

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3670 HSTA HB 147 - HB 152

596

1	POSITION TITLE Equal Employment Officer II			RANGE/STEP 16 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 1	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY			2291	27,492				
5	BENEFITS			.1579	4340				
6	FICA			.0613	1685				
7	HEALTH INS.			150/mo.	1800				
8	TOTAL PERSONAL SERVICES			01	35,317				
9	TRAVEL			02	795				
10	CONTRACTUAL			03	4,333				
11	COMMODITIES			04	1,598				
12	EQUIPMENT			05					
13	OTHER								
14	TOTAL COST				42,043				
	CODE	FUNDING SOURCE							
15		FED RCPTS. 1002							
16		GF MATCH. 1002							
17		GEN. FUND 1001							
18		I-A RCPTS. 1005							
19		PGM RCPTS 1002							
20		OTHER							
21	CONTINUATION								
22	ADDITION		X	FOR B&M USE ONLY					
7A KEY NUMBER _____ COLUMN NO. _____									

JUSTIFICATION:

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

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

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

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Equal Employment Officer II				RANGE/STEP 16 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV	APPROV	DISAPP						
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 2	FORM 12	PAGE/LINE	LEG								
3	TYPE OF EXPENDITURE				JUSTIFICATION:											
	1	2	3													
4	PERSONAL SERVICES:				<p>These 3 positions will be necessary to implement the department affirmative action plan and program provisions of SB 248.</p> <p>Each of these positions will have the responsibility for 3 executive branch agencies. Their duties will include but not be limited to:</p> <ol style="list-style-type: none"> 1. Providing technical assistance to the agencies in preparation and implementation of affirmative action plans and programs which identify problems, establish goals and time tables, and set forth remedies; 2. Monitor agency programs to ensure that actions are implemented in order that all personnel practices, terms and conditions are non-discriminatory; 3. Assist agencies in evaluating their programs and plans and monitor work force statistics. 											
	SALARY	2291	27,492													
5	BENEFITS	.1579	4,340													
6	FICA	.0613	1,685													
7	HEALTH INS.	150/mo.	1,800													
8	TOTAL PERSONAL SERVICES		31	35,317												
9	TRAVEL		62	795												
10	CONTRACTUAL		62	4,333												
11	COMMODITIES		34	1,598												
12	EQUIPMENT		95													
13	OTHER															
14	TOTAL COST			42,043												
	CODE	FUNDING SOURCE														
15		FED RCPTS. 1002														
16		GF MATCH. 1003														
17		GEN. FUND 1004		42,043												
18		I-A RCPTS. 1005														
19		PGM RCPTS 1006														
20		OTHER														
21	CONTINUATION				FOR B&M USE ONLY											
22	ADDITION	X														
4A - KEY NUMBER				COLUMN NO.												

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

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REVISED DATE _____

FY 82

1	POSITION TITLE Equal Employment Officer II			RANGE/STEP 16 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV.	APPROV.	DISAPP.					
2	TYPE OF POSITION PFT	STAFF MONTHS	RP No.	PCN No.	PRIORITY 3	FORM 12 PAGE/LINE	LEG.							
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:								
	1	2	3											
4	PERSONAL SERVICES:				<p>These 3 positions will be necessary to implement the department affirmative action plan and program provisions of SB 248.</p> <p>Each of these positions will have the responsibility for 3 executive branch agencies. Their duties will include but not be limited to:</p> <ol style="list-style-type: none"> 1. Providing technical assistance to the agencies in preparation and implementation of affirmative action plans and programs which identify problems, establish goals and time tables, and set forth remedies; 2. Monitor agency programs to ensure that actions are implemented in order that all personnel practices, terms and conditions are non-discriminatory; 3. Assist agencies in evaluating their programs and plans and monitor work force statistics. 									
	SALARY	2291	27,492											
5	BENEFITS	.1579	4,340											
6	FICA	.0613	1,685											
7	HEALTH INS.	150/mo.	1,800											
8	TOTAL PERSONAL SERVICES		01	35,317										
9	TRAVEL		22	795										
10	CONTRACTUAL		25	4,333										
11	COMMODITIES		04	1,598										
12	EQUIPMENT		28											
13	OTHER													
14	TOTAL COST			42,043										
	CODE	FUNDING SOURCE												
15		FED RCPTS. 1002												
16		GF MATCH. 1003												
17		GEN. FUND 1001		42,043										
18		I-A RCPTS. 1005												
19		PGM RCPTS 1002												
20		OTHER												
21	CONTINUATION				FOR B&M USE ONLY									
22	ADDITION	X												
4A KEY NUMBER				COLUMN NO.										

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

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REVISED DATE _____

FY 82

1	POSITION TITLE Investigator III			RANGE/STEP 18 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS	RP No.	PCN No.	PRIORITY 4	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:			
	1	2	3						
4	PERSONAL SERVICES:								
4	SALARY	2640	31,680						
5	BENEFITS	.1579	5,003						
6	FICA	.0613	1,942						
7	HEALTH INS.	150/mo.	1,800						
8	TOTAL PERSONAL SERVICES		40,425						
9	TRAVEL		3,749						
10	CONTRACTUAL		4,833						
11	COMMODITIES		1,862						
12	EQUIPMENT								
13	OTHER								
14	TOTAL COST		50,869	<p>Sec. 39.28.020(6) which gives the Division of Equal Employment Opportunity enforcement powers will require the addition of 2 investigator positions. These positions will:</p> <ol style="list-style-type: none"> 1. Investigate charges alleging violations of affirmative action standards and procedures; 2. Collect and prepare evidence for the legal enforcement of affirmative action standards and procedures; 3. Interview and take statements from those alleging non-compliance and witnesses; 4. Analyze and evaluate evidence and assist legal counsel with complex or unusual problems relating to investigation and substantiation of the charge; 5. Appear as an expert witness for the prosecution in legal proceedings. 					
	CODE	FUNDING SOURCE							
15		FED RCPTS. 1002							
16		GF MATCH. 1002							
17		GEN. FUND 1001		50,869					
18		I-A RCPTS. 1005							
19		PGM RCPTS 1002							
20		OTHER							
21	CONTINUATION								
22	ADDITION	XX	FOR B&M USE ONLY						
7A KEY NUMBER _____ COLUMN NO. _____									

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

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13 REQUEST FOR NEW POSITION.



1	POSITION TITLE Investigator III			RANGE/STEP 18 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS	RP No.	PCN No.	PRIORITY 5	FORM 12 PAGE/LINE	LEG.		

3	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
4	PERSONAL SERVICES:		
	SALARY	2640	31,680
5	BENEFITS	.1579	5,003
6	FICA	.0613	1,942
7	HEALTH INS.	150/mo.	1,800
8	TOTAL PERSONAL SERVICES		40,425
9	TRAVEL		3,749
10	CONTRACTUAL		4,833
11	COMMODITIES		1,862
12	EQUIPMENT		
13	OTHER		
14	TOTAL COST		50,869

JUSTIFICATION:

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

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

	CODE	FUNDING SOURCE	
15		FED RCPTS.	
16		GF MATCH.	
17		GEN. FUND	50,869
18		I-A RCPTS.	
19		PGM RCPTS	
20		OTHER	

21	CONTINUATION		FOR B&M USE ONLY
22	ADDITION	X	

4A KEY NUMBER _____ COLUMN NO. _____

AGENCY Administration PROGRAM Labor Services

13 REQUEST FOR NEW POSITION.

BRU Equal Employment Opportunity
 COMPONENT Equal Employment Opportunity

FY 82

1	POSITION TITLE Training Specialist			RANGE/STEP 19 A	BARG. UNIT. Confid.	LOCATION Juneau	GOV	APPROV	DISAPP					
2	TYPE OF POSITION PFT	STAFF MONTHS	RP No.	PCN No.	PRIORITY 6	FORM 12 PAGE/LINE	LEG							
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:								
	1	2	3											
4	PERSONAL SERVICES:													
	SALARY	2837	34,044											
5	BENEFITS	.1579	5,376											
6	FICA	.0613	2,087											
7	HEALTH INS.	150/mo.	1,800											
8	TOTAL PERSONAL SERVICES		01	43,307	<p>Passage of SB 248 Sec. 39.28.020.(7) will require the addition of 1 Training Specialist position. The Training Specialist will have the responsibility for:</p> <ol style="list-style-type: none"> 1. Accessing the training needs of departments of the Executive Branch; 2. Developing and preparing seminars, workshops, bulletins, pamphlets, etc. to address the training needs identified through assessments or requests from departments; 3. Instruct/facilitate and coordinate training; 4. Follow-up on training to assure that it is effective. 									
9	TRAVEL		02	12,137										
10	CONTRACTUAL		03	5,835										
11	COMMODITIES		04	1,598										
12	EQUIPMENT		05											
13	OTHER													
14	TOTAL COST			62,877										
15	CODE	FUNDING SOURCE												
		FED RCPTS. 1992												
		GF MATCH. 1000												
		GEN. FUND 1001		62,877										
		I-A RCPTS. 1002												
		PGM RCPTS 1003												
		OTHER												
21	CONTINUATION													
22	ADDITION			X FOR B&M USE ONLY										
1A KEY NUMBER				COLUMN NO.										

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

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13 REQUEST FOR NEW POSITION.



POSITION TITLE Correspondence Secretary II				RANGE/STEP 10B	BARG. UNIT. G	LOCATION Juneau	GOV.	APPROV.	DISAPP.
TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 7	FORM 12	PAGE/LINE	LEG.		

TYPE OF EXPENDITURE		AMOUNT
1	2	3
PERSONAL SERVICES:		
SALARY	1,613	19,356
BENEFITS	.1579	3,056
FICA	.0613	1,187
HEALTH INS.	150/mo.	1,800
TOTAL PERSONAL SERVICES	01	25,399
TRAVEL	02	-0-
CONTRACTUAL	03	4,000
COMMODITIES	04	1,000
EQUIPMENT	05	10,800
OTHER		
TOTAL COST		41,199

JUSTIFICATION:

This position will be necessary to provide typing support for EEO Division staffing increase.

The position will type documents, reports, plans, letters, memos, etc. on sophisticated word processing equipment.

CODE	FUNDING SOURCE	
	FED RCPTS. 1002	
	GF MATCH. 1003	
	GEN. FUND 1004	41,199
	I-A RCPTS. 1005	
	PGM RCPTS 1028	
	OTHER	

1 CONTINUATION		FOR B&M USE ONLY
2 ADDITION	X	

4A. KEY NUMBER _____ COLUMN NO. _____

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

FY 82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
Part 1 of 2 Parts

I. REQUEST

Bill/Resolution No. CS for SB 248 (SA)
 Title Equal Employment Opportunity in the Executive Branch
 Requested by Senator Fisher Date April 24, 1981

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	295.9	319.6	345.2	372.8	402.6
200 TRAVEL	-0-	29.2	33.6	38.6	44.4	51.1
300 CONTRACTUAL	-0-	38.1	41.1	44.4	48.0	51.8
400 COMMODITIES	-0-	16.2	2.2	2.4	2.6	2.8
500 EQUIPMENT	-0-	10.8	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	390.2	396.5	430.6	467.8	508.3

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	390.2	396.5	430.6	467.8	508.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	8	8	8	8	8
PART TIME						
TEMPORARY						

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

A. ASSUMPTIONS:

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

B. PROGRAM SUMMARY:

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

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

(continued)

IV. DATE April 27, 1981 PREPARED BY Kaye Hogan
 AGENCY Division of Equal Employment Opportunity
 PHONE 465-3572

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

Part 1 of 2 Parts

CS for SB 248 (continued)

3. Develop procedures to identify and eliminate discriminatory selection and promotion practices and artificial practices not justified by business necessity, and develop and implement procedures to determine and resolve issues related to affirmative action plans;
4. Review and monitoring of affirmative action plans, programs, and employment system practices for compliance with equal employment opportunity laws and regulations;
5. Provide training in anti-discrimination laws and regulations to managers, supervisors, and employees; and,
6. Prepare annual affirmative action plan and report.

