

INFORMATIONAL PACKETS

HUMAN RIGHTS ACT
 YOU AND THE LAW
 PRE-EMPLOYMENT PAMPHLETS
 PRE-EMPLOYMENT BOOKLETS
 AFFIRMATIVE ACTION BIBLIOGRAPHY
 SOURCES OF INFORMATION
 INTERVIEWING WOMEN CANDIDATES
 FEDERAL LAWS SUMMARIZED
 BONA FIDE OCCUPATIONAL QUALIFICATION INFORMATION
 GLOSSARY OF CIVIL RIGHTS TERMINOLOGY
 ANTI-DISCRIMINATION POSTERS
 RECRUITMENT SOURCES



STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

215 PROFESSIONAL BUILDING
 1036 QUARRIER STREET
 CHARLESTON, WEST VIRGINIA 25301

TELEPHONE: 348-2616

ARCH A. MOORE, JR.
 Governor
 HOWARD D. KENNEY
 Executive Director

January 1976

COMMISSIONERS

RUSSELL VAN CLEVE
 Chairperson
 Charleston
 ANCELLA BICKLEY
 Vice Chairperson
 Institute
 ANNE MAXWELL
 Huntington
 REV. J. MATTHEW COLEMAN
 Bluefield
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 Wheeling
 JOHN M. DINEEN
 Charleston

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

Dear Governor Moore:

We have the honor to submit the following
 Annual Report of the West Virginia Human Rights
 Commission for the combined fiscal years 1973-74
 and 1974-75.

This report of the activities and recommendations
 of the Commission fulfills the requirements of Chapter
 5, Article 11, Section 8, 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 or blindness.

Sincerely,

Russell Van Cleve
 Russell Van Cleve
 Chairperson

RVC/elm

PUBLICATIONS

1. ANNUAL REPORT
2. QUARTERLY NEWSLETTER
3. ANTI-DISCRIMINATION POSTER
(Employers, housing and public accommodations)
4. HUMAN RIGHTS ACT
5. PAMPHLET - "YOU AND THE LAW"
6. FILMS (15)
(Use of films free of charge)

(Recommended Film: PREJUDICE - explores negative stereotypes; the origin of different types of discrimination including sex, religion, national origin and racial discrimination. Historically accurate and well-acted vignettes; an excellent film to be used as a primer to more in-depth workshops. Narrated by David Hartman)

7. RADIO SPOTS - 5, 20-second radio announcements for distribution to 19 radio stations. Estimated air time 3 times daily for 4-6 weeks.
8. "MEDIA GUIDELINES FOR HELP-WANTED ADS"
(Assistance in eliminating sex discrimination from columns)
9. "GUIDE TO PRE-EMPLOYMENT APPLICATIONS"
(Lawful and unlawful questions primarily pertaining to recent decisions on race and sex.)
10. SPECIAL REPORT: "EVENTS AT STONEWALL JACKSON HIGH SCHOOL 1969"
11. SPECIAL REPORT: "BLUEFIELD STATE COLLEGE" December 1967
12. SPECIAL REPORT: "WEIRTON PUBLIC SCHOOL CRISIS"
13. PAMPHLET: "MYTHS OF INTEGRATION"
(Emphasis on housing)



STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON 25305



ARCH A. MOORE, JR.
GOVERNOR

CASE
EXAMPLES

HOUSING -
RACE

ACCOMMODATIONS -
PUBLIC
RACE

ALLEGATION	INVESTIGATION & FINDINGS	CONCLUSION
A Black man alleged he was denied the opportunity to rent an apartment solely because of his race.	Investigation revealed that an appointment was set up by phone for Black applicant to see an apartment available for rent. The White landlord, seeing the applicant was a Black man, willfully misled the Black applicant and refused to show him the apartment.	Black complainant received a \$400.00 settlement for unlawfully being denied housing.
Complainant alleged she was refused admittance to a recreational resort because of the race of her foster child.	The investigation revealed a pattern and practice of race discrimination in the membership and workforce of the club. Testimony by a key witness divulged a lack of a set procedure for approval of permanent membership and that applicants for permanent membership are recommended by the all-white membership. Testimony from a witness indicated that there is no limit on the number of guests or permanent members. During the course of the investigation it was determined that the difference between a guest member and a permanent member is that the permanent member holds a seasonal pass whereas the guest member is charged one (1) dollar per visit.	The accommodation agreed to establish a membership procedure free from unlawful discriminatory screening.
The WVA Human Rights Commission found these facts strongly supported the findings of Probable Cause based on race discrimination in public accommodations.		

My Fellow West Virginians:

Over the past decade many Americans have lost faith in our nation's ability to deal with its problems. More and more from some citizens a defeatist philosophy is being heard. Nowhere does this negative approach cause more harm than in the field of human rights. The defeatist says that prejudice and bigotry are here to stay. The defeatist believes that our nation's population is too large and too diverse to ever possibly give equal opportunity to all. Certain states may accept this negative philosophy, but not West Virginia.

West Virginia has historically been a place of rugged individualism. Yet, along with this independent spirit there has always been a sense of community and belonging. These and other factors convince me that in West Virginia we can reach the people; we can bring community leaders together for concerted action.

I have long understood the need for and believed in the work of the Human Rights Commission. I have demonstrated that belief by verbal communication and more importantly by approval of the Commission's request for additional funds. Since my first term in 1969, the budget of the Human Rights Commission has more than doubled.

Over this same time period, the Commission's duties have broadened to where more and more citizens are dependent upon the Commission for protection of their rights. As your Governor, I have readily supported this agency's budget requests and I shall continue to do so.

While other states procrastinate, West Virginia is moving forward. Bigotry has no place in our future.

Sincerely yours,
Arch A. Moore, Jr.
Arch A. Moore, Jr.
Governor

CASE
EXAMPLES

EMPLOYMENT -
RACE

EMPLOYMENT -
SEX

INVESTIGATION &
FINDINGS

ALLEGATION

CONCLUSION

<p>A Black man alleged he suffered discrimination in the terms and conditions of his employment because of his race.</p>	<p>The Black man alleged he was ordered to "heavy duty" assignment in direct contradiction of the company doctor's orders which specified "light duty" assignment. The "light duty" assignment was to enable the employee to recuperate from a ruptured disc operation.</p> <p>Evidence verified Black employee's temporary disability and also doctor's orders that he be assigned "light duty."</p> <p>The Commission found Probable Cause.</p>	<p>Satisfactory agreement was reached by complainant, respondent and the Commission. The Black employee was permitted to remain on "light duty" and participate in company's sick leave plan without harassment.</p>
<p>A White female alleged she was not hired as a factory worker solely because of her sex.</p>	<p>Investigation revealed a pattern and practice of sex discrimination in the company's employment practices. At the time of the female's application for employment there were ten (10) positions available. All ten positions were subsequently filled by males. The decision not to hire the woman was based upon factors not related to her qualifications or ability to perform the job.</p> <p>The Commission found the facts strongly supported the finding of Probable Cause.</p>	<p>The matter was settled by mutual agreement of the woman, the employer, and the Commission. She was awarded back pay in the amount of \$3,000.00 and the position for which she originally applied.</p>

SUBJECT	LAWFUL PRE-EMPLOYMENT INQUIRIES	UNLAWFUL PRE-EMPLOYMENT INQUIRIES
AGE	-Are you under 18 or over 65? If there is question as to applicant being of legal working age, proof may be requested in form of work permit. -An applicant may be asked date of graduation if question is for permissible purpose (B.F.O.Q.). Applicant must be informed question is not for unlawful purpose.	-Requesting an individual date of birth prior to employment is prohibited.
NUMBER OF DEPENDENTS	X -This information may be requested only after hiring for legitimate purposes.	-Asking an applicant's number of dependents prior to employment is prohibited.
PRIOR CRIMINAL RECORD	X	-The requiring of arrest and conviction information has been shown to have a disparate effect on racial minorities; it is unlawful to solicit such information unless B.F.O.Q. exemption has been granted by the West Virginia Human Rights Commission.

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GUIDE TO PRE-EMPLOYMENT INQUIRIES

RELATING TO RACE, RELIGION, COLOR, NATIONAL ORIGIN,
ANCESTRY, SEX, AGE (40-65), AND BLINDNESS

AUGUST 1974

Approved Under The WVA Human Rights Act, WVA Code, Section 5-11-9

The Pre-Employment Inquiry Guide has been prepared to assist employers and employment agencies in conducting job interviews. It should be clearly understood that these guidelines do not attempt to list completely what questions can be asked of an applicant. The guidelines do cover the great majority of questions that cannot be asked of an applicant.

