

HOUSE BILL NO. 405

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/7/18

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sexual harassment claims; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 23 is amended by adding a new chapter to read:

4 **Chapter 55. Workplace Sexual Harassment.**

5 **Sec. 23.55.010. Workplace sexual harassment claims; prohibition on**
6 **nondisclosure.** (a) Except as necessary to prevent the disclosure of information that is
7 otherwise confidential by law, neither an employer nor a contract for employment may
8 require that an employee or applicant for employment be bound by nondisclosure of
9 sexual harassment as a condition of employment.

10 (b) In this section,

11 (1) "employee" means an individual employed by an employer;

12 (2) "employer" means a person, the state, a municipality, a regional
13 educational attendance area, a school district, a state university, or a state or municipal
14 agency, department, division, instrumentality, or public corporation that employs one
15 or more full-time employees under a contract of hire, express or implied, oral or

1 written; "employer" does not include a club that is exclusively social or a fraternal or
 2 religious association or corporation if the club, association, or corporation is not
 3 organized for private profit;

4 (3) "sexual harassment" means an unwelcome sexual advance, request
 5 for a sexual favor, or other verbal or physical conduct of a sexual nature toward an
 6 employee or applicant for employment, when

7 (A) the employer makes submission to the conduct either
 8 explicitly or implicitly a term or condition of employment for the applicant for
 9 employment or of continued employment for the employee;

10 (B) submission to or rejection of the conduct is used by the
 11 employer as the basis for employment decisions affecting the employee or
 12 applicant for employment; or

13 (C) the conduct has the purpose or effect of unreasonably
 14 interfering with the work performed for the employer by the employee or
 15 applicant for employment, or creates an intimidating, hostile, or offensive
 16 working environment.

17 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 APPLICABILITY. AS 23.55.010, enacted by sec. 1 of this Act, applies to agreements
 20 entered into after June 30, 2018.

21 * **Sec. 3.** This Act takes effect July 1, 2018.