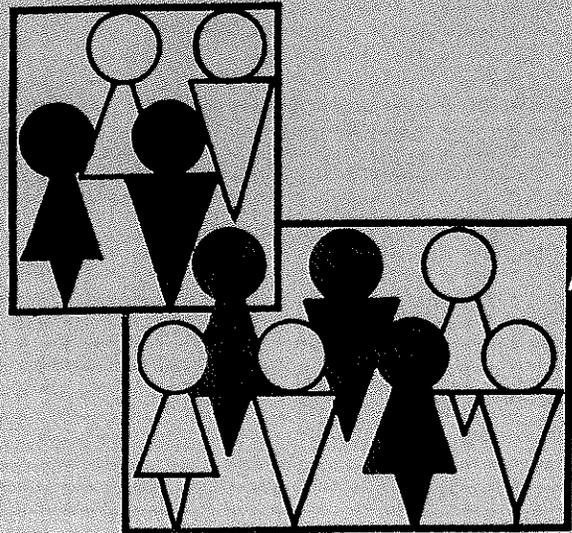
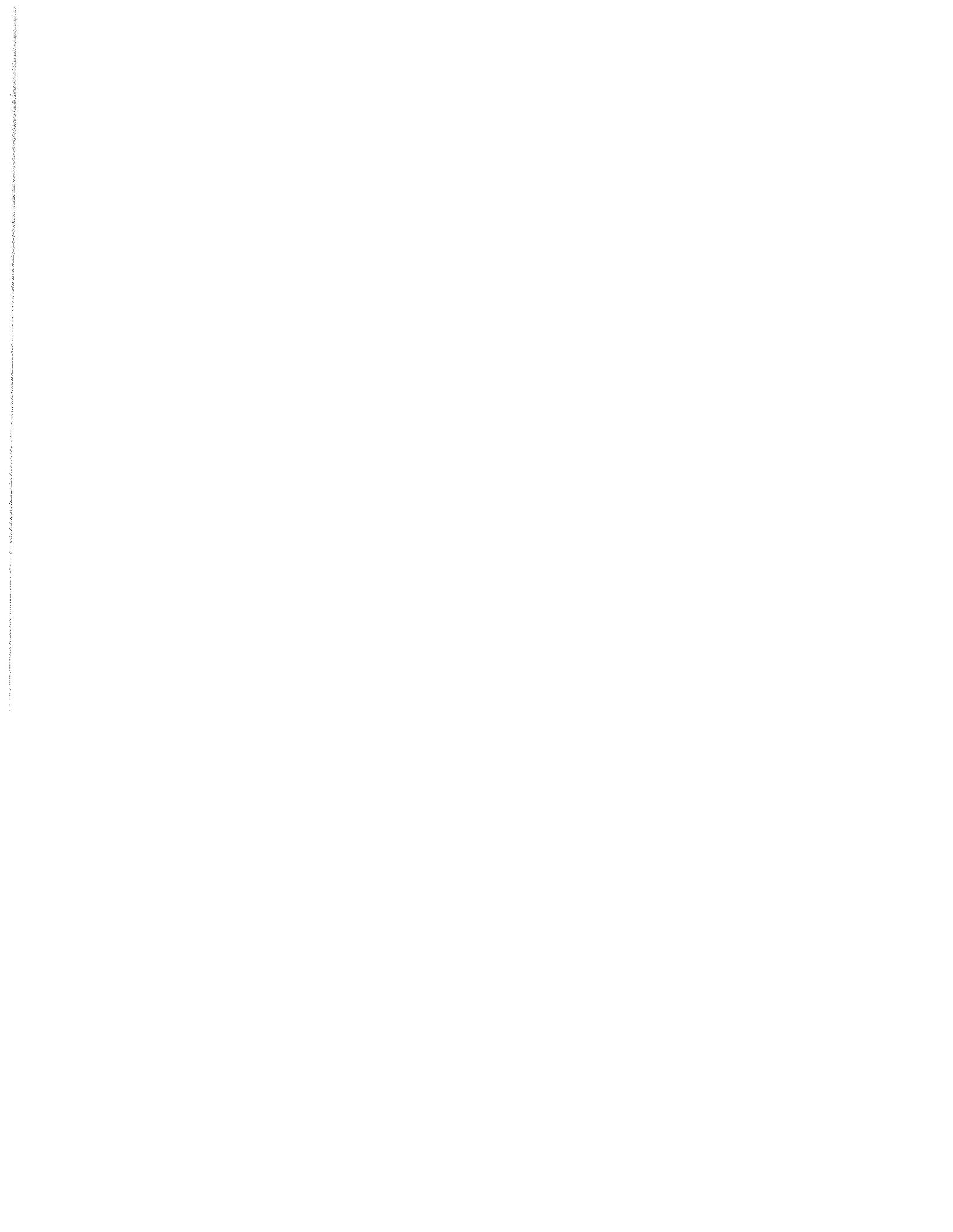


West Virginia
Human Rights Commission

ANNUAL REPORT

1985 — 1986







STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

215 PROFESSIONAL BUILDING
1036 QUARRIER STREET
CHARLESTON, WEST VIRGINIA 25301

TELEPHONE 304 348-2676

ARCH A. MOORE, JR.
GOVERNOR

December 1, 1986

Honorable Arch A. Moore, Jr.
Governor of the State of
West Virginia
State Capitol Building
Charleston, WV 25305

Dear Governor Moore:

We have the honor to submit the following Annual Report of the West Virginia Human Rights Commission for fiscal year 1985-86.

This report of the activities of the Commission fulfills the requirements of Chapter 5, Article 11, Section 8(g) of the West Virginia Code.

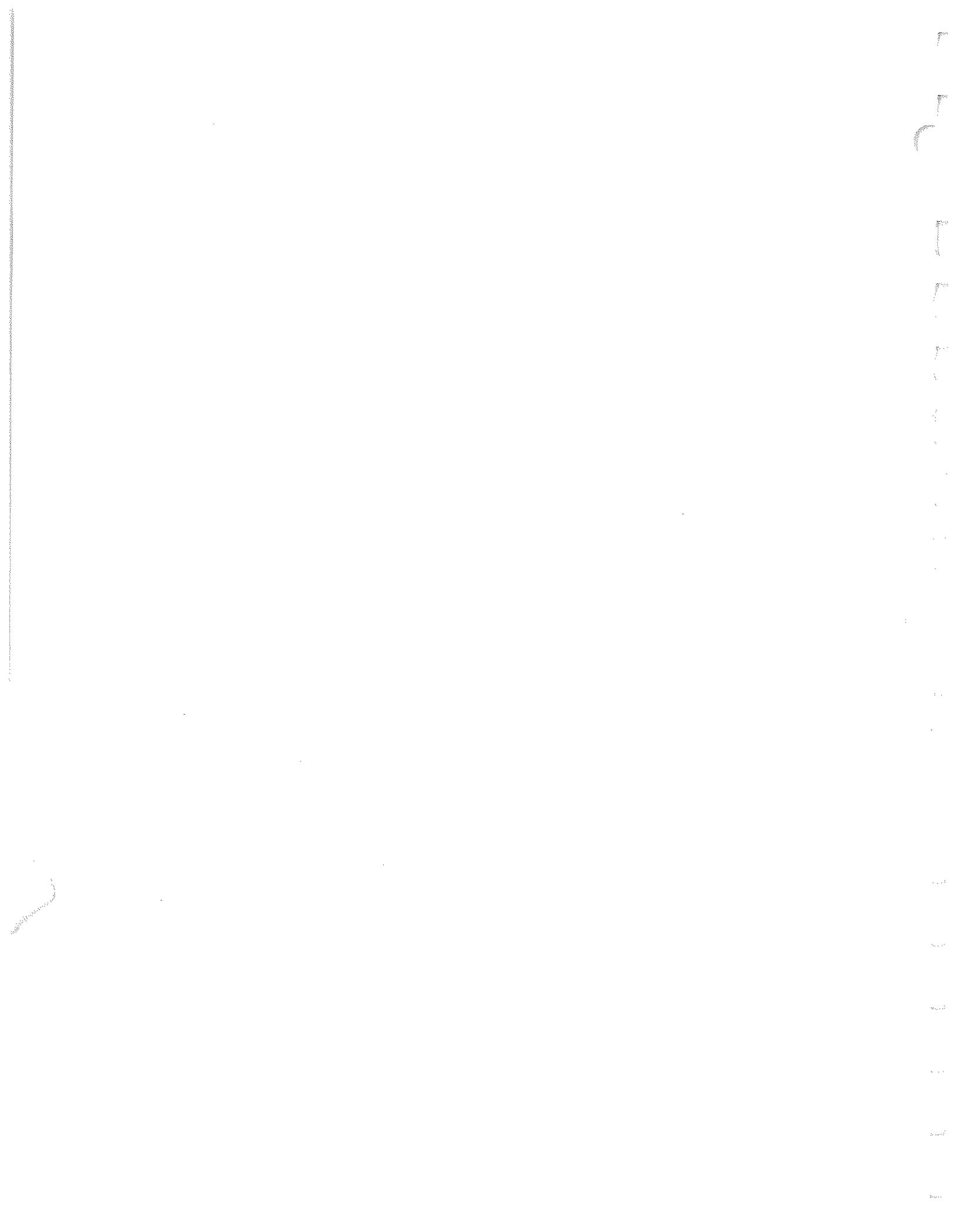
The Commission strives to implement the public policy of the State of West Virginia which prohibits the denial of human rights or civil rights to persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness or handicap.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nathaniel G. Jackson".

Nathaniel G. Jackson
Chairperson

NGJ/elm



FOREWORD

Fiscal Year 1985-86 could probably best be described as a year of the reawakening of human rights.

The Apartheid situation in South Africa combined with the growth of hate-violence groups here in the United States resulting in property damage, injury, and even death, simply because of one's race has shown us that civil rights is not a dead issue in this country. We at the WV Human Rights Commission have even stronger feelings about this problem because of the acquisition of a large amount of property right here in West Virginia by one of these white supremacist, anti-semitic, hate violence groups. Our gravest concern is that this property, located in a remote, rural section of our State will become a paramilitary training camp for those who would wish to see this country and West Virginia in particular become a white, Anglo-Saxon, Protestant haven with no rights for those outside of the "order."

We are monitoring this situation closely and intend to support legislation that would ban the formation of paramilitary training camps geared toward instruction in sabotage, terrorism, guerrilla warfare, combat or armed conflict of any nature. Recruitment efforts by the Ku Klux Klan geared toward students in the Princeton Area is but the tip of the iceberg. These seemingly isolated incidents have led to the destruction of property and personal injury. We cannot shirk our responsibility to stem the tide of these civil tension situations which is our mandate under law.

Yet, we must also meet our mandate in resolving complaints of discrimination which is our principle function. I can say with satisfaction that we have successfully carried out this mandate with the

help of our Commissioners, staff members, other State agencies, community groups and the legal sector.

I would take this opportunity to thank these individuals for their assistance and support. And I would express special thanks to the entire staff of the Commission for their dedication and hard work in the face of mounting challenges during this past year.

This Annual Report which covers the activities of the WV Human Rights Commission during the fiscal year beginning July 1, 1985, and ending on June 30, 1985, is respectfully submitted.

HOWARD D. KENNEY
EXECUTIVE DIRECTOR

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THE WEST VIRGINIA HUMAN RIGHTS ACT, AS AMENDED

(Chapter 5, Article 11, West Virginia Code)

ADMINISTERED BY

THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

DECLARATION OF POLICY

"It is the public policy of the State of West Virginia to provide all of its citizens equal opportunity for employment, equal access to places of public accommodations, and equal opportunity in the sale, purchase, lease, rental and financing of housing accommodations or real property. Equal opportunity in the areas of employment and public accommodations is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age, blindness or handicap. Equal opportunity in housing accommodations or real property is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, blindness or handicap.

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness or handicap is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society." (Section 5-11-2)

COMMISSIONERS

<u>NAME</u>	<u>TERM EXPIRES</u>
Nathaniel G. Jackson, Chairperson Elkins, WV	June 30, 1985
Betty A. Hamilton, Vice Chairperson Charleston, WV	June 30, 1987
Iris Bressler Fairmont	June 30, 1985
E. Sid Allen Huntington, WV	June 30, 1986
Jack McComas Huntington, WV	June 30, 1987
Ferguson Meadows* Institute, WV	June 30, 1987
George Rutherford Ranson, WV	June 30, 1985
Bette Thornhill Huntington, WV	June 30, 1986
Russell Van Cleve Charleston	June 30, 1986

*Resigned before end of his term.

OVERVIEW

"The West Virginia Human Rights Commission was established in 1961 to encourage and endeavor to bring about mutual understanding and respect among all racial, religious and ethnic groups within the State, and to eliminate all discrimination in employment and places of public accommodation by virtue of race, creed, or religious belief." Since the Commission was established 24 years ago, innumerable West Virginians have benefitted from the Commission's services. We have come from a day when Blacks, women, older people and the handicapped had basically no legal safeguards for the protection of their constitutional rights, to a time when West Virginia law guarantees these protections.

