

DELEGATION OF SUBPOENA POWER

RESOLUTION: The Commission authorizes the executive director to issue subpoenas, subpoenas duces tecum and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in any inquiry, investigation, or non-hearing-related proceeding before the Commission in the state and to petition a court of this state to enforce its subpoenas, subpoenas duces tecum and other process. The Commissioners retain, together with such hearing examiners as may be employed on a case by case basis, the above powers with respect to any case in which the Executive Director has certified conciliation failure. The executive director may in his absence, delegate to the assistant directors this authority to issue process and petition for its enforcement.

COMMENT: The intent of this resolution is to permit the executive director to authorize the assistant directors, including the assistant director in charge of the systemic program, to issue subpoenas. Particularly for the Fairbanks and Juneau offices, it is inefficient to have to request that subpoenas be issued from Anchorage and mailed to their offices. It is unclear whether the executive director presently has this authority. Because A.S. 18. 80.060 (b) (4) specifically provides for this delegation of power provision in A.S. 18.80.060(b)(1), it makes sense to spell out that the executive director has this power in subpoena cases and to avoid any potential problems when a subpoena is being resisted. This delegation covers only cases and inquiries which have not reached the hearing stage. At hearings the Director presents the case in support of the complaint before Commissioners/examiners. It is these officers to whom application for subpoenas, etc., should be made.

ADOPTED June 3, 1978, Fairbanks Quarterly Commission Meeting Minutes page 9.

ATTACHMENT D