integrating the use of ECR into the hiring process. It is significant that 3 departments (or 20% of the executive branch agencies) accounted for 93% of all the ECR requested in the nine month period reviewed.

Departments cited the following impediments to the effective use of ECR:

1. Lack of familiarity - many times the personnel division of a given department are the only people aware of the existence, potential use, and manner of using an ECR. Often the supervisor responsible for the hire is unaware of the existence or the methods used to "work" the expanded register.
2. ECR information requirements - the expanded certification register information form is extensive in the amount of data it requires. Harried personnel officers complain that they have little time to hand tabulate the expanded register to obtain information required to complete the ECR form.
3. Restricted use of ECR - DEEO would not allow departments who did not submit an AAP to use the ECR. Thus, the form was put off limits to over a quarter of all executive departments by DEEO itself. DEEO stated that they had to do this in order to protect the State from legal liability. According to the agency, departments with no AAP could induce legal challenges over hires made from an expanded register.

We recommend that along with the changes in the AAP preparation process suggested in Recommendation No. 2, DOA should have more centralized control over the dissemination and use

of ECR. If hiring was being done for a position identified as underutilized by a central, statewide AAP, the department would always receive expanded certification notice upon the verification and approval of DEEO.

In addition, the informational requirements of the ECR form should be reviewed to determine if all that is requested is necessary. If information requested is deemed necessary, then consideration should be given to better summarizing the total employment register information needed to reduce the time it takes to complete an ECR form. By modifying one or both the total register and/or ECR the process could be more efficient and thus, more useful.

EEO Training and Evaluation for Supervisors

We found that DEEO had provided little training to line supervisors regarding their EEO responsibilities. One seminar for executive level administrators and departmental personnel officers that provided an overview of the current judicial interpretation of EEO was held and was well received. Based on interviews conducted in the course of the audit and responses to questions asked of departmental EEO personnel we conclude that supervisors are not effectively evaluated on the performance of their EEO duties.

On the standard performance appraisal form used by the executive branch, EEO duties are lumped with a list of other miscellaneous administrative functions and are given one overall rating. The evaluation rating guide issued by the Division of Personnel provides no criteria or suggestions on how EEO performance can be evaluated. Supervisory training and awareness is especially critical in the current situation where the Division of Personnel has delegated much of hiring and recruiting for State positions to the Departments.

It must be recognized that the consistent use of an ECR in and of itself will not necessarily result in increased utilization. It must be complemented with instruction on implementation and use at the departmental level. Supervisors, especially those who hire, must be made better aware of and evaluated on their EEO responsibilities and performance.

Recommendation No. 4

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

Definition and evaluation of equal employment opportunity in any large employment setting is complex. Tables listing female and minority work force composition are interesting and often suggest deficiencies but are often too simplistic

to accurately assess the status of equal employment opportunity.

An important evaluative concept is "availability". That is, how many women and minorities are available for hire with the needed qualifications for the position being evaluated. As discussed in Recommendation No. 2, availability is a key factor in determining if women and minorities are underutilized.

Yet historically, the discussion of availability constraints to equal employment opportunity has been omitted in reports and public discussion. In addition, the application and determination of availability has been arbitrary, unsubstantiated and inconsistent.

DEEO's 1981 Annual Affirmative Action Report for the State of Alaska's executive branch (the most recent report published) provided extensive data on the number of women and minority workers employed in various segments of the executive branch work force. However, the report did not speak to the availability of women and minorities in the State with the qualifications needed for various State positions. Availability analysis as used in AAPs has built on seven distinct population segments (such as composition of the population as a whole, working age population, unemployed, government work force, etc.). Various departments have been allowed to arbitrarily "weigh" these factors as they see fit for the job class being evaluated. The weighting of factors is very subjective. Departmental preparers that we interviewed told us that they valued factors very intuitively with little or no substantiating data.

This subjective use of availability data has resulted in a lack of consistency both between departments in any given year, and within a department from year-to-year, in establishing hiring goals and timetables. Thus, AAP goals suffer not only from lack of monitoring on the part of DEEO, but also from the inconsistent and arbitrary application of availability data used in their establishment. The goals thus lose comparability between years because the assumptions and process that establish them keeps changing. This is another obstacle to effective measurement of progress or the lack thereof of EEO.

DEEO should increase efforts to obtain and use more appropriate data on the composition of the State's unemployed, demographic make-up, government work force skills, etc. from such sources as the Department of Labor and the State's Division of Personnel. We further recommend that any future statewide affirmative action reports made to the general public include a discussion and comparison of work force composition to availability. This type of analysis would allow for a better evaluation of the progress or the lack thereof, of the State's affirmative action policy.

AIRS can prospectively be used to eliminate data inconsistencies and provide for more efficient monitoring of statewide hiring goals. We believe this can be done with no increase in staff. AIRS when used in conjunction with centrally developed AAP analysis will weigh availability factors the same for job classes common to several departments. This standardization of availability factors will contribute to the establishment of more consistent and comparable hiring goals from year-to-year. The improvement in consistency between departments within a given year and between a department's goals from year-to-year will improve the ability to monitor and evaluate improvement in equal employment opportunity activity by DEEO.

Recommendation No. 5

DEEO should establish a comprehensive internal complaint procedure to be utilized by all executive branch departments.

Administrative Order No. 59 gives the responsibility to DEEO to "establish a uniform complaint procedure which is to be included in all affirmative action plans and available to all persons subject to (the) order".

DEEO did not establish a uniform internal complaint procedure. The Division did propose a procedure, but when they met with opposition from the various departments the proposal was withdrawn.