In an effort to secure basic human and equal rights for all people in West Virginia, the original legislation has been amended several times and has progressed through many stages:

In 1967, the West Virginia Human Rights Act (Chapter 5, Article 11, West Virginia Code) was amended to "prohibit discrimination in employment and places of public accommodation based on race, religion, color, national origin or ancestry." The language of the amendment clearly altered the role of the Commission from one of seeking voluntary cooperation to deal with racial and religious discrimination to one of enforcing the legal prohibitions against discrimination as described in the Act. A means by which victims of discrimination could obtain legal redress was proscribed as the Commission was granted powers as an enforcement agency.

The State Legislature has consistently passed measures to broaden the scope of West Virginia's anti-discrimination law. The Human Rights Act was amended in 1971 to make discrimination on the basis of sex and age in employment and places of public accommodation illegal. Since that time, additional amendments have made it unlawful to discriminate in housing on the basis of race, religion, color, national origin, ancestry or sex as well as prohibiting discrimination on the basis of blindness in employment, places of public accommodation and housing.

During the 1980-81 session of the West Virginia State Legislature, the Human Rights Act was amended to prohibit discrimination on the basis of physical or mental handicap in employment, in places of public accommodation, or in housing.

A rapidly growing inventory of discrimination complaints requiring litigation before the Commission was an influencing factor in the State Legislature's enactment of the "Right-to-Sue" amendment to the Act during the 1982-83 session. This new legislation granted a private right of action in the State courts to individuals aggrieved under the West Virginia Human Rights Act.

Prior to the passage of this amendment, persons filing a complaint with the Commission could only bring a case before the

circuit courts by appealing an ORDER of the Commission.

In fiscal year 1984-85, the Legislature passed an amendment which stated that Commissioners shall be paid twenty-five dollars (\$25.00) per diem for actual time spent in the performance of duties under that statute rather than receiving a salary.

While fiscal year 1985-86 did not bring the Commission any new amendments to the Act, the Commissioners had to make important changes to the agency's administrative rules and regulations in order to expedite the handling of complaints.

A review of the legislative history of the West Virginia Human Rights Act, as amended, suggests that this statute will continue expanding to protect the civil and human rights of more people in the years to come.

COMPOSITION OF THE COMMISSION

The Commission, as prescribed by the Act, is composed of nine members, all residents and citizens of the State of West Virginia and broadly representative of the several racial, religious and ethnic groups residing in the State. The Commissioners are appointed by the Governor, by and with the advice and consent of the Senate. Not more than five (5) members of the same political party and at least one member but not more than three (3) members shall be from any one congressional district.

Members of the Commission are appointed for terms of three (3) years beginning on the first day of July of the year of their appointments, except that appointments to fill vacancies are for the unexpired term thereof. Commission members are eligible for reappointment.

The Governor, by and with the advice and consent of the Senate, is responsible for the appointment of the Executive Director to serve at his will and pleasure. The Executive Director serves as secretary to the Commission and is responsible for the day-to-day operations of the agency. The Executive Director of the Commission also serves as an ex-officio member of the West Virginia Advisory Committee to the U. S. Civil Rights Commission.

Under the Act, the Commission may call upon other officers, departments and agencies of State government to assist in its hearings, programs and projects. The Attorney General of the State is directed by the Act to render legal services to the Commission upon request made by the Commission itself or its Executive Director. Since 1971, the Attorney General had assigned an Assistant Attorney General to the Commission. However during FY 84-85, the Attorney General, established a Civil Rights Division, hired a Deputy to head this division and committed additional staff to handling this agency's backlog of cases for public hearing.

STRUCTURE AND FUNCTION

Introduction

The West Virginia Human Rights Commission is charged with administering the West Virginia Human Rights Act, as amended. The Commission seeks to fulfill its mandate, eliminating illegal discrimination in the State of West Virginia, through two major functions, enforcement and education. The structure of the Commission is based upon the activities encompassed in these functions.

The Commission's enforcement program is two-fold. First, the compliance unit is responsible for intake, investigation, and conciliation of complaints of discrimination. Second, the legal unit is responsible for handling discrimination complaints which proceed to public hearings and/or judicial review, as well as other litigation matters.

The Commission's education program is designed to provide public information, technical assistance and research which serves to curtail or prevent discriminatory policies or practices.

The West Virginia Human Rights Commission, consisting of nine members who are appointed by the Governor, exists to advise the Executive Director and staff by recommending programs, ruling on complaints, issuing ORDERS after conduct of public hearings, and setting policy in furtherance of the purposes of the West Virginia Human Rights Act, as amended.

Enforcement/Compliance Unit

The primary responsibilities of the Commission's Compliance Unit is to receive, investigate and attempt settlement of discrimination complaints filed with the agency. Further, defective complaints may be administratively dismissed through this unit.

Since the Compliance unit handles complaints through much of the case processing procedures detailed later in this section, there may need to be some legal input prior to the public hearing stage. Accordingly, the Compliance Attorney consults with and advises the investigative staff on these matters in addition to handling any other problems requiring the attention of a lawyer.

Enforcement/Legal Unit

The responsibility of the Commission's Legal unit is to provide the numerous legal services necessary for the agency to fulfill its mandate. These legal services may include: (1) presenting some cases at public hearing; (2) serving as a Hearing Examiner; (3) petitioning the circuit courts for issuance of injunctions in certain housing cases; (4) assisting the Commissioners in preparing final orders after public hearings; (5) representing the Commission during judicial review of its decisions before the State Circuit Courts as well as before the West Virginia Supreme Court of Appeals; (6) representing the Commission in other civil and miscellaneous proceedings in State and/or federal courts whenever the agency is a party; (7) providing other legal services or advice to the

Commissioners; and (8) coordinating the movement of public hearing cases filed between the Commission's office and the office of the Attorney General, who are involved in presenting Probable Cause cases at public hearing.

The Commission's staff is also responsible for responding to requests, both correspondence and telephone inquiries, for information about the Human Rights Act and Commission activities.

Education

The educational activities of the Commission are designed to improve community understanding of the issues related to civil rights, to increase voluntary compliance, and to enhance equal opportunity for all citizens. However, these activities have been all but non-existent this fiscal year because of the Court's mandate in Allen which requires that the agency resources be committed to expediting the case processing of discrimination complaints.

Nonetheless, during the fall of this fiscal year, the Commission's staff was required to intervene in a racially tense situation developing in the Mercer County schools and community. The agency's staff worked as facilitators in reopening lines of communication with local officials, parents, and other interested parties. The cooperative efforts of all of those concerned helped to lessen the community tension at that time and provided a basis for continued discussion by community leaders as they seek solutions to some of the problems giving rise to this situation. (Refer to the Table of Contents to find the Commission's report in this matter.)

CASE PROCESSING PROCEDURES

Introduction

During fiscal year 1984-85, the Commission revised its case processing procedures in order to comply with the WV Supreme Court of Appeal's mandate in Allen, et al. v WVHRC which required that all complaints received after December 6, 1984, must be investigated and/or adjudicated within one hundred and eighty (180) days after the agency's receipt of the formal complaint. The agency's administrative rules and regulations which were also revised now require that a prompt investigation begin within seventy-five (75) days after filing and be completed within one hundred and fifty (150) days after the filing. The one hundred and fifty (150) days deadline is crucial because the Commission has to serve all notices of hearing upon the Respondent at least thirty (30) days prior to the time set for the hearing.

The Commission's efforts to comply with the Court's mandate requires a strict coordination of activities in both of the agency's enforcement divisions, compliance and legal.

Compliance Division Activities

When a person contacting the agency wishes to file a discrimination complaint, he or she is assisted by the Intake Officer(s) who must determine whether the Commission has jurisdiction to handle the complaint under the provisions of our statute, the West Virginia Human Rights Act, as amended (hereinafter referred to as the Act). This statute authorizes the Commission to accept complaints alleging unfair practices occurring in West Virginia and which are prohibited by the Act. However, the complaint must be received by the agency within ninety (90) days from the date of the alleged discriminatory practice. The following chart indicates the jurisdictional areas and protected classes covered by the Act:

PROTECTED CLASSES

<u>AREAS</u>	RACE	SEX	RELIGION	NAT. ORG.	COLOR	ANCESTRY	AGE (40-65)	BLINDNESS	HANDICAP
Employment	x	x	x	x	x	x	x	x	x
Public Accommodations	x	x	x	x	x	x	x	x	x
Housing	x	x	x	x	x	x		x	x
Reprisal	x	x	x	x	x	x	x	x	x

The Intake Officer(s) requires a potential complainant to complete and return a background information questionnaire concerning the allegations. Upon receipt of a completed questionnaire--and whenever necessary, a discussion with the person--a decision on the jurisdiction of the complaint is made. If the charge is within the jurisdiction of the Commission, a formal complaint is drawn up and returned to the complainant for his or her

signature and notarization of that signature. When complaints are not within the jurisdiction of the Commission, the Intake Officer often refers people to other agencies and organizations that can provide assistance. Complaints may also be received by mail and by telephone. Forms and interrogatories are mailed to individuals who are unable to file charges in person.

Once a jurisdictional complaint is properly received and docketed by this agency, the respondent (party against whom the complaint is filed) is notified of the complaint and is given ten (10) days to respond. Both parties are informed that a pre-determination or early settlement can be reached by negotiations between the parties with the assistance of the staff investigator assigned to the case. Both parties receive an explanation of the agency's process for handling complaints. Same explanation describes the fact-finding conference which is an informal meeting between the investigator and the parties and during which the allegations are discussed. The fact-finding conference, which is presided over by an investigator, is an investigatory procedure but it can also present an opportunity for the parties to discuss settlement possibilities. However, this procedure is only available in cases where all parties wish to participate and comply with the ground rules for such a conference.

The convenor acts as an objective facilitator who attempts to negotiate a settlement of the charge through the conference. The parties receive encouragement and assistance in reaching a voluntary settlement which is mutually acceptable. If a resolution is reached, a Pre-Determination Settlement containing the terms agreed upon in resolution of the charge is drawn up and signed by both parties and approved by the Executive Director.

When an early settlement cannot be reached, the investigator gathers all information and evidence pertinent to the basic issues raised by a charging party's allegations. When the basic issues have been identified, an investigator may interview the complainant, the respondent, or any witness who can provide relevant information. Records, documents, and other data may be requested or subpoenaed, if necessary, from a respondent or charging party. After all of the evidence has been gathered and analyzed, an investigator makes a recommendation of determination based upon the information contained in the case file.

Based upon a review of the recommendation and the evidence in the file, the Compliance Director or the Commission's Attorney may rule that there is no probable cause to believe that the Respondent engaged in an unlawful discriminatory practice. Then both parties receive written notification of the ruling and the Complainant has ten (10) days to request an administrative review in accordance with the provisions of the agency's administrative rules and regulations. Such a ruling becomes a final decision if no request for review is received. However, the Compliance Director or the Commission's Attorney may rule that probable cause exists for crediting the allegations of the complaint.

Whenever a probable cause ruling is reached, the parties are notified by a Letter of Determination, and the case is transferred to the agency's Legal unit where the required notice of conduct of a public hearing is issued to all parties.

Legal Division Activities

Immediately after a case file involving a ruling of probable cause is received in the Legal division, the staff notices the case for public hearing. Although the Commission encourages settlement efforts during any phase of its procedures, a conciliation agreement is only available prior to the conduct of a public hearing. Conciliation is a process that is entered voluntarily by the parties; and, if successful, it results in a written agreement which is legally binding on the parties. If attempts to conciliate the case fail, the Commission must hold a public hearing on the matter.

Once the case has been assigned to a Hearing Examiner and Hearing Commissioner--whenever a Hearing Commissioner's presence is required at the public hearing--the entire case file is referred to the Office of the Attorney General, Civil Rights Division, who must present the case at public hearing. (For more information on the rules and regulations governing the procedures before the Commission, contact the Secretary of State's Office.)

Following the completion of the public hearing, the Hearing Examiner submits a proposed Order and Decision accompanied by Findings of Fact and Conclusions of Law to the Commission. The record is also returned to the agency. If the Commission accepts these findings and recommendations, it may issue an Order requiring the Respondent to cease and desist from such unlawful discriminatory practices and to comply with the prescribed remedies to make the Complainant whole. The Commission's Order may also dismiss the complaint based on a finding that the evidence failed to show that Respondent violated the statute or for any other situation which might prohibit the conduct of a public hearing (i.e. death of complainant or inability to locate the parties, etc.). Any final Order of the Commission may be appealed to the circuit courts for judicial review.

