



State of Alaska

Policy on Anti-Discrimination and Equal Opportunity

Below is information related to the State of Alaska's policies on anti-discrimination, along with reference to Governor Administrative Orders and state and federal laws. All state employees are responsible for complying with this policy, for maintaining a high level of professional conduct in the workplace, and for treating others with respect and fairness.

State of Alaska Policies and Guidelines Prohibiting Illegal Discrimination

Alaska is one of the most racially and ethnically diverse states in the nation. The State is committed to promoting a workforce that is representative of all Alaskans and promoting service to our citizens that reflects respect for all peoples. The State – as an employer and service provider – fully supports Equal Opportunity (EO), Equal Employment Opportunity (EEO), and Affirmative Action (AA). The State does not condone, permit, or tolerate discrimination against its employees or applicants for State employment on the basis of race, color, national origin, religion, sex, age, physical or mental disability, marital status, changes in marital status, pregnancy or parenthood, or status as a veteran or veteran with a disability. This means that employment and service decisions are made in accordance with EO and EEO principles and laws. Employees who violate these policies will be subject to disciplinary action up to and including dismissal from public service.

While some departments have specialized codes of conduct and procedures specific to their body of work, the policies noted below apply to *all* executive branch employees. It is important to note that while these policies that relate to illegal discrimination are briefly expounded on below, the State – as an employer and service provider – has a higher expectation of employee behavior in the workplace. This means that all employees are expected to treat each other and the public they serve *respectfully*. This higher standard means, for example, that teasing someone because of their accent may not rise to the level of being illegal, but it is still inappropriate in the workplace. The State promotes a positive workplace, where people are treated well and given the opportunity to do their best work.

For complete and additional details of each policy summarized below, please refer to the specific law, regulation, Administrative Order, or policy that covers each topic.

Policy Prohibiting Sex Discrimination

State policy prohibits treating an applicant, employee, or member of the public unfavorably because of that person's sex or because of his or her connection with an organization or group that is generally associated with people of a certain sex. For example, harassing a person in the workplace because of that person's sex is a violation of state policy. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. This type of behavior constitutes illegal sexual harassment when 1) submission to the conduct is made a term or condition of employment; 2) submission or rejection of the conduct is used as the basis for an employment decision; or 3) the conduct has the effect of unreasonably interfering with an employee's work performance or creating an intimidating or hostile work environment.

State policy prohibits offensive remarks about a person's sex including abusive language, unwelcome jokes, derogatory comments, and other objectionable verbal or physical conduct.

Policy Prohibiting Race and Color Discrimination

The State prohibits treating an applicant, employee, or member of the public unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture or certain facial features). Color discrimination involves treating someone unfavorably because of skin color or complexion. This prohibition includes treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color.

State policy, law and federal law also prohibit harassment of a person because of that person's race or color. Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially-offensive symbols.

Policy Prohibiting National Origin Discrimination

State policy prohibits national origin discrimination, which involves treating people unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin or because of their connection with an ethnic organization or group. It is prohibited to harass a person because of his or her national origin. Harassment can include, for example, offensive or derogatory remarks about a person's country of origin, accent, or ethnicity.

Policy Prohibiting Religious Discrimination

State policy prohibits treating an applicant, employee, or member of the public unfavorably because of his or her sincerely held religious beliefs. It is also prohibited to treat someone unfavorably because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group. State policy prohibits harassing an individual about their religious beliefs or practices. Harassment can include, for example, offensive remarks about a person's religion or religious garb.

Religious Accommodations

It is the State's policy to make reasonable accommodations in workplace for an applicant's or an employee's religious beliefs or practices, unless doing so would cause significant difficulty or expense. Examples of religious accommodation are granting leave or allowing voluntary shift substitutions or swaps so that the employee may observe a religious holiday. If an employee needs an accommodation for religious reasons, he or she should notify the State (i.e. the supervisor or the EEO Program Manager). If the State reasonably needs more information, the manager or State representative and the employee should engage in an interactive process to discuss the request. If it would not pose an undue hardship, the State will grant the accommodation or modification. An accommodation or modification may cause undue hardship if, for example, it is too costly, compromises safety, decreases workplace efficiency, or infringes on the rights of others.

Policy Prohibiting Discrimination Based on Pregnancy, Marital Status, Changes in Marital Status, or Parenthood

State policy prohibits treating an applicant or employee unfavorably because of pregnancy, marital status, changes in marital status, or parenthood. This includes treating an employee unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The State prohibits harassing an employee because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, marital status, changes in marital status, or parenthood. Harassment can include, for example, offensive remarks about these protected classes.