We were told by the departments the primary reason they opposed the procedure was that they felt it would eliminate their right to resolve complaints. However, we are unaware of any formal functioning internal departmental discrimination complaint procedure. In this present situation the typical complainant is more likely to formally file with an outside anti-discrimination agency [typically the State Commission for Human Rights (HRC)] to seek remedy. As a result, discrimination complaints which could be handled more efficiently internally, are being resolved through a lengthier and more costly outside process.

If a comprehensive internal complaint procedure is to succeed, DEEO must gain both management support and employee confidence. This will be accomplished only through the fair and impartial investigation of all complaints. In instances where discrimination is found to have occurred, departmental management should be informed and directed to take action to correct the discriminatory condition or practice.

The advantages that would be realized as a result of the establishment of a comprehensive internal complaint procedure are:

1. Reduced Expense and Time Involved to the State and the Individual - a good efficient internal complaint procedure will save time and related expense that are necessarily a part of more formal outside adjudication processes.
2. Reduced HRC Work Load - complaints solved internally will reduce the caseload of the HRC. This will allow the HRC to better pursue employment discrimination in other sectors of Alaskan enterprise.
3. Promote EEO - in the course of complaint investigations, DEEO will have the opportunity to evaluate and become better aware of employment practices in general. In instances where discriminatory practices are found, DEEO can work with the department to reduce the potential for future complaints, and thus promote EEO.
4. Increased Control Over Policy - a fair and unbiased internal complaint procedure that will result in equitable resolution within the executive branch reduces the likelihood of outside, primarily judicial remedies, from being imposed. The executive branch maintains control over policy rather than surrendering its management prerogatives to another branch of government.

DEEO must be sure to stress to departmental management that any internal complaint procedure developed will complement not supplant individual departmental complaint resolution procedures. Additionally, individuals must be made aware that they can leave the internal complaint process at any time, to seek remedy from an outside enforcement agency. By doing both of the above, DEEO will promote acceptance of a centrally developed internal complaint procedure.

APPENDIX A

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
QUESTIONNAIRE RESPONSES OF EXECUTIVE BRANCH DEPARTMENTS
REGARDING THE ACTIVITY AND PERFORMANCE OF DEEO

AFFIRMATIVE ACTION PLANS - IMPLEMENTATION

1. For which of the following years did your department complete an affirmative action plan? (All questions asked of 10 departments) 1980 8 1981 10 1982 8

2. For years in which an affirmative action plan was not completed, what were the reasons?

- * We did not have the manpower.
- * Most of the analysis could have and should have been done by computer.
- * We were shorthanded. Instructions were too hard to read and changed too much.
- * Too time consuming to prepare.

3. For the last year in which you did an affirmative action plan, did you monitor the goals as stated in Part II of the standard plan? Yes 4 No 6

If yes, how?

- * Monitored through monthly computer runs of new hires and terminations.
- * Reviewed targeted job groups, with little turnover it was relatively easy.
- * Kept close statistics for a trial period, then discontinued.
- * Compiled turnover data monthly, Departmental EEO Committee reviewed progress at quarterly meetings.

If no, why not?

- * Too difficult and time consuming.
- * Most of the analysis could have and should have been done by computer.
- * Little recruitment occurred during the last year.

4. Does the Division of Equal Employment Opportunity (DEEO) monitor your progress towards achieving affirmative action plan goals? Yes 0 No 10

5. In the 1982 affirmative action plan, how did you determine the weighted figure used to calculate the availability of minority/women applicants in the work force?

- * Common sense, relied on prior experience.
- * Guess work.
- * Used applicant flow data when available.
- * Used general population figures, didn't incorporate a weighted figure into availability determination.
- * Used breakdown of people available on the State register.

6. Should DEEO write affirmative action goals which would be uniform for all departments? Yes 5 No 2 Not Sure 3

If yes, why?

- * Would save department's time.

If no, why not?

- * All departments are different and need flexibility in writing goals.

If unsure, why?

- * Depends on whether goals are unreasonably set.

7. Are affirmative action plan goals helpful to your department in its efforts to comply with FEO requirements?

Yes 9 No 1

If yes, why?

- * Goals, objectives are a measurable means of determining progress.
- * Make departments aware of EEO responsibilities.

If no, why not?

- * Timetables are often unrealistic.
- * Comparisons are impossible because the data base changes every year.

8. Do you use the expanded certification register (ECR)?

Yes 7 No 3

9. Do you ensure that all supervisors are made aware of the ECR when hiring into an underutilized job group?

Yes 4 No 3 N/A 3

10. Do you monitor whether the supervisor uses the ECR?

Yes 3 No 4 N/A 1

11. Does your department send quarterly reports to DEEO?

Yes 4 No 6

If no, why not?

- * I heard no one else did, so I quit.
- * Quit because I received no feedback.
- * DEEO never sent us a formal reporting form.
- * Unaware of requirement to do so.

COMPLAINT PROCEDURES

12. Has DEEO handled complaints that have been brought against your department by an outside agency?

Yes 6 No 3 Not Sure 1

If yes, approximately how many complaints were handled by DEEO? (Total represents combined number for all "Yes" respondents.)

33

13. In instances where DEEO was involved were you satisfied with their performance in handling complaints?

Yes 4 No 2 N/A 6

If yes, why?

- * DEEO helped out a lot on complaint cases.
- * Reduces the time the department must spend researching and preparing complaints cases.
- * DEEO expertise is very helpful.

If no, why not?

- * DEEO doesn't really do anything. The department does all the actual work.
- * DEEO acts very slowly.
- * DEEO makes too big a deal out of complaints.

14. Does your department have a procedure for dealing with internal complaints? How are employees made aware of its existence?

Yes 10 No 0

- * Contained in affirmative action plan.
- * Supervisors told of procedure.
- * Included in policy and procedures manual.