During this fiscal year, the agency saw a great increase in the number of public hearings held, and this increase was only possible because of the continued support of the Supreme Court of Appeals and the Attorney General. The Court Administrator's Office paid for and handled administratively the contracts of the private attorneys who served as hearing examiners for the agency's backlog of cases awaiting conduct of public hearings. Since this "backlog hearing project" also required many additional attorneys to present the cases at the public hearing stage, the Attorney General's Office paid for and handled the contracts for these "special assistant attorney generals." Because of the cooperation between the Court Administrator's Office, the Attorney General's Office, and the agency's own legal division, over 312 cases were heard at public hearing or settled during this fiscal year.

PUBLIC HEARINGS HELD

Adams v Caroline Coal Company, ES 280-75
Alfred v Chico Dairy Company, ES 164-82
Algee v Friar Tuck's, Inc., PAR 195-75
Algee v Friar Tuck's, Inc., PAR 258-75
Allen v Holderby, HR 158-79
Anderson v Kanawha Co. Board of Education, ES 148-80
Artis v Steppes Beauticians, ER 204-76
Ash v Doddridge Co. Board of Education, ES 258-84 & ES 259-84

Baram v K-Mart, PANO 254-82
Barton v City of Huntington, ER 717-83 & REP 245-84
Basta v Corning Glass Works, ER 266-86 & EH 167-86
Battle (Day) v C & O Railway Company, ER 102-79
Bedget v WV Adjutant General, EA 282-82
Bell v Ekey, HR 314-77
Boone v Westmoreland Coal Company, ES 595-83 & EH 596-83
Bowers v South Branch Vocational Center, ES 97-81
Bradley v Volkswagen, ER 451-80
Bradsher v Raymond's, Inc., ER 78-77
Bragg v Princeton Community Hospital, EA 395-85
Brown v Friar Tuck's, Inc., PAR 208-75
Brown v Raleigh Co. Deputy Sheriff & Civil Service Commission, ER 430-79
Brown v Overnite Transportation Company, EH 547-85
Brown v Boone County Sheriff's Dept., ES 347-85
Bryan v McClanahan v WV Society for the Blind/WV Dept. of Vocational
Rehabilitation, ES 61-86, EB 62-86, EA 63-86, ES 38-86, EA 39-86,
EB 40-86
Bryant v 7-11 Stores, ES 444-82

Chafin v Massey Stores, Inc., ES 494-79 & ES 495-79
Chapman v Executive Inn, REP 749-83
Childress v Williamson, HR 342-85
Clark v Guyan Machinery Company, ER 431-80
Cochran v McDowell Co. Sheriff's Dept., ES 354-85
Cooper v Kanawha Co. Sheriff's Dept., ES 375-85
Cox v Sears, ER 621-85
Crouch v E.I. DuPont deNemours & Co., ES 471-83 & EH 472-83
Curry v Genpak Corporation, ER 344-85 & ES 345-85

Daniels v Universal Club, EA 645-83
Davenport v Loretta's Place, PAR 189-84
Davidson v Stimmel, PAR 58-83
Davis v WV National Guard, E 80-89
Dayhoff v Wood Co. Board of Education, EREL 19-76
Dettinburn v Vacuum Services, Inc., EA 3-83
Devericks v Lewis Co. Board of Education, PAH 239-82
Dixon v Webb Painting Contractors, ER 308-81 & REP 309-81

Eve v City of Buchannon Police Dept., ES 435-81

Fitzwater v Little General Stores, ES 407-77
Ford v U. S. Steel, ER 492-83
Francisco v Thorofare Markets, Inc., ES 273-79 & EA 363-79
Frazier v CAP Construction Company, ER 180-83
Frymier v FMC Corporation, REP 72-85
Fullen v WV Dept. of Highways, ER 380-79
Fuller v Consolidation Coal Company, ER 11-82

Gaines v General Laborers' Union, ES 61-77
Garrison v Consolidated Gas Supply Co., ES 147-82
Gates v Town of Romney Housing Authority, ES 668-84 & ENO 669-84
Gibson v O'Boyle Tank Lines, EA 153-76
Graves v WV Belt Sales & Repair, ES 373-81
Gray v United Farm Tools, ES 567-85
Griffith v Parkersburg Health & Racquetball Club, ES 26-86
Guyton-Smith v Shop-A-Minit, ES 227-81

Hackworth v Man Appalachian Hospital, EH 302-85
Hager v Teamster's Local 505, ES 552-79
Harder v Shenandoah Quarry, REP 204-82
Harless v WV Dept. of Employment Security, ES 39-81
Harless v United Pocahontas Fuel Co., EA 433-83
Harrah v Central Appalachian Coal, EH 223-83
Harris v N & W Railway Company, ER 305-82
Hashimura v Raleigh Co. Sheriff's Civil Service Commission, EAN 189-77
Hawthorne v Raleigh Co. Sheriff's Civil Service Commission, ER 130-75
Hayford v WV College of Graduate Studies, ES 238-85
Hazelock v JHM Laboratories, HR 274-79
Hickman v American Cyanamid Company, EA 218-82
Hicks v ACF Industries, EA 508-75 & EA 507-85
Hinerman v Olin Chemical Corporation, EA 290-85
Hobart v Marion Partnership, EA 452-85
Holbert v Laury's, Inc., EA 329-79 & ES 337-79
Holbrook v Poole Associates, Inc., EA 13-83
Holcomb v Carbon Fuel, ES 367-81
Hollis v Consolidation Coal Company, ER 288-81
Hooper v WV Office of Medical Examiner, ES 432-77
Hooper v Southern Ohio Coal, ER 338-78 & REP 315-79
Hooper v Beckley Appalachian Regional Hospital, ES 163-77 & ES 216-77
Hubbard v Appalachian Power Company, EA 142-81
Hudson v Monongah Swimming Pool, PAR 21-75

Jackson (Sharp & Boykins) v Man Appalachian Hospital, ER 546-83, ER 511-83
& ER 555-83

Jackson v Consolidated Coal Company, ER 301-82
Jackson v Skelton, PAB 60-86
Jefferson v O.J. White Moving Company, ER 450-79
Johnson v Waltz, HR 691-83
Johnston v Ashland Coal, ES 181-85
Jones v Friar Tuck's, Inc., PAR 199-75
Jones v Triad Distributors, ER 230-82
Jones v Consolidation Coal Company, ER 627-85
Jones v B & O Railroad Company, ES 59-80, REP 449-80, & REP 68-83
Jones v Smiley's, EA 383-83

Keller v Union Carbide Corporation, ES 647-83
Kelsor v Mercer Co. Board of Education, ER 169-79
Kenney v Columbia Gas of WV, Inc., REP 550-81
Kerns v WVU Cooperative Extension Service, ES 372-79
Kimble v Dawn View Manor Nursing Home, ES 63-85
King (Harrison) v Beckley Veterinary Hospital, ES 359-77
Kinney v B. G. Danis, Inc., ER 331-85
Kropka v Foote Mineral, REP 351-78

Lewis v Fourco Glass Co., ER 430-83 & EH 431-83
Little v Friar Tuck's, Inc., PAR 188-75
Lockett v WV Dept. of Highways, ER 425-85
Lucas v Thorofare Markets, Inc., ES 368-79 & EA 369-79
Lucas v Cedar Coal Company, ES 164-79
Lutz v Independent Fire Co., No. 1, Inc., REP 272-78

Major v Pittston Coal Company, ER 284-85 & EA 285-85
Mann v Lilly, HR 572-82
Marcum v Ranger Fuel, EH 518-82
Marcum v Northern Coal, ES 51-80
Marshall v Carbon Fuel, EH 171-82
Martin v Smith's Transfer, ER 282-83
Martin v Jackson County Sheriff's Dept., ES 404-81
McCarthy v Eastern Associated Coal Corp., EA 105-82
McClanahan v Dave Sugar Construction Co., ES 17-86
McGhee v American Motors Corp., ER 339-76 & ER 373-76
McGlawn v Imperial Towers, HR 507-76
Miller v WV Institute of Technology, ES 536-85
Minney v Green Hills Country Club, ES 633-82
Minshew v Grady Whitlock Ford, ES 206-81
Montgomery v WV Dept. of Employment Security, ER 271-76
Moody v Lambert, HR 398-77

Neal v Valley Bank & Trust, ES 505-83
Nelson v Allegheny Lumber Company, REP 22-82
Nearhoof v WV Society for the Blind/WV Dept. of Vocational Rehabilitation,
EB 72-86 & REP 71-86

Partridge v Ottmer Lakes Estates, HR 246-82
Patterson v FMC Corporation, ER 210-77 & REP 539-81
Patterson v McConihay, HR 60-79
Pauley v Southern Appalachian Coal Company, ES 87-80
Paxton v Crabtree, ES 287-82
Pearson v Homer Laughlin China Company, ER 466-80
Penn v Appalachian Power Company, ER 140-76 & ER 321-74
Penn v Dunbar Police Department, PAR 62-85
Porterfield v Kanawha County Sheriff's Dept., REP 544-85
Powenski v Stimmel, HR 143-83
Price v Madison Civic Center, PAR 311-81
Protka v C & O Railway Company, ER 102-79

Oliver v Joe Holt's of Pipestem, ER 395-80 & REP 286-81
Oliver v Price LTD, HR 108-77
Owens v Southern Ohio Coal Company, ER 338-78 & REP 315-79

Rajan v WV College of Graduate Studies, EC 170-74
 Raynes v Putnam Co. Board of Education, ES 121-80
 Redman v Grant Memorial Hospital, ER 106-83
 Rhodes v Town of Ripley, ES 403-81
 Richardson v Master's Tuxedo Drycleaning, ER 367-85
 Richardson v Studio West, ER 481-83
 Rider v Laury's, EA 330-79
 Ritenour v Capitol Broadcasting Corporation, ES 67-82
 Roberson v Mountaineer, Inc., ER 339-85
 Robinson v Statewide Bureau of Security Police, ES 215-77
 Robinson v Barker, HR 264-80
 Rucker v Vecellio & Grogan, ER 146-76
 Russell v Thabit, HR 433-81

Salyers v Bishop Coal Co., Mine #36, ES 492-81
 Satterfield v Patrick Real Estate, HR 114-86
 Shahbazian v Appalachian Power Co., ENO 512-80
 Sheets v Foote Mineral, ES 35-79, REP 48-79, REP 49-79, & REP 78-79
 Shreve v Vacuum Services, Inc., EH 451-85
 Simpson v Huntington Alloys, ES 9-79
 Skeen v Jackson General Hospital, REP 54-79
 Smith v Geupel Construction Co., ER 328-84
 Smith v Country Club Village, HR 564-79 & REP 94-80
 Smith v Eckerd Drugs, ER 333-83
 Smith v Construction & General Laborers' Local 1354, ER 268-73
 Smith v Alkahn Silk Label, ES 281-85
 Smith v Monongahela Power Co., EH 302-85
 Starling v Heck's, Inc., ER 482-85
 Strong v Friar Tuck's, Inc., PAR 191-75
 Strong v Friar Tuck's, Inc., PAR 192-75
 Stover v Best Way, ES 363-77 & ES 10-78
 Sweeney, Bumgardner & Landers v VFW Post No. 573, ES 558-83

Tate v Rockwell, HR 307-79
 Taylor v Shoney's, Inc., EA 292-84
 Taylor v Triad Distributors, ER 231-82
 Taylor & Hawkins v WV Dept. of Finance & Administration, ER 26-78 &
 ER 25-78
 Thomas v Friar Tuck's, Inc., PAR 196-75
 Thomas v McDowell Co. Maintenance, State Road Comm., E 107-70
 Todd v Candlelight Club, PAB 116-79
 Todd v Vaziri, HB 225-80
 Tolli v Ohio Brass Co., EA 605-85
 Trammell v Appalachian Power Co., EA 196-84
 Truly & Miller v Cressler's Foods, ES 239-82 & ES 345-82
 Turney & Lazzell (McLaughlin) v WVU Hospital & WV Board of Regents,
 ES 16-76 & ES 379-77

Underwood v B & C Pipeline, ES 27-81

Wassum v Arbors Management Services, ES 258-85 & HS 438-85
 Westfall v Carbon Fuel Co., ER 179-79
 Whitt v Mingo Co. Equal Opportunity Council & Headstart Director, EA 609-85
 & EH 610-85
 Wilder v WV Community Mental Service Dept., ER 80-77

Williams (Meadows) v Beckley Manufacturers Corp., ES 52-72
Wilkerson v City of Williamson Police Dept., ER 249-81 & ER 248-81

Yonker (Bland) v Phillip/Sporn Appalachian Power, EA 11-78
Young v City of Nitro Police Dept., REP 582-84
Young v Clendenin Lumber & Supply Co., EA 5-77

Zavareei v WV Institute of Technology, ENO 350-85

TOTAL 197

SETTLEMENTS AT PUBLIC HEARING STAGE

Aaron v Taylor, ES 59-78. Complainant received \$300.

Adams v N. L. Industries, ER 6-78. Complainant received \$750.

Ashman v Union Carbide Corporation, EA 509-85. Complainant received an offer of employment and \$2,000 in attorney fees.