Pre-Employment inquiries are defined as any application forms, employment interviews, arrest records, resumes of experience or education, and to include any written testing required of an individual applying for employment.

The West Virginia Human Rights Commission specifically forbids those pre-employment inquiries that express, "directly or indirectly," a limitation, specification or discrimination as to race, religion, color, national origin, ancestry, sex, age or blindness.

EXCERPTS FROM PRE-EMPLOYMENT GUIDELINES

SUBJECT	LAWFUL PRE-EMPLOYMENT INQUIRIES	UNLAWFUL PRE-EMPLOYMENT INQUIRIES
NAME	First, Middle, Last Name used if previously employed under different name.	-To require prefix to applicant's name. (Mr., Mrs. Miss, Ms.) -Inquiry into marital status. -Inquiry into previous name where it has been changed by court order.
SEX	X	-Inquiry into sex of applicant. -This question can only be asked after an exemption has been granted by the WVA Human Rights Commission that sex constitutes a Bona Fide Occupational Qualification (B.F.O.Q.)
HEIGHT & WEIGHT	X	-It is unlawful for an employer to set minimum height or weight requirements for hiring unless based on a legitimate job need. To elicit this information prior to hiring is unlawful unless employer petitions the WVA Human Rights Comm. for B.F.O.Q. exemption.

- (b) A help wanted ad specifying a sex preference or limitation may be accepted by the media on the basis of a verbal statement that the employer is not subject to the jurisdiction of the West Virginia Human Rights Commission by virtue of employment of fewer than 12 persons.

The Commission requests that media forward names, addresses and phone numbers of those employers claiming verbal exemption from the West Virginia Human Rights Commission Ad guidelines.

A media will not be found in violation of the Act for relying in good faith on an advertiser's representation that he/she is not subject to the Act by reason of the number of his/her employees or the nature of their work, as set forth in (a) and (b) above, except where the advertiser's representation are patently false. However, ad takers are cautioned to exercise extreme care in accepting such verbal information, and should keep a record of the advertiser's statements.

3. Situations wanted ads are subject to the same guidelines as help wanted ads.
4. A media may not limit its legal liability by publication of any disclaimer statement.
5. Media will have thirty (30) days in which to comply with Ad Guidelines. (May 1, 1974)

EXAMPLES:

<u>Illegal Job Titles</u>	<u>Permissible</u>
Salesman	Salesperson or Salesman/woman
Girl Friday	Girl/Guy Friday
Counter Girl	Counter Help
Foreman	Supervisor, Manager or Leader
Pressman	Press Operator

The problem of gender can be solved by merely adding the word "woman" to a job category.

NOTE: The basic criteria for judging whether any job title or label is lawful for use in a Help Wanted Ad is: Does it state or imply any preference for persons of one sex or the other?



STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

215 PROFESSIONAL BUILDING
1036 QUARRIER STREET
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TELEPHONE: 348-2616
ARCH A. MOORE, JR.
Governor
HOWARD D. KENNEY
Executive Director

- COMMISSIONERS**
- RUSSELL VAN CLEVE
Chairperson
Charleston
 - ANCELLA BICKLEY
Vice Chairperson
Institute
 - ANNE MAXWELL
Huntington
 - REV. J. MATTHEW COLEMAN
Bluefield
 - GEORGE RUTHERFORD
Ranson
 - HARRY J. BERMAN
Clarksburg
 - BEN R. HONECKER
Wheeling
 - JOHN M. DINEEN
Charleston

FRIENDS OF THE COMMISSION:

The combined Annual Report of 1973-1975 represents a complete reorganization of the Commission's administrative and investigative procedures. These improvements which were brought about through innovative ideas from new and seasoned staff have improved tremendously the quality and quantity of our case processing.

Initiated during this period were intense efforts directed at developing a program we call "Preventive Discrimination." We utilized successfully the concept of mini-conferences: taking our program to the citizens of West Virginia that they might be advised of their rights and responsibilities under the law and to gain a more harmonious understanding of the Commission and the law.

The Commission constantly endeavors to reach West Virginia employers to advise them of ever-changing facets of civil rights law. By doing so, they might choose to legally improve their operations to comply with the laws.

Our total efficiency in responding to your needs and to the needs of your community and in the implementation of the civil rights laws of West Virginia is indeed enhanced through the new educational and compliance techniques instituted during this period.

However, we see further refinements of existing procedures as we steadfastly move into the coming years. We will diligently work towards maintaining an atmosphere that will remain open and conducive to positive change.

Sincerely,

Howard D. Kenney
Howard D. Kenney
Executive Director

The West Virginia Human Rights Commission adopted "Guidelines for Help Wanted Ads" in March 1974. The Guidelines are considered a positive step towards eliminating the concept of so-called "Men's jobs" and Women's jobs."

The West Virginia Human Rights Commission informed newspaper publishers and media producers that they would be held responsible for discriminatory help wanted ads that were "wholly or substantially written by that media's agents or employees."

The West Virginia Human Rights Act states that it is an unlawful discriminatory practice:

*"For any person, employer. . .owner. . .
to: . . .aid, abet, incite, compel, or
coerce any person to engage in any of the
unlawful discriminatory practices. . ."*

WEST VIRGINIA HUMAN RIGHTS COMMISSION'S
MEDIA GUIDELINES FOR HELP WANTED ADS

Help Wanted Ads appearing in any West Virginia Media (printed or broadcast) must meet the following standards and criteria in order to comply with the sex provisions of the West Virginia Human Rights Act:

1. Column headings or Broadcast lead-ins must not specify "Male" or "Female," or "Male Interest," etc.
2. The text of help wanted ads must not contain words or phrases to indicate in any way that the position is restricted to, or intended for, persons of a particular sex. Some of the common job titles that may not be used legally are set forth later in these guidelines, along with suggestions for substitute wording.

There are only two general circumstances in which the media may deviate from this prohibition:

- (a) A help wanted ad specifying a sex preference or limitation may be accepted on the basis that a Bona Fide Occupational Qualification (BFOQ) exemption has been granted by the West Virginia Human Rights Commission, provided that the person placing the ad submits to the media a copy of the exemption statement received from the Commission.

MINI CONFERENCES

On September 28, 1974, leaders in the field of human rights from five geographical areas in the State (Beckley, Oak Hill, Mt. Hope, Bluefield, Princeton, Charles Town, Martinsburg, Fairmont, Morgantown, and Huntington) met to discuss specific problems in their regions and how the West Virginia Human Rights Commission could best meet those needs. Executive Director Howard D. Kenney presented a plan for a series of mini-conferences in the five areas represented at the state meeting.