15. Is your department's internal complaint procedure used?

Yes 5 No 5

16. Is your internal complaint procedure based on DEEO guidelines or has it evolved from within the department?

Guidelines 7
Internally Evolved 3

17. Has DEEO ever requested your input on the development of a universal internal complaint procedure for all departments?

Yes 0 No 10

18. Would you support an internal complaint procedure by which DEEO would handle all complaints not resolved within the department?

Yes 7 No 3

SUPERVISOR EEO EVALUATION

19. Are departmental supervisors and managers evaluated on the performance of their EEO duties and responsibilities?

Yes 1 No 9

20. Has DEEO provided your department with training and materials pertaining to EEO? Yes 6 No 2
21. Is training provided to supervisors and managers to inform them of their EEO responsibilities and requirements? Yes 2 No 8
22. Does your department have an active EEO or affirmative action committee? (As outlined by DEEO in the standard departmental affirmative action plan.) Yes 1 No 9
23. Do you think your department needs a full-time EEO officer position? Yes 3 No 5 N/A 2
- If yes, why?
- * Need someone in the department who has EEO expertise and knowledge.
 - * Need help getting the affirmative action plan completed.
- If no, why not?
- * The size of the department wouldn't warrant a full-time EEO officer.
 - * Wouldn't be cost effective.
24. Has DEEO ever audited your department to monitor your employment practices and policies? Yes 0 No 10
25. Are there any methods or procedure utilized in your department to promote EEO which we have not previously discussed? Yes 7 No 3
- * Exit interviews with terminating employees indicate EEO related supervisory problems.
 - * Compilation of a monthly report analyzing underutilized job classes.
 - * Internal training.
 - * Analysis of monthly hiring and firing by race and sex.
 - * Career path counseling.
 - * Recruitment efforts aimed at minorities and women.
26. Do you have any suggestions as to how DEEO could improve its effectiveness in its assistance to your department? Yes 9 No 1
- * Make affirmative action plan simpler to write and use.
 - * Provide more training regarding complaints.
 - * Become much more active.
 - * Simplify the expanded certification register system.
 - * More high level training.
 - * DEEO should write the whole affirmative action plan for all departments.
 - * Mandatory EEO training statewide.
 - * Provide more feedback on the affirmative action plan.
 - * Uniform affirmative action plan for all departments.
 - * DEEO needs to back up what it says it will do.
 - * In handling complaints, DEEO should act in an advisory capacity to the departments.

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APPENDIX B

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)

Summary of Completed Affirmative Action Plans
By Department
1980 - 1982

	<u>1980</u>	<u>1981(1)</u>	<u>1982</u>
Office of the Governor		X	X
Administration		X	**
Law		X	
Revenue		X	X
Education		X	X
Health and Social Services	X	X	**
Labor	X	X	X
Commerce		X	X
Military Affairs	X	X	
Natural Resources		X	X
Fish and Game	X	X	X
Public Safety	X	X	
Environmental Conservation	X	X	
Community and Regional Affairs	X	X	X
Transportation and Public Facilities	X	X	X

X = Denotes that department completed and submitted an Affirmative Action Plan.

(1) 1981: A legislative request for AAPs prompted all departments to complete and submit their plans.

** 1982: These departments did prepare rough drafts of AAPs but final drafts were never completed and disseminated.

Source of Information: DEEO Records

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APPENDIX C

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY
Use of Expanded Certification Registers

By Department

April 1 - December 31, 1982

	U.U. Classes (1)		Registers Ordered		Hired (2)	
	F	M	Total	Expanded	F	M
Office of the Governor	67%	25%	42	-0-	-0-	-0-
Administration	37%	82%	393	25	1	-0-
Law	40%	60%	91	-0-	-0-	-0-
Revenue	47%	82%	154	171(3)	39	19
Education	34%	53%	162	16	-0-	1
Health and Social Services	26%	45%	402	28	8	4
Labor	33%	56%	157	-0-	-0-	-0-
Commerce	43%	71%	139	-0-	-0-	-0-
Military Affairs	67%	83%	25	-0-	-0-	-0-
Natural Resources	63%	75%	106	182(3)	43	6
Fish and Game	54%	85%	960	711	201	21
Public Safety	67%	57%	172	-0-	-0-	-0-
Environ. Conservation	63%	88%	80	-0-	-0-	-0-
Community and Regional Affairs	12%	12%	95	4	1	-0-
Trans. and Public Facilities	54%	57%	121	1	-0-	-0-