SB 248 will necessitate the addition of the following eight (8) positions:

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

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

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

<u>EXPENDITURES</u>	<u>EEO</u>	<u>ADMIN. SERVICES</u>
100	270.5	25.4
200	29.2	0
300	34.1	4.0
400	15.2	1.0
500	0	10.8
TOTAL	349.0	41.2

C. COMPUTATIONS:

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

1	POSITION TITLE Equal Employment Officer III			RANGE/STEP 18-A	BARG. UNIT. K	LOCATION Juneau	GOV	APPROV	DISA
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 1	FORM 12 PAGE/LINE	LEG		
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	\$2,640	\$31,680						
5	BENEFITS	15.79%	5,003						
6	FICA	6.13%	1,942						
7	HEALTH INS.	\$ 150/mo	1,800						
8	TOTAL PERSONAL SERVICES		01	\$40,425					
9	TRAVEL		02	3,749					
10	CONTRACTUAL		03	4,850					
11	COMMODITIES		04	2,178					
12	EQUIPMENT		05						
13	OTHER								
14	TOTAL COST			\$51,202					
JUSTIFICATION:									
This position is necessary to supervise the development and implementation of the Department Affirmative Action Plan and Program. Duties will include:									
1. Preparation and implementation of the affirmative action plan and program which identifies problems, establishes goals and time tables and sets forth remedies;									
2. monitoring the agencies program to ensure that actions are implemented to correct or eliminate discriminatory practices and conditions; and,									
3. preparing reports, statistical analysis, and evaluating program progress.									
	CODE	FUNDING SOURCE							
15		FED RCPTS. 1002							
16		GF MATCH. 1003							
17		GEN. FUND 1004			\$51,202				
18		I-A RCPTS. 1005							
19		PGM RCPTS 1028							
20		OTHER							
21	CONTINUATION				FOR B&M USE ONLY				
22	ADDITION	XXX							
4A KEY NUMBER _____ COLUMN NO. _____									

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

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REVISED DATE _____

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1	POSITION TITLE Equal Employment Officer III			RANGE/STEP 18-A	BARG. UNIT. K	LOCATION Juneau	GOV	APPROV	DISAP
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 2	FORM 12 PAGE/LINE	LEG		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:			
	1	2	3						
4	PERSONAL SERVICES: SALARY	\$2,640	\$31,680						
5	BENEFITS	15.79%	5,003						
6	FICA	6.13%	1,942						
7	HEALTH INS.	\$ 150/mo	1,800						
8	TOTAL PERSONAL SERVICES	01	\$40,425						
9	TRAVEL	02	3,749						
10	CONTRACTUAL	03	4,850						
11	COMMODITIES	04	2,178						
12	EQUIPMENT	05							
13	OTHER								
14	TOTAL COST		\$51,202						
	CODE	FUNDING SOURCE							
15		FED RCPTS. 1002							
16		GF MATCH. 1003							
17		GEN. FUND 1004		\$51,202					
18		I-A RCPTS. 1005							
19		PGM RCPTS 1028							
20		OTHER							
21	CONTINUATION		FOR B&M USE ONLY						
22	ADDITION	XXX							
AA KEY NUMBER		COLUMN NO.							

AGENCY Administration PROGRAM Labor Services

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13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Equal Employment Officer III			RANGE/STEP 18-A	BARG. UNIT. K	LOCATION Anchorage	GOV	APPROV	DISAP					
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 3	FORM 12	PAGE/LINE	LEG						
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:								
	1	2	3											
4	PERSONAL SERVICES: SALARY \$2,640		\$31,680		<p>This position is necessary to supervise the development and implementation of the Department Affirmative Action Plan and Program. Duties will include:</p> <ol style="list-style-type: none"> 1. Preparation and implementation of the affirmative action plan and program which identifies problems, establishes goals and time tables and sets forth remedies; 2. monitoring the agencies program to ensure that actions are implemented to correct or eliminate discriminatory practices and conditions; and, 3. preparing reports, statistical analysis, and evaluating program progress. 									
5	BENEFITS 15.79%		5,003											
6	FICA 6.13%		1,942											
7	HEALTH INS. \$ 150/mo		1,800											
8	TOTAL PERSONAL SERVICES 01		\$40,425											
9	TRAVEL 02		3,749											
10	CONTRACTUAL 03		4,850											
11	COMMODITIES 04		2,178											
12	EQUIPMENT 05													
13	OTHER													
14	TOTAL COST		\$51,202											
	CODE	FUNDING SOURCE												
15		FED RCPTS. 1002												
16		GF MATCH. 1003												
17		GEN. FUND 1004		\$51,202										
18		I-A RCPTS. 1005												
19		PGM RCPTS 1028												
20		OTHER												
21	CONTINUATION			FOR B&M USE ONLY										
22	ADDITION	XXX												
AA KEY NUMBER _____ COLUMN NO. _____														

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Equal Employment Officer II				RANGE/STEP 16-A	BARG. UNIT. K	LOCATION Juneau	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS. 12	RP No.	PCN No.	PRIORITY 4	FORM 12	PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:				
	1	2	3							
4	PERSONAL SERVICES: SALARY	\$2,291	\$27,492							
5	BENEFITS	15.79%	4,340							
6	FICA	6.13%	1,685							
7	HEALTH INS.	\$ 150/mo.	1,800							
8	TOTAL PERSONAL SERVICES	01	\$35,317							
9	TRAVEL	02	1,951							
10	CONTRACTUAL	03	4,550							
11	COMMODITIES	04	2,178							
12	EQUIPMENT	05								
13	OTHER									
14	TOTAL COST		\$43,996							
	CODE	FUNDING SOURCE								
15		FED RCPTS.	1002							
16		GF MATCH.	1003							
17		GEN. FUND	1074	\$43,996						
18		I-A RCPTS.	1005							
19		PGM RCPTS	1028							
20		OTHER								
21	CONTINUATION									
22	ADDITION	XXX		FOR B&M USE ONLY						
4A KEY NUMBER				COLUMN NO.						

This position is necessary to supervise the development and implementation of the Department Affirmative Action Plan and Program. Duties will include:

1. Preparation and implementation of the affirmative action plan and program which identifies problems, establishes goals and time tables and sets forth remedies;
2. monitoring the agencies' to ensure that actions are implemented to correct or eliminate discriminatory practices and conditions; and,
3. preparing reports, statistical analysis, and evaluating program progress.

AGENCY Administration PROGRAM Labor Services

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13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Equal Employment Officer II				RANGE/STEP 16-A	BARG. UNIT. K	LOCATION Juneau	GOV	APPROV	DISAPP							
2	TYPE OF POSITION PFT	STAFF MONTHS. 12	RP No.	PCN No.	PRIORITY 5	FORM 12	PAGE/LINE	LEG.									
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:											
	1	2	3														
4	PERSONAL SERVICES: SALARY \$2,291		\$27,492	<p>This position is necessary to supervise the development and implementation of the Department Affirmative Action Plan and Program. Duties will include:</p> <ol style="list-style-type: none"> 1. Preparation and implementation of the affirmative action plan and program which identifies problems, establishes goals and time tables and sets forth remedies; 2. monitoring the agencies' to ensure that actions are implemented to correct or eliminate discriminatory practices & conditions; and, 3. preparing reports, statistical analysis, and evaluating program progress. 													
5	BENEFITS 15.79%		4,340														
6	FICA 6.13%		1,685														
7	HEALTH INS. \$ 150/mo.		1,800														
8	TOTAL PERSONAL SERVICES		01 \$35,317														
9	TRAVEL		02 1,951														
10	CONTRACTUAL		03 4,550														
11	COMMODITIES		04 2,178														
12	EQUIPMENT		05														
13	OTHER																
14	TOTAL COST		\$43,996														
	CODE	FUNDING SOURCE															
15		FED RCPTS. 1002															
16		GF MATCH. 1003															
17		GEN. FUND 1004		\$43,996													
18		I-A RCPTS. 1005															
19		PGM RCPTS 1028															
20		OTHER															
21	CONTINUATION		FOR B&M USE ONLY														
22	ADDITION	XXX															
4A KEY NUMBER				COLUMN NO.													

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COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

1	POSITION TITLE Equal Employment Officer II			RANGE/STEP 16-A	BARG. UNIT. K	LOCATION Anchorage	GOV.	APPROV.	DISAPP.					
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 6	FORM 12 PAGE/LINE	LEG.							
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:								
	1	2	3											
4	PERSONAL SERVICES:				<p>This position is necessary to supervise the development and implementation of the Department Affirmative Action Plan and Program. Duties will include:</p> <ol style="list-style-type: none"> 1. Preparation and implementation of the affirmative action plan and program which identifies problems, establishes goals and time tables and sets forth remedies; 2. monitoring the agencies' to ensure that actions are implemented to correct or eliminate discriminatory practices and conditions; and, 3. preparing reports, statistical analysis, and evaluating program progress. 									
	SALARY	\$2,291	\$27,492											
5	BENEFITS	15.79%	4,340											
6	FICA	6.13%	1,685											
7	HEALTH INS.	\$ 150/mo.	1,800											
8	TOTAL PERSONAL SERVICES	01	\$35,317											
9	TRAVEL	02	1,951											
10	CONTRACTUAL	03	4,550											
11	COMMODITIES	04	2,178											
12	EQUIPMENT	05												
13	OTHER													
14	TOTAL COST		\$43,996											
	CODE	FUNDING SOURCE												
15		FED RCPTS. 1002												
16		GF MATCH. 1003												
17		GEN. FUND 1004		\$43,996										
18		I-A RCPTS. 1005												
19		PGM RCPTS 1028												
20		OTHER												
21	CONTINUATION				FOR B&M USE ONLY									
22	ADDITION	XXX												
4A KEY NUMBER				COLUMN NO.										

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

Page 6 of 8

REVISED DATE _____

13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Training Specialist				RANGE/STEP 19-A	BARG. UNIT. K	LOCATION Juneau	GOV.	APPROV.	DISAP.						
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 7	FORM 12 PAGE/LINE		LEG.								
3	TYPE OF EXPENDITURE				JUSTIFICATION:											
	1	2	3													
4	PERSONAL SERVICES:				<p>Passage of SB 248 Sec. 39.28.020(7) will require the addition of 1 Training Specialist position. The Training Specialist will have the responsibility for:</p> <ol style="list-style-type: none"> 1. Accessing the training needs of departments of the Executive Branch; 2. Developing and preparing seminars, workshops, bulletin pamphlets, etc. to address the training needs identified through assessments or requests from departments; 3. Instruct/facilitate and coordinate training; and, 4. Follow-up on training to assure that it is effective. 											
5	SALARY	\$2,837	\$34,044													
6	BENEFITS	15.79%	5,376													
7	FICA	6.13%	2,087													
8	HEALTH INS.	\$ 150/mo.	1,800													
9	TOTAL PERSONAL SERVICES	01	\$43,307													
10	TRAVEL	02	12,137													
11	CONTRACTUAL	03	5,850													
12	COMMODITIES	04	2,178													
13	EQUIPMENT	05														
14	OTHER															
15	TOTAL COST		\$63,472													
	CODE	FUNDING SOURCE														
15		FED RCPTS. 1002														
16		GF MATCH. 1003														
17		GEN. FUND 1004		\$63,472												
18		I-A RCPTS. 1005														
19		PGM RCPTS 1028														
20		OTHER														
21	CONTINUATION															
22	ADDITION	X			FOR B&M USE ONLY											
4A KEY NUMBER				COLUMN NO.												