Policy Prohibiting Discrimination Based on Military Status

State policy prohibits treating applicants or employees who are veterans unfavorably because of their veteran's status, military status, or military obligations. Veterans with service-related disabilities may also be protected under the Americans with Disabilities Act and state law if the service-connected disability meets the ADA's definition of disability. The State asks veterans and members of the Alaska National Guard to voluntarily self-identify on applications for employment. Disclosure is voluntary. If an applicant does not disclose his or her military status, no adverse action is taken. The information is used solely for affirmative action purposes and alerts hiring managers to apply applicable hiring preferences.

Policy Prohibiting Discrimination Based on Age

State policy prohibits treating an applicant or employee less favorably because of their age unless there is a bona fide occupational qualification that is age related. For example, the Alaska Administrative Code requires individuals to be 21 years of age or older in order to be a State Trooper; therefore a 19-year-old applicant would not be hired. State policy prohibits harassing an employee because of his or her age. Harassment can include, for example, derogatory remarks about a person's age.

Policy Prohibiting Discrimination of Persons with Disabilities

State policy prohibits treating an individual with a disability unfavorably on the basis of the disability. State policy also prohibits treating an applicant or employee less favorably because she or he has a history of a disability (such as cancer that is in remission) or because she or he is believed to have a physical or mental impairment. This policy also prohibits discrimination based on an applicant's or employee's relationship with a person with a disability.

State policy prohibits harassing an applicant or employee because he or she has a disability, had a disability in the past, or is believed to have a physical or mental impairment that is not transitory and minor. Harassment can include, for example, offensive remarks about a person's disability.

Disability Accommodations or Modifications

The State will provide reasonable accommodations or modifications, absent undue hardship, to qualified individuals (employees, job applicants, or members of the public) with a disability so that the individual can perform the job or access a benefit of employment or civil life. A reasonable accommodation can be a change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Policy Prohibiting Retaliation

The State complies with EEO laws which make it illegal to retaliate against an individual in any aspect of employment including hiring, promoting, demoting, terminating, layoffs, pay, fringe benefits, job assignments, or any other terms or conditions of employment. State policy prohibits retaliation against any individual for filing a charge of discrimination, complaining about discrimination, or because they participated in an employment discrimination proceeding such as an investigation or lawsuit.

The types of retaliation prohibited include, but are not limited to:

- a) Intimidation, isolation, and/or ridicule;
- b) Unwarranted negative performance evaluations;
- c) Adverse actions with respect to an employees work assignments, salary, leave, training, employment status, or other terms and conditions of employment;
- d) Unlawful discrimination; and
- e) Threats of adverse action.

Resources and Additional Information

State of Alaska Constitution, Laws, Regulations, and Administrative Orders

1. Constitution of the State of Alaska, Article I Section 3, Civil Rights
2. Constitution of the State of Alaska, Article XII Section 6, Merit System
3. AS 18.80.220, Unlawful Employment Practices
4. AS 39.20.500, Pregnancy, Childbirth and Family Leave for Public Employees
5. AS 39.20.500 – 39.20.550, Alaska Family and Medical Leave Act
6. AS 39.25.150(21), Provisional hire of persons with severe disabilities
7. AS 39.25.159, Employment preference for veterans
8. AS 39.28.010 – 39.28.200, Equal Employment Opportunity Program
9. 2 AAC 07.175, Affirmative Action
10. 6 AAC 65.010-990, Compliance with the ADA
11. Administrative Order 59, Equal Opportunity
12. Administrative Order 75, Equal Opportunity Employer
13. Administrative Orders 76, 86, 93, and 109, EO in State Contracts
14. Administrative Order 81, Policy on Discriminatory Harassment
15. Administrative Order 129, Americans with Disabilities Act Compliance Program
16. Administrative Order 195, Diversity

United States Constitution, Federal Laws and Regulations

1. United States Constitution, Amendment XIV
2. Equal Pay Act of 1963, as amended
3. Titles VI and VII of the Civil Rights Act of 1964, as amended
4. Age Discrimination in Employment Act of 1967, as amended
5. Equal Employment Opportunity Act of 1972
6. Rehabilitation Act of 1973, as amended
7. Vietnam Era Veterans' Readjustment Assistance Act of 1974
8. Pregnancy Discrimination Act of 1978
9. Immigration Reform and Control Act of 1986, as amended
10. Older Workers Benefit Protection Act of 1990
11. Americans with Disabilities Act, as amended
12. Civil Rights Act of 1991
13. Family and Medical Leave Act of 1993
14. Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, 38 U.S.C. §§ 4301 – 4335)
15. ADA Amendments Act of 2008
16. Title II of the Genetic Information Nondiscrimination Act of 2008
17. Lilly Ledbetter Fair Pay Act of 2009