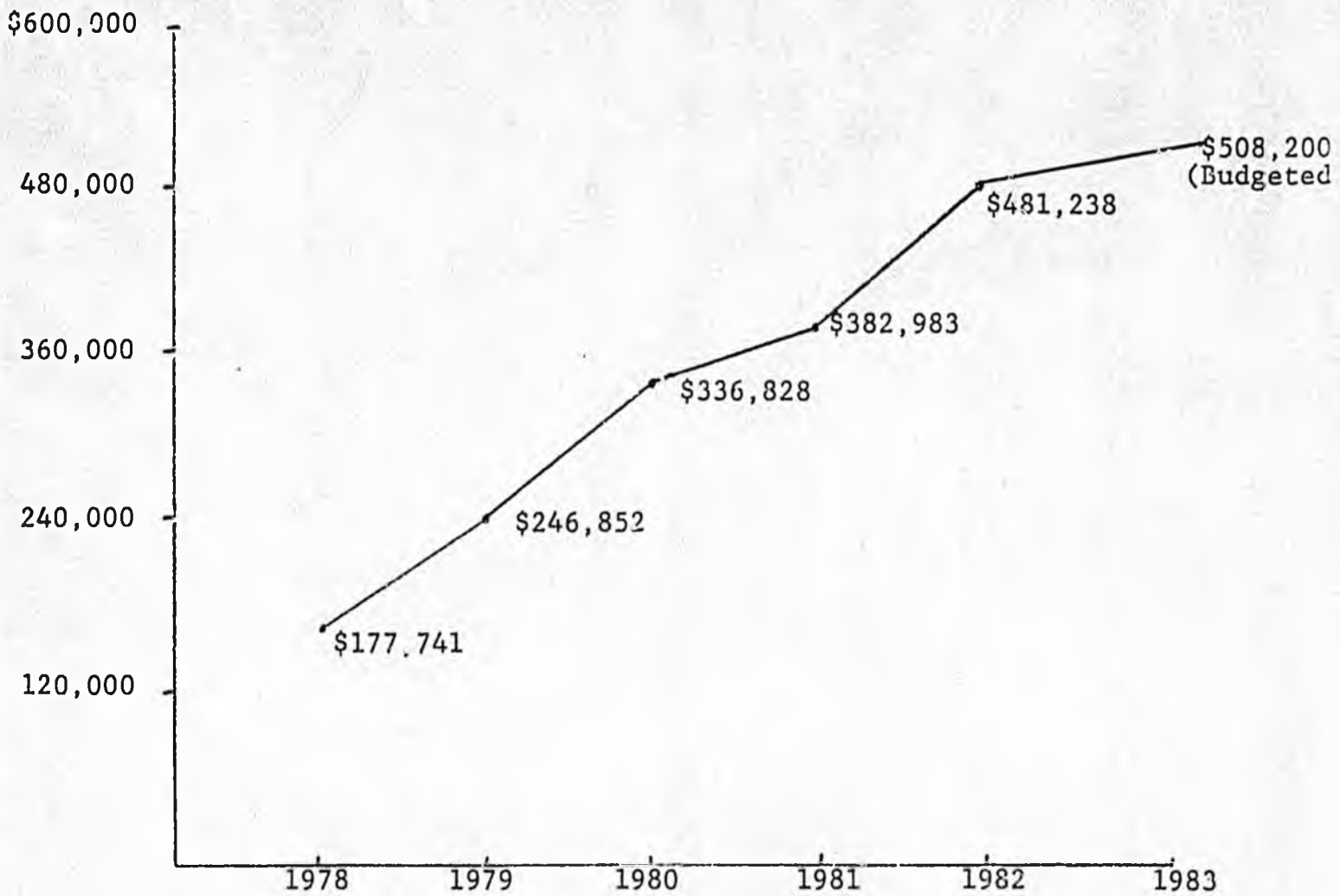
- (1) - This column represents the percentage of job groups that were identified as underutilized (F = Women, M = Minorities) by the respective department's last submitted Affirmative Action Plan.
- (2) - This column is the number of women (F) and minorities (M) hired for positions for which expanded registers were requested.
- (3) - Expanded registers requested exceed total registers in some instances, because DEEO did not receive complete listings of total register requests from the Division of Personnel. Due to this problem, total registers ordered as listed above will tend to be understated for all departments.

Source of Information: DEEO's Quarterly Reports.

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APPENDIX D

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
REPORTED EXPENDITURES BY DIVISION OF EEO
Fiscal Year 1978-1982



Source of Information: State Annual Reports 1978 - 1982

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APPENDIX E

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
SUMMARY OF DISCRIMINATION COMPLAINTS
BY DEPARTMENT, BY TYPE OF ALLEGED DISCRIMINATION
September 1981 - March 1983

Department	TYPE OF DISCRIMINATORY COMPLAINT FILED(1)										Total
	Race	National Origin	Religion	Physical Handicap	Sex	Parenthood	Age	Sexual Harassment	Reverse Discrimination	Various(2)	
Administration	1	1	-0-	1	4	-0-	1	-0-	-0-	-0-	8
Commerce and Economic Development	1	-0-	-0-	-0-	-0-	-0-	1	1	-0-	1	4
Community and Regional Affairs	1	-0-	-0-	-0-	-0-	-0-	-0-	-0-	1	-0-	2
Education	2	-0-	-0-	-0-	-0-	1	-0-	-0-	-0-	-0-	3
Environmental Conservation	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Fish and Game	1	-0-	-0-	-0-	1	-0-	-0-	1	-0-	-0-	3
Health and Social Services	5	1	-0-	1	6	-0-	1	-0-	-0-	3	17
Labor	1	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	1
Law	-0-	-0-	-0-	-0-	-0-	-	-0-	-0-	-0-	-0-	-0-
Military Affairs	1	-0-	-0-	-0-	1	-0-	-0-	-0-	1	-0-	3
Natural Resources	1	-0-	-0-	-0-	1	-0-	-0-	-0-	-0-	-0-	2
Office of the Governor	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Public Safety	-0-	-0-	-0-	6	1	-0-	-0-	-0-	3	1	11
Revenue	-0-	-0-	-0-	-0-	-0-	-0-	1	-0-	-0-	2	3
Transportation and Public Facilities	4	-0-	4	2	2	-0-	-0-	-0-	-0-	2	14
Total	18	2	4	10	16	1	4	2	5	9	71

(1) Complaints directed at more than one agency have been accounted for under each of these agencies in the above table. The above data includes two class action suits contending sex discrimination.

(2) Represents individual complaints asserting that greater than one type of discrimination had occurred.