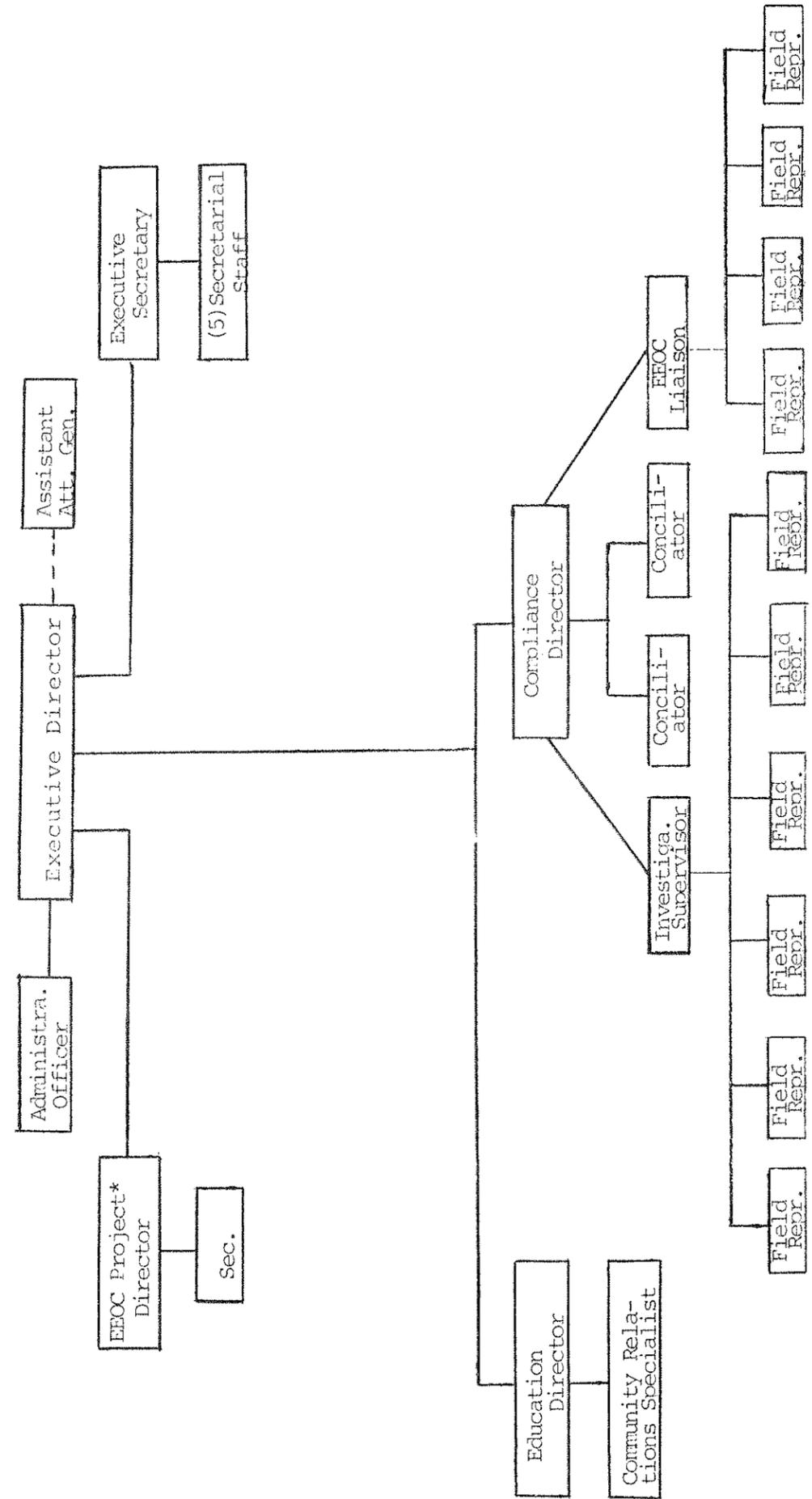
These conferences served to advise area residents of the West Virginia Human Rights Act and the Commission's function in alleviating discrimination. The Commission benefitted by gaining needed insight into local needs through citizens speaking out about individual and community problems.

Conferences were held as follows:

- October 25, 1974: Charles Town - Martinsburg
- November 15, 1974: Clarksburg - Fairmont - Morgantown
- December 13, 1974: Beckley - Mt. Hope - Oak Hill
- January 17, 1975: Bluefield - Princeton - Welch
- February 7, 1975: Huntington

As a result of these conferences, citizens expressed prime concern in areas of education, employment and the role of the police in the community. Citizens also expressed a desire for the establishment of local human rights commissions to assist citizens in receiving equal opportunity in all areas.

COMMISSIONERS



*Project ended 12/31/74

APPENDIX

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	180
1971-72	13	175,335	
1972-73	16	200,000	167
1973-74	18	222,052	199
1974-75	21	249,513	315

COMMISSIONERS

<u>NAME OF COMMISSIONER</u>	<u>TERM EXPIRES</u>
CHAIRPERSON, RUSSELL VAN CLEVE CHEMICAL ENGINEER	1974
VICE-CHAIRPERSON, ANCELLA BICKLEY COLLEGE ADMINISTRATOR	1975
HARRY J. BERMAN PRIVATE BUSINESS	1976
BENJAMIN R. HONECKER ATTORNEY	1977
J. MATTHEW COLEMAN MINISTER	1976
ERNEST M. DANDRIDGE RETIRED SCHOOL ADMINISTRATOR	1976*
JOHN A. JONES RETIRED STEEL EXECUTIVE	1975**
JOHN M. DINEEN TELEPHONE COMPANY SUPERVISOR	1975
HARLEY R. RICHARDS UNITED STEEL WORKERS OF AMERICA, AFL-CIO	1975

*RESIGNED FEBRUARY 75

**RESIGNED JUNE 75; DECEASED JULY 75

STAFF 1974-75

EXECUTIVE DIRECTOR
 ASSISTANT ATTORNEY GENERAL
 EXECUTIVE SECRETARY
 ADMINISTRATIVE ASSISTANT
 EEOC PROJECT DIRECTOR
 EDUCATION DIRECTOR
 COMMUNITY RELATIONS SPECIALIST
 COMPLIANCE DIRECTOR
 INVESTIGATING SUPERVISOR
 CONCILIATOR
 CONCILIATOR
 EEOC LIAISON
 FIELD REPRESENTATIVES
 (INTERGROUP RELATIONS SPECIALISTS)
 SECRETARIAL

Howard D. Kenney
 A. Andrew MacQueen, III*
 Billy Jack Gregg
 Edna L. Martin
 Carole C. Ferrell
 F. Winston Polly, III*
 James C. Karantonis
 Betty A. Hamilton
 Barry K. Cunningham*
 Raymond J. Hammarth
 John E. Lynch, Jr.
 Gaylord L. Stewart
 Martha D. Sanders
 Barbara L. Moore
 Constance G. Lewis
 S. Thorton Cooper*
 Debra F. Harris
 Marshall P. Moss
 David A. Moss
 D. Mark Snyder
 Shirley A. Lipscomb
 Emerson L. Reed
 Henry C. Fletcher
 Douglas Ritchie*
 Glenda C. Stevens
 LaVerne Tignor*
 Judith A. Perry*
 Judith A. Yaneris*
 Deborah S. Walker
 Beverly A. Jones*
 Ruth Leone Wilson*
 LaDonna Houchins*
 Dorothy L. Holleron
 Stephanie L. Gibson
 Valerie D. Talley**
 Victoria Brown**
 Patricia Hayes**
 Jill Hutchinson**

*Resigned during 74-75
 **Employed as temporary

III. Local Human Rights Commissions

The Commission recommends that communities throughout West Virginia engage in an effort to reactivate their local human rights commissions in order that differences might be resolved on a local level and in an attempt to provide for more harmonious relationships between various cultures.

RECOMMENDATIONS

During the past years of offering the Annual Report of activities of the West Virginia Human Rights Commission to the citizens of the State of West Virginia, very valid recommendations have been set forth which would improve the operation and efficiency of the agency thereby rendering better services to the State of West Virginia. Our recommendations for this fiscal year again reflect the same purpose.

I. Branch Office

The Commission recommends that sufficient appropriations be granted to establish a branch office in Southern West Virginia.

II. Additional Staff

As previously noted in this report, the enactment of additional amendments to cover sex and blindness have more than tripled the number of formal complaints received. The Commission still lacks the necessary number of staff and investigators to adequately serve West Virginians.

The Commission recommends sufficient appropriations be granted to:

- (A) Provide for additional staff to handle caseload; and,
- (B) Provide such appropriations that will enable the Commission to pay competitive salaries.

FEDERAL LAWS CONCERNING DISCRIMINATION

TITLE VI OF CIVIL RIGHTS ACT OF 1964

Coverage:

All institutions receiving federal monies by grant, loan, or contract. (Other than a contract of insurance or guaranty)

What Is Prohibited:

Discrimination against students or others on the grounds of race, color, or national origin.

Enforcement:

Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D. C. 20201.

TITLE VII OF CIVIL RIGHTS ACT OF 1964 (as amended by the Equal Employment Opportunity Act of 1972)

Coverage:

All business, industry and labor organizations and institutions having 15 or more employees.

What Is Prohibited:

Discrimination in employment (including the hiring, promotions, fringe benefits, training and all other conditions of employment on the basis of race, color, religion, national origin, or sex.

Enforcement:

Equal Employment Opportunity Commission, 1800 G Street, N.W., Washington, D. C. 20506.

TITLE VIII OF CIVIL RIGHTS ACT OF 1968

Coverage:

Sale, rental, advertising, and financing of all housing in the United States, except single-family homes sold by the owner without discriminatory advertising, and small rooming houses in which the owner also lives.

What Is Prohibited:

Discrimination based on race, religion, sex, color, or national origin in the advertising, financing, sale, and rental of housing.

Enforcement:

The Department of Housing and Urban Development is authorized to investigate and conciliate complaints.

Housing and Urban Development, Washington, D. C. 20410 (HUD)

TITLE IX EDUCATIONAL AMENDMENTS OF 1972
(Higher Education Act)

Coverage:

Students and employees.

