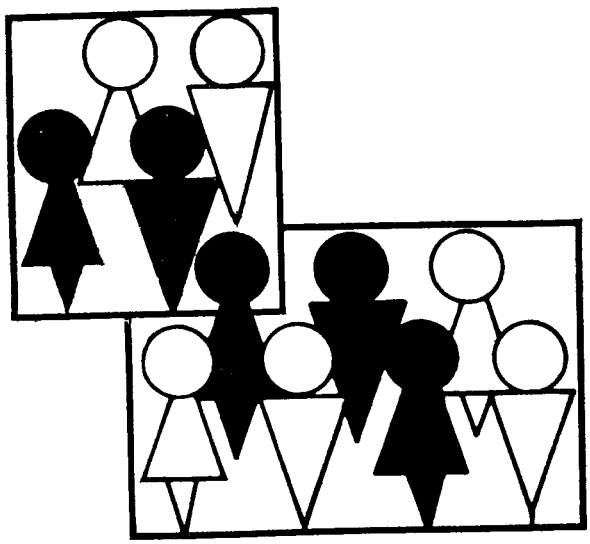
West Virginia

Human Rights Commission

ANNUAL REPORT

1986 — 1989



STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

215 PROFESSIONAL BUILDING
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CHARLESTON, WEST VIRGINIA 25301

TELEPHONE 304-348-2616

GASTON CAPERTON
GOVERNOR

October 20, 1989

Honorable Gaston Caperton
Governor of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Governor Caperton:

We have the honor to submit the following report which describes the activities of the West Virginia Human Rights Commission for fiscal years 1986-89.

The Commission strives to implement the public policy of the State of West Virginia which prohibits the denial of human or civil rights to the citizens of our state.

Sincerely,

George Rutherford
Chairperson

GR/elm

FOREWORD

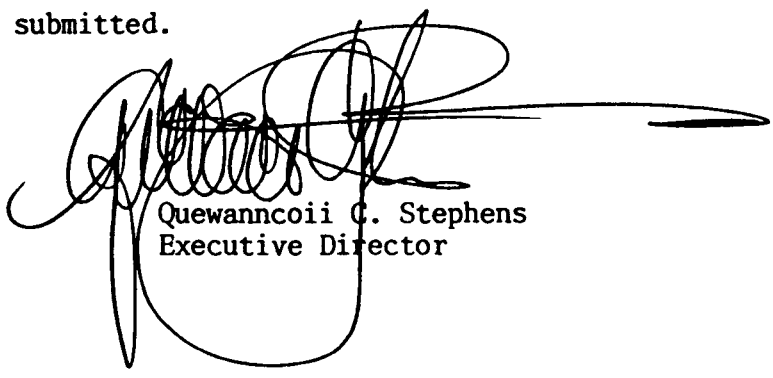
Fiscal year 1988-89 was a year of transition and advancement for the West Virginia Human Rights Commission. A new Administration brought a new approach and dedication to the cause of Human Rights for all West Virginians. That dedication was made clear by the Executive Branch in its support of the continued funding of the West Virginia Human Rights Commission, and by the Legislative Branch in its fiscal generosity allowing the State's civil rights law enforcement agency to maintain its strength and pursuit of a discrimination-free society.

The West Virginia Legislature also moved to once again broaden the scope of the Commission's jurisdiction, and accordingly acted to consolidate the powers of the Commission, improving efficiency and service to the public.

Commissioners, staff members and other interested parties from community groups and the legal sector have worked steadily to see to it that the WV Human Rights Commission continues to strive to justify this demonstration of trust and confidence.

We take this opportunity to thank each of these individuals for their assistance and support. In addition, we thank the entire staff of the Commission for their diligence and dedication during this period.

This Annual Report which covers the activities of the WV Human Rights Commission during the fiscal years beginning on July 1, 1985, and ending on June 30, 1989, is respectfully submitted.



Quewanncoii C. Stephens
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, handicap, or familial status.

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, handicap, or familial status 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

NAME	TERM EXPIRES
George Rutherford, Chairperson Ranson, WV	June 30, 1985
Betty A. Hamilton, Vice Chairperson Charleston, WV	June 30, 1987
Nathaniel G. Jackson (Chairperson 1985-86) Elkins, WV	June 30, 1985
Iris Bressler Fairmont, WV	June 30, 1987
E. Sid Allen Huntington, WV	June 30, 1986
Jack McComas Huntington, WV	June 30, 1987
Bette Thornhill Huntington, WV	June 30, 1986
Russell Van Cleve Charleston, WV	June 30, 1986
Vacancy	June 30, 1987

FOR FISCAL YEARS 1986-1989

COMPOSITION OF THE COMMISSION

The West Virginia Human Rights Act requires that the Governor appoint, with the advice and consent of the Senate, nine citizens of the State to sit as commissioners. These individuals represent a broad spectrum of West Virginia's racial, religious, and ethnic groups. No more than five commissioners may belong to the same political party. At least one, but no more than three members, shall represent each congressional district.

The commissioner's terms last three years, beginning the first day of July of the year they are appointed. However, appointments made to fill vacancies are for the unexpired term thereof. Members can be reappointed. Each member takes and subscribes to the official oath dictated by Section 5, Article IV, of the West Virginia Constitution before undertaking their duties as commissioners.

Commissioners are paid $25 per day for time actually spent performing their duties. They are also reimbursed for expenses necessary for the performance of their duties. They do not receive an annual salary.

The Commission elects a chairperson and a vice-chairperson soon after the beginning of each fiscal year. Furthermore, the Governor appoints an executive director by and with the Senate's advice and consent. This executive director acts as the Commission's secretary. He/she should be particularly qualified for the position and receive a yearly salary. The executive director oversees daily operations of the agency.

Officers, departments, and agencies of the State Government may be requested for assistance in hearings, programs, and projects by the Commission. The State Attorney General must render legal services to the Commission if requested. The Civil Rights Division of the Attorney General's Office has been a great help in diminishing the Commission's backlog of cases for public hearing.

POWERS, FUNCTIONS, AND SERVICES

The West Virginia Human Rights Commission is responsible for the enforcement of the West Virginia Human Rights Act, as amended. Through cooperation with both the public and private sectors, the Commission seeks to bring about mutual understanding and respect among all racial, religious, and ethnic groups within the State.

The Commission is empowered to receive, investigate, and adjudicate complaints alleging discrimination because of race, religion, color, national origin, ancestry, sex, age (40 years and over), blindness, or handicap. It is