Source of Information: DEEO Records

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APPENDIX F

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
SUMMARY OF DISCRIMINATION COMPLAINTS BY DEPARTMENT
ORIGINATION, AND STATUS AT 3/30/83
September 1981 - March 1983

Department	NUMBER OF DISCRIMINATION COMPLAINTS				
	Handled From Origination (1)	Assumed From Other Departments(2)	Outstanding at 3/30/83 (3)	Closed At 3/30/83 (4)	Total Handled
Administration	4	4	2	6	8
Commerce and Economic Development	3	1	1	3	4
Community and Regional Affairs	2	-0-	2	-0-	2
Education	1	2	2	1	3
Environmental Conservation	-0-	-0-	-0-	-0-	-0-
Fish and Game	1	2	-0-	3	3
Health and Social Services	11	6	8	9	17
Labor	-0-	1	1	-0-	1
Law	-0-	-0-	-0-	-0-	-0-
Military Affairs	3	-0-	3	-0-	3
Natural Resources	-0-	2	1	1	2
Office of the Governor	-0-	-0-	-0-	-0-	-0-
Public Safety	7	4	6	5	11
Revenue	2	1	-0-	3	3
Transportation and Public Facilities	8	6	8	6	14
Total	42	29	34	37	71

- (1) Since September of 1981, discrimination complaints brought against executive branch agencies by State employees have been handled from the time of the complaints origination by DEEO.
- (2) Prior to September of 1981, discrimination complaints brought against executive branch agencies were handled by these agencies without DEEO assistance. DEEO assumed responsibility for these complaints during September of 1981. Original filing of these complaints occurred as early as 1978.
- (3) Complaints which had not been resolved as of March 30, 1983.
- (4) Complaints which had been resolved prior to March 30, 1983.

Source of Information: DEEO Records

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APPENDIX G

STATE OF ALASKA
 DEPARTMENT OF ADMINISTRATION
 DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY (DEEO)
SUMMARY OF DISPOSITION OF CLOSED COMPLAINTS
 September 1981 - March 1983

Department	FINAL DISPOSITION OF DISCRIMINATION COMPLAINT CASES					Total
	Lack of Substantial Evidence	Conciliation Agreement (1)	Complaint Withdrawn	Predetermination Settlement (2)	Complainant Failure to Cooperate	
Administration	2	1	3	-0-	-0-	6
Commerce and Economic Development	-0-	-0-	2	1	-0-	3
Community and Regional Affairs	-0-	-0-	-0-	-0-	-0-	-0-
Education	1	-0-	-0-	-0-	-0-	1
Environmental Conservation	-0-	-0-	-0-	-0-	-0-	-0-
Fish and Game	1	1	-0-	1	-0-	3
Health and Social Services	4	-0-	2	2	1	9
Labor	-0-	-0-	-0-	-0-	-0-	-0-
Law	-0-	-0-	-0-	-0-	-0-	-0-
Military Affairs	-0-	-0-	-0-	-0-	-0-	-0-
Natural Resources	-0-	-0-	1	-0-	-0-	1
Office of the Governor	-0-	-0-	-0-	-0-	-0-	-0-
Public Safety	1	-0-	1	1	2	5
Revenue	2	-0-	-0-	-0-	1	3
Transportation and Public Facilities	2	1	-0-	2	1	6
Total	<u>13</u>	<u>3</u>	<u>9</u>	<u>7</u>	<u>5</u>	<u>37</u>

(1) Complaint resolution achieved only after a full investigation and finding had been made by the anti-discrimination agency representing the complainant.

(2) Complaint resolution achieved prior to the anti-discrimination agency having conducted an investigation.

Source of Information: DEEO Records

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STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

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OFFICE OF THE COMMISSIONER

July 19, 1983

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LEGISLATIVE
AFFAIR

Gerald L. Wilkerson, C.P.A.
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Re: Response to "A Special Report on the Department of Administration, Division of Equal Employment Opportunity, September 1981 - March 1983."

Dear Mr. Wilkerson:

We appreciate this opportunity to respond to the findings and recommendations of your special report on the Division of Equal Employment Opportunity. We anticipate that your audit, undertaken early in this administration, will be of considerable assistance to us in determining our direction of equal employment opportunity within the executive branch during the next few years.

The following responds to each of the five recommendations and findings in your April 11, 1983 Interim Letter:

Recommendation No. 1

The Department of Administration, Division of Equal Employment Opportunity needs more support and authority from the Governor to increase their effectiveness.

I am in complete agreement with this recommendation. Affirmative action cannot produce thorough and lasting change in any organization without the active support of top management. There is no doubt that the visible support of the Governor, Cabinet members and other levels of management is crucial for the success of affirmative action and equality of opportunity within the executive branch.

Perhaps the only solution to wavering support for EEO is the promulgation of legislation or regulation which would clearly state the division's authorities and responsibilities.

3 LAW

While specific program deficiencies enumerated here have undoubtedly contributed to the division's overall lack of effectiveness, the single most identifiable problem has been poor understanding of equal employment opportunity goals and an overall lack of dir-

Gerald L. Wilkerson, C.P.A.
July 19, 1983
Page Two

action at the division level. This situation is soon to be remedied by the appointment of a director with a proven record of effecting equal employment opportunity through affirmative action.

Recommendation No. 2

DEEO should improve affirmative action plan procedures and elicit more cooperation from executive branch departments.

GOV → It is my understanding that DEEO recognized the need to improve affirmative action plan procedures, specifically utilization analysis (comparison of the qualified Alaska labor pool available for employment with the composition of the executive branch work force to determine utilization) some time ago as evidenced by their FY 81 preparation and submission of a FY 82 capital budget request. This request received partial support in that 150.0 of the 475.0 request was appropriated. DEEO submitted capital budget requests for FY 83 and FY 84 neither of which were approved by the Governor's Budget Review Committee.

In spite of this obvious lack of support DEEO managed to develop the Affirmative Action Internal Audit and Reporting System (AIRS) by trimming portions of their operating budget appropriations in order to fund AIRS. DEEO is presently training personnel of every department in the utilization analysis portion of AIRS.