What Is Prohibited:

Discrimination on the basis of sex in all federally assisted education programs including admissions and employment.

Enforcement:

Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D. C. 20201.

EXECUTIVE ORDER 11246
(as amended by 11375)

RECOMMENDATIONS

Coverage:

All employees and institutions with federal contracts over \$10,000.

What Is Prohibited:

Discrimination in employment covering all conditions of employment, hiring, promotions, fringe benefits and training on the basis of race, color, religion, national origin or sex.

Enforcement:

Office of Federal Contract Compliance Employment Standards Administration, Department of Labor, Washington, D. C. 20210.

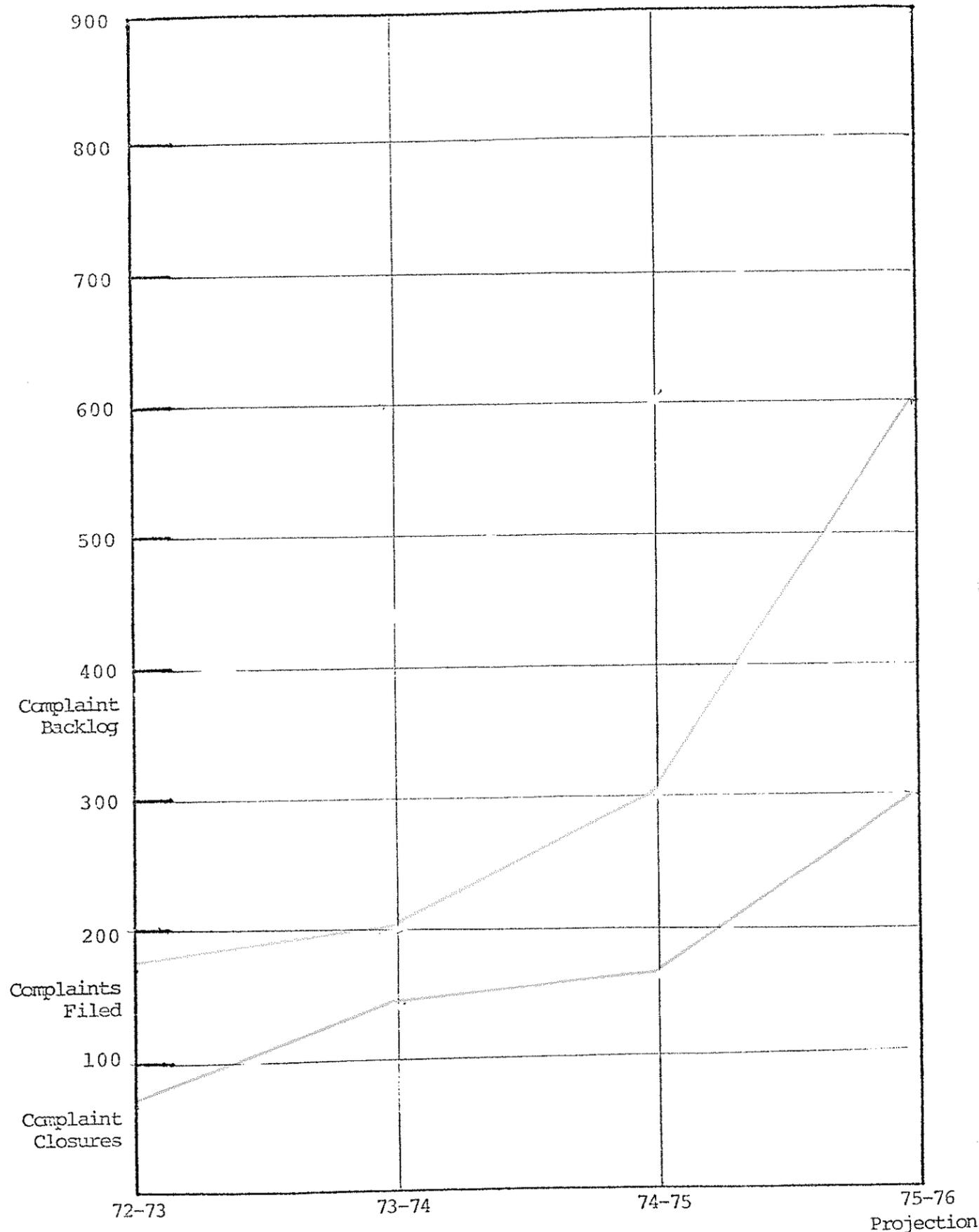
EQUAL PAY ACT OF 1963
(as amended by Education Amendment of 1972)

Coverage:

All businesses which pay employees minimum wage are prohibited from discriminating on the basis of sex in determining wages for workers.

The Education Amendments of 1972 extended the Equal Pay Act's sex discrimination provision to include executive, administrative, and professional workers (to include outside salespeople).

PROJECTED CASELOAD



What Is Prohibited:

The Act forbids pay differentials on the basis of sex.

Enforcement:

Administrator, Wage and Hour Division, U. S. Department of Labor, Constitution Avenue and 14th Street, N.W., Washington, D.C. 20210.

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Coverage:

All employers having 15 or more employees.

What Is Prohibited:

Employers are prohibited from discriminating in advertising, hiring, testing, promotions and all terms and conditions of employment, on the basis of age against anyone at least 40 years old but less than 65.

"To fail to refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age."

Enforcement:

Employment Standards Administration, Wage and Hour Division, U. S. Department of Labor, Washington, D. C. 20210.

NATIONAL LABOR RELATIONS ACT (NLRA)

Requires unions to represent all employees in a bargaining unit fairly and to refrain from discriminating against any employee when processing his or her grievance under collective bargaining contract machinery. A union's failure to oppose unlawful discrimination by an employer will violate the NLRA and either Title VII or the Age Act because the union would be guilty of failing to represent employees because of their status.

THE CIVIL RIGHTS ACT OF 1871

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the person injured. . . ."

CONSTITUTION AND 14TH AMENDMENT

Forbids states to abridge the privileges of United States citizens, deprive persons of property without due process or deny persons equal protection of the laws. State employees have resorted to suits under the federal constitution when blocked in their efforts to receive equal employment opportunity through channels of state officials or state laws.

Enforcement:

Individuals may bring suit against employers that they believe violated their rights.

NO PROBABLE CAUSE

The complainant is informed that there is not sufficient evidence to substantiate the charge of discrimination. The complainant is also informed that the No Probable Cause decision may be appealed to the Commission within 10 days and another evaluation of the evidence will take place.

There were 55 No Probable Cause decisions rendered by the West Virginia Human Rights Commission during the year 1973-74 and 45 No Probable Cause decisions rendered during the year 1974-75.

	<u>73-74</u>	<u>74-75</u>
Public Accommodations	2	2
Employment	44	36
Housing	<u>9</u>	<u>7</u>
Total No Probable Cause	55	45

BACKLOG CASES*

During fiscal year 1973-74 the West Virginia Human Rights Commission focused considerable attention upon completing cases filed in prior years. The energy spent in attacking the backlog proved fruitful. Justice was served and results were impressive. In 1974-75 efforts were continued in decreasing the backlog.

**Backlog= consists of cases filed in one fiscal year and carried into another fiscal year because investigation or determination was not completed.*

TYPES OF DISCRIMINATION COMPLAINTS
FILED DURING 1973-74 & 1974-75

<u>EMPLOYMENT</u>	<u>1973-74</u>	<u>1974-75</u>
Hire	34	71
Discharge	77	78
Terms & Conditions	38	42
Commission	8	12
Other	<u>3</u>	<u>28</u>
Total Complaints	160	231
 <u>PUBLIC ACCOMMODATIONS</u>		
Terms & Conditions	12	26
Refused Admittance	4	18
Refused To Sell Products	3	11
Other	<u>0</u>	<u>2</u>
Total Complaints	19	57
 <u>HOUSING</u>		
Refusal to Rent	12	14
Refusal to Sell	3	1
Required to Vacate	<u>5</u>	<u>12</u>
Total Complaints	20	27
GRAND TOTAL	199	315



THE WEST VIRGINIA HUMAN RIGHTS ACT
(Chapter 5, Article 11, West Virginia Code)

Administered By
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 or blindness. 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 or blindness. The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age or blindness is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.

COMPARISON OF FISCAL YEAR 1973-74

WITH FISCAL YEAR 1974-75

DEFINITIONS

(As used in interpreting the West Virginia Human Rights Act)

PUBLIC ACCOMMODATIONS: Any establishment or person, including the political and civil subdivisions of the state, which offers its services, goods, facilities or accommodations to the general public. "Private" clubs excluded.