AGENCY Administration PROGRAM Labor Services

BRU Equal Employment Opportunity

COMPONENT Equal Employment Opportunity

13 REQUEST FOR NEW POSITION.

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REVISED DATE _____

FY 82

1	POSITION TITLE Correspondence Secretary II				RANGE/STEP 10-B	BARG. UNIT. G	LOCATION Juneau	GOV	APPROV	DISAPP						
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 8	FORM 12	PAGE/LINE	LEG.								
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:										
	1	2	3													
4	PERSONAL SERVICES:				<p>This position will be necessary to provide typing support for EEO Division staffing increase.</p> <p>The position will type documents, reports, plans, letters, memos, etc. on sophisticated word processing equipment.</p>											
5	SALARY	\$1,613	\$19,356													
6	BENEFITS	15.79%	3,056													
7	FICA	6.13%	1,187													
8	HEALTH INS.	\$ 150/mo	1,800													
9	TOTAL PERSONAL SERVICES	01	\$25,399													
10	TRAVEL	02														
11	CONTRACTUAL	03	4,000													
12	COMMODITIES	04	1,000													
13	EQUIPMENT	05	10,800													
14	OTHER															
15	TOTAL COST		\$41,199													
	CODE	FUNDING SOURCE														
15		FED RCPTS. 1002														
16		GF MATCH. 1003														
17		GEN. FUND 1004		\$41,199												
18		I-A RCPTS. 1005														
19		PGM RCPTS 1028														
20		OTHER														
21	CONTINUATION				FOR B&M USE ONLY											
22	ADDITION	X														
4A	KEY NUMBER			COLUMN NO.												

AGENCY Administration PROGRAM Centralized Administrative Services

BRU Administrative Services

COMPONENT WP/AS

13 REQUEST FOR NEW POSITION.

Page 8 of 8

REVISED DATE _____

FY 82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
Part 2 of 2 Parts

I. REQUEST
 Bill/Resolution No. CS for SB 248 (SA)
 Title Equal Employment Opportunity in the Executive Branch
 Requested by Senator Fisher Date April 24, 1981

II. FISCAL DETAIL
 Agency Affected All Departments and the Office of the Governor
 Program Category Affected All
 BRU, Program, or Subprogram(s) Affected All
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	565.5	610.7	659.6	712.4	769.4
200 TRAVEL	-0-	41.9	48.2	55.4	63.7	73.3
300 CONTRACTUAL	-0-	70.4	76.0	82.1	88.7	95.8
400 COMMODITIES	-0-	32.7	3.8	4.1	4.4	4.8
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	710.5	738.7	801.2	869.2	943.3

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	710.5	738.7	801.2	869.2	943.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	15	15	15	15	15
PART TIME						
TEMPORARY						

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

A. ASSUMPTION:

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

B. PROGRAM SUMMARY:

CS SB 248 Sec. 4 amends AS 44.17 to outline the EEO/AA program areas and responsibilities for the principal executive officer of each state department. Key elements include:

1. The preparing, adopting, and implementing an affirmative action plan;
2. the employing by each state department of an equal employment officer to

IV. DATE April 27, 1981 PREPARED BY Kaye Hogan (continued)
 AGENCY Division of Equal Employment Opportunity
 PHONE 465-3570

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

Part 2 of 2 Parts

CS for SB 248 (continued)

supervise the development and implementation of the department's Affirmative Action program.

CS SB 248 will necessitate the addition of at least one equal employment officer in fourteen of the fifteen executive branch agencies. Funding for the program will be general funds and will be allocated as follows:

AGENCY	POSITION TITLE	100 PERSONNEL SVC.	200 TRAVEL	300 CONTRACTUAL	400 COMMODITIES	TOTAL
Governor's Off.	EEO II	35,317	1,951	4,550	2,178	43,996
Administration	EEO III	40,425	3,749	4,850	2,178	51,202
Law	EEO II	35,317	1,951	4,550	2,178	43,996
Revenue	EEO III	40,425	3,749	4,850	2,178	51,202
Education	EEO II	35,317	1,951	4,550	2,178	43,996
Health & Social Services	EEO III	40,425	3,749	4,850	2,178	51,202
Health & Social Services	EEO II	35,317	1,951	4,550	2,178	43,996
Labor	EEO III	40,425	3,749	4,850	2,178	51,202
Commerce & Economic Dev.	EEO II	35,317	1,951	4,550	2,178	43,996
Military Affairs	EEO II	35,317	1,951	4,550	2,178	43,996
Natural Resources	EEO III	40,425	3,749	4,850	2,178	51,202
Fish & Game	EEO III	40,425	3,749	4,850	2,178	51,202
Public Safety	EEO III	40,425	3,749	4,850	2,178	51,202
Environmental Conservation	EEO II	35,317	1,951	4,550	2,178	43,996
Community & Regional Affairs	EEO II	35,317	1,951	4,550	2,178	43,996
TOTALS		565,511	41,851	70,350	32,670	710,382

The travel funds are necessary for the equal employment officers to implement program activities in their agencies statewide. Contractual services include telephones, printing, office space, etc. Commodities are for desk top supplies such as pencils, pens, paper, etc. and major office items under \$500.00 such as desks, chairs, calculators, bookcases, etc.

C. COMPUTATIONS:

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

1	POSITION TITLE Equal Employment Officer III (7 positions)				RANGE/STEP 18-A	BARG. UNIT. K	LOCATION Juneau	GOV	APPROV	DISAPP						
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 4	FORM 12	PAGE/LINE	LEG								
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:										
	1	2	3													
4	PERSONAL SERVICES:															
	SALARY	\$2,640	\$31,680													
5	BENEFITS	15.79%	5,003													
6	FICA	6.13%	1,942													
7	HEALTH INS.	\$ 150/mo	1,800													
8	TOTAL PERSONAL SERVICES		01	\$40,425	<p>This position is necessary to supervise the development and implementation of the Department Affirmative Action Plan and Program. Duties will include:</p> <ol style="list-style-type: none"> 1. Preparation and implementation of the affirmative action plan and program which identifies problems, establishes goals and time tables and sets forth remedies; 2. monitoring the agencies program to ensure that actions are implemented to correct or eliminate discriminatory practices and conditions; and, 3. preparing reports, statistical analysis, and evaluating program progress. <p>NOTE: See page 2 of part 2 for allocation of this class to specific agencies.</p>											
9	TRAVEL		02	3,749												
10	CONTRACTUAL		03	4,850												
11	COMMODITIES		04	2,178												
12	EQUIPMENT		05													
13	OTHER															
14	TOTAL COST			\$51,202												
	CODE	FUNDING SOURCE														
15		FED RCPTS. 1002														
16		GF MATCH. 1003														
17		GEN. FUND 1004		\$51,202												
18		I-A RCPTS. 1005														
19		PGM RCPTS 1028														
20		OTHER														
21	CONTINUATION			FOR B&M USE ONLY												
22	ADDITION	XXX														
AA KEY NUMBER _____				COLUMN NO. _____												

AGENCY Department of Revenue PROGRAM ALL

BRU ALL

COMPONENT ALL

Page 1 of 2

REVISED DATE _____

13 REQUEST FOR NEW POSITION.

FY 82

1	POSITION TITLE Equal Employment Officer II (8 positions)			RANGE/STEP 16-A	BARG. UNIT. K	LOCATION Juneau	GOV.	APPROV.	DISAPP.					
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY 1	FORM 12	PAGE/LINE	LEG.						
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:								
	1	2	3											
4	PERSONAL SERVICES:													
	SALARY	\$2,291	\$27,492											
5	BENEFITS	15.79%	4,340											
6	FICA	6.13%	1,685											
7	HEALTH INS.	\$ 150/mo.	1,800											
8	TOTAL PERSONAL SERVICES		01	\$35,317	<p>This position is necessary to supervise the development and implementation of the Department Affirmative Action Plan and Program. Duties will include:</p> <ol style="list-style-type: none"> 1. Preparation and implementation of the affirmative action plan and program which identifies problems, establishes goals and time tables and sets forth remedies; 2. monitoring the agencies' to ensure that actions are implemented to correct or eliminate discriminatory practices and conditions; and, 3. preparing reports, statistical analysis, and evaluating program progress. <p>NOTE: See page 2 of part 2 for allocation of this class to specific agencies.</p>									
9	TRAVEL		02	1,951										
10	CONTRACTUAL		03	4,550										
11	COMMODITIES		04	2,178										
12	EQUIPMENT		05											
13	OTHER													
14	TOTAL COST			\$43,996										
	CODE	FUNDING SOURCE												
15		FED RCPTS. 1002												
16		GF MATCH. 1003												
17		GEN. FUND 1004		\$43,996										
18		I-A RCPTS. 1005												
19		PGM RCPTS 1008												
20		OTHER												
21	CONTINUATION			FOR B&M USE ONLY										
22	ADDITION	XXX												
4A KEY NUMBER _____				COLUMN NO. _____										

AGENCY Office of the Governor PROGRAM ALL

BRU ALL

COMPONENT ALL

13 REQUEST FOR NEW POSITION

PETER C. ROBERTSON
3829-N, WOODROW STREET
ARLINGTON, VA 22207
(703) KEG-9287

SB 248

TO: Niel Thomas
Executive Director
Human Rights Commission

DATE: March 19, 1981

FILE NO:

TELEPHONE NO:

FROM: Peter C. Robertson

SUBJECT: Program of Affirmative
Action in Alaska State
Government Employment

INTRODUCTORY:

At your request, and pursuant to contract number ASCHR-PS-21, I attended a meeting of the Alaskan State Commission for Human Rights in Anchorage, Alaska on Friday, January 16, 1981 together with members of the agency Senior Staff, Attorney General Wilson Condon, and Assistant Attorney General Carolyn Jones. Among the issues discussed was the nature and extent of potential employment discrimination in Alaska State government and the appropriate role of the Human Rights Commission in working with other government agencies and officials to deal with that discrimination.

As I perceived it, the goal of all those present was to find a responsible way to identify potential systemic discrimination in State government employment and to develop a program for the elimination of such potential discrimination voluntarily rather than through an enforcement mechanism involving either the action of the Alaskan Human Rights Commission under State law or potential law suits by private parties and/or the Federal government. At the conclusion of the meeting you asked that I prepare a memo outlining my thoughts on the discussion and possible ideas for a program to implement these goals. The material outlined below responds to that request. It should not be read as a rigid specific action plan but rather as a list of my thoughts concerning the potential elements that might be in such a plan together with some background material that leads me to those thoughts.

Before presenting my outline there is one overriding thought I wish to express. I was consistently impressed throughout my entire visit with the ability and high-level of commitment of all of the Alaska State officials with whom I had the pleasure and opportunity to meet. The State is particularly fortunate in having a group of Commissioners such as those who serve on the State Commission for Human Rights. Those Commissioners are, in turn, fortunate in having a highly skilled and dedicated staff including yourself, your attorney, and the group of managers with whom I met.

Without in any way detracting from these statements I would particularly single out Attorney General Condon, and Assistant Attorney General Jones who serves both him and your Commission. The office of Attorney General in the 50 states is confronted with an extremely delicate law enforcement/ political/managerial problem. As the chief law enforcement official for the State the Attorney General has an obligation to see that the laws are effectively administered and enforced. Your State Human Rights Law specifically assigns to him the responsibility that he assist your agency in enforcing the laws prohibiting discrimination. At the same time, as counsel for State agencies in their capacity as employers he has an obligation to defend them if and when they are the subject of legal proceedings. This extremely difficult role which requires a major effort to balance apparently conflicting obligations is one that many Attorneys General don't even understand much less handle in a responsible fashion. I was extremely impressed with the extent to which your Attorney General not only understood the sensitivity of his dual role but also was prepared to deal with it by providing State government agencies in their capacity as employers with responsible advice on the nature of the obligations they confront in complying with anti-discrimination law, yet at the same time standing ready to defend them should an adversary proceeding arise. I consider his understanding of the problem and his willingness to devote both his own personal energies and the resources of his Assistant Attorney General to its solution to be one of the most significant assets which the State of Alaska has at this time.