I agree that the present decentralized approach to developing affirmative action plans has proven to be cumbersome, resulting in inconsistencies. EEO representatives at the departmental level are just not knowledgeable enough to develop meaningful plans. I am now investigating whether Department of Administration can adequately produce an executive branch Affirmative Action Plan and be of more assistance to departments by helping them develop goals and timetables for increasing the hire of certain protected classes identified as under-utilized in some job categories.

Recommendation No. 3

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

The Department of Administration currently has administrative control over the use and release of expanded certification registers. There is currently a Human Resources Committee in the Department of Administration that is working on better utilization of expanded certification registers. The directors of Personnel, Labor Relations, EEO, Retirement and Benefits and the state payroll supervisor are the Human Resources Committee members working with the Deputy Commissioner for Personnel Management to address this issue.

Gerald L. Wilkerson, C.P.A.
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Page Three

Recommendation No. 4

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

Your analyses of the problems located by uninformed, subjective use of availability data is accurate. DEEO will increase efforts to obtain more appropriate data through greater usage of the AIRS System, Division of Personnel and Department of Labor statistics. DEEO staff will then train departmental EEO representatives in the use of this data to develop meaningful hiring goals.

Recommendation No. 5

DEEO should establish a comprehensive internal complaint procedure to be utilized by all executive branch departments.

Establishing an effective internal complaint procedure may prove to be the most difficult task for the division of equal employment opportunity to accomplish. Department management staff tend to be resistive to a central agencies' intrusion into their internal affairs, often viewing EEO's efforts to assist in the dispute resolution process as interference. The new EEO director must go out and meet Commissioners, directors and personnel officers to establish a rapport and build confidence in the division's ability to assist in all aspects of affirmative action.

With that type of working relationship in place, DEEO will then develop a comprehensive internal complaint procedure to realize the advantage of promoting the goals of EEO, gain control over the implementation of the policy and reduce the expense and time required to resolve disputes.

Sincerely,

Lisa Ruidel by J.S. Acting
Lisa Ruidel
Commissioner

Attachments

LR/KH/EA/gmw

Barry Best - Div of EEO / Sept. 9

471K - Div of EEO 7 people

422 - SALARY

50K - Equip, books etc.
computer

Underutilization

Rosalie Walker - oppose ^{SB} 1395

→ little people
→ EEO in each dept

Vernonia Ruddle -
Dir of EEO exat. Dep'ts

→ Call Willard
pg 2, line 9.

To administer and supervise
a statewide EEO program to include
all departments and agencies in
Exec. Branch of state government.

Rosalie

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

January 31, 1984

Date: 3/20/84

Mr. President:

The Committee on STATE AFFAIRS has had SB 395

creating a division of equal employment opportunity in the Dept. of Administration

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 395 (SA) same title
- new title

and recommends _____

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

[Signature]

Introduced: 1/31/84
Referred: State Affairs
and Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2

SENATE BILL NO. 395

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;

*Develop a plan of to ensure equal employment
in the exec. branch. Plan to be reviewed and approved
by Gov.*

too long

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 ^{will} 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. *The Division shall advise*
10 An executive branch agency or department
11 that is the responding party in an official inquiry, complaint investi-
12 gation, or hearing based on equal employment opportunity or affirma-
13 tive action issues from a state or federal compliance agency ~~shall ask~~
14 ~~for advice from the division~~ *the, branch, agency or Department*
15 before participating in *es* the inquiry,
16 investigation, or hearing. The division may take part in all conversa-
17 tions and meetings between the parties and review all written communi-
18 cations from the agency or department about the inquiry, investiga-
19 tion, or hearing.

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

25 ~~Sec. 44.21.450.~~ INTERNAL DISCRIMINATION COMPLAINTS. (a) The
26 division shall establish an internal discrimination complaint proce-
27 dure for complaints of employment discrimination in the executive
28 branch of state government. The procedures shall be informal and
29 oriented toward resolution of complaints without resort to judicial
30 proceedings. A complainant may pursue resolution of a complaint under
31 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.

*Rosalie
Walter*

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

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

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

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

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

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

30 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

1 physical, sensory, mental, or emotional disability that substan-
2 tially limits one or more major life activities;

3 (C) "Viet Nam era veteran" means a person with 181
4 days or more active service in the armed forces of the United
5 States who has been honorably discharged after having served
6 during any period between August 4, 1964, and November 7, 1975;
7 membership in the class lasts for a period of four years from the
8 date on which the veteran is honorably discharged from the armed
9 forces;

10 (D) "disabled veteran" has the meaning given in AS 39:
11 25.150(19)(B).

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 395
Title: Creating Division of EEO
within Dept. of Administration
Sponsor: State Affairs
Requestor: Senate State Affairs
Date of Request: March 12, 1984

FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: Labor Services
BRU, Program or Subprogram(s) Affected: Division of EEO

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

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:

ANALYSIS: Attach a separate page for analysis

Prepared By: Barry F. Best, Director Phone: 465-3570
Division: Equal Employment Opportunity Date: March 12, 1984

Approved by Commissioner: Commissioner Lisa Ridd Date: 3-15-84
Agency: Department of Administration

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

SENATE BILL 395
FISCAL NOTE ANALYSIS
PREPARED BY DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY
DEPARTMENT OF ADMINISTRATION

Senate Bill 395 establishes statutory responsibility for equal employment and affirmative action in the Division of Equal Employment Opportunity within the Department of Administration. The bill clearly outlines the duties and powers of the Division in regards to training, outreach, recruitment and processing of formal and informal complaints.

There is a -0- fiscal note attached to this bill.

insert: HB 246 was in Anchorage
The bill was heard, before the
Senate & Labor and Commerce committee
on March 3rd. The testimony at the
hearing was 2 to 1 against the
bill. ~~Currently~~ The bill ~~has~~ is in
~~labor and commerce~~, and has not
been rescheduled for a hearing.