Bailey v Union Carbide Corporation, ES 9-77. Total monetary award was \$40,000 (\$15,000 in wage related claims; \$10,000 in general and incidental damages).

Barrett v Armstrong Utilities, Inc., EA 169-86. Complainant received \$1,000.

Beauford v KVRTA, ER 270-81. Total monetary award to complainant's estate was \$15,000 (\$5,000 in wage related claims; \$10,000 in general and incidental damages).

Berry v C & O Railway Company, ER 251-81. Complainant received \$250.

Bowe v Donaldson Mining Company, EA 182-86. Complainant received \$6,400.

Brooks v City of Huntington, ES 548-84. Complainant received \$1000.

Brown v Airco Welding, ER 518-80. Complainant received \$2,000.

Cart v Midwest Steel Corporation, ES 29-81. Complainant received \$3,000.

Chapman v Mingo Manor, EA 395-85. Complainant received \$200.

Childress v Highland, HR 109-82. Complainant received \$1,000.

Clemons v Penney's Drive Inn, ER 256-83. Complainant received \$5,000.

Cobb v Distribution Centers of Parkersburg, EH 366-85. Complainant received \$2,500.

Coleman v McConihay, HR 76-79. Complainant received \$1,000.

Crawford v Huntington Sanitary Board, ER 148-83. Complainant received \$2,500.

Davis v Lincoln Apts., HR 213-86. Respondent dropped the eviction proceedings. (Case #'s HS 214-86 & HC 215-86 also included in settlement)

Dean v Armstrong Utilities, EA 168-86. Complainant received \$1,000.

Dickerson v Logan County Sheriff & Logan County Commission, ER 579-83 & ES 580-83. Complainant received \$10,000.

Dorsey v Leckie Smokeless Coal Company, ES 147-81. Complainant received \$35,000.

Duck v Cunningham, HR 436-76. Complainant received \$200.

Duck v Allied Corp./Olin, Es 269-82. Complainant received \$3,900.

Duckworth (Luff) v Bel Meadow Golf & Sports Club., PAS 163-82 & REP 580-82. Respondent agreed to advertise in newspapers -- policy of no discrimination.

Eads v City of South Charleston, EH 150-86. Complainant was reinstated.

Ferrell v Terry Eagle Company, ES 137-82. Complainant received \$950.

Gardner v Jefferson Wards Security, ER 307-81. Complainant received \$2,000.

Garrett v C & P Telephone Company, EA 324-82.

Gore v WV Dept. of Highways, ER 316-81 & ES 317-81. Complainant was hired as Case Worker I and received \$2,100.

Grounds v Central Appalachian Coal Company, EH 414-83. Complainant received \$2,000.

Gump v Rockwell, ES 158-75. Complainant received \$12,000.

Hayes v Carnegie Natural Gas, EA 498-83. Complainant received \$3,543.

Henderson v Roaring 20's, PAR 180-85. Complainant received \$500.

Hensley v Kanawha County Board of Education, ES 287-81. Complainant received \$2,700.

Herrick v Pizza Hut, ES 437-84. Complainant received \$3,000.

Hicks v Cannelton Industries, EA 446-83 & EA 448-83. Complainant received a total of \$26,850 (\$14,350 in wage related claims; \$12,500 in general and incidental damages).

Higgins v Republic Steel Corporation, EA 357-81. Complainant received \$1,400.

Hight v Hawthorne Industries, ES 8-82. Complainant received \$3,000.

Hilleary v Pocahontas County Board of Education, REP 154-80. Complainant received \$1,500.

Hobbs v Appalachian Mental Health Center, ES 317-79. Complainant received \$5,500.

Holdren v Montgomery General Hospital, ES 388-80. Complainant was reinstated and received \$2,500.

Holdren v Pentree, Inc., ES 275-81 & REP 363-81. Complainant received \$500.

Holliday v Pizza Hut,, ES 606-85. Complainant received \$750.

Hoslotz v Ohio Valley Medical Center, REP 71-82. Complainant received \$5,500.

Howard (Fletcher) v Foote Mineral, ER 50-79. Complainant received \$1,000.

Hundley v Sophia Electric Company, ES 508-81. Complainant received \$1,000.

Hunt v WV Wesleyan College, EB 496-78. Complainant received a position of full professor and a salary increase.

Jarrell v Cannelton Industries, ES 12-81. Complainant received \$5,750.

Jenkins v Holiday Inn, ER 494-80. Complainant received \$400.

Johnson v Sacred Heart Hospital, ES 4-82. Complainant received \$5,000.

Johnston v National Mines, EA 173-83. Complainant received \$5,000.

Jones v Doctor's Memorial Hospital, ER 162=77. Complainant received \$650.

Jones v Consolidation Coal Company, ER 627-85. Complainant received \$17,197.50 (includes attorney's fees of \$9,697.50).

Jones v North Central WV Community Action Council, ER 171-81. Complainant received \$7,500.

Jones v Sophia Electric Company, ES 505-81 & EA 506-81. Complainant received \$3,000.

Jones v Harts Department Store, ER 355-85. Complainant received \$3,000.

Kennedy v McNeil's Enterprises/dba Domino's Pizza, ES 626-85. Complainant received \$7,500.

Lacy v Kanawha County Board of Education, ER 191-78. Complainant received \$3,000.

Lance v Delta Records, ES 311-81. Complainant received \$27,710.

Lash v Ramada Inn, ES 519-76. Complainant received \$750.

Law v Mr. Bee Potato Chips Company, EH 533-85. Complainant received \$500.

Lewis v Alcan Aluminum, ER 456-81. Complainant received \$975.

Light v Sharples Coal Company, ES 308-80. Complainant received \$5,000.

Linabarger v Norteman Packing Company, EA 174-84 & EH 175-84. Complainant received \$1,200.

Lyles v Union Carbide Corporation, ER 501-83 & ES 502-83. Complainant received \$63,833.40.

Mamone v Super-X, ES 488-77. Complainant received \$2,000.

Marquess v Union Hospital Center, ES 479-83. Complainant received \$1,000.

Maynard v Direct Marketing, ES 182-78. Complainant received \$500.

McCallam v FMC Corporation, ES 475-80 & EA 476-80. Complainant received \$5,000 (includes attorney's fee of \$1,500).

Meade v Montgomery Wards, EH 64-86. Complainant received \$1,500.

Mick v WV Department of Employment Security, ES 78-78. Complainant received \$350.

Miller v Carbon Fuel Company, ER 386-81. Complainant received \$200.

Moore v Beverage Center, ES 561-83. Complainant received \$2,500.

Mullins v Colonial Stair & Woodwork Company, EA 416-85. Complainant received backpay of \$500.00 and reinstatement.

Nicholas (Miller) v Norris Industries, EREL 267-79. Complainant received \$4,000.

Oxley v Kanawha Valley Memorial Hospital, ES 114-84. Complainant received \$3,000.

Parrotta v Mylan Pharmaceuticals, EH 471-85. Complainant was reinstated.

Penn v Dunbar Police Department, PAR 62-85. Complainant received \$1,925.

Polk v Cole National Corporation/dba Things Remembered, ES 569-85. Complainant was reinstated.

Price v Cellar Lounge, PAR 174-86. Complainant was given a membership card.

Qamhieh v Jordan & Martin, HANC 219-86 & HNO 220-86. Complainant received \$1,500.

Ray v E.I. DuPont DeNemours & Co., EA 452-77. Complainant received \$200.

Roland v Glenwood Park United Methodist Home, ER 387-85. Complainant received \$6,000.

Ross v Taco Bell, EH 151-86. Complainant received \$3,50.

Rowell v Valley Camp Coal, ER 78-81. Complainant received \$2,500.

Rutherford v Friendship Fire Company, PAR 184-80. Respondent had to advertise non-discriminatory policy in the local newspapers.

Salyer (Crabtree) v Fourco Glass Company, REP 136-80. Complainant received \$5,000.

Saunders v Lockheed, ER 291-85 & REP 292-85. Respondent had to disseminate their non-discrimination policy to all employees through the employee handbooks and in staff meetings.

Scott v Chafin, ES 124-80. Complainant received \$8,425 (\$7,500 in damages and \$925 in attorney fees).

Shelton v Union Carbide Corporation, ER 25-75. Complainant received \$1,500.

Smith v Green Acres Convalescent Center, Inc., EH 720-83. Complainant received \$800.

Smith v G.C. Murphy Company, ER 382-85. Complainant received \$5,511.82.

Smith v Master's Tuxedo, REP 70-86. Complainant received good written and oral job references.

Smith v Marshall University, EA 2-71. Complainant received \$1,000.

Smith v Murphy's Mart, ER 382-85. Complainant received \$5,571.82.

Smith v Union Carbide Corporation, ES 44-79. Complainant received \$4,000.

Smith v WV Glass Specialty, ES 266-77. Complainant received \$2,572 (includes \$712 for attorney fees).

Speights v Consolidation Coal Company, EH 602-85. Complainant received \$300.

St. Clair v New Castle Refractories, ES 206-78. Complainant received \$1,700.

Sutton v Triangle PWC, Inc., ES 375-80. Complainant received \$1,358.

Swagger v AT & T, ES 35-81. Complainant is to receive proper consideration for upcoming jobs for which she is qualified. Also, the respondent agreed to pay her a one-time only lump sum of \$4,000 for setting up a new residence should a job be awarded to her which requires her relocation outside the area.

Swanson v Broaddus Hopsital, ES 252-79. Complainant received \$6,000.

Tolbert v Rite Aide, ES 200-79. Complainant received \$5,575.

Treadway v K-Mart, ES 479-83. Complainant received \$2,500 and the opportunity to apply for the next available job.

Tubbs v Manpower, ER 117-85. Complainant received \$1,200.

Tucker v Southern Ohio Coal Company, ER 203-85, EH 204-85 & EA 205-85. Complainant received \$17,436 and was hired.

Vannatter v Southern WV Auto Club, ES 349-81. Complainant received \$3,000.

Varney v Ramada Inn, ES 630-85. Complainant received \$1,500.

Wagner v K-Mart, ES 449-83. Complainant received \$2,000 and an opportunity to apply for the next available job.

White v City of Morgantown, ER 429-80. Complainant received \$6,750.

Willis v Cannelton Industries, EA 74-81. Complainant received \$30,306.75 (\$26,500 settlement of life insurance claims; \$3,806.75 in wage related claims).

Wilson v WV University, Department of Security, ER 283-76. Complainant received \$3,500.

Winkfield v Long John Silver's, ER 148-83. Complainant received \$3,500.

Young v Lang Brothers, ER 174-81 & ER 175-81. Complainant received \$3,000.

FINAL ORDERS ISSUED

- Adams v Caroline Coal Company**, ES 280-75. Administrative dismissal - 2/28/86.
- Algee v Friar Tuck's, Inc.**, PAR 258-75. Administrative dismissal with prejudice - 2/4/86.
- Algee v Friar Tuck's, Inc.**, PAR 195-75. Administrative dismissal with prejudice - 2/4/86.
- Allen v C & O Railway Company**, ER 152-79. No violation. Dismissed with prejudice - 5/6/85.
- Allen v Holderby**, HR 158-79. No violation. Dismissed with prejudice - 4/21/86.
- Anderson v Kanawha County Board of Education**, ES 148-80. Cease and desist order. Complainant to be promoted and paid frontpay until the promotion is effected. Complainant also to receive backpay of \$2,500 and the complainant's attorney to receive their fees and expenses of \$700 from the respondent - 11/13/85.
- Ash v Doddridge County Board of Education**, EA 258-84 & ES 259-84. Remanded to Hearing Examiner to allow respondent an opportunity to present its defense - 4/21/86.
- Baram v K-Mart Corporation**, PANO 245-82. Cease and desist order. Complainant to receive \$10,000 in incidental damages - 7/18/85.
- Barton v City of Huntington**, REP 245-84. No violation. Dismissed with prejudice - 7/18/85.
- Battle (Day) v C & O Railroad Company**, ER 78-80. Cease and desist order. Respondent to pay complainant back wages of \$717.50 plus prejudgment interest of 10% per annum from March 26, 1979, through June 12, 1985. Respondent also to pay complainant compensatory damages of \$5,000 for embarrassment, humiliation, etc. - 4/28/86.
- Bedget v WV Adjutant General's Office**, EA 282-82. Cease and desist order. Respondent to report to the Commission the steps taken to comply with the order - 12/5/85.
- Bell v Ekey**, HR 314-77. Cease and desist order. Respondent to pay complainant for out-of-pocket expenses of \$512 plus interest at 10% per annum. Respondent also to pay complainant \$709 as compensation for humiliation, pain, suffering and embarrassment - 7/18/85.
- Boone v Westmoreland Coal**, ES 595-83. Cease and desist order. Complainant received \$75,000 for damages and complainant's attorney is to receive \$7,215.22 - 12/5/85.