I. BACKGROUND OF THE PROBLEM:

The background of this issue involves the evolving legal definition of employment discrimination, the failure of most employers to understand the definition, and the unique problems which are confronted in achieving voluntary compliance within the context of the State government:

A. Nature of Discrimination:

When Title VII of the Civil Rights Act of 1964 was first passed, employment discrimination was perceived by most human beings and by the legal system pretty much as it was then defined in the average dictionary. Discrimination was a synonym for bias, bigotry or prejudice. Discrimination involved deliberate or intentional acts subjectively motivated by an evil state of mind against Blacks, Natives, Indians, Chicanos, or women. The Federal administrative agency assigned to enforce the law (EEOC) quickly understood that the underlying statistical problems which had led to the passage of anti-discrimination

legislation (the gap in the unemployment rate, the gap in occupational distribution, and the gap in wage rates between minorities and women and their counterparts) would simply not yield to a law enforcement strategy that focused only on identifying and eliminating bias. Based upon a careful analysis of the legislative history, EEOC rapidly developed a "systemic" definition of discrimination which looked initially at those elements in the employers' practices which had an adverse impact on minorities and women (contributing to the statistics outlined above) and then shifted the burden of proof to the employer to justify the business necessity of those practices. In short, systemic discrimination was said to exist if an employment practice had an adverse impact and could not be justified by business necessity. The business necessity justification focuses on two elements:

- does the practice with the adverse impact contribute to the safe and efficient operation of the business, and
- does the employer have a responsible alternative practice that would equally well achieve the business purpose advanced with a lesser adverse racial, sex or national origin impact?

In this context remedies sought by EEOC and enforced by the courts rapidly shifted from isolated actions designed to "make whole" individual victims of bias. In addition the courts identified systems with an adverse impact that could not be justified and required employers to eliminate them and substitute new systems that would both eliminate adverse impact and serve the employers' legitimate business (or "operational") needs.

B. Employer Perception of this Change:

One of the most serious problems that confronted agencies in obtaining voluntary compliance with anti-discrimination law was the fact that most employers failed to perceive the nature of the change in the legal standard. This phenomenon was pointed out by committees in both Houses of Congress in 1972 when they reviewed the 1964 voluntary conciliation mechanism which had originally been established for Title VII. Both Houses of Congress advanced the hypothesis that the voluntary conciliation mechanism had failed primarily because the average employer lacked the "technical perception" to recognize that

its system was discriminatory. This led to a fundamental disagreement with the government officials attempting to achieve voluntary compliance and the resulting impact led Congress to give EEOC enforcement power, in a sense, to provide some muscle which would encourage the employers to begin thinking systemically.

C. Status of Voluntary Remedies Under Federal Law:

The evolution of federal law provides a broad and strong platform for responsible voluntary affirmative action including action of a race- sex- or national origin-conscious nature. That evolution has the following elements:

1.) Definition of Discrimination:

In the case of Griggs v. Duke Power the Supreme Court adopted the view that an employment practice which "operates to exclude" minorities and women¹ is illegal unless it could be demonstrated to meet the business necessity standard.

2.) Alternate Practices and Remedies:

In Moody v. Albamarle Paper Company the Supreme Court held that the business necessity justification required an employer not only to justify the practice but to deal with the possibility that there were alternate practices available

1 In actuality Griggs was a "Black" case, but the principle was later extended to women in the Dothard case as extending to all protected race, sex, ethnic and religious groups under Title VII.

which have a lesser adverse impact.² Moody also imposed strong backpay remedies and gave as one policy reason for doing so that the relatively certain prospect of remedies would become a catalyst to inspire employers to voluntary compliance.

-
- 2 There is some dispute under Federal law as to precisely where the burden of proof rests on the issue of identifying alternatives. For example, in Moody the Supreme Court stated that even if an employer demonstrates that a test is valid it is still open to the charging party to show the availability of a suitable alternative practice. This has led to a dispute between government enforcement agencies and employers as to where the burden lies, with some government enforcement agencies saying that the employer has a burden to demonstrate the absence of an alternative and some employers stating that the government has the full obligation to show the availability of the alternative. The government somewhat straddled this burden of proof issue in the Uniform Guidelines on Employee Selection Procedures where it stated the principle that if there were alternatives available the employer had to use them and imposed upon an employer a burden of seeking out such alternatives as part of any validation study. It appears that this dispute is irrelevant under the Alaska Law because, consistent with the holding of your State Supreme Court in the Wondzell case it appears that you have adopted a somewhat broader interpretation than the federal uniform guideline. I refer, of course, to the language in proposed section 910(c) of your new regulations which section holds, in relevant part that:

(c) In employment it is a defense to a complaint of unlawful discrimination to establish by clear and convincing evidence that a distinction prohibited by A.S. 18.80.220(a)(1) is required by business necessity or the reasonable demands of the position. "Business necessity" or "reasonable demands of the position" means that the distinction is necessary to the safe and efficient operation of the business; the business purpose is sufficiently compelling to override any discriminatory impact; the challenged business practice efficiently carries out the business purpose it is alleged to serve, and there is no available or acceptable policy or practice which would better accomplish the business purpose advanced to accomplish it equally well with less discriminatory impact on the complainant.

3.) Voluntary Compliance and Affirmative Action:

In the Weber case the Supreme Court noted that the incentive towards the voluntary compliance which it anticipated in Moody had, in fact, begun to bear fruit and that employers had begun to develop a fairly wide range of remedies including numerical remedies of a race-, sex-, ethnic or national origin conscious nature³. In the Weber case the employer had changed the system by which employees entered into craft jobs (by eliminating a previous experience requirement and substituting an in-house training program) and had provided for a voluntary numerical remedy of a race-conscious nature (50% of the training positions were to be opened for Black employees even if this required entry into the training program out of seniority order). The Supreme Court held that the new system was not prohibited by Title VII because the voluntary action mirrored the purposes of Title VII, it did not unnecessarily trammel the rights of White workers, it did not provide absolute preference for Blacks, and it was temporary.

The Supreme Court specifically suggested that an employer confronted with the problems which the Kaiser Aluminum Company perceived could either deal with those problems by waiting for court or administrative enforcement or it could deal with them by methods of its own choosing within the framework of "traditional management perogatives". Obviously the Court saw a policy preference for voluntary action. (Incidentally, even though we did not discuss the Weber case during the meeting in your office, the language which the Supreme Court used in the last several paragraphs of Weber parallel the statements made by Attorney General Condon during our meeting, in which he pointed out the advantage to his clients (state government agencies in their employing capacity), of developing their own changes without having remedies imposed upon them by an enforcement process).

3 While Weber dealt only with private employment and with race-conscious voluntary action, its reasoning clearly would apply to the wide range of groups covered by Title VII and to all employers including governmental.

D. APPLICATIONS OF THESE THOUGHTS TO STATE GOVERNMENT AS AN EMPLOYER:

Several additional comments are appropriate as the above outline of principles are applied to state government in its capacity as an employer:

1.) Same principles apply:

When Congress extended Title VII to cover government (federal, state and local) as an employer in 1972 both Houses of Congress made legislative history that the laws were to be interpreted to prohibit discrimination in state government in the same fashion as had already been accomplished in the private sector. Both Houses in their committee reports pointed out that government employment had the same kind of systemic discrimination problems that had been found to exist in the private sector.

While most of the discussion of specific employment discrimination focused on the Federal government and the quotations which I am outlining below were directed at the practices of the Federal government there was language elsewhere in the reports suggesting that the same employment discrimination problems existed in state government and that the same legal principles should apply in dealing with them.

The report of the House Committee on education and labor directed the attention of the Federal government to "its own practices and procedures which themselves may raise questions of systemic discrimination". The same report stated that it was important for those who administered the government's personnel systems to gain "expertise in recognizing and isolating the various forms of discrimination which exist in the system" (emphasis added) and the report stated, further, that discrimination in employment was no longer "a problem of malicious intent on the part of individuals" but required, instead, an examination of:

"Civil Service selection and promotion requirements [which are] replete with artificial selection and promotion requirements which place a premium on paper credentials which frequently prove of questionable value as a means of predicting actual job performance."

In similar language, the Senate Committee on Labor and Public Welfare (Legislative History, pp. 423-425) said that the evolving definition of discrimination should be applied to government employment practices and that it was important to note that "discrimination is institutional, rather than merely a matter of bad faith".

The Committee paralleled the House Committee language and urged the development of expertise "in recognizing and isolating the various forms of discrimination which exist in the system". It directed the Civil Service Commission to deal with "the various forms of systemic discrimination in the system." It questioned the assumption "that employment discrimination in the Federal government is solely a matter of malicious intent on the part of individuals" and specifically picked up the technical perception language that it had earlier applied to the private sector by noting:

"Civil service selection and promotion techniques and requirements are replete with artificial requirements that place a premium on paper credentials. Similar requirements in the private sectors of business have often proven of questionable value in predicting job performance and have often resulted in perpetuating existing patterns of discrimination (see e.g., Griggs v. Duke Power, supra, note 1)."

The Committee urged:

"A thorough reexamination of [the Federal government's] entire testing and qualification program to ensure that the standards enunciated in the Griggs case are fully met."

It urged the development of "remedies...to correct systemic discrimination...".

In terms of substantive standards to be applied to all areas of new jurisdiction, including the Federal government as an employer, the section-by-section analysis of the Conference Committee report said (Legislative History, p. 1894) that:

"In any area where the law does not address itself, or any areas where a specific contrary intention is not indicated, it was assumed that the present case law as developed by the courts would continue to govern the applicability and construction of Title VII." (Emphasis added)

The Supreme Court, incidentally, has also spoken to this issue since the passage of the 1972 Act, when it said in Morton v. Mancari, (1974) that:

"In general...the substantive anti-discrimination law embraced in Title VII was carried over [by the 1972 Act] and applied to the Federal government."

This, then, is the context in which Congress decided to extend the jurisdiction of Title VII to cover federal, state and local governments as employers.

2. Problems of Voluntary Compliance in State Government:

During our meeting Attorney General Condon and others pointed out that one of the problems of achieving voluntary compliance in state government was the misplaced perception on the part of most state government managers that if they had eliminated bias, bigotry and prejudice from their employment practices they were in compliance. As I understood the conversation it was generally accepted that many managers and department heads in state government in Alaska were unaware of the changing legal technology which held them responsible for their employment systems and practices which might have an adverse impact and be unjustifiable by the business necessity standard. The situation in Alaska is by no means unique. We have already pointed out (see p. 3, paragraph B above) that voluntary compliance by private employers (prior to 1972) was often not forthcoming because those employers, their personnel managers and their attorneys, lacked the "technical perception" to understand systemic discrimination and to recognize that their own employment systems were potentially discriminatory. In the same committee reports Congress pointed out that this

lack of an appropriate technical perception of systemic discrimination which had dogged the footsteps of private employers could also be attributed to governmental employers.

While the committee reports in commenting on a governmental lack of technical perception concerning systemic discrimination were directed primarily to the federal government in its capacity as an employer it is clear from the context that Congress believed the same problem, as already identified during our discussion in Anchorage, could be attributed to State government managers, attorneys, and personnel officials. Thus, I believe, if any program of voluntary compliance to eliminate potential systemic discrimination is to be successful in the State of Alaska it must specifically address the technical perception of Alaskan State government managers and department heads and assist them in understanding the present State of the law and in understanding what we came to call during our meeting the "no fault" approach. This should lead them to understand that by adopting and implementing voluntary remedies, they are in no way conceding that they have been "bad" or "blameworthy" in the past.

3.) Unique Problems of State Government.

Having suggested that the nature of systemic discrimination and the problems of the managerial technical perception in state government parallel those previously identified in the private sector, it is important to recognize that there is one particularly unique aspect of the state government situation which must be dealt with if a voluntary compliance program is to be effective. This unique element flows primarily from the fact that state government employment systems are established, in part, by the state statutes establishing state civil service or merit systems. A second element contributing to the unique problems which confronts state government is the political context within which a manager operates when he perceives a potential violation (or simply wants to avoid one) and takes voluntary action to change his practices. Because of these issues I believe that a state government voluntary affirmative action program will not work unless the chief legal officer of the state provides strong

support to state government managers and attorneys on two issues:

- that a state government civil service system mandating an employment system with an adverse impact is potentially illegal as a matter of federal and state law if it cannot be justified, and that a state government manager has the authority to modify that system to the minimal extent necessary to avoid a potential violation of federal law⁴.