Longevity Bonus

SB 347 is currently in House
State affairs and is scheduled for a
planned teleconference 3/20. HB 655
SB 447, and SB 468 are in the
Senate Judiciary committee, and
have not been scheduled.

Pioneer Home Income Allowances:

HB 503 passed the House, and is
now in Senate State Affairs. The
bill should be scheduled soon.
SB 323 is now in the Senate
Rules committee.

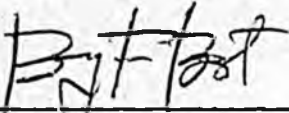
Teacher's collective bargaining
← Steve;
This is going to be up in
the senate floor on 3/15/84

POSITION PAPER

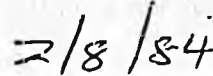
SB 395

This bill would provide statutory authority and responsibility for the Division of Equal Employment Opportunity (DEEO) within the Department of Administration. This bill clearly provides DEEO with the responsibilities and authority necessary for the execution of its training, recruitment, audit, and discrimination complaints functions.

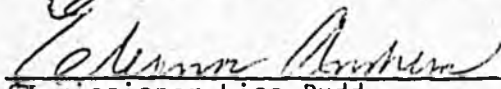
The Department of Administration fully supports this bill in its current form.



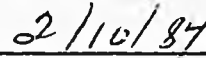
Barry F. Best, Director, Division of EEO



Date



Commissioner Lisa Rudd
Department of Administration



Date

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/Resolution No.: SB 395
Title: Creating Division of EEO
within the Dept. of Administration
Sponsor: State Affairs
Requestor: Senate State Affairs
Date of Request: February 8, 1984

FISCAL DETAIL
Agency Affected: Administration
Program Category Affected: Labor
Services
BRU, Program or Subprogram(s) Affected: Division of EEO

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	102.5	107.6	113.0	118.7	124.6	130.8
200 TRAVEL	2.3	2.4	2.5	2.7	2.8	2.9
300 CONTRACTUAL	16.1	16.9	17.8	18.6	19.6	20.5
400 SUPPLIES	2.5	2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT	1.1	0	0	0	0	0
600 LAND & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	124.5	128.9	135.4	142.2	149.3	156.6
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	124.5	128.9	135.4	142.2	149.3	156.6
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Barry F. Best, Director Phone: 465-3570
Division: Equal Employment Opportunity Date: February 8, 1984
Approved by Commissioner Lisa Rudd Date: 2/8/84
Agency: Department of Administration

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

12/1/83

SENATE BILL 395
FISCAL NOTE ANALYSIS
PREPARED BY DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY
DEPARTMENT OF ADMINISTRATION

Senate Bill 395 establishes statutory responsibility for equal employment and affirmative action in the Division of Equal Employment Opportunity within the Department of Administration. The bill clearly outlines the duties and powers of the Division in regards to training, outreach, recruitment and processing of formal and informal complaints.

The fiscal note costs are all directly related to the re-opening of the Anchorage office of Equal Employment Opportunity, which would provide technical and practical assistance in affirmative action training, outreach, recruitment and complaints investigation for the Anchorage and Fairbanks region.

The personal services costs are for an EEO Officer III, EEO Officer II and a clerk-typist III. The travel allocation covers four trips annually to Fairbanks for outreach, training and technical compliance reviews. Contractual funds cover installation of three telephones and long distance charges; installation and annual lease costs for the terminal and line printer; typewriter lease and industry technical publications. The supplies allocation includes in the first year costs to stock the office while first year equipment costs represent purchase of three telephones.

1.	POSITION TITLE Clerk-Typist III				RANGE/STEP 8-A	DEPT. UNIT K	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	HP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 92	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	Type of EXPENDITURE				<p>Prior to closing the Anchorage office in FY 83, support was provided by a shared clerk-typist III, the PCN being in the Division of Personnel and part of the salary and benefit costs borne by this division. With the reopening of the Anchorage office, a full-time clerical position will be necessary to support the two professionals.</p>					
	PERSONAL SERVICES		AMOUNT							
5.	Salary	18.7								
6.	Benefits	2.7								
7.	Supplemental Benefits	1.2								
8.	Fixed Benefits	.4								
9.	TOTAL PERSONAL SERVICES	01	23.0							
10.	Travel	02	0							
11.	Contractual	03	2.5							
12.	Commodities	04	1.3							
13.	Equipment	05	.3							
14.	Other		0							
15.	TOTAL COST		27.1							
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.		G.F. Match 1003								
19.		General Funds 1004								
20.		I-A Receipts 1005								
21.		Program Receipts 1028								
		Other								
FOR BSM USE ONLY										
4A KEY NUMBER										

13 REQUEST FOR
NEW POSITION

AGENCY Administration
 PROGRAM Labor Services
 DRU Equal Employment Opportunity
 COMPONENT _____

Page 1 of 2
 Required Data _____

FY 85

1.	POSITION TITLE EEO Officer II				RANGE/STEP 16-A	BARG. UNIT K	FORM 12	PAGE/LINE	CONV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	HP NUMBER	PCN NUMBER	HRP PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 92		CCG.		
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	Type of EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary	31.0									
6.	Benefits	4.3									
7.	Supplemental Benefits	1.9									
8.	Fixed Benefits	.6									
9.	TOTAL PERSONAL SERVICES	01		37.8							
10.	Travel	02		1.1							
11.	Contractual	03		6.8							
12.	Commodities	04		1.2							
13.	Equipment	05		.3							
14.	Other			0							
15.	TOTAL COST			47.2							
16.	RECEIPT CODE	FUNDING SOURCE									
17.		Federal Receipts 1002									
18.		G.F. Match 1003									
19.		General funds 1004									
20.		I-A Receipts 1005									
21.		Program Receipts 1020									
		Other									
FOR BSM USE ONLY											
4A KEY NUMBER											

Due to increased program responsibility within the central office, the EEO Officer II position formerly in Anchorage was moved to Juneau and filled at the EEO Officer I level. With the reopening of the Anchorage office, there is a need for two professional staff persons to handle the complaints, outreach and recruitment responsibilities for the Anchorage and Fairbanks areas. Prior to closing the Anchorage office, staff included an EEO Officer III, EEO Officer II and part-time clerk-typist III. Program requirements have increased and a comparable size staff will be required to meet the stated goals and objectives of the administration.