Bowers v South Branch Vocational Center, ES 97-81. No violation on complainant's individual complaint but respondent was issued a cease and desist order requiring respondent to institute an effective Affirmative Action Program - 4/21/86.

Boykins v Man Appalachian Regional Hospital, ER 555-83. Cease and desist order. Respondent to hire complainant for the first vacant position for which she is qualified. Complainant to receive compensatory damages of \$8,000 for embarrassment, etc. - 4/22/86.

Bradley v Volkswagen of America, Inc., ER 451-80. No violation. Dismissed with prejudice - 1/8/85.

Bradsher v Raymond's, Inc., ER 78-77. Complainant to receive \$1,032 in backpay and \$1,000 in compensation for humiliation, anger, etc. Also ordered to implement the attached affirmative action plan - 12/5/85.

Bragg v Princeton Community Hospital, EA 395-85. No violation. Dismissed with prejudice - 3/21/86.

Breckenridge v Columbia Gas Transmission Corporation, ER 299-76. Administratively dismissed with prejudice because complainant failed to diligently prosecute his case - 11/8/85.

Bria v Fayette County Board of Education, REP 5-84. Cease and desist order. Complainant to be instated as Head Coach, conditionally. Complainant's personnel files to be expunged - 5/24/85.

Brown v Boone County Sheriff's Department, ES 347-85. No violation. Dismissed with prejudice - 12/5/85.

Brown v Friar Tuck's, Inc., PAR 188-75. Cease and desist order. Complainant to receive \$500 in incidental damages - 2/4/86.

Brown v Overnite Transportation Company, EH 547-85. No violation. Dismissed with prejudice - 6/27/85.

Brown v Raleigh County Sheriff's Department, ER 430-79. Cease and desist order. Complainant to be promoted to corporal effective January 31, 1975, and to be paid back wages with interest of 6%, and to be paid compensatory damages of \$5,000 for pain and suffering, etc. - 2/4/86.

Bryant v 7-11 Stores, ES 444-82. No violation. Dismissed with prejudice - 5/8/86.

Chafin v Massey Stores, Inc., ES 494-79 & EA 495-79. Cease and desist order. Complainant to receive \$53,700 in backpay with prejudgment interest at the rate of 6% per annum from 4/79 through 7/81 and at the rate of 10% per annum from 7/81 through 6/85. Complainant also to receive incidental damages of \$5,000 - 6/27/86.

Chambers v Barth, HF 372-76. Administrative dismissal because respondent could not be served a Notice of Hearing - 12/11/85.

Chapman v Executive Inn, REP 749-83. Administrative dismissal because of lack of jurisdiction and failure of the complainant to diligently prosecute case - 7/19/85.

Childress v Mr. & Mrs. Williamson, HR 342-85. Administrative dismissal for complainant's failure to diligently prosecute the case - 11/8/85.

Clark v Guyan Machinery Company, ER 431-80. No violation. Dismissed with prejudice - 10/28/85.

Cochran v McDowell County Sheriff's Dept., ER 354-85. No violation. Dismissed with prejudice - 12/19/85.

Curry v Genpak Corporation, ES 344-85 & ER 345-85. Cease and desist. Complainant received \$1,000 for incidental damages - 5/23/86.

Daniels v Universal Coal, EA 645-84. Cease and desist order. Complainant to be offered the first available full-time job for which he is qualified by training and experience. Also, he is to receive \$17,976 backpay plus prejudgment interest from the date of termination and compounded annually. Respondent also to pay complainant's attorney fees of \$3,000 - 12/19/85.

Davidson v Stimmel, HR 58-83. Cease and desist order. Complainant to be paid \$5,000 and attorney fees - 2/4/86.

Davis v WV National Guard, E 80-69. Complainant to receive his attorney fees of \$5,070 - 9/19/85.

Dayhoff v Wood County Board of Education, EREL 19-76. Complainant to receive incidental damages of \$5,000 - 4/21/86.

Dettinburn v Vacuum Services, Inc., EA 3-83. No violation. Dismissed with prejudice - 4/21/86.

Devericks v Lewis County Board of Education, PAH 239-82. Complainants to receive \$5,000 each for incidental damages. Respondent ordered to provide complainants an appropriate education until they are 24 years old - 5/6/86.

Dixon v Webb Painting Contractors, ER 308-81 & REP 309-81. Cease and desist order. Complainant to receive backpay of \$43,200; incidental damages of \$5,000 and reasonable attorney fees - 9/9/85.

Eve v City of Buchannon Police Department, ES 435-81. No violation. Dismissed with prejudice - 2/4/86.

Ford v U.S. Steel Mining Company, Inc., ER 492-83. Cease and desist order. Complainant to receive backpay of \$6,383.35 and \$7,500 in damages - 11/13/85.

Francisco v Food Store Employees Union, Local 347 & Thorofare Markets, ES 368-79 & EA 328-79. No violation. Dismissed with prejudice - 10/28/85.

Frazier v CAP Construction & Excavating Company, ER 180-83. Case reopened and remanded to the Hearing Examiner for conduct of public hearing - 10/29/85.

Frymier v FMC Corporation, REP 72-85. Complainant to receive backpay of \$34,957.83 plus prejudgment interest at 10%. Complainant also to receive retroactive seniority and benefits as well as severance package. Cease and desist order - 1/8/86.

Fullen v WV Department of Highways, ER 380-79. Administrative dismissal with prejudice. Complainant failed to prosecute case - 9/19/85.

Fuller v Consolidation Coal Company, ER 111-82. Cease and desist order. Respondent to rehire complainant at the rate of pay he would have received but for the discrimination. Respondent to pay complainant back wages of \$128,365.50 plus 10% interest per annum. Respondent to pay \$2,000 for embarrassment, etc. to complainant. Respondent also to pay attorney fees of \$21,500 and costs of \$2,114.37 - 8/16/85.

Gaines v General Laborers' Union, ES 61-77. Cease and desist. Complainant to receive \$2,780 in back wages with prejudgment interest at the rate of 10% per annum. Complainant to receive incidental damages of \$1,500. Respondent is to develop an alternative referral system - 5/1/86.

Garrison v Consolidation Gas Supply Corporation, ES 147-82. Administrative dismissal because complainant filed case in federal court - 5/6/86.

Gibson v O'Boyle Tank Lines, Inc., EA 153-76. No violation. Dismissed with prejudice - 4/21/86.

Graves v WV Belt Sales, ES 373-81. Cease and desist order. Complainant to receive lost vacation pay of \$470 and incidental damages of \$10,000 - 5/15/86.

Gray v United Farm Tools, Inc., HR 572-82. No violation. Dismissed with prejudice on 5/23/86.

Griffith v Parkersburg Health & Racquetball Club, ES 26-86. No violation. Dismissed with prejudice - 6/27/86.

Hackworth v Man Appalachian Hospital, EH 302-85. Administrative dismissal because complainant failed to cooperate following a settlement between the parties - 8/13/85.

Hairston v J. C. Penney, ER 88-77. Cease and desist order. Complainant to receive \$32,500.57 for back wages, benefits and interest - 12/11/85.

Harder v Shenandoah Quarry & Millville Quarry, Inc., REP 204-82. No violation. Dismissed with prejudice - 2/4/86.

Harless v United Pocahontas Coal Company, EA 433-81. Cease and desist order. Respondent to pay complainant for lost wages of \$96,000 and prejudgment interest at 10% per annum. Complainant also to receive \$21,000 as compensation for benefits lost as a result of his termination; complainant to receive incidental damages of \$34,000 as compensation for humiliation, loss of personal dignity, etc. Finally, the respondent is to offer the complainant the first available job for which he is qualified - 12/19/85.

Harless v WV Department of Employment Security, ES 39-81. Complainant was awarded \$2,500 in compensatory damages - 4/25/86.

Harrison v Norfolk & Western Railway Co., ER 305-82. Cease and desist order. Respondent to pay complainant mental anguish damages of \$5,000 plus prejudgment interest. Respondent also to pay complainant's attorney fees of \$2,783 - 4/28/86.

Harrison-King v Beckley Veterinary Hospital, Inc., ES 359-77. Administrative dismissal with prejudice because complainant failed to diligently prosecute case - 8/14/85.

Hashimura v Raleigh County Sheriff's Department, EAN 189-77. Cease and desist order. Complainant to receive backpay of \$534 with prejudgment interest until paid. Complainant to receive \$5,000 in compensatory damages for humiliation, embarrassment, loss of dignity, etc. - 3/27/86.

Hawkins v WV Department of Finance & Administration, ER 25-78. Cease and desist order. Complainant to receive backpay of \$60.00 plus prejudgment interest in the amount of \$52.69. Complainant also to receive incidental damages of \$5,000; respondent to expunge all reference to the discriminatory discipline from the complainant's personnel file; complainant also to be awarded attorney fees and costs in the amount of \$1,685 - 12/19/85.

Hayford v WV College of Graduate Studies, ES 238-75. Administrative dismissal due to complainant's failure to diligently prosecute the case - 8/6/85.

Hazelock v JHM Laboratories, HR 274-79. Cease and desist order. Complainant is to be paid \$75 for moving expenses; \$150 for the increase in rental costs and \$2,500 in incidental damages - 4/28/86.

Hickman v American Cyanamid Company, EA 218-82. No violation. Dismissed with prejudice - 4/21/86.

Hinerman v Olin Corporation, EA 390-85. No violation. Dismissed with prejudice - 12/19/85.

Hobart v Marion Partnership, EA 452-85. Cease and desist order. Respondent to pay complainant \$480 in backpay along with prejudgment interest of 10% annually; \$5,000 as damages; reasonable attorney fees - 2/4/86.

Holbert v Laury's, Inc., EA 329-79 & ES 337-79. No violation. Dismissed with prejudice - 9/19/85.

Holbrook v Poole Associates, EA 13-83. Cease and desist order. Complainant to receive \$1,000 in damages for embarrassment, humiliation, etc. - 10/16/85.

Holcomb v Carbon Fuel, ES 367-81. No violation. Dismissed with prejudice - 3/21/85.

Hollis v Consolidation Coal Company, ER 288-81. Respondent ordered to rehire the complainant with full seniority and wage rights; complainant to receive \$138,000 in back wages and interest; \$10,000 in damages; attorney fees and costs in the sum of \$59,567.06 - 4/25/86.

Hooper v Beckley Appalachian Regional Hospital, ES 163-77. Judgment for complainant but case remanded to the hearing examiner to determine the amount of damages, fees and costs to be awarded to complainant - 4/21/86.

Hooper v Southern Ohio Coal Company, ER 338-78 & REP 315-79. No violation. Dismissed with prejudice - 4/2/86.

Hooper v WV Office of Medical Examiners, ES 432-77. Respondent to pay complainant lost wages of \$2,072.50 with prejudgment interest of 10% and incidental damages of \$5,000; respondent also to establish a system for employment of complainant and to pay attorney fees and costs of - 4/15/86.

Hubbard v Appalachian Power Company, EA 142-81. No violation. Dismissed with prejudice - 12/5/85.

Hudson v Monongah Swimming Pool, PAR 21-75. Cease and desist order. Respondent to develop and post a written policy of non-discrimination and reporting requirements; complainant to receive \$5,000 in compensatory damages for humiliation, embarrassment, etc. and attorney fees in the amount of \$1,000 - 7/18/85.

Jackson v Consolidation Coal Company, ER 302-82. No violation. Dismissed with prejudice - 4/21/86.

Jackson v Man Appalachian Regional Hospital, ER 546-83. Cease and desist order. Respondent is to hire complainant for the first vacant position for which she is qualified; complainant to receive compensatory damages of \$8,000 for embarrassment, etc. - 4/22/86.

Jefferson v O. J. White Moving Company, ER 450-79. Respondent to pay complainant \$46,751.60 in back wages; \$1,000 for incidental damages; ordered to cease and desist - 11/8/85.

Johnson v Burger King, ER 389-85. Cease and desist. Complainant to receive incidental damages of \$5,000; respondent has to post the final order in a prominent place in its restaurant - 12/19/85.

Johnson v Waltz, HR 691-83. Administrative dismissal because respondent's apartment was not a housing accommodation within the meaning of the Act - 1/86.

Johnson v Ashland Coal, Inc., ES 181-85. No violation. Dismissed with prejudice - 5/23/86.

Jones v Smiley's, Inc., EA 383-83. No violation. Dismissed with prejudice - 12/19/85.

Jones v Triad Distributors, ER 230-82. Administrative dismissal because the respondent corporation was dissolved; respondent is a non-entity - 2/4/86.

Jones v Friar Tuck's, Inc. PAR 199-75. No violation. Dismissed with prejudice - 2/4/86.

Jones v B & O, ES 59-80, REP 449-80 & REP 68-83. Cease and desist. Complainant awarded total damages in the amount of \$82,089.80; attorney fees and costs of \$11,676.77; (REP 68-83 dismissed with prejudice) - 12/5/85.