- that a state government official has the authority to negotiate a voluntary conciliation settlement in the context of a specific complaint including, where appropriate, backpay.

4 There is a precedent for a state attorney general to proceed in this fashion. For example, in the early days of Title VII private employers were the target of complaints filed by females who were not hired and they defended on the ground that state "protective" laws prohibited the employment of women in certain positions (for example those working in excess of certain hours or requiring the lifting of certain weights). After a number of federal district courts had held that state protective laws mandating such exclusionary employment practices violated Title VII and were superceded thereby, attorneys general in other states began to issue attorney general opinions to state industrial commissions and similar agencies advising them that it was inappropriate to consider enforcing such state protective legislation. I believe a wide range of federal district and appellate court decisions establishing a principle that state civil service statutes are suspended to the extent necessary to provide compliance with Title VII would provide a basis for a state attorney general opinion advising state government that it could take these steps voluntarily without waiting for a lawsuit. As I understand it, there is a precedent for this in the State of Alaska in the form of an attorney general letter issued in December, 1964 advising the Human Rights Commission that the U.S. Constitution precluded a personnel rule then in effect limiting state employment to American citizens.

E. MANAGERIAL SYSTEM:

Effective voluntary compliance with federal anti-discrimination legislation through the mechanism of an affirmative action compliance plan requires the development of a managerial system. The suggestion in the Weber case that an employer with a potential violation can come into compliance either through a lawsuit or through means of its own choosing consistent with traditional management prerogatives has been mirrored in a wide range of court cases and federal regulations. For example, the Uniform Guidelines on Employee Selection Procedures adopted by five federal agencies and specifically applicable to the employment practices of state and local government advances the principle that an employment practice with an adverse impact can be dealt with by a state government employer either by attempting to justify the business necessity for the practice or by modifying the practice to eliminate its adverse impact. If the elimination of adverse impact over a three year period would, for example, require the hiring of 100 additional individuals, many private employers have found that the most effective way to reduce their potential liability is to treat the process of hiring those 100 additional employees as a managerial rather than an employment discrimination problem. In the same fashion that a company with a manufacturing reject rate of 10%, which desired to reduce the rate to 4% over three years would establish a managerial reporting system for each of its production lines on a monthly basis designed to assure that they were moving toward that goal, so have employers established managerial and reporting systems to assign goals to each manager to determine on a monthly, quarterly (or other appropriate) basis the extent to which each manager had contributed to the goal. An effective managerial system to achieve this would have, to the minimum, three elements, stages or levels:

- the enunciation by top management of the specific goal and the time by which it was to be achieved (reduce reject rate in three years; hire 100 minorities and women in three years etc.) and a requirement that each operating division establish a plan for meeting its portion of a goal and establish a system for reviewing the extent to which each individual manager contributed to the goal.

- the establishment of an operating plan for each operating division.
- the establishment of a performance review system designed to establish the obligations of each individual manager in terms of compliance including, but not limited to, a statement in the job description and performance requirements for each managerial position of the managerial responsibility⁵.

II. THE ALASKAN SITUATION:

Clearly the climate and situation in the State of Alaska is receptive to the development of a significant, responsible and effective affirmative action program for achieving voluntary compliance in state government. There is a good and comprehensive law on the books, and it has been interpreted effectively by the State Supreme Court to be at least as broad as Title VII of the Civil Rights Act of 1964.

III. SOME GENERAL BACKGROUND INFORMATION FROM OTHER STATES:

Before outlining some specific thoughts about an Alaskan program it is useful to outline some random thoughts about developments elsewhere:

A. Michigan -- A Coordinating Council:

Many states have recognized that an effective state program for dealing with discrimination in state government will require the coordination of the state enforcement agency, the state personnel system, the attorney general's office, and the governor's office. One state that has taken a leadership role in this regard is the State of Michigan.

-
5. See, for example, provisions of the Civil Service Reform Act in the federal government which mandated the establishment of a performance appraisal system for all senior managers and specifically mandated that one of the elements each agency must include in the performance appraisal system is the extent to which those managers implement equal employment opportunity and the affirmative action requirements.

Specifically, Governor William G. Milliken has issued an Executive Order establishing a Michigan Equal Employment Opportunity Council with the Lieutenant Governor as Chairman and as members of the Directors of the Human Rights and Civil Service Commissions and the Attorney General. A copy of Guidelines and other publications issued by this Council is attached to this memorandum as an appendix.

B. Importance of a One-to-One Relationship in Review System:

Many states have adopted a requirement either by statute or executive order that all state agencies prepare an affirmative action plan. It is my perception that those states in which the planning process has been the most effective in achieving real change have been the states in which there has been the kind of coordination outlined in Michigan, above, and the states in which someone responsible for managing and overseeing the affirmative action process or responsible for providing legal advice to top managerial officials in state government has developed a one-to-one working relationship with the chief department heads in state government and has specifically worked with them in implementing a voluntary compliance program. For example, the State of Connecticut requires an affirmative action plan from each agency and requires the submission of that plan to the State Commission on Human Rights and Responsibilities. Each state agency head then meets for a one-to-one review of the plan with the Executive Director of the State Commission.

C. Court Approval of State Voluntary Remedies:

Several State Supreme Courts have given approval to the voluntary remedial approach, including a race or sex conscious requirement, in state government. For example:

-- In Price v. Civil Service Commission, Sacramento County, 21 FEP cases 1512 (January 25, 1980) the California Supreme Court dealt with the question of whether:

"A governmental entity may voluntarily adopt a race-conscious, affirmative action hiring program of limited duration to alleviate an underrepresentation of minor-

ity employees which the entity finds is attributable to its own past discriminatory practices."

The Court was dealing with a "minority preference appointment" rule adopted by the Civil Service Commission of Sacramento County in 1974 after the Commission had held hearings in an attempt to ascertain the reasons for underrepresentation of minorities and women and had determined that its "traditional Civil Service procedures" contained a variety of "significant, although apparently inadvertent, discriminatory features." Under the terms of the rule, if the county Civil Service Commission found "after a public hearing" that the underrepresentation of minority personnel in the particular classification was caused by "discriminatory employment practices" and that it was feasible to ameliorate such underrepresentation "by requiring that minority persons on an eligible list be appointed on a preferential basis" the commission can order that minority personnel be appointed to the classification involved in accordance with an alternating ratio until a specified number of minority persons had been hired.

The California State Supreme Court found that the application of this rule to the position of Attorney I in the District Attorney's office in such a fashion that appointments to that position "shall be made on the basis of an alternating ratio of 2:1 so that at least one minority person is appointed for every two non-minority persons" and that such a ratio should be applied "only until the percentage of the minorities in the classes of Attorney I and Attorney II in the District Attorney's office is 8 percent," was legitimate, and that the county was authorized to adopt such a program to overcome the effects of past discrimination and that in so doing it did not violate the anti-discrimination provisions of Title VII of the Federal Civil Rights Act or the comparable anti-discrimination provisions of the Sacramento County Charter and the state Fair Employment Practices Act.

It is interesting to note that this opinion was written by the same court which earlier wrote the Bakke opinion which is often cited by state government officials as making race or sex conscious affirmative action programs inappropriate

and illegal in state government employment. Instead of focusing on the Bakke opinion, the Price court draws extensively on the United States Supreme Court opinion in the case of United Steelworkers v. Weber, 443 U.S. 193, 20 FEP Cases 1.

- In Lindsay v. City of Seattle, 12 FEP Cases 1440 (1976), the Washington State Supreme Court approved a race-conscious affirmative action plan. The City had surveyed its own employment practices and had determined that there was a risk that they might be found in violation of anti-discrimination requirements and had adopted a series of policies and procedures to avoid that risk. Specifically, the Mayor had adopted an affirmative action program by Executive Order; the City Council had adopted an ordinance with provisions designed to "achieve equality of city employment opportunities for members of minority races;" the Engineering Department had adopted a departmental policy statement which established as a goal the achievement of ratios of minority employment "comparable to the ratios of...minorities in the Seattle community"; and the Civil Service Commission had adopted a "selective certification" amendment to the traditional "rule - of - five" used to certify qualified eligibles for a vacancy.

Under the selective certification rule a department head subject to approval by The Directors of the Civil Service Commission and the Department of Human Rights could request the certification of a qualified minority below the top five on the list when such action was believed necessary to avoid a violation of anti-discrimination laws. The State Supreme Court sustained the rule as a written and as applied to the detriment of a white engineer whose ranking was higher than a black who was certified and hired.

The Court, pointing out the potential liability faced by the city in a potential Title VII suit based on the adverse impact and lack of validity of its existing procedures, and pointing to the Title VII preference for voluntary compliance said that the procedure did not violate either state or federal law.

- In Chmill c. City of Pittsburgh, 22 FEP cases 742 (1980) the Pennsylvania Supreme Court sustained a "dual certification procedure" used by

the City of Pittsburgh pursuant to which its Civil Service Commission certified ten whites and ten blacks for positions in the fire department based upon their passing a physical ability test and without regard to their rank on an earlier written test whose validity was in doubt and which had adverse impact on blacks.

The Sacramento action was completely voluntary; the Seattle action appears to have been adopted voluntarily but after earlier federal law suits; and the Pittsburgh action was taken in a context where there was an outstanding consent decree in an earlier Federal suit. All three States speak of the strong Federal and State policy in favor of voluntary compliance and make it clear that such action can include race-conscious steps. An Alaska Attorney General Opinion (May 20, 1976) contained similar reasoning when it approved an Interim Relief Agreement in which the Divisions of Alaska State Troopers and Fish and Wildlife Protection of the Department of Public Safety agreed to the appointment of one-third of commissioned officer openings with otherwise qualified minority and/or female applicants. The opinion pointed out that there are situations which "necessitate the consideration of the race and sex of otherwise qualified applicants."

D. Midwest Intergovernmental Equal Employment Opportunity Coordinating Committee:

One of the leading organizations in developing new and imaginative approaches by state government to the affirmative action issue has been M.I.E.E.O.C. Recently, this organization has obtained from the Bureau of Intergovernmental Personnel Programs a grant to hold a meeting of all the state level affirmative action officials to share their expertise in the development of responsible state government affirmative action programs.

E. Detroit Meeting:

The meeting described in the previous paragraph will be hosted by the Governor and Personnel Director of the State of Michigan and will be held in Detroit at the Hotel Pontchartrain on April 9-12, 1981. Attach-

ment 3 contains some of the material on this conference.

IV. SPECIFIC IDEAS FOR AN AFFIRMATIVE ACTION PROGRAM IN ALASKA IN STATE GOVERNMENT:

Outlined below are a number of thoughts about elements that might be included in your thinking as you begin the process of developing a program for affirmative action in Alaska state government:

A. Announcement of program by the Governor:

The first step would be a written document by the Governor announcing (either by Executive Order or otherwise) a statewide affirmative action program for employment in Alaska state government. The tone of this document would be to establish the effective implementation of the program as a managerial rather than a human rights problem. The initial focus of such an order from the Governor should contain a strong statement of his commitment the goals of equal employment opportunity in affirmative action. However, unlike most traditional statements which stop at that point, it should specifically point out that private employers have recognized that "real commitment" involves the commitment of resources and the development of a managerial system to achieve those goals and it should indicate that his order is design to start the process of allocating those resources and developing that management system.

Obviously if the foundation for the program can include the adoption by the legislature of the principles which I have mentioned here, that would be preferable. First it gives greater support to the program in the eyes of operating department heads and first line managers who will be called upon to implement it. In addition, should the program be challenged in court it is more likely to be sustained if it is passed by the legislature and based upon legislative findings. (See, for example, the discussion of legislative findings in Klutznick v. Fullilove, ___ U.S. ___.)