13 REQUEST FOR
NEW POSITION

AGENCY Administration
 PROGRAM Labor Services
 DRU Equal Employment Opportunity
 COMPONENT _____

Page 2 of 2

FY 85



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, Outlines the powers and duties of the division.
lines 19-26

pg. 4, Outlines the division's role as liaison with state agencies.
lines 1-7

Pg.4, States that the division shall be asked to advise other executive branch departments and agencies on complaints of discrimination and other EEO questions.
lines 8-17

pg. 4, States that individuals filing charges against a state agency or department on discrimination matters shall also serve the division of EEO.
lines 18-22

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



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

SENATE STATE AFFAIRS COMMITTEE

MEETING SCHEDULE

February 13, Monday 3:00 pm

Senate Finance
Committee Room
Capitol Building

Joint Committee Meeting

Senate State Affairs, Senate Resources,
Senate Labor & Commerce Committees

Overview of the Alaska Power Authority

Feb 14, Tuesday 3:00 pm

Butrovich Room
Capitol Building

- HB 110 AVALANCHE FORECASTING
- SB 220 Establishing Capital Projects Advisory Commission
- SB 345 Relating to Architects
- SB 395 Creating Division of EEO
- HB 478 Permanent Fund Distribution Program
- HB 516 Appropriation for payment of 1983 fund dividends

February 16, Thursday

NO MEETING

February 17, Friday 1:30 pm

Anchorage
Leg. Affairs Info. Office
1024 W. 6th Ave.

- SB 345 Relating to Architects

'Vietnam veteran' definition wrong

Dear Editor:

The Thirteenth Legislature is now in session, and I would like to direct attention to Senate Bill 395. This bill pertains to equal employment opportunity, which I'm all for. The problem I have, and a lot of veterans have, is with the "definitions" part of the bill, and I quote from the bill:

(C) "Vietnam era veteran" means a person with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any

period between August 4, 1964, and November 7, 1975; membership in the class lasts for a period of four years from the date on which the veteran is honorably discharged from the armed forces.

This bill may be good on the whole, but it's wrong to say that membership in the class "Vietnam era veteran" ends four years after discharge. It's also too bad that the effects of that war on the veteran didn't end within a four-year period after discharge.

Maybe the State Affairs Committee, and anyone involved in the writing of this bill, should think about the way they worded that

part of the bill and remember that like an old marriage they will be "Vietnam era veterans" until they die.

My father is a World War II veteran and has never had anyone tell him he could only be classified as one for a certain period of time after he was discharged. In fact I don't know of any other "war veterans" who have had a time limit put on them as far as being classified as a "veteran," so why are we starting now?

Mari A. Burke
P.O. Box
Juneau, 99802

S

B

405

SENATE STATE AFFAIRS COMMITTEE

Bill Number SB 405 Title Chargers/Pioneers Date received 2/3/84

Fiscal Note	Position Paper	Date requested	From	Amount	Date Rec'd Note	Rec'd Paper
		<u>4/15</u>				

CONTACTS

2/16/84 Lou Keller / mon

Backup list

~~SB 405~~
memo SB 405
Sectional &
position paper

HEARING INFORMATION

Go to finance / Jo Seph son

NOTES:

FINAL ACTION _____

DATE _____

① LOU KELLER, DIVISION OF PIONEER
BENEFITS, SHOULD BE HERE TO
TESTIFY.

② I NOTIFIED
THE OLDER
ALASKANS COMMISSION.

DOVE CALL SAID SHE WOULD BE HERE.

Alton Ray



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 *ST*
RE: SB 405 Notification of rate increases to pioneer home residents
DATE: February 21, 1984

SB 405 would require the Department of Administration to give written notice to all pioneer home residents 60 days before a rate increase is adopted. The bill would also require the Department of Administration to hold a hearing 30 days before the rate increase, and states that the Department shall take relevant matter into consideration before adopting the rate increase.

Fiscal impact

This bill has a zero fiscal note.

Back-up information


Fiscal note from the Department of Administration.
Position paper from the Department of Administration.

Position Paper

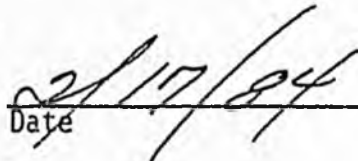
SB 405

This bill would require all residents of the Pioneers' Homes to be notified in writing of any proposed increase in the rate charges not less than sixty days before increase is adopted. This bill would allow rate increases only following public hearings. The Department supports a sixty-day notification period. The Department feels that "public hearings" on the rates paid by Pioneers' Home residents may involve a much more complicated process than currently exists. We know the actual costs of care in Pioneers' Homes increase over time. We are not confident that in public hearings residents would encourage rate increases. Regular public forums on costs of care could also raise the question of relative costs compared to care in private settings.

Whereas the Department supports the general concept of the adoption of regulations establishing the "rate for compensation" paid by residents of Alaska's Pioneers' Homes, we find this bill to be not necessary in that it primarily states the processes of promulgating regulations. That process already exists in other statutes.



E. Louis Keller, Director
Division of Pioneers' Benefits



Date

Commissioner Lisa Rudd
Department of Administration

Date