Jurena v Multi-family Management, Inc., ES 300-77. No violation. Dismissed with prejudice - 8/16/85.

Keene v Holiday Inn, ER 77-76. Administrative dismissal - 6/17/85.

Keller v Union Carbide Corporation, ES 647-83. No violation. Dismissed with prejudice - 4/21/86.

Kelsor v Mercer County Board of Education, ER 169-79. Cease and desist order. Respondent to pay back wages of \$5,464.14 plus prejudgment interest at 10% per annum; to pay \$5,000 for damages for embarrassment, mental distress, etc. - 12/19/85.

Kenney v Columbia Gas of WV, Inc., REP 550-81. Administrative dismissal due to lack of jurisdiction; complainant filed in court - 10/15/85.

Kerns v WVU Cooperative Extension Service, ES 372-79. Cease and desist order. Complainant to receive back wages of \$23,242.98 with prejudgment interest at the rate of 10% per annum from 9/15/78 to 9/13/85; costs of \$1,740.50; embarrassment and humiliation damages of \$5,000; and attorney fees and costs of \$18,193.45 - 4/15/86.

Kimble v Dawn View Manor Nursing Home, ER 633-85. Respondent to rehire complainant as a Nurse at their first opening with wage increases; pay complainant back wages of \$9,446.54 plus prejudgment interest at 10% per annum; and pay complainant's attorney fees of \$4,824 and \$15.65 in expenses - 6/27/86.

Kinder (Rider) v Laury's, Inc., EA 330-79. No violation. Dismissed with prejudice - 5/23/86.

King v Beckley Veterinary Hospital, Inc., ES 359-77. Administrative dismissal. Complainant failed to prosecute the complaint - 8/29/85.

Kinney v B. G. Danis Company, ER 331-85. No violation. Dismissed with prejudice - 8/14/85.

Kropka v Foote Mineral Company, REP 351-78. No violation. Dismissed with prejudice - 2/4/86.

Lewis v Fourco Glass Co., ER 430-83 & ER 431-83. Cease and desist order. Complainant is to be hired; paid backpay; and is entitled to \$3,000 as compensation for emotional and mental distress, humiliation and loss of dignity - 4/25/86.

Little v Friar Tuck's, Inc., PAR 208-75. Cease and desist order. Respondent to pay complainant \$500 in incidental damages - 2/4/86.

Lockett v WV Dept. of Natural Resources, ER 425-85. Case remanded to hearing examiner to hold another hearing - 5/23/86.

Lucas v Food Store Employees Union & Thorofare Markets, Inc., ES 363-79 & EA 362-79. No violation. Dismissed with prejudice - 10/28/85.

Lucas v Cedar Coal Company, ES 164-79. Complainant to receive \$7,100.00 - 10/4/85.

Lutz v Independent Fire Co., No. 1, Inc., REP 272-78. Respondent is to reinstate complainant; pay complainant \$5,000 for embarrassment and complainant's attorney fees in the sum of \$2,943.75 - 11/8/85.

Major v Pittston Coal Company/dba Elkay Mining, ER 284-85 & EA 285-85. Cease and desist order. Complainant to be awarded backpay of \$2,590 plus prejudgment interest at 10% per annum; complainant to receive \$15,000 in incidental damages; to receive cost of benefits (restored) resulting from early retirement plan; and finally, the respondent is to pay the complainant \$10,425 in attorney fees - 6/4/86.

Mann v Mrs. T. E. Lilly, HR 572-82. No violation. Dismissed with prejudice - 4/28/86.

Marcum v Ranger Fuel, EF 518-82. Complainant was awarded backpay in the amount of \$13,155.80 with prejudgment interest at 10%; respondent is ordered to pay attorney fees in the amount of \$5,000 plus costs of \$83.04 - 12/19/85.

Marcum v Northern Coal/dba Central Coal Co., ES 51-80. Administrative dismissal based upon mutual agreement of the parties that a public hearing would be futile - 9/19/85.

Marshall v Carbon Fuel, EH 172-82. Respondent ordered to pay complainant back wages of \$18,058.88 plus 10% prejudgment interest; respondent to pay complainant's expenses of \$1,250 and attorney fees of \$3,200 - 7/19/85.

Martin v Smith's Transfer, EA 9-84 & EH 10-84. No violation. Dismissed with prejudice - 7/18/85.

Martin v Jackson County Sheriff's Dept., ES 404-81. No violation. Dismissed with prejudice - 12/19/85.

McCarty v Eastern Associated Coal Corporation, ES 105-82. No violation. Dismissed with prejudice - 10/10/85.

McGhee v American Motors Corp., ER 330-76 & ER 373-76. Complainant awarded back wages of \$2,396 plus prejudgment interest at the rate of 10% per annum; complainant also entitled to \$10,000 in incidental damages for humiliation; emotional and mental distress, etc. - 4/21/86.

McGlaughlin v WVU Hospital, ES 279-77. Cease and desist order. Remanded to determine how much back wages are due to class of female employees - 4/14/86.

McGlawn v Imperial Towers, HF 507-76. Cease and desist order. Respondent

Miller v Cressler's Food Warehouse, ES 345-82. Cease and desist order. Complainant to be paid back wages, interest and cost of benefits in the total amount of \$30,242 as well as incidental damages of \$5,000 - 11/8/85.

Minney v Green Hills Country Club, ES 633-82. No violation. Dismissed with prejudice - 12/5/85.

Minshew v Grady Whitlock Ford, ES 206-81. No violation. Dismissed with prejudice - 4/7/86.

Montgomery v WV Dept. of Employment Security, ER 271-76. Cease and desist order. Respondent to pay complainant \$5,000 in damages for humiliation, anger, emotional and mental distress - 2/4/86.

Moody v Lambert, HR 398-77. Cease and desist order. Respondent to pay complainant damages of \$5,000 - 10/10/85.

Murray v Jefferson County Board of Education, ES 131-78. Cease and desist order. Respondent ordered to adopt and implement an affirmative action program; pay complainant backpay of \$2,701.75 with interest of 6% per annum; pay complainant incidental damages of \$1,000; to display posters of the WV HRC; to advertise using the phrase "Equal Opportunity Employer;" and to report on their progress to the Commission through periodic reports - 2/4/86.

Neal v Valley Bank & Trust, ES 595-83. Administrative dismissal with prejudice because complainant filed the same case in federal court - 12/19/85.

Nelson v Allegheny Lumber Company, REP 22-82. Cease and desist order. Respondent ordered to pay complainant back wages of \$4,434.10 plus prejudgment interest, compensatory damages of \$5,000; respondent must also post this final order on all company bulletin boards - 1/8/86.

Oliver v Joe Holt's of Pipestem, ER 395-80, ER 385-81 & REP 286-81. Administrative dismissal; respondent is not a proper legal entity any more - 4/29/86

Oliver v Price, Ltd., Inc., HR 108-77. Administrative dismissal; unable to locate the complainant - 4/29/86.

Owens v H & P Stores, Inc., ER 25-78. Cease and desist order. Respondent to pay complainant back wages of \$13,416 plus prejudgment interest; complainant to receive from respondent a total of \$5,000 for mental anguish, pain, etc. - 4/25/86.

Partridge v Ottmer Lakes Estates, et al., HR 246-82. Cease and desist order. Respondent to pay complainant \$4,369 and incidental damages of \$1,250 - 4/28/86.

Patterson v FMC Corporation, ER 210-77 & REP 539-81. No violation. Dismissed with prejudice - 4/21/86.

Patterson v McConihay, HR 60-79. Cease and desist order. Complainant was awarded \$360 to compensate for additional rent paid and \$2,500 as

incidental damages for humiliation, etc. - 1/2/86.

Paxton v Crabtree, ES 287-82. Cease and desist order. Respondent ordered to pay complainant's attorney fees of \$894.07 and medical costs of \$1,597.84 - 10/4/85.

Payne v Beard, HR 382-78. Administrative dismissal with prejudice - 12/11/85.

Pearson v Homer Laughlin China Company, ER 466-80. No violation. Dismissed with prejudice - 4/21/86.

Penn v Appalachian Power Company, ER 140-76 & ER 321-76. No violation. Dismissed with prejudice - 8/14/85.

Powenski v Stimmel, HR 143-83. Cease and desist order. Respondent to pay complainant compensatory damages of \$1,500 for humiliation, pain, etc. Respondent also to pay complainant's attorney fees - 2/14/86.

Preston v Bloss & Dillard, Inc., ES 450-78. Cease and desist order. Respondent to pay complainant back wages of \$13,500 plus 6% interest; damages for pain and suffering of \$2,000; and attorney fees and costs of \$6,335 - 1/17/85.

Price v Madison Civic Center, PAR 311-81. Cease and desist order. Complainant to recover from the respondent damages of \$105 and compensatory damages of \$3,000 for embarrassment, etc. - 4/14/86.

Protka v C & O Railway Company, ER 102-79. No violation; dismissed with prejudice - 3/2/86.

Rajan v WV College of Graduate Studies, EC 170-74. Administrative dismissal with prejudice - 7/18/85.

Raynes v Putnam Co. Board of Education, ES 121-80. Cease and desist order. Respondent to pay complainant \$500 in back wages with interest - 7/19/85.

Redman v Grant Memorial Hospital, ER 106-83. Cease and desist order. Respondent to pay complainant back wages of \$5,159.59 with prejudgment interest in the amount of \$1,508.95; complainant also awarded \$5,000 in incidental damages and \$3,188.67 in attorney fees - 2/4/86.

Rhodes v Town of Ripley, ES 403-81. Cease and desist order. Respondent is to hire the complainant as a police officer and to pay her salary of a police officer until she is actually hired; respondent also to pay \$5,000 in damages for embarrassment and humiliation - 10/28/85.

Richardson v Studio West, ER 481-83. Cease and desist order. Respondent to pay complainant \$8,600 in back wages and \$1,000 for emotional distress, humiliation and embarrassment - 10/28/85.

Richardson v Master's Tuxedo Drycleaning, ER 367-85. No violation; dismissed with prejudice - 2/4/86.

Rider (Kinder) v Laury's, Inc., ES 331-79. No violation; dismissed with prejudice - 10/10/85.

Roberson v Mountaineer, Inc., ER 339-85. Respondent ordered to cease and desist from failing to keep complainant's application for employment on file and from failing to give such application equal consideration for future open positions in good faith and without regard to race; reporting requirements - 8/14/85.

Robinson v Statewide Bureau of Security Police, ES 215-77. Cease and desist order. Respondent to pay complainant back wages of \$10,086.72 and \$5,000 for mental anguish and pain - 8/14/85.

Robinson v Barker, HR 264-80. Cease and desist order. Respondent to pay the complainant compensatory damages in the amount of \$1,000 - 12/19/85.

Russell v Thabit, HR 433-81. Cease and desist order. Respondent to pay the complainant \$5,000 in damages for mental pain and anguish - 12/19/85.

Salyers v Bishop Coal Co., Mine #36, ES 492-81. No violation; dismissed with prejudice - 6/27/86.

Shahbazian v Appalachian Power Co., ENO 512-80. Cease and desist order. Respondent to pay complainant for lost wages in the amount of \$3,172 plus prejudgment interest at 10% per annum as well as \$5,000 in incidental damages for humiliation and mental stress - 4/21/86.

Sharp v Man Appalachian Regional Hospital, ER 511-83. Cease and desist order. Respondent is to hire complainant for the first vacant position for which he is qualified; complainant to receive compensatory damages of \$8,000 for embarrassment, etc. - 4/22/86.

Sheets v Foote Mineral, ES 35-79, REP 48-79, REP 49-79, REP 173-80. Cease and desist order. Respondent to pay complainant for lost wages in the amount of \$53,250 with prejudgment interest at 10% per annum as well as \$5,000 for incidental damages for mental pain and stress - 3/21/86.

Shreve v Vacuum Services, Inc., EH 354-85. Cease and desist order. Respondent to pay complainant's attorney fees of \$5,025 and costs totalling \$261.25 - 2/4/86.

Skeen v Jackson General Hospital, REP 54-79, EANC 55-79 & REP 56-79. Cease and desist order; respondent to pay complainant lost wages in the amount of \$23,997.88 and \$5,000 for mental anguish, embarrassment, and suffering - 11/8/85.

Smith v Alkahn Silk Label, ES 281-85. No violation; dismissed; motion to reconsider orders of no violation was denied by Commission - 10/4/85.

Smith v Construction & General Laborers' Local 1354, ER 268-73. Case reassigned to hearing examiner to determine jurisdiction - 10/22/85.

Smith v Geupel Construction Co., ER 328-84. No violation; dismissed with prejudice - 12/19/85.

Smith v Shop-A-Minit Markets, Inc., ES 227-81 & ER 228-81. No violation; dismissed with prejudice - 1/14/86.

Smith v Country Club Village, HR 564-79. No violation; dismissed with prejudice - 1/8/86.

Smith v Monongahela Power Company, REP 302-84, REP 141-82, ER 19-81. Cease and desist order. Respondent to pay complainant back wages (yet to be determined by parties) plus prejudgment interest of 10%; respondent to reinstate the complainant with full benefits - 4/15/86.

Starling v Heck's, Inc., ER 482-85. Cease and desist order. Respondent to pay complainant \$5,000 in incidental damages; to prepare a written policy of affirmative action; and to expunge all "write-ups" in complainant's personnel file - 5/23/86.

Strong v Friar Tuck's, Inc., PAR 191-75. Cease and desist order. Respondent to pay complainant \$500 in damages - 2/4/86.

Strong v Friar Tuck's, Inc., PAR 192-75. Cease and desist order. Respondent to pay complainant \$500 in damages - 2/4/86.

Stover v Best Way, Inc., ES 361-77 & ES 10-78. Cease and desist order; respondent to pay back wages of \$10,000 plus prejudgment interest of 10% per annum from 2/23/77 through 10/8/86; \$5,000 for mental anguish, embarrassment, etc.; and \$10,000 because of the retaliatory complaint - 4/28/86.

Sumner v McJunkin Corporation, EA 9-84 & EH 10-84. Cease and desist order; respondent to rehire complainant and pay back wages in the amount of \$21,025.80 plus prejudgment interest of 10% per annum; respondent to pay complainant's attorney fees of \$3,870 and expenses of \$475 - 7/18/85.

Sykes v Smiley's Motel, ER 204-79. Cease and desist order; respondent to pay complainant for lost wages and expenses of \$450; attorney fees of \$258.75; and for mental pain and suffering \$500 - 12/5/85.

Tate v Rockwell, HR 307-79. Cease and desist order; respondent to pay complainant \$2,500 for embarrassment and humiliation; respondent to submit report on rental contacts every six (6) months - 10/10/85.

Taylor v City National Bank, ER 787-83. Administrative dismissal; complainant withdrew - 4/11/85.

Taylor v Overnite Transportation Company, EH 547-85. No violation; dismissed with prejudice - 6/27/86.

Taylor v Triad Distributors, ER 231-82. Administrative dismissal due to lack of a respondent - 7/19/85.

Taylor v Shoney's, Inc., EA 292-84. No violation; dismissed with prejudice - 12/11/85.

Taylor v WV Dept. of Finance & Administration, ER 26-78. Cease and desist order; respondent is to pay complainant back wages of \$57.50 plus prejudgment interest of \$50.73; complainant also awarded \$5,000 for incidental damages; respondent to pay complainant's attorney fees and costs of \$1,685; respondent also to expunge all reference to the discriminatory discipline from the complainant's personnel files - 12/19/85.

Thomas v Charleston Area Medical Center, ER 493-83. Administrative dismissal because complainant filed the case in circuit court - 12/19/85.

Thomas v Friar Tuck's, Inc., PAR 196-75. No violation; dismissed with prejudice - 2/4/86.

Thomas v McDowell Co. Maintenance, State Road Comm., ER 170-70. Cease and desist order; complainant to receive back wages of \$5,814.29; incidental damages of \$7,000 - 6/27/86.

Thomas v WV Alcohol Beverage Control Commission, ER 384-76. No violation; dismissed with prejudice - 5/8/85.

Todd v Candelight Club, PAB 116-79. Administrative dismissal - 9/19/85.

Todd v Vaziri, HB 225-80. Cease and desist order; respondent to pay complainant \$500 in incidental damages for humiliation, embarrassment, etc. and to pay complainant's attorney fees of \$1,821 - 12/5/85.

Trammell v Appalachian Power Co., EA 196-84. Cease and desist order; respondent to offer the complainant the first vacancy for area service restorer and to pay the complainant the regular salary for that position until the employment offer is made; complainant also to receive back wages of \$10,839.69 with prejudgment interest at the rate of 10% per annum - 6/27/86.

Truly v Cressler's Foods, ES 239-82. Cease and desist order; respondent to pay complainant back wages, interest and benefits of \$34,484.68 as well as \$5,000 in incidental damages; respondent also to pay complainant's attorney fees in the amount of \$4,481.25 - 11/8/85.

Turney (McLaughlin) v WVU Hospital & WV Board of Regents, ES 379-77. Cease and desist; complainant to receive backpay with interest of 10% per annum and \$5,000 incidental damages for humiliation; and attorney fees of \$20,047.75, and costs of \$2,535.09.

Vaughn v The Elbow Room, PAR 422-75 & PAR 410-75. Administrative dismissal because respondent is no longer in business and complainant cannot be located - 10/22/85.

Vickers v American Stevedoring Corporation, ES 328-76. Administrative dismissal - 7/5/85.

Wassum v Arbors Management Services, ES 258-85 & HS 438-85. Cease and desist order; respondent to pay the complainant compensatory damages of \$34,885 plus interest at the rate of 10% per annum; incidental damages of \$5,000; and attorney fees in the amount of \$17,175 - 5/23/86.

Westfall v Carbon Fuel Co., ER 179-79. No violation; dismissed with prejudice - 9/19/85.

Wilder v WV Community Mental Service Dept., ER 8C-77. Cease and desist order; respondent to pay complainant incidental damages of \$2,000 and attorney fees - 10/4/85

Wilkerson v City of Williamson Police Dept., ER 149-81. No violation; dismissed with prejudice - 2/4/86.

Williams (Meadows) v Beckley Manufacturers Corp., ES 52-72. Case was remanded to the hearing examiner for further proceedings - 4/21/86.

Wong v Highland Hospital, EANC 113-84. No violation; dismissed with prejudice - 6/17/85.

Yonker (Bland) v Phillip/Sporn Appalachian Power, EA 11-78. Administrative dismissal because the complaint was not timely filed - 1/6/86.

Young v City of Nitro Police Dept., REP 582-84. Administrative dismissal due to untimely filing of the complaint - 12/11/85.

Young v Clendenin Lumber & Supply Co., EA 5-77. No violation; dismissed with prejudice - 2/4/86.

Zavareei v WV Institute of Technology, ENO 350-85. Cease and desist order; respondent to pay complainant \$5,000 in damages plus attorney fees - 5/23/86.

APPEALS BEFORE THE CIRCUIT COURT

Alfred v Chico Dairy Company, ES 164-82
Anderson v Kanawha County Board of Education, ES 148-80

Baram v K-Mart, PANO 254-82
Bedget v WV Office of the Adjutant General, EA 282-82
Boone v Westmoreland Coal Company, ES 595-83 & EH 596-83

Cochran v McDowell County Sheriff's Department, ER 354-85
Curry v GenPak Corporation, ES 344-85 & ER 345-85

Daniels v Universal Coal Company, EA 645-84
Davidson v Stimmel, HR 58-83
Davis v WV National Guard, E 80-69
Day (Battle) v C & O Railroad Company, ER 78-80

Francisco v Thorofare Markets, ES 362-79 & EA 363-79
Frymier v FMC Corporation, REP 72-85
Fuller v Consolidation Coal Company, ER 111-82

Gaines v General Laborer's Union, ES 61-77
Craves v WV Belt Sales & Repair Company, ES 373-81

Hairston v J. C. Penney, Inc., ER 88-78
Harless v WV Department of Employment Security, ES 39-81
Hobart v Marion Partnership, EA 452-85
Holbrook v Poole Associates, EA 13-83
Hollis v Consolidation Coal Company, ER 288-81
Hooper v WV Office of Medical Examiners, ES 431-77

Jefferson v O. J. White Storage & Transfer Company, ER 450-79
Johnson v Burger King, ER 289-85
Jones v B & O Railroad Company, ES 59-80 & REP 449-80
Jurena v Multi-Family Management, ES 300-77

Keller v Union Carbide Corporation, ES 647-83
Kelsor v Mercer County Board of Education, ER 169-79
Kerns v WVU Cooperative Extension Service, ES 372-79

Lucas v Thorofare Markets, ES 368-79 & EA 369-79

Major v Pittston Coal Company, ER 234-85 & ER 285-85
Marcum v Ranger Fuel Company, EH 518-82
Martin v Jackson County Sheriff's Department, ES 404-81
McGhee v American Motors Corporation, ER 339-76 & ER 373-76
Miller v Cressler's Food Warehouse, ES 345-82
Minshew v Grady Whitlock Ford, ER 206-81
Moody v Lambert, HR 398-77

Nelson v Allegheny Lumber Company, REP 22-82

Paxton v Crabtree, et al, ES 287-82
Powenski v Stimmel, HR 143-85

Redman v Grant Memorial Hospital, ER 106-83
Rhodes v Town of Ripley, ES 403-81
Richardson v Studio West, ER 481-83
Richmond v WV Worker's Compensation Fund, ER 330-74
Robinson v Barker, HR 264-80
Robinson v Statewide Bureau of Investigation, ES 215-77
Russell v Thabit, HR 433-81

Shahbazian v Appalachian Power Company, ENO 512-80
Sheets v Foote Mineral Company, ES 35-79, REP 48-79 & REP 49-79
Skeen v Jackson General Hospital, REP 55-79, EANC 56-79, & REP 57-79
Smith v Alkahn Silk Labels, ES 281-85
Smith v John Amos Power Plant, EA 33-73
Smith v Monongahela Power Company, EH 302-84
Sumner v McJunkin Corporation, EA 9-84 & EH 10-84

Tate v Rockwell, HR 307-79
Todd v Vaziri, HE 225-80
Truly v Cressler's Food Warehouse, ES 239-82

Vickers v American Stevedoring Corporation, ES 328-76

APPEALS TO THE WV SUPREME COURT

Bradsher v Logan-Mingo Area Health Center

Currey v WV HRC

Geiger Case

Rhodes v Town of Ripley

Sumner v McJunkin

STATISTICAL OVERVIEW FOR FISCAL YEAR 1986

INTAKE

By Phone	1,119
Walk-Ins	242
Letters	<u>166</u>
	1,527

Approximately 45% of all Preliminary Inquiries received during the Fiscal Year 1985-86 resulted in formal complaints filed with the agency.

BASIS OF COMPLAINTS

Race	220
Sex	147
Age	127
Handicap	102
Religion	13
Ancestry	9
National Origin	5
Blindness	9
Reprisal/Retaliation	41
Color	<u>7</u>
TOTAL	680

Employment	647
Public Accommodations	16
Housing	<u>17</u>
TOTAL	680

FISCAL YEAR 1985-86

Total Cases Filed	680
Total Cases Closed	<u>882</u>
TOTAL	202

Total Cases Unresolved as of June 30, 1985	1,807
Unresolved inventory as of June 30, 1986	1,605

CATEGORY OF CASES CLOSED

VOLUNTARY SETTLEMENTS		71
Pre-Determination	39	
Conciliations	7	
Withdrawals with Settlements	25	
NO PROBABLE CAUSE		388
ADMINISTRATIVE DISMISSALS		232
Withdrawals without Settlements	128	
Complainant failed to cooperate	22	
Unable to locate	22	
Civil suit filed	44	
Dismissals during Public Hearing	11	
No Jurisdiction	5	
HEARING SETTLEMENTS		138
CLOSURES AFTER ISSUANCE OF PUBLIC HEARING ORDER		53
No Violation	35	
Cease and Desist	18	
	TOTAL	882

EMPLOYMENT

COMPLAINTS FILED

NATURE OF DISCRIMINATION

Discharges/Layoff	316
Refusal to Hire	117
Terms and Conditions	149
Denied Promotion	38
Demotion	23
Failure to Refer to Training	3
Illegal Pre-Employment Inquiry	1
TOTAL	647

BASIS FOR CHARGE OF DISCRIMINATION

Race	205
Sex	145
Age	127
Handicap	95
Reprisals	40
National Origin	3
Ancestry	7
Religion	12
Blindness	7
Color	6
TOTAL	647

COMPLAINTS CLOSED

TYPES OF CLOSURES

Satisfactory Adjustments	182
Pre-Determination Settlements	27
Conciliations	7
Pre-Hearing Settlements*	128
Withdrawals with Settlements	20
No Probable Cause	354
Administrative Dismissals	208
Withdrawals without settlements	128
Complainant failed to cooperate	13
Complainant filed civil suit	43
Unable to locate complainant	19
No Jurisdiction	5

Orders After Conduct of Public Hearing		58
No Violation	31	
Cease & Desist	16	
Dismissals	11	
	TOTAL	<u>802</u>

*Includes some settlements reached after hearing process began but before the issuance of our Decision.

HOUSING

COMPLAINTS FILED

NATURE OF DISCRIMINATION

Refusal to Rent	6
Evictions	8
Refusal to Sell	1
Other	<u>2</u>

TOTAL 17

BASIS OF CHARGE OF DISCRIMINATION

Race	8
Sex	2
National Origin	1
Religion	1
Color	1
Blindness	1
Handicap	2
Ancestry	<u>1</u>

TOTAL 17

COMPLAINTS CLOSED

TYPES OF CLOSURES

Satisfactory Adjustments		10
Pre-Determination Settlements	2	
Conciliations	0	
Pre-Hearing Settlements	6	
Withdrawals with Settlements	2	
No Probable Cause		10
Administrative Dismissals		4
Complainant failed to cooperate	2	
Unable to locate complainant	2	
Orders After Conduct of Public Hearing		6
No Violation	4	
Cease and Desist	2	

TOTAL

30

PUBLIC ACCOMMODATIONS

COMPLAINTS FILED

NATURE OF DISCRIMINATION

Denied privileges	6
Denied services/accommodations	6
Unequal treatment	<u>4</u>

TOTAL 16

BASIS OF CHARGE OF DISCRIMINATION

Race	7
National Origin	1
Handicap	5
Ancestry	1
Blindness	1
Reprisals	<u>1</u>

TOTAL 16

COMPLAINTS CLOSED

TYPES OF CLOSURES

Satisfactory Adjustments		17
Pre-Determination Settlements	10	
Conciliations	0	
Pre-Hearing Settlements	4	
Withdrawals with Settlements	3	
No Probable Causes		24
Administrative Dismissals		9
Withdrawals without settlement	0	
Complainants failed to cooperate	7	
Complainants filed civil suit	1	
Unable to locate complainant	1	

Orders After Conduct of Public Hearing		0
No Violation	0	
Cease and Desist	0	

TOTAL 50

COMPLAINTS FILED

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Col.	Total
Barbour		1			1						2
Berkeley	1		3	4		1	1		1		11
Boone	1		1	1	2	1					6
Braxton			2								2
Brooke	3			1							4
Cabell	6		8	11	4	1			2		33
Calhoun											0
Clay					1						1
Doddridge											0
Fayette	2		8	2	4	1			2	1	20
Gilmer											0
Grant											0
Greenbrier	1	1	1	1	2						6
Hampshire											0
Hancock	2		2	2	2					1	9
Hardy											0
Harrison	3		4	6	2	1				1	17
Jackson	2				2						4
Jefferson	2		2	3	1						8
Kanawha	38	3	50	60	63	4	2	8			248
Lewis	1			2	2						5
Lincoln			1	1		1				1	4
Logan	6	1	5	2	6				2		22
Marion	3	1	11	6	8	1	1		1	1	33
Marshall	1				1						2

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Col.	Total
Mason			1	1	1				1		4
McDowell	1	5		2							8
Mercer	7		69	10	5				2		93
Mineral	1				1						2
Mingo	2			2	3						7
Monongalia	3	1	8	6				1	2		21
Monroe											0
Morgan	1										1
Nicholas	2	1		4	2						9
Ohio	1		2	4	1				1		9
Pendleton											0
Pleasants	2			1							3
Pocahontas											0
Preston	2		1		1						4
Putnam				1				1			2
Raleigh	5	1	14	4	4				1		29
Randolph				2	2						4
Ritchie											0
Roane	1			1							2
Summers			2								2
Taylor											0
Tucker					1						1
Tyler	1										1
Upshur			1	2	1						4
Wayne					1						1
Webster											0

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Col.	Total
Wetzel			1	2							3
Wirt					1						1
Wood	5	1	8	5	1		1			1	22
Wyoming	1		2		1				1		5
TOTAL											680

BUDGET
LEGISLATIVE ALLOCATIONS

<u>FISCAL YEAR</u>	<u>AUTHORIZED EMPLOYEES</u>	<u>APPROPRIATION</u>	<u>CASES FILED</u>
1967-68	8	78,900	50
1968-69	10	102,425	79
1969-70	9	110,200	60
1970-71	9	110,200	()
1971-72	13	175,335	(180)
1972-73	16	200,000	()
1973-74	18	222,052	167
1974-75	21	249,513	199
1975-76	23	319,599	315
1976-77	23	319,599	522
1976-77	22	359,000	520
1977-78	21	372,450	512
1978-79	20	399,500	584
1979-80	20	424,611	531
1980-81	20	418,715	572
1981-82	20	456,656	643
1982-83	19	456,656	809
1983-84	20	473,348	675
1984-85	24	675,199	642
1985-86	24	702,735	882

TEN YEARS' OVERVIEW

<u>YEAR</u>	<u>TOTAL</u>
<u>NEW COMPLAINTS</u>	
1975-76	522
1976-77	520
1977-78	512
1978-79	584
1979-80	532
1980-81	580
1981-82	643
1982-83	809
1983-84	671
1984-85	644
1985-86	680
<u>CASES CLOSED</u>	
1975-76	306
1976-77	478
1977-78	384
1978-79	338
1979-80	458
1980-81	512
1981-82	668
1982-83	613
1983-84	553
1984-85	500
1985-86	882
<u>VOLUNTARY SETTLEMENTS</u>	
1975-76	94
1976-77	91
1977-78	96
1978-79	91
1979-80	133
1980-81	168
1981-82	117
1982-83	168
1983-84	112
1984-85	117
1985-86	204

YEAR

TOTAL

PRELIMINARY INQUIRIES

1977-78	2,175
1978-79	3,295
1979-80	2,212
1980-81	1,927
1981-82	2,083
1982-83	1,652
1983-84	1,627
1984-85	1,348
1985-86	1,527

WEST VIRGINIA
HUMAN RIGHTS COMMISSION

PRINCETON JUNIOR HIGH SCHOOL
REPORT

OCTOBER 10, 1985

PREFACE

The West Virginia Human Rights Commission staff in response to black parents intervened in what was described as a racial tension situation in Princeton, West Virginia, on September 18, 1985. Our initial response was to establish contact with key community leaders in the black community and the appropriate school and city officials. In addition, staff members contacted the necessary news media and requested their assistance in reporting the incidents in a responsible manner. Their cooperation was extended and was greatly appreciated.

The West Virginia Human Rights Commission staff spent three days in Princeton, West Virginia, during the week of September 18, 1985, in an effort to gather factual information and serve as facilitator for the community, school board, and city officials.

With this history, the Commission submits the following report of the incidents and its recommendations.

INTRODUCTION

Racial altercations in Princeton, West Virginia, during the third week of September 1985, caused a rash of rumors to circulate throughout the community. Parents of junior high students reacting to these altercations and rumors chose to keep their children out of school Monday, September 16, 1985.

On Thursday, September 12, 1985, a group of black youths allegedly witnessed two white males who were seeking a location in the black community. Allegedly, these two white males discharged an automatic weapon.

On Friday, September 13, a dispute between two white students erupted at Princeton Junior High School (PJHS). One of these white students is known to be friendly with black students. Later in the day at PJHS, these same white students again met in confrontation but were dispersed by PJHS staff. However, derogatory racial comments were made to the student known to be a friend of black students.

During the school dance held at PJHS, black male and white female students were dancing and socializing together when a white male student questioned a white female student as to why she was dancing with a black male student. Thereafter, a group of black students questioned some of the white students about the derogatory racial statements made on Friday, September 13. Fights ensued between the two groups of students. However, teachers and parents who were chaperoning the dance were able to bring things under control.

By Sunday, the evening of September 15, rumors had spread throughout the black community that certain white students had a "death list" of black students.

On Monday, September 16, many PJHS students did not report to school because of rumors circulating in the community. Further, on Monday morning another confrontation between black and white students took place inside PJHS's gym where a black student was sprayed with mace.

On Tuesday, September 17, approximately 600 students remained out of school because parents were concerned about the possibility of rioting.

During the early morning hours Wednesday, September 18, a cross was burned against the front doors of a black Methodist church located only about one block from PJHS. No evidence indicated that the Ku Klux Klan was responsible for this action.

OBSERVATIONS

In making the following recommendations, the Commission is merely sharing with all persons involved in the educational system of Mercer County the knowledge and experience in the area of human relations of the members of the Commission and its staff.

The Commission is not concerned with finding fault or isolating the responsibility for the action of students during the incident. Instead, the thrust of this examination is toward what the Commission perceives as the failure of responsible school officials to evaluate the racial climate among students; the failure to foresee the potential for violent confrontation; and the failure to take appropriate preventive measures.

These recommendations are provided as proposed solutions to the particular and limited problem of racial polarity and the potential for hostile confrontation; they do not represent a comprehensive plan for improving the overall condition of race relations in the school community of Princeton, West Virginia. It is anticipated, however, that these

recommendations will form the nucleus of an affirmative plan for effective human relations in the schools.

RECOMMENDATIONS

1. The Board of Education of Mercer County and the administrative personnel of senior and junior high schools should develop a plan of action to deal with emergent racial conflict situations. The plan should be capable of quick implementation and should be designed as a preventive rather than a disciplinary measure.
2. The formation of a bi-racial school council in each senior and junior high school composed of students, parents, faculty members, school administrators and representatives of the County Board of Education.

The bi-racial school council would have the responsibility for discovering the sources and origin of any discord, hostility or animosity, discontent or frustration of a racial nature in the student body. Predicated upon its findings, the bi-racial school council shall make specific recommendations to the Board of Education and to responsible school officials to:

- (a) Open opportunities to all students who are restricted by racial discrimination and to eliminate all barriers to a complete enjoyment of all aspects of the educational facility; and,
- (b) Establish a mechanism to remove the sources of frustration and sense of powerlessness among minority youth by increasing the capacity of the public school system to be responsive to the particular problems of these students;

and,

(c) Increase communication and dialogue across racial lines to destroy stereotypes, end polarization, halt distrust and hostility and to create mutual understanding and enhanced human relations among and between all students.

3. The bi-racial school council should be utilized to conduct a review of the effectiveness and availability of existing channels of communication between students and parents and the faculty and administration. The council should use this review as the basis for suggested alteration of existing methods and to devise new and alternative techniques.

Again, the bi-racial school council should perform a continuing function of review and recommendation.

4. The Commission recommends the establishment of listening seminars to provide a forum for students to discuss their complaints and problems with teachers and school administrators. These seminars should be an integral part of every student's curriculum and should be brought to the attention of responsible school personnel and appropriate action should be taken. Students should be regularly apprised of the action or decisions which have resulted from their expressions.

Students should be encouraged to be candid without fear of reprisal for their statements of grievance.

At the outset, both black and white students should be encouraged to discuss matters relating to race relations. It is anticipated that an open discussion of racial problems will promote a greater level of understanding as well as reduce interracial friction. Also, school officials will be furnished valuable input for

treating those special difficulties of minority students.

5. Efforts aimed at additional hiring of minority personnel on professional and non-professional levels should be increased. Goals and timetables should be established and strictly adhered to for hiring of additional personnel.
6. The Commission feels very strongly that a program should be developed along with an enforceable policy to prohibit the use of racial epithets among students, faculty and administrative personnel. It is also recommended that this prohibition include name calling, joke telling or other racially demeaning acts. The use of derogatory terms by other public officials outside the school system should not be condoned. Ideally, these officials set the standards by which others follow.

CONCLUSION

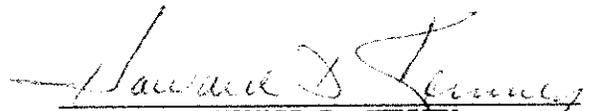
The West Virginia Human Rights Commission would like to express its gratitude to students, parents, educators, public officials and concerned citizens for their cooperation.

The Commission has not constituted itself as a critic of the educational practices in Mercer County and Princeton, West Virginia. Rather, this agency seeks only to fulfill its statutory responsibility to cooperate and work with state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial and ethnic groups in this State. The recommendations seek to set forth positive principles and programs for good human relations. Good race relations manifested in quality education for all; equal acceptance of

every pupil; good communications between school officials and students and their parents; uniform disciplinary measures for all; and a heightened awareness of the special needs of minority students constitute a firm foundation upon which to build the educational experience of those who live in today's pluralistic society.

The Commission most sincerely desires that the recommendations be accepted in good faith and that these efforts be truly productive.

SUBMITTED OCTOBER 10, 1985 BY:


HOWARD D. KENNEY
EXECUTIVE DIRECTOR

APPROVED FOR DISTRIBUTION OCTOBER 10, 1985

WEST VIRGINIA HUMAN RIGHTS COMMISSION


NATHANIEL JACKSON, CHAIR

PUBLICATIONS LIST

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- °You and the Law
- °Danger: Discrimination in Housing
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- °Guidelines for Employers: Pregnancy Discrimination as Sex Discrimination
- °The West Virginia Human Rights Act

REPORTS

- °West Virginia Human Rights Commission Annual Report
- °Women and Minorities in the Construction Industry-Hearing Report
- °Women and Minorities in the Construction Industry-Abridged Report
- °Interpretive Rules Governing Discrimination on the Handicapped
- °Equal Educational Opportunities in West Virginia

POSTER

- °West Virginia Human Rights Act Poster

OTHER COMPILED INFORMATION

- °Federal and State Sources of Civil Rights Information
- °Glossary of Civil Rights Terminology
- °Summary of Federal Civil Rights Laws
- °Bibliography: Laws and Affirmative Action