B. The Managerial System:

At a minimum a good managerial system in state government should have a number of elements all of which would be identified (in outline form) by the Governor in his initial announcement, or in a statement imple-

menting the statute, should you choose the legislative route. Starting from the top down the layers in such a managerial system would be:

- The order itself which establishes the system and its goals.
- An affirmative action planning process which is part of the Governor's recently imposed management by objectives system.
- The development of annual affirmative action plans with specific measureable goals and the development of a review system (perhaps involving the interagency group recommended below).
- The implementation of this entire system at a level of the individual manager by establishing elements in the performance review criteria and the job descriptions of all state managers dealing with their effective contribution to the implementation of the management EEO plans. (This is now required in the Federal government.)
- The Governor's initial order might indicate that he has specifically directed the state Department of Administration to start the process of amending all the existing managerial job descriptions to include EEO elements.

The Executive Order would recognize the difficulties of developing such an effective system of voluntary compliance within state government, given the fact that it occurs within the context of the state civil service laws. He would indicate that he has directed the Commissioner of the Department of Administration and the state Attorney General to develop guidelines for state government agencies in achieving voluntary compliance. Eventually, there should then be an exchange of letters which lead to a series of Attorney General's opinions in which agencies are advised that it is legal under state law for them to take action to modify their employment systems in order to implement an affirmative action plan. These would expand upon the opinion of May 20, 1976, which dealt with a situation in which there had been a Human Rights Commission staff finding of discrimination to indicate that similar steps can be taken voluntarily based upon a self-audit as suggested in the EEOC

Affirmative Action Guidelines and the opinions of the United States Supreme Court in the Moody and Weber cases. Later the Attorney General may want to issue an opinion concerning the power of an agency to conciliate an individual or systemic case including back-pay.

C. Interagency Coordinating Committee:

Either as part of the Executive Order or in some other fashion the Governor might want to consider establishing our Interagency Coordinating Committee paralleling that now existing in Michigan.

However, serious consideration should be given to the membership and functions of such a council in light of the appropriate duties of the various agencies and officials who might constitute its membership. For example, the Human Rights Commission which is charged by state law with investigating complaints alleging discrimination in employment by state government agencies clearly would not want to be involved in the process of approving individual agency affirmative action plans because it may later have to make decisions on cases in which the plan and/or the results of its implementation are offered by a state agency as a defense to a charge by a female or minority. While the Human Rights Commission will want to avoid dealing with approving specific plans in advance, it would be appropriate for it to be involved in the process of establishing the policies and principles of such plans. It could for example issue principles similar to those contained in the EEOC Affirmative Action Guidelines and indicate the nature of Affirmative Action which employers can take and avoid a risk of so-called reverse discrimination charges. It would be appropriate for it to consult with other state agencies in preparing such policies as EEOC now does under Executive Order 12067.

E. Initiation (or "Kick-off") of this Program:

I believe that serious consideration should be given to a general management meeting of all Commissioners and division directors at which the governor would announce and present his Executive Order; the Attorney General would discuss the problem he perceives as chief law enforcement official for the state; the Commissioner of the Department of Administration would indicate the way which his department will assist in voluntary modification of employment systems and practices so that agencies could know that, if

they undertook voluntary compliance action they will not be opposed by the Division of Personnel; and the director of the Human Rights Commission would discuss, in a non-threatening fashion, pending compliance activities and the hope of the Commission to avoid a compliance-oriented approach wherever possible. The goals of such a meeting would be primarily to:

- communicate an appropriate "no fault" "technical perception" of employment discrimination so that employers understand their obligation to identify their present problems and systems which may have contributed to discrimination and understand that voluntary action they may take is not an admission that those responsible for the previous system were "bad" people.
- establish the state's approach to this matter as a managerial approach designed to solve a managerial problem with responsible managerial techniques.

F. Detailed Training for Managers and Assistant Attorneys General:

An effective kick-off meeting suggested in the previous paragraph should probably be attended only by Commissioners, division directors, and staffs of the Human Rights Commission, attorney general's office, and Personnel and EEO divisions. In terms of its approach to the law it should be general rather than specific and be designed along the "perception" issue rather than the specific detailed requirements of the implementation of a program. This will leave several gaps which might be filled by follow-up meetings:

- a detailed longer training session for the assistant attorneys general who will, as part of the follow-up stage, be responsible for advising the specific departments and agencies to which they are assigned. The session should probably begin with an overall introduction by the attorney general and the director of the Human Rights Commission with specific detailed training to be conducted by the two assistant attorneys general assigned respectively to the Department of Administration and the Human Rights Commission.
- A series of follow-up meetings within each department or groups of small agencies should be held with all managers and supervisors to deal with the "technical perception" issue outlined

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

G. Follow-Up:

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

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

V. CONCLUSION:

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

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

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

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

465-2200

March 24, 1981

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

Dear Senator Fischer:

The Department of Administration is, for several reasons, unable to support Senate Bill No. 248 requiring legal enforcement of affirmative action plans and programs within the Executive Branch by the Division of Equal Employment Opportunity (EEO).

The Office of Equal Employment Opportunity was established by Governor Egan in 1972 to: advise and provide guidance to the Executive Branch in matters pertaining to discrimination in employment and affirmative action; to assist agencies of the Executive Branch to implement plans and programs which identify systems or practices with exclusionary impact on minorities and women or which perpetrate effects of previous discrimination; to take voluntary affirmative actions in relation to identified problems; and by so doing, assure compliance in order to alleviate as much as possible the legal remedies required in conciliation on agreements or by the courts when discrimination is found.

First, Senate Bill No. 248 would, in our opinion, create an antagonistic atmosphere between the Division of Equal Employment Opportunity and the agencies they advise by placing the Division in an adversarial role and thereby severely limiting efforts of the Executive Branch to voluntarily eliminate discriminatory practices and systems which may exist.

Second, there is, as you are aware, already an independent agency of the State which has statutory responsibility for pursuing enforcement actions against the Executive Branch (i.e., the Alaska State Commission for Human Rights). The Commission is also responsible for pursuing enforcement actions against all employers in the State, both public and private.

Third, while Senate Bill No. 248 addresses EEO responsibilities in the Executive Branch, it wholly ignores those same responsibilities in the Judicial and legislative branches over which we have no control.

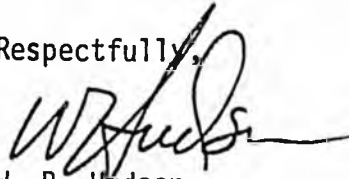
Honorable Vic Fischer
Senate State Affairs Committee
Page 2

March 24, 1981

Fourth, Senate Bill No. 248 will not allow the flexibility necessary to management in the rapidly changing field of Equal Employment Opportunity because it places into law functions of the Division which would then require a lengthy process to change or modify.

Although we are totally committed to affirmative action and equal employment opportunity, we believe that there are sufficient complaint and enforcement avenues (e.g., Human Rights Commission, Ombudsman, U. S. Equal Employment Opportunity Commission, U. S. Office of Federal Contract Compliance, U. S. Office of Revenue Sharing and employee labor organizations) available. We would prefer to direct the efforts of the Division of Equal Employment Opportunity to those preventative measures which will minimize any need for enforcement actions within the Executive Branch.

Respectfully,



W. R. Hudson
Commissioner

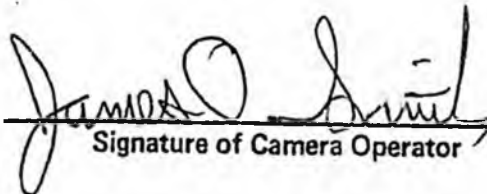
WRH/mjc

CC: Honorable Frank Ferguson
Keith Specking
Judy Crondahl
Aaron Isaacs



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150

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 30, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Fouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill primarily relating to the population formula used for issuance of an alcoholic beverage license in an area outside of a city, municipality, or village, but inside an organized borough. The bill would amend existing law to provide that such an area will be governed by the same quota formula now employed inside established villages, incorporated cities, and unified municipalities.

The number of licenses of each type that may be issued inside established villages, incorporated cities, and unified municipalities is limited to one for each 1,500 persons residing in the village, city, or municipality. Under current law, a different rule is applied, however, to applications for licenses to be located outside of these governmental entities, both in organized boroughs and in the unorganized borough. For these applications, the quota is based on the number of licenses and persons within a five-mile radius of the proposed premises; the quota allows one license for each 1,500 persons within the radius.

The five-mile-radius quota worked well when the organized boroughs were relatively unpopulated, and continues to work well in the unorganized borough. Recently, however, the five-mile-radius rule has resulted in the issuance of an excessive number of licenses in populous organized boroughs -- particularly in the Kenai and Matanuska-Susitna Boroughs.

The difficulty in these populous organized boroughs is caused by the fact that the five-mile radii of premises that are within five miles of each other cover much of the

same area. This means that a single population can be counted towards several different licenses. The result in a densely populated area for which many licenses are sought can be alarming; in the Matanuska-Susitna Borough, for example, there is now approximately one beverage dispensary license for each 556 persons, and one package store license for each 899 persons, who live in the borough and outside of cities and villages within the borough.

The present result of applying the five-mile-radius rule in the organized boroughs is clearly contrary to the intent of the legislature that created it. It is also contrary to the health, safety, and welfare of the residents of our organized boroughs. A likely short-term effect of the enactment of the attached bill will be that no package store or beverage dispensary licenses will be generally available in the Matanuska-Susitna or Kenai Boroughs in the immediate future, until those areas experience sufficient population growth. The board may, however, continue to issue, in its discretion, special licenses if necessary for the public convenience or if issuance will promote the tourism industry by encouraging the construction of a hotel or motel that would not otherwise be built.

An analysis of the proposed amendments, including several technical and stylistic amendments, follows.

ANALYSIS OF AMENDMENTS TO AS 04.11.400

1. Use of terms, generally. Throughout the bill, the terms "incorporated city," "unified municipality," and "organized borough" are used instead of the term "municipality" as defined in AS 04.21.080(b)(11). The use of the defined term "municipality" was considered too confusing in this context because of the need to distinguish in this bill between "municipalities" that are organized boroughs and "municipalities" that are other entities inside organized boroughs.

2. Changes to AS 04.11.400(a)(1). The phrase "for each 1,500 population or fraction of 1,500 population" has been moved to a later position in the paragraph for greater grammatical clarity.

The added language, "excluding the populations of established villages, incorporated cities, unified municipalities, and organized boroughs that are wholly or partly included within the radius," is drawn from language -

currently appearing in AS 04.11.400(e). Placing that language in subsection (a)(1), and deleting it from subsection (e), was considered preferable for two reasons. First, it prevents an important legal requirement from being hidden in a definition section. Second, the change makes the structure of (a)(1), (2), and (3) parallel.

3. Changes to AS 04.11.400(a)(2). The phrase "for each 1,500 population or fraction of 1,500 population" has been repositioned in the sentence for greater grammatical clarity.

The phrase "boundaries of the" is deleted because it adds nothing to the meaning of the paragraph.

4. Addition of AS 04.11.400(a)(3). This entire paragraph is new and contains the most significant amendment to the statute, applying the "one license per 1,500 persons" rule to organized boroughs of the state.

5. Changes to AS 04.11.400(b). This subsection was reworded for greater clarity and simplicity.

6. Changes to AS 04.11.400(e). The deleted language "but outside an established village, an incorporated city, or a unified municipality" has been moved, in slightly revised form, to subsection (a)(1).

Subsection (e), as rewritten, also changes the date for determining population where the five-mile radius rule is applied. Under current law, the relevant date is December 31 of the year preceding the date of application. The use of this date is effective and practical where the quota is based on the entire population of a government entity, because those entities determine their populations yearly. However, where the five-mile-radius rule is applied, government figures are generally unavailable and the applicant will in most cases be required to do an actual count of the number of persons residing inside the radius. A person doing this count in, for example, November has no way of determining what the count would have been on December 31st of the previous year. For this reason, the bill provides that where the five-mile-radius rule applies, the population will be determined as of the date the application is filed with the Alcoholic Beverage Control Board, or another date not more than 60 days earlier.

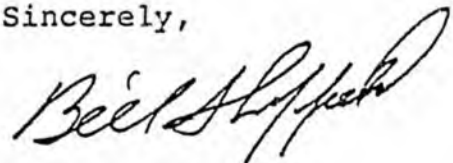
7. Change to AS 04.11.400(h)(1). The words "an

incorporated" were added for clarity and uniformity.