HOUSING ACCOMMODATIONS: Any building or part of a building which is used or intended for use as the residence or sleeping place of one or more person.

"Not to include a rooming house occupied by the owner or place of residence with no more than four rooms to be rented."

EMPLOYER: Any person or organization that employs twelve or more persons within the state, including the state government and any of its political subdivisions.

REAL PROPERTY: Includes real estate, lands, leaseholds, commercial or industrial buildings and any vacant land offered for sale or rent on which the construction of a housing accommodation, commercial or industrial building is intended, including any land operated as a trailer camp or rented or leased for the use, parking or storage of mobile homes or house trailers.

<u>FISCAL YEAR 73-74</u>		<u>FISCAL YEAR 74-75</u>	
Yearly Caseload		Yearly Caseload	
Total Cases Filed	199	Total Cases Filed	315
Total Cases Closed	<u>138</u>	Total Cases Closed	<u>157</u>
	61		158
Cases Carried From Fiscal Year 72-73	379	Cases Carried From Fiscal Year 73-74	440
Cases Remaining	440	Cases Remaining	598
-----		-----	
Categories of Cases Closed		Categories of Cases Closed	
Satisfactory Adjustment	15	Satisfactory Adjustment	32
No Probable Cause	55	No Probable Cause	45
Withdrawal	22	Withdrawal	23
No Jurisdiction	9	No Jurisdiction	11
Administratively	<u>37</u>	Administratively	43
	138	Public Hearing	<u>3</u>
			157
-----		-----	
Classifications		Classifications	
Employment	160	Employment	231
Public Accommodations	19	Public Accommodations	57
Housing	<u>20</u>	Housing	<u>27</u>
	199		315
-----		-----	
Basis for Discrimination		Basis for Discrimination	
Race	122	Race	170
Sex	54	Sex	113
Age	13	Age	18
Religion	7	Religion	8
Ancestry	2	Ancestry	2
Color	<u>1</u>	Color	1
	199	National Origin	2
		Blindness	<u>1</u>
			315
-----		-----	

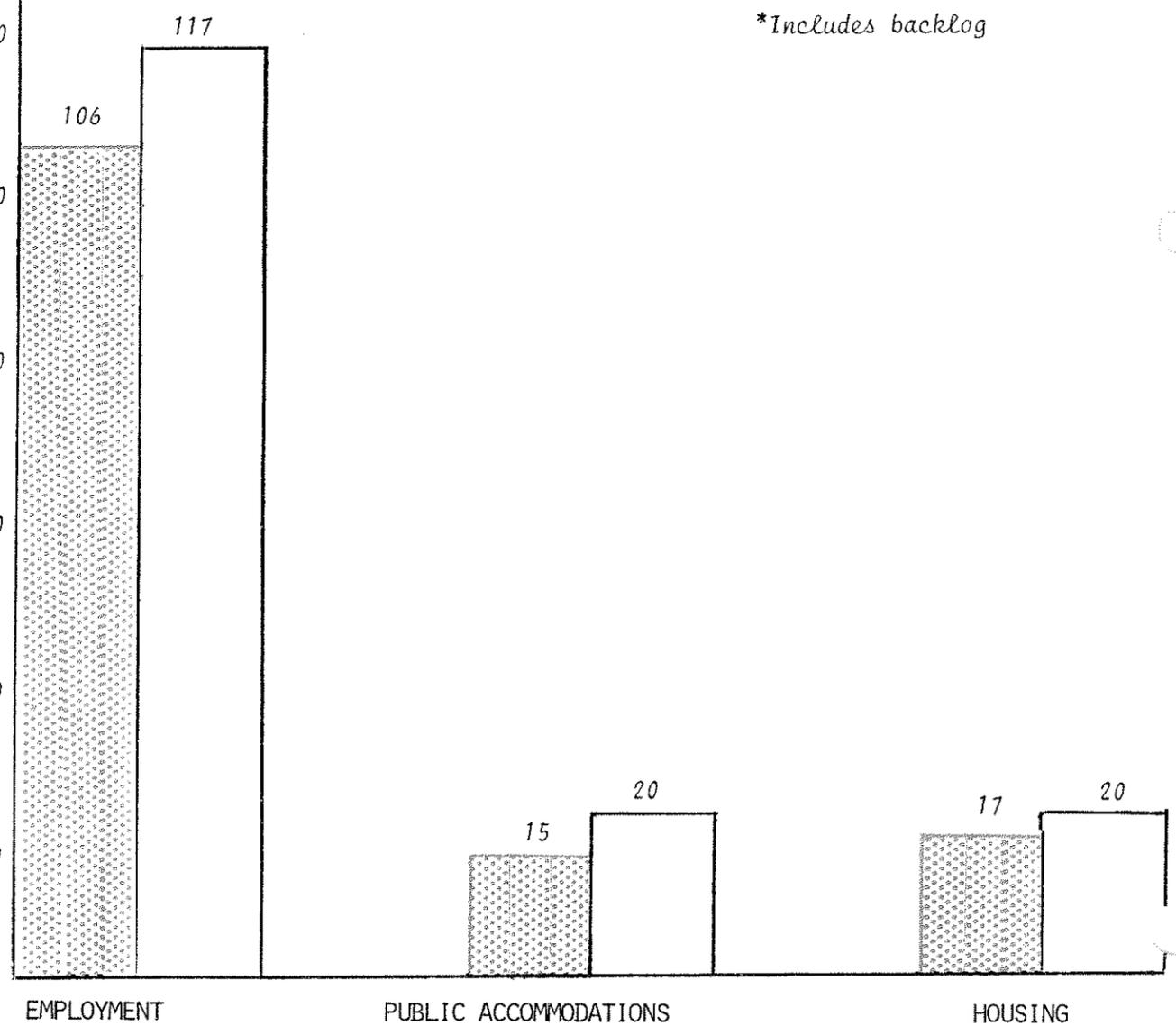
AREAS OF COMPLAINTS CLOSED*
COMPARISON OF FISCAL YEARS 73-74 & 74-75

200 31

180
160
140
120
100
80
60
40
20

 73-74
 74-75

*Includes backlog



 = 5

DEPARTMENTS

COMPLIANCE

Primary responsibility for administering and enforcing the West Virginia Human Rights Act lies with the Compliance Department. The process begins as outlined below.

- Initial intake of complaints. . .
- Thorough investigation. . .
- Examination of investigation findings. . .

(If Probable Cause is found)

- Conciliation of the complaint. . .

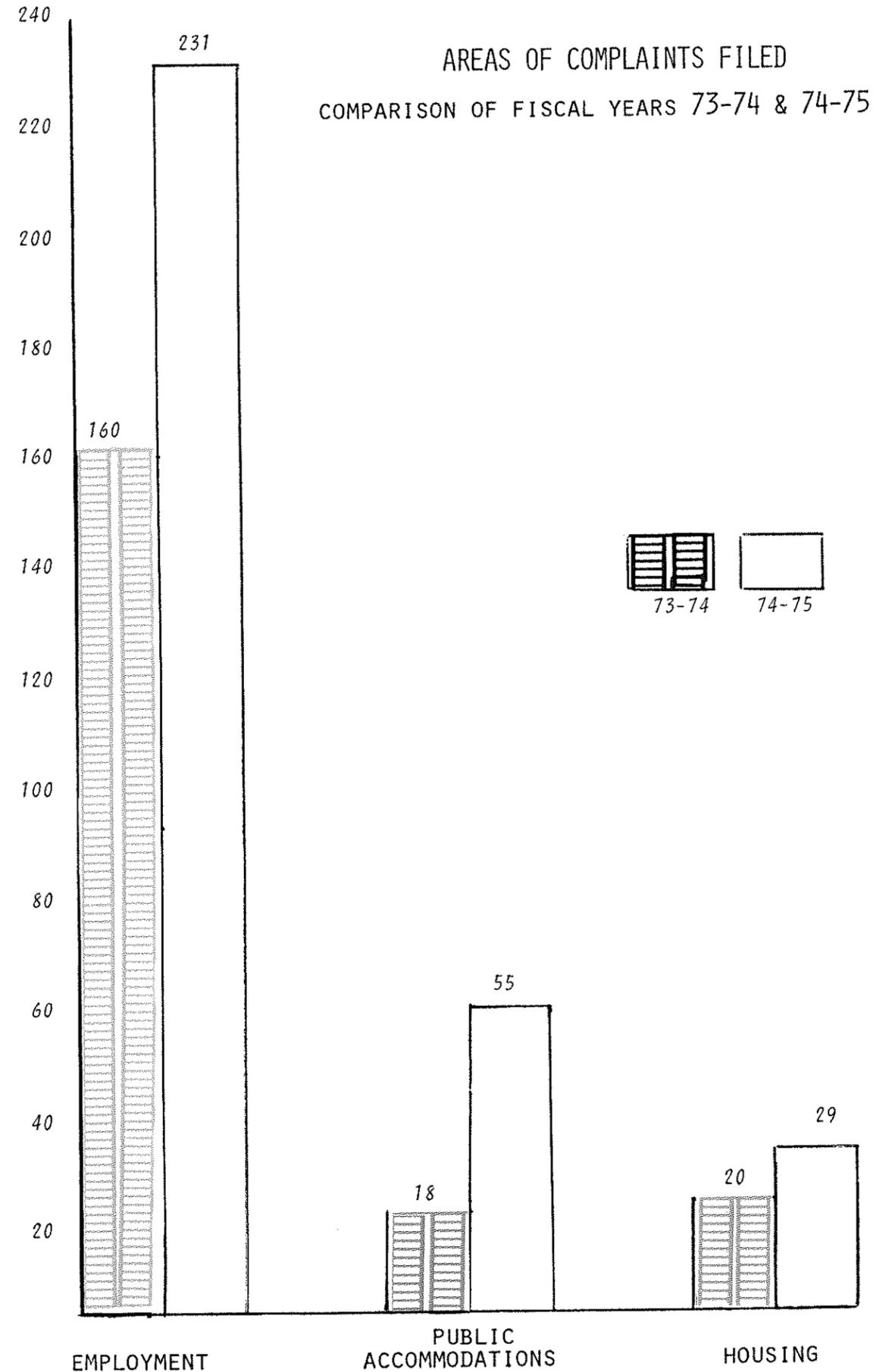
(If Conciliation fails)

- Posting for public hearing. . .

Other case related activity includes:

- Drafting of Commission complaints
- Participation of public hearings
- Preparing and implementing procedural guidelines to execute Commission policy
- Assist in drafting legislation to be recommended by the Commission
- Advising Commissioners and public of changes in civil rights laws and interpretation of those laws
- Assisting the Education Department in conducting workshops and public speaking engagements

Added to this list of responsibilities the Compliance Department thoroughly trains all of its new personnel and offers continuous training for regular staff.



EDUCATION

The primary responsibility of the Education Department of the West Virginia Human Rights Commission is to facilitate the elimination of discrimination cases filed with the Commission.

The Education Department has adopted the philosophy of crisis prevention rather than crisis response by:

- A. Informing the general public of their rights under law;
- B. Informing those practicing discrimination of the West Virginia Human Rights Act and how they may comply with the law; and,
- C. Educating the public and employers in human relations to bring about a better understanding of each other, their goals, beliefs, and problems.

AREAS OF RESPONSIBILITY

Communications and Publications:

The Education Department uses all available media sources to inform the general public of the West Virginia Human Rights Act, the Commission's duties and actions which may be taken by the Commission.

The staff publishes and distributes information covering all areas of discrimination. These publications include pamphlets, hearing reports, employment guidelines, an Annual Report, and a Commission Newsletter.

Radio and television are utilized to reach the public. The Commission has conducted numerous guest shots on local radio and television programs and makes a point of working with local news shows to receive adequate coverage.

COMPARATIVE

STATISTICS

BREAKDOWN BY COUNTY OF COMPLAINTS FILED

JULY 1, 1974 TO JUNE 30, 1975

Public Service announcements have also been utilized to reach citizens of the state.

Research and Resource:

The Commission provides information to individuals and groups in West Virginia on the Human Rights Act, the Commission's function, and any information pertinent to a particular group in combating or eliminating discriminatory practices. The Department responds to an estimated 15-30 phone calls and letters per week requesting information on state and federal laws, statistics of minorities and females, affirmative action, job and housing discrimination, and numerous other areas related to human rights.

Some of the groups we have served in an advisory capacity are the American Jewish Committee, the U. S. Commission on Civil Rights, the West Virginia Council of Churches, NAACP, League of Women Voters, National Organization for Women, state and federal agencies, and personnel departments of various industries.

Community Relations:

The Commission staff maintains contact and cooperates with citizens, local groups and community leaders. The Commission keeps them informed of laws and suggests methods of dealing with local problem areas, encouraging them to draw upon Commission materials and expertise.

A primary objective of the Education Department has been to improve lines of communication with those local human rights commissions now functioning. Where local groups have become

COUNTY	EMPLOYMENT					PUBLIC ACC.			HOUSING		TOTAL		
	Race	Sex	Age	Rel	Anc	Nat Or	Blind	Race	Sex	Rel		Race	Color
BERKELEY	2	2									1		5
BOONE	1		1										2
BROOKE	1	2											3
CABELL	3	5		1				3	1				13
FAYETTE	8	3						3					14
GREENBRIER	1							1			1		3
HANCOCK	2	6	1		1	1		1			1		13
HARRISON	2	3						3	1	1			10
JACKSON		1	1		1								3
JEFFERSON	1		1								1	1	4
KANAWHA	42	36	7	3			1	13	3		19		124
LINCOLN		1											1
LOGAN	5	20						2					27
MARION	5	1	1					1			1		9
M SHALL		4											4
MCDOWELL	3	1	1										5
MERCER	4	2	1					4	1				12
MINGO	2							2					4
MONONGALIA	2	1						1					4
OHIO	1	1		1									3
POCAHONTAS	1												1
PRESTON								1					1
PUTNAM	1	2								1			4
RALEIGH	5	1	2							1			9
RANDOLPH		1											1
ROANE			1								1		2
WOOD	1	10	1			1		11			1		25
WYOMING	3	4						2					9
TOTAL	96	107	18	5	2	2	1	48	6	3	26	1	315

PUBLIC ACCOMMODATION CASES FILED FISCAL YEAR 1974-75

<u>NATURE OF DISCRIMINATION</u>		<u>BASIS FOR DISCRIMINATION</u>	
Terms and Conditions	26	Race	48
Refused Admittance	18	Sex	6
Refusal to Sell	11	Religion	<u>3</u>
Other	<u>2</u>		
TOTAL	57	TOTAL	57

CLASSIFICATION OF RESPONDENTS

Banks	1
Clubs/Restaurants	22
Communications	1
Education	4
Government	
State	10
County	4
City	2
Recreation	4
Retail Sales/Service	8
Transportation	<u>1</u>
TOTAL	57

CASES CLOSED

No Probable Cause	2
Satisfactory Adjustment	7
Administratively	5
Withdrawal	4
No Jurisdiction	<u>2</u>
TOTAL	20

inoperative or inactive, the West Virginia Human Rights Commission endeavors to reactivate local interest.

Program Planning:

The Education Department plans and participates in programs dealing with specific areas of discrimination. Training sessions, workshops, seminars, and speaking engagements are conducted throughout the state for a wide variety of agencies, businesses, and organizations.

Crisis Intervention:

In cooperation with the Compliance Staff, the Education Staff has also served a primary role in "crisis intervention." In 1974 a number of tense situations developed that required immediate attention. School problems and police-community tensions developed in several communities requiring a number of field trips by the staff. The Commission played an important part in reopening lines of communication between city government and the Black community.

HOUSING CASES FILED FISCAL YEAR 1974-75

<u>NATURE OF DISCRIMINATION</u>		<u>BASIS FOR DISCRIMINATION</u>	
Refusal to Rent	14	Race	26
Refusal to Sell	1	Color	<u>1</u>
Required to Vacate	<u>12</u>		
TOTAL	27	TOTAL	27

CLASSIFICATION OF HOUSING RESPONDENTS

Property Owner	20
Realtor and/or Property Owner	3
Manager of Apartments	<u>4</u>
TOTAL	27

LEGAL

CASES CLOSED

No Probable Cause	7
Satisfactory Adjustment	2
Administratively	9
Public Hearing	1
Withdrawal	<u>1</u>
TOTAL	20

LEGAL

<u>NATURE OF DISCRIMINATION</u>		<u>BASIS FOR DISCRIMINATION</u>	
Hire	71	Race	96
Discharge	78	Sex	107
Terms & Conditions	42	Age	18
Commission	12	Religion	5
Other	28	Ancestry	2
		National Origin	2
		Blindness	1
TOTAL	231	TOTAL	231

CLASSIFICATION OF EMPLOYER RESPONDENTS

Banks	4	Labor Unions	5
Communications	4	Manufacturers	40
Construction/ Contractors	18	Medical Services	14
Education	15	Mining	31
Government		Clubs/Restaurants	12
State	22	Retail Sales/Service	22
County	3	Social Service Agen.	4
City	4	Transportation	16
Hotels/Motels	6	Utilities	11
		TOTAL	231

CASES CLOSED

No Probable Cause	36
Satisfactory Adjustment	23
Withdrawal	18
No Jurisdiction	9
Administratively	29
Public Hearing	2
TOTAL	117

The Legal Department of the Commission made great strides in fiscal year 1975 towards eliminating the backlog of cases set for hearing and bringing the ideal of prompt administrative relief closer to reality.

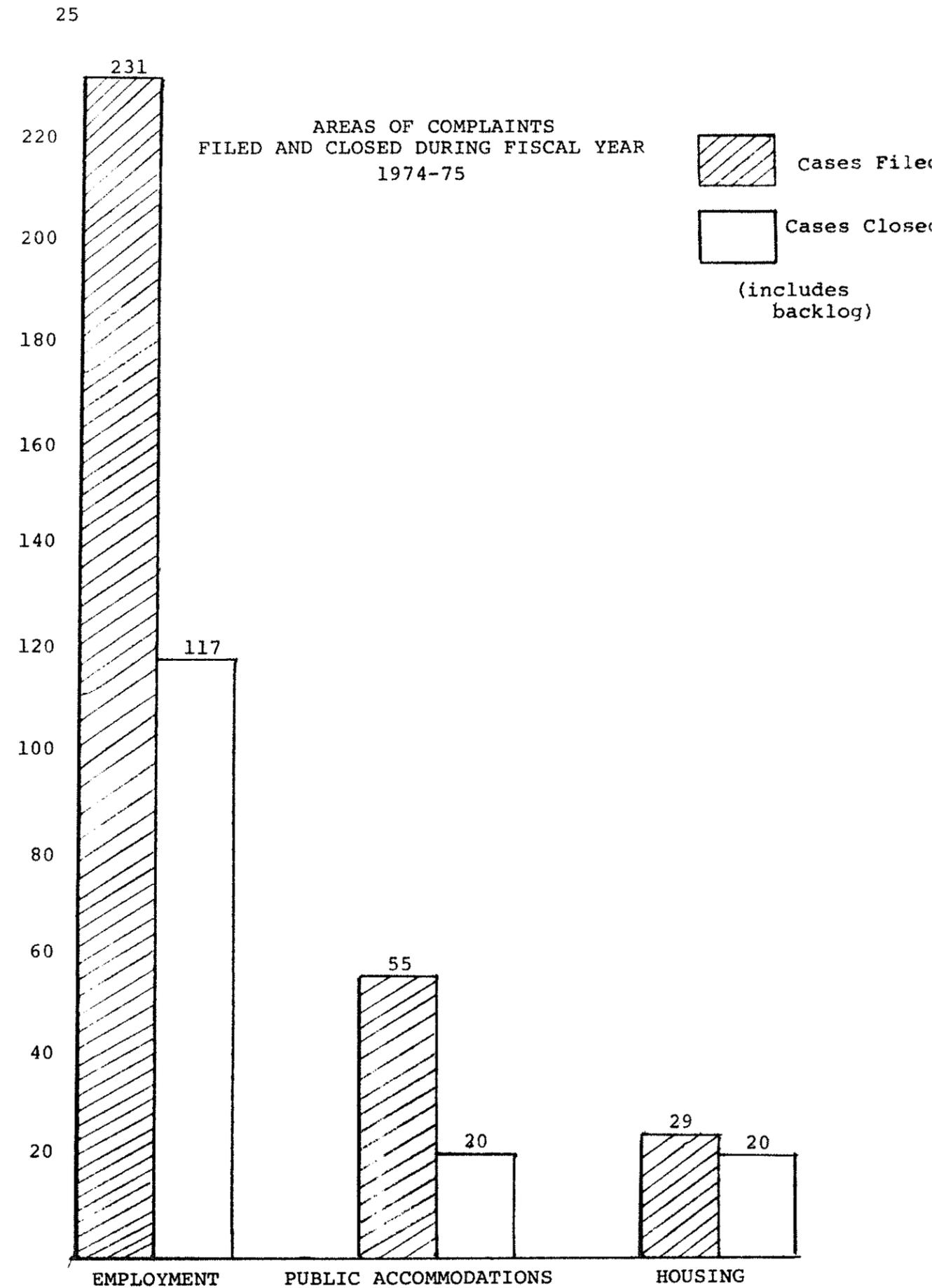
Beginning in February 1975 until the end of fiscal year 1975, five cases were brought to hearing. A heavy schedule of hearings continued into fiscal year 1976. Of the five cases, three dealt with discrimination in employment and two with discrimination in housing. The respondents in these cases represented some of the largest institutions in the state including the N & W Railroad, the United Transportation Union, Houdaille Industries, the Mason County Board of Education, and the Abraham Pearlman Realty Company.

Decisions and orders on these cases, forthcoming in 1976, will potentially affect thousands of West Virginians. Already in 1975 the Commission gained a pre-hearing settlement and conciliation agreement with the N & W Railroad which called for upgrading in seniority and \$35,000 in backpay for several Black Yard Conductors. An Affirmative Action Plan was also adopted by the N & W.

The Legal Department was active in the development of new Rules and Regulations for practice before the Commission. These Regulations, adopted May 8, 1975, are much more comprehensive than their predecessors and insure that all parties before the Commission are afforded due process of law.

New Guidelines on Pre-Employment Inquiries (job application forms) were issued in August 1974. The Commission considers the promulgation of further guidelines a priority and for 1976 plans the formulation of new guidelines in other areas where discrimination exists.

In conjunction with the Education Department, the Legal Department has participated in workshops and symposiums for employers, local governmental leaders, civil rights groups and other interested citizens groups, to explain the Human Rights Act and the activities of the Commission.



PUBLIC HEARINGS

When a complaint is not successfully settled during conciliation, the Commission may call for a public hearing. Written notice of the hearing must be served within thirty days prior to the hearing date. The case in support of the complaint is presented before the Commission by one of its attorneys or agents. From both the complainant and respondent, testimony is taken; a decision is rendered; and a legally binding order is issued.

After the final order, any party may appeal the Commission's decision to the Circuit Court. The Circuit Court decision may settle the dispute or may lead to the Supreme Court of Appeals. It can take up to two years for a case to reach a final order from the State Supreme Court.

The record of public hearings is as follows:

STATISTICS

	<u>HEARING</u>	<u>YEAR HELD</u>
1.	Bluefield State College (Tension Crisis)	1967
2.	Hawkins vs. Sunset Memorial Cemetery	1969
3.	Charleston Athletic Club - Public Accommod.	1969
4.	Ndege vs. Modern Cafe (Hunt.)-Public Accomod.	70-71
5.	Bush vs. Fraternal Order of Police (Chas.)	70-71
6.	Williams vs. Hancock Co. Bd. of Education (Appealed to Supreme Court)	71-72
7.	Wheeling - Community tension crisis	72-73
8.	Weirton - Community tension crisis	72-73
9.	Perfater vs. Kroger Co. (Morgantown)	73-74
10.	Freeman vs. Naylor (Housing)	73-74
11.	Frugiuele vs. Circulation Sales & Chas. Gazette	73-74
12.	Geiger vs. Greyhound (Employment)	73-74
13.	Johnson vs. McJunkin Co. (Sex)	73-74
14.	Robinson vs. Pauley (Housing)	73-74
15.	Brown vs. Conley	74-75

	<u>HEARING</u>	<u>YEAR HELD</u>
16.	English, et. al. vs. United Transportation Union	74-75
17.	Bartley vs. Mason County Board of Education	74-75
18.	Coleman vs. Pearlman Realty	74-75
19.	Degler vs. Houdaille Industries	74-75
20.	Winston vs. City of Osage	74-75
21.	Weaver and Bell vs. International Union of Operating Engineers	74-75
22.	Ferguson vs. City of Montgomery	74-75
23.	Hope vs. Martin	74-75
24.	Duerr vs. WVA State Police	74-75
25.	Price vs. Millwright Local 2430	74-75
26.	Mason vs. Fayette Tribune	74-75

NO PROBABLE CAUSE = Lack of, or insufficient evidence to persuade the Commission that the complainant's allegations state a claim upon which relief can be granted.

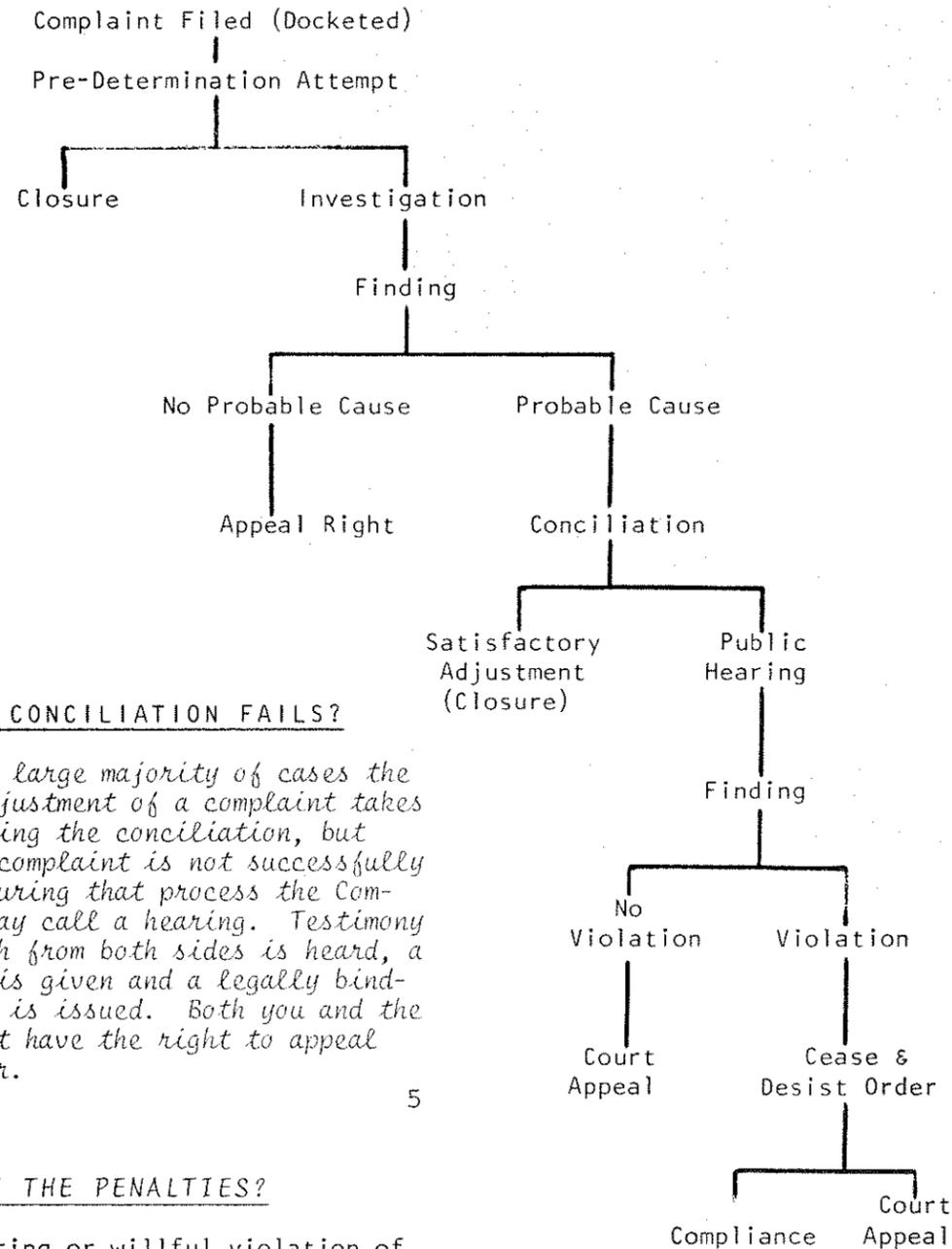
SATISFACTORY ADJUSTMENT = A mutual agreement reached between Commission, respondent, and complainant satisfactory to all parties.

ADMINISTRATIVE CLOSURE = The closing of a case by the Commission for valid reasons at various stages of processing because in the judgment of the Commission the ends of justice and fair play will best be served.

PUBLIC HEARING = If there is failure to conciliate a Probable Cause ruling, a case will then go to public hearing. During Public Hearing, each party is given the opportunity to present his/her case on the merits before an impartial hearing examiner.

WITHDRAWAL = This is a decision on the part of the complainant not to pursue the case any further.

PROCEDURE OF PROCESSING COMPLAINTS



WHAT IF CONCILIATION FAILS?

In a large majority of cases the actual adjustment of a complaint takes place during the conciliation, but when the complaint is not successfully settled during that process the Commission may call a hearing. Testimony under oath from both sides is heard, a decision is given and a legally binding order is issued. Both you and the respondent have the right to appeal this order.

5

WHAT ARE THE PENALTIES?

Ignoring or willful violation of Commission Orders are misdemeanors punishable by fines of \$100 to \$500 and/or imprisonment not exceeding thirty (30) days. The same penalties apply to any person who interferes with a Commission representative in the performance of duty.

6

SUPPORT STAFF

The support staff consists of six positions which includes the Secretary to the Executive Director. Three of these positions are assigned as follows:

- (1) One to the Executive Director and in addition has the responsibility of supervision and training of the support staff;
- (2) One to maintain the financial records of the agency which includes the payment of invoices, processing of transmittals, payrolls, and many other duties; and
- (3) One to assist in the legal and compliance work of the agency.

The remaining three positions are utilized in receptionist duties, preparation of casework materials for all staff persons, docketing of complaints, ordering of supplies and many other stenographic duties as required.

Due to the broad range of assignments to the support staff and the number of positions allocated for this work, the Commission finds it imperative that more positions be allocated in the coming year in order that a more adequate and thorough job can be done.

* * * * *

* * * * * "Over the phone the landlord said
the apartment was available for
rent but when I arrived to see
the place the landlord seemed
shocked that I was Black. Oh,
yes. . . and the apartment had
quite suddenly been rented?"

* * * * *

* * * * * "I perform the same duties as the
male employees; I've been working
for the company as long and even
longer than some of the men but
I'm being paid less money. . .?"

* * * * *

* * * * * "The business advertised job open-
ings and I met the qualifications
but when I went for an interview
they said they really didn't want
a woman for the job. . .?"

* * * * *

* * * * * "I know that industry is hiring
but it seems you have to know
someone before you can ever be
considered for a job. They
never advertise the open posi-
tions until they've first spread
the word around the company. . .?"

WHAT SHOULD I DO?

WHAT YOU SHOULD DO!

If you think you have been discriminated against, you should make a complaint to the West Virginia Human Rights Commission. You may make your complaint by writing, by coming personally to the Commission's office at 1036 Quarrier Street, Charleston, West Virginia 25301, or by calling 348-2616. A Commission staff member will help you fill out a complaint form. Under the law, you must file your complaint no later than ninety (90) days after the date you believe you were discriminated against.

WHAT HAPPENS AFTER DECISIONS ARE MADE?

When the investigation is finished, the Commission will decide whether the facts support your complaint. One of two possible findings will be made:

- (a) Probable Cause - the facts tend to support your charge of discrimination

or

- (b) No Probable Cause - the facts do not tend to support your charge of discrimination.

When probable cause is found, your case goes to the next step--conciliation. If no probable cause is found, you have a right to appeal to the Commission. If you are successful in your appeal, more investigation will be made or your case will go to the next step--conciliation. If you are unsuccessful in your appeal, your case will be closed.

WHAT WILL HAPPEN TO MY COMPLAINT?

After you file your complaint, the staff of the Commission will conduct a complete and impartial investigation to determine all the facts about your complaint. During the investigation, the staff will interview persons who have any information about the manner in which you were treated. In addition the staff will examine any records, documents or other evidence which may have a bearing on your case.

WHAT IS CONCILIATION?

If the investigation shows cause to believe you have been discriminated against, the Commission will try to reach an agreement which is satisfactory to you (the complainant) and the respondent (the person you believe has discriminated against you). These terms will be presented in a written conciliation agreement which is a legally binding document. The respondent may be, depending on circumstances, required to:

- (a) Make available to you the house, job or service you were denied.
- (b) Compensate you and/or others for losses brought about because of discrimination.
- (c) Correct by affirmative action practices of discrimination which have had an adverse effect on you and other persons protected by the West Virginia Human Rights Act.