8. Change to AS 04.11.400(i). The change in this subsection is a technical correction only.

9. Changes to AS 04.11.400(i). This subsection presently uses only the term "municipality," which is defined in AS 04.21.080(b)(11) as meaning "an incorporated city, unified municipality, or organized borough." The specific terms are substituted here for the defined term for two reasons. First, the specific terms are used in the remainder of this section and their use here promotes uniformity. Second, because the specific terms are used elsewhere in the section, their use here will avoid any consequent confusion regarding whether the term "municipality" is intended to mean all three types of government entities or only a unified municipality.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 150
 Title: Relating to limitation of liquor licenses in boroughs
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Department of Revenue
 Program Category Affected: Consumer Protection
 BRU, Program or Subprogram(s) Affected: Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FI 85	FI 86	FI 87	FI 88	FI 89	FI 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
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						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrack, Director
 Division: Alcoholic Beverage Control Board Phone: 277-8638
 Date: _____

Approved by Commissioner: Henry J. Stordale Date: December 21 1987
 Agency: Department of Revenue

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

HIB 150 incorporated

Edwards
2/12/85

Original sponsor: M.M. Miller

1 IN THE HOUSE

BY THE ^{St. Affn.} JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 34 (^{St. Affn.} Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the administration of liquor
7 licenses; and providing for an effective date."

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

9 * Section 1. AS 04.11.100 is amended by adding a new subsection to
10 read:

11 ^{NEW} (e) A license may be renewed under this section only if the
12 licensee provides evidence to the board's satisfaction that gross
13 receipts from the sale of food upon the licensed premises constitute
14 no less than 50 percent of the gross receipts of the licensed premises
15 for the preceding license year.

16 * Sec. 2. AS 04.11.340 is amended to read:

17 ^{Technical} Sec. 04.11.340. DENIAL OF REQUEST FOR RELOCATION [TRANSFER OF
18 LOCATION]. An application requesting approval for the relocation [OF
19 A TRANSFER OF LOCATION] of licensed premises shall be denied if

20 (1) the board finds, after review of all relevant information,
21 tion, that relocation [TRANSFER OF LOCATION] of the license would not
22 be in the best interests of the public;

23 (2) the relocation [TRANSFER OF LOCATION OF THE LICENSE] is
24 prohibited under AS 04.11.400(a) or (b) [AS 04.11.400(a) OR
25 PROHIBITION OF TRANSFER IS FOUND NECESSARY UNDER AS 04.11.400(b)];

26 (3) the license would be relocated [TRANSFERRED] out of the
27 established village, incorporated city, unified municipality, or
28 population area established under AS 04.11.400(a) [ELECTION DISTRICT]
29 within which it is located [WAS ORIGINALLY ISSUED, UNLESS THE ELECTIC

1 DISTRICT INTO WHICH THE LICENSE WOULD BE TRANSFERRED IS WITHIN THE
2 INCORPORATED CITY, ORGANIZED BOROUGH OR UNIFIED MUNICIPALITY WITHIN
3 WHICH THE LICENSE WAS ORIGINALLY ISSUED];

4 (4) transfer of ownership is to be made concurrently with
5 the relocation [TRANSFER OF THE LOCATION] of the licensed premises and
6 a ground for denial of the transfer of ownership under AS 04.11.360 is
7 presented;

8 (5) the application has not been completed in accordance
9 with AS 04.11.290;

10 (6) relocation [TRANSFER OF LOCATION] of the license would
11 result in violation of a local zoning law;

12 (7) relocation [TRANSFER OF LOCATION] of the license would
13 violate the restrictions pertaining to the particular license imposed
14 by this title;

15 (8) relocation [TRANSFER OF LOCATION] of the license is
16 prohibited under this title as a result of an election conducted in
17 accordance with AS 04.11.502;

18 (9) the licensed premises are to be located in a municipal
19 ity, the type of license sought to be relocated [TRANSFERRED] is
20 beverage dispensary or package store license, and that type of license
21 is already in effect in the municipality under a community liquor
22 license, unless the relocation [TRANSFER] is to become effective after
23 the community liquor license is no longer effective, whether as the
24 result of a local option election or otherwise;

25 (10) the license was issued under AS 04.11.400(g), (h), or
26 (j) [AS 04.11.400(j)].

27 * Sec. 3. AS 04.11.400(a) is amended to read:

28 (a) Except as provided in (g), (h), (i), and (j) of this section,
29 a new license may not be issued and the board may prohibit

1 relocation of [OR] an existing license [TRANSFERRED TO A NEW LOCATIO
2 (1) outside an established village, incorporated city, [
3 unified municipality, or organized borough [AN ESTABLISHED VILLAGE]
4 after the issuance or relocation [TRANSFER] there would be more th
5 one license of each type [FOR EACH 1,500 POPULATION OR FRACTION
6 1,500 POPULATION], including licenses which have been issued under (
7 or (h) of this section, for each 3,000 population or fraction of 3,0
8 population in a radius of five miles of the licensed premises
9 location of premises sought to be licensed, excluding the populatio
10 of established villages, incorporated cities, unified municipalitie
11 and organized boroughs that are wholly or partly included within t
12 radius;

13 (2) inside an established village, [AN] incorporated cit
14 or [A] unified municipality if after the issuance or relocati
15 [TRANSFER] there would be inside the established village, incorporat
16 city, or unified municipality more than one license of each type [F
17 EACH 1,500 POPULATION OR FRACTION OF 1,500 POPULATION], includi
18 licenses which have been issued under (g) or (h) of this section, f
19 each 3,000 population or fraction of 3,000 population inside t
20 established [BOUNDARIES OF THE] village, incorporated city, or unifi
21 municipality;

22 (3) inside an organized borough but outside an establish
23 village or incorporated city located within the borough, if after t
24 issuance or relocation there would be inside the borough, but outsi
25 the established villages and incorporated cities located within t
26 borough, more than one license of each type, including licenses th
27 have been issued under (g) or (h) of this section, for each 3,0
28 population or fraction of 3,000 population inside the borough, exclu
29 ing the population of those established villages that have conduct.

1 an election on a question set out in AS 04.11.490, 04.11.496, o
2 04.11.500, and excluding the population of incorporated cities locate
3 within the organized borough.

4 * Sec. 4. AS 04.11.400(b) is amended to read:

5 (b) If [THE APPLICATION IS FOR A LICENSE OUTSIDE OF AN ESTAB
6 LISHED VILLAGE, INCORPORATED CITY, OR UNIFIED MUNICIPALITY AND] th
7 radius described in (a)(1) of this section encompasses all of an [THE
8 established village, incorporated city, or unified municipality and
9 the population-resident inside and outside the established village
10 incorporated city, or unified municipality but inside the radius
11 described in (a)(1) of the section is less than 3,000 [1,500], the
12 board may deny the issuance or relocation [TRANSFER] of the license.

13 * Sec. 5. AS 04.11.400(e) is amended to read:

14 (e) In (a)(1) of this section, "population" includes only those
15 persons residing inside the radius not later than the date the appli-
16 cation is received by the board and not earlier than 60 days before
17 the application is received by the board [BUT OUTSIDE OF AN ESTAB-
18 LISHED VILLAGE, AN INCORPORATED CITY, OR A UNIFIED MUNICIPALITY AS OF
19 DECEMBER 31 OF THE YEAR PRECEDING THE DATE OF APPLICATION].

20 * Sec. 6. AS 04.11.400(f) is amended to read:

21 (f) In (a)(2) and (3) of this section, "population" includes
22 only those persons residing inside the [AN] established village, [AN]
23 incorporated city, [OR A] unified municipality, or organized borough
24 as of December 31 of the year preceding the date of application.

25 * Sec. 7. AS 04.11.400(g) is repealed and reenacted to read:

26 (g) The board may approve the issuance or transfer of ownership
27 of a beverage dispensary or restaurant or eating place license without
28 regard to (a) of this section if it appears that the issuance or
29 transfer will encourage the tourist trade by encouraging the

1 construction or improvement of

2 (1) a hotel, motel, resort, or similar business relating to
3 the tourist trade with a dining facility or having kitchen facilities
4 in a majority of its rental rooms and at least a minimum number of
5 rental rooms required according to the population of the established
6 village, incorporated city, unified municipality or population are
7 established under AS 04.11.400(a) in which the facility will be
8 located, as follows:

9 (A) 15 rental rooms if the population is less than
10 1,501;

11 (B) 20 rental rooms if the population is between 1,501
12 and 2,500;

13 (C) 25 rental rooms if the population is between 2,501
14 and 5,000;

15 (D) 30 rental rooms if the population is between 5,001
16 and 15,000;

17 (E) 35 rental rooms if the population is between
18 15,001 and 25,000;

19 (F) 40 rental rooms if the population is between
20 25,001 and 50,000; and

21 (G) 50 rental rooms if the population is greater than
22 50,000; or

23 (2) an airport terminal.

24 * Sec. 8. AS 04.11.400(h) is amended to read:

25 (h) The board may approve the issuance or transfer of ownership
26 of a [A] restaurant or eating place license without regard to [MAY BE
27 ISSUED OR TRANSFERRED NOTWITHSTANDING] (a) of this section if

28 (1) the premises of the restaurant or eating place are more
29 than 18 miles from the corporate limits of a city or unified

1 municipality;

2 (2) the premises will serve food to the traveling public
3 and

4 (3) the board finds that the public convenience will be
5 served by the issuance or transfer.

6 * Sec. 9 AS 04.11.400(i) is amended to read:

7 (i) An application requesting a transfer of location of license
8 premises limited under (a) or (b) of this section shall be granted
9 without regard to [NOTWITHSTANDING] (a) of this section if the new
10 location is less than one mile from the original location and

11 (1) no ground for denial exists under AS 04.11.340(1) or
12 (3); and

13 (2) relocation of the licensed premises is necessary due to

14 (A) termination of a lease or rental agreement;

15 (B) condemnation of the premises;

16 (C) the substantial destruction of the premises by any

17 cause.

18 * Sec. 10. AS 04.11.400(j) is amended to read:

19 (j) The board may approve the issuance or transfer of ownership
20 of [ISSUE] a restaurant or eating place [NEW] license in a municipal-
21 ity without regard to [NOTWITHSTANDING THE PROVISIONS OF] (a) of this
22 section if the board finds that issuance or transfer of the license is
23 necessary for the public convenience.

24 * Sec. 11. AS 04.11.504(a) is amended to read:

25 (a) If a prohibition imposed on the issuance, renewal, [OR]
26 transfer, or relocation of licenses between holders and locations
27 under AS 04.11.490 - 04.11.500 is removed by a vote of "no" on a
28 question for which the majority of the people voted "yes" in an
29 earlier election, the board shall, upon application, issue the same

1 number and type of licenses which were in effect in the municipality
2 or established village on the date of certification of the earlier
3 election. If the prohibition imposed on issuance, renewal, [OR]
4 transfer, or relocation of licenses between holders and locations is
5 removed by a "yes" vote on a question set out in AS 04.11.492 and
6 04.11.500, the board may issue the types of licenses specified in the
7 question presented to the voters in the subsequent election. Licenses
8 may be issued for the same or other premises within the municipality
9 or established village which were licensed on the date of certifica-
10 tion of the earlier election. However, if the local governing body
11 requests that fewer licenses of a particular type be issued than would
12 otherwise be issued if the provisions prescribing the ratio of popu-
13 lation to licensed premises in AS 04.11.400(a) are applied, only the
14 number of licenses of that particular type requested by the local
15 governing body may be issued by the board. Priority shall be given
16 applicants who were formerly licensees and whose licenses were not
17 renewed because of the results of the previous election. However,
18 these applicants have no legal right to a license and the board is not
19 required to approve the application.

20 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).
22
23
24
25
26
27
28
29



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator

9/11/79
Date

HB

152

COMMITTEE REPORT
HOUSE

2/15

(7)

FURTHER: JUDICIARY

1/30/85

Date: 2-14-85

The Committee on STATE AFFAIRS has had HB 152

"An Act relating to the status of board members whose term of office has expired; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee APPROVES PREVIOUS

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Mr. Rep. Katie Huskins

Mr. Rep. Mike [Signature]

Mr. Rep. [Signature]

Mr. Rep. [Signature]

[Signature]
CHAIRMAN



Official Business

Alaska State Legislature

House of Representatives

Committee on State Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

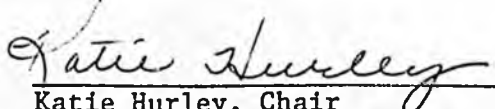
(907) 465-4863

HOUSE STATE AFFAIRS COMMITTEE
LETTER OF INTENT
FOR
HB 152

It is the intent of the House State Affairs Committee that in passing HB 152 that the mechanism for replacing board members established in this legislation be used to retain a functioning board until a suitable replacement is found for a member whose term has expired.

The committee remains concerned, however, that the discretion allowed the Governor through HB 152 in making appointments, could be abused and that there may be substantial constitutional questions in allowing a board member to retain a seat beyond their term of appointment.

It is the wish of the committee, therefore, that the House Judiciary committee, in reviewing HB 152, address these concerns and make any amendments appropriate in addressing these problems.


Katie Hurley, Chair
House State Affairs Committee

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 152
 Title: Status of Board Members Whose Term of Office has Expired
 Sponsor: Rules/Governor
 Requestor: Governor
 Date of Request: 1/21/85

FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Executive Operations
 BRU, Program or Subprogram(s) Affected: Executive Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-				
CAPITAL		-0-				
REVENUE		-0-				

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-				

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Michael A. Nizich, Director Phone: 465-3616
 Division: Administrative Services Date: Jan. 23, 1985

Approved by Commissioner: Laura J. Sherman Date: Jan. 23, 1985
 Agency: Office of the Governor

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

7/1/84

BOARDS AND COMMISSIONS
EXPIRING TERMS DURING 1985

Boards and Commissions
Office of the Governor
Pouch A
Juneau, AK 99811
(907) 465-3651

BOARDS AND COMMISSIONS

DECEMBER, 1984 EXPIRING TERMS

<u>TERM</u> <u>REAPPT</u>	<u>LAST NAME</u> <u>FD</u> <u>LC</u>	<u>FIRST</u>	<u>CITY</u>	<u>BOARD</u>	<u>POSITION</u>	<u>APPT</u>
84/12/31	Adams	John	Fairbanks	Federal Areas	Public	82/01/08
84/12/31	Alex	Daniel	Anchorage	Federal Areas	Public	82/01/08

BOARDS AND COMMISSIONS

JANUARY, 1984 EXPIRING TERMS

<u>TERM</u> <u>REAPPT</u>	<u>LAST NAME</u> <u>FD</u> <u>LC</u>	<u>FIRST</u>	<u>CITY</u>	<u>BOARD</u>	<u>POSITION</u>	<u>APPT</u>
85/01/01	Boness	Fred	Anchorage	Forestry Board	Public	82/04/09
85/01/01	Ellis	Robert	Auke Bay	Forestry Board	Environ. Designee	82/02/05
85/01/01	Groff	Richard	Cordova	Forestry Board	Coastal Mgmt.	84/01/19
85/01/01	Wallace	Bruce	Ketchikan	Forestry Board	UFA Designee	82/02/05
85/01/01	Carlson	John	Fairbanks	Libraries Advisory Council	Library User	82/02/05
85/01/01	Inouye	Ronald	Fairbanks	Libraries Advisory Council	Library User	82/02/05
85/01/01	Windeler	Leon	Anchorage	Libraries Advisory Council	Library User	82/02/05
85/01/19	Gellert LC	Hubert	Anchorage	Medical Board	Public	81/01/27
85/01/31 84/05/22	Beauchamp	Marcus	Kenai	Block Grants	E/Administrator	82/05/14
85/01/31 84/05/22	Hammons	Joyce	Anchorage	Block Grants	B/Class Teacher	82/06/25

BOARDS AND COMMISSIONS

JANUARY, 1985 EXPIRING TERMS CONTINUED

<u>TERM</u> <u>REAPPT</u>	<u>LAST NAME</u> <u>FD</u> <u>LC</u>	<u>FIRST</u>	<u>CITY</u>	<u>BOARD</u>	<u>POSITION</u>	<u>APPT</u>
85/01/31	Igtanloc FD	Irving	Barrow	Employment Security	Employee Rep.	80/01/23
85/01/31	Dilts FD LC	Arlene	Juneau	Human Rights Commission	Public	80/04/09
85/01/31	Gonzales FD LC	John	Clear	Human Rights Commission	Public	80/03/10
85/01/31	VACANT FD			Teachers Retirement Board	Public	
85/01/31	Starks, DVM LC	Vern	Ketchikan	Veterinary Examiners	Veterinarian	81/05/06

BOARDS AND COMMISSIONS

FEBRUARY, 1985 EXPIRING TERMS

<u>TERM</u> <u>REAPPT</u>	<u>LAST NAME</u> <u>FD</u> <u>LC</u>	<u>FIRST</u>	<u>CITY</u>	<u>BOARD</u>	<u>POSITION</u>	<u>APPT</u>
85/02/01	Beneville LC	Bertram	Anchorage	Dental Examiners Board	Public	82/01/15
85/02/01	Luboff LC	Leslieann	Anchorage	Dental Examiners Board	Hygienist	81/01/19
85/02/01	Madson LC	Dick	Fairbanks	Dental Examiners Board	Public	81/02/04
85/02/01	Zemlicka, DDS LC	Jerry	Juneau	Dental Examiners Board	Dentist	83/09/21
85/02/01	White FD LC	George	Kake	Public Offices Commission	Public/Restricted	80/04/24
85/02/01	Fate FD LC	Hugh "Bud"	Fairbanks	Regents Board	Public	77/01/18
85/02/01	Miller FD LC	Keith	Anchorage	Transportation Commission	Salaried/Econ.	77/01/20
85/02/03	Lang FD LC	Herbert	Anchorage	Regents Board	Public	79/02/14
85/02/15	Perkins	Julie	Nome	Drug Abuse Advisory Board	Public/Restricted	83/09/21
85/02/21	Vanderbrink	David	Homer	Water Resources Board	Public/Restricted	81/02/03
85/02/21	Wanamaker	Cyril	Juneau	Water Resources Board	Public/Restricted	83/12/27
85/02/21	Westberg	Wayne	Anchorage	Water Resources Board	Public/Restricted	81/02/03

BOARDS AND COMMISSIONS

MARCH, 1985 EXPIRING TERMS

TERM REAPPT	LAST NAME		FIRST	CITY	BOARD	POSITION	APPT
	FD	LC					
85/03		Huppert	Paul	Palmer	Commercial Fishing Bank	CFAB/Farmer	79/02/19
85/03		Pihlman	Dale	Ketchikan	Commercial Fishing Bank	CFAB	79/02/19
85/03		Waldrop	Robert	Ketchikan	Commercial Fishing Bank	Gov/Designee	82/04/02
85/03/01		Carnahan	Roberta	Fairbanks	Juvenile Justice Advisory	Public	83/03/22
85/03/01		Combes	Kevin	Chugiak	Juvenile Justice Advisory	Juvenile/Under 24	83/03/22
85/03/01		Gruening	Melinda	Auke Bay	Juvenile Justice Advisory	Public	83/03/22
85/03/01		Johnson	Knowlton	Anchorage	Juvenile Justice Advisory	Public	83/03/22
85/03/01		Lamp	Patrick	Anchorage	Juvenile Justice Advisory	Juvenile/Under 24	83/03/22
85/03/01		Demmert FD	Lee	Mt. Edgecumbe	Postsecondary Education	Private/Higher Ed.	81/02/27
85/03/01		Greene FD	Susan	Talkeetna	Postsecondary Education	Public	82/12/03
85/03/14		Bowen	Annie	Anchorage	Alcoholism Review Board	Social Worker	81/04/08
85/03/14		Nelson	Arlene	Ketchikan	Alcoholism Review Board	Public at Large	83/09/30
85/03/14		Couch FD	Mary Lou	Anchorage	Royalty Oil and Gas	Public/Restricted	82/09/10
85/03/15		Colletta	Peggy	Anchorage	Drug Abuse Advisory Board	Public/Restricted	82/10/08
85/03/15		Shadura	Alexander	Kenai	Drug Abuse Advisory Board	Public/Restricted	83/09/21
85/03/31		McCorcle, RPh	James	Juneau	Controlled Substances	Pharmacy	80/04/15

BOARDS AND COMMISSIONS

MARCH, 1985 EXPIRING TERMS CONTINUED

<u>TERM</u> <u>REAPPT</u>	<u>LAST NAME</u> <u>FD</u> <u>LC</u>	<u>FIRST</u>	<u>CITY</u>	<u>BOARD</u>	<u>POSITION</u>	<u>APPT</u>
85/03/31 84/07/31	Rink, RN LC	Sammye	Juneau	Nursing Board	Registered Nurse	80/01/22
85/03/31	Wise LC	Keith	North Pole	Nursing Board	Public	80/03/17
85/03/31	McCorcle, RPh LC	James	Juneau	Pharmacy	Pharmacist	80/04/15
85/03/31	Snider LC	Robert	Anchorage	Pharmacy	Public	80/04/15

BOARDS AND COMMISSIONS

APRIL, 1985 EXPIRING TERMS

<u>TERM</u>	<u>LAST NAME</u>	<u>FIRST</u>	<u>CITY</u>	<u>BOARD</u>	<u>POSITION</u>	<u>APPT</u>
<u>REAPPT</u>	<u>FD</u> <u>LC</u>					
85/04/01	Akpik	Abel	Barrow	Job Training	Business/Industry	83/03/22
85/04/01	Allen	B. B.	Fairbanks	Job Training	Local Government	83/03/22
85/04/01	Cooper	H. Bruce	Chugiak	Job Training	Labor	83/03/22
85/04/01	Frisby	Percy	Hydaburg	Job Training	Business/Industry	83/03/22
85/04/01	Wakefield	James	Juneau	Job Training	Local Government	84/04/30
85/04/18	Hamilton FD	Stephen	Palmer	Agricultural Loan Fund	Agriculture	82/04/09
85/04/18	Messenger FD	John	Anchorage	Agricultural Loan Fund	Public	82/06/04
85/04/18	Bower	Michael	Wrangell	Water and Wastewater Works	Certified Operator	80/05/07
85/04/18	Nelson	Dale	Anchorage	Water and Wastewater Works	Public	80/05/07
85/04/18	Stokes	William	Anchorage	Water and Wastewater Works	Certified Operator	84/06/05
85/04/21	Rhyneer, MD LC	George	Anchorage	Medical Board	Physician	81/07/30
85/04/25	Langland LC	Sandra	Fairbanks	Accountancy Board	Public	82/07/21
85/04/25	Stastny, CPA LC	J. Shelby	Anchorage	Accountancy Board	CPA/PA	82/07/21

BOARDS AND COMMISSIONS

MAY, 1985 EXPIRING TERMS

<u>TERM</u> <u>REAPPT</u>	<u>LAST NAME</u> <u>FD</u> <u>LC</u>	<u>FIRST</u>	<u>CITY</u>	<u>BOARD</u>	<u>POSITION</u>	<u>APPT</u>
85/05/10	Brenner	M. Diane	Anchorage	Historical Records	Public/Historical	82/10/05
85/05/10	Kinney	John	Juneau	Historical Records	State Archivist	81/05/19
85/05/10 84/11/14	McCarthy, Jr.	Paul	Fairbanks	Historical Records	UofA Archivist	79/12/19
85/05/14	Behan LC	Tom	Anchorage	Athletic Commission	Public/1st JD	84/11/21
85/05/14	Caldwell, MD LC	Jay	Anchorage	Athletic Commission	Public/3rd JD	83/05/02
85/05/18	Moss, Sr. FD LC	Robert	Homer	Judicial Council	Public	80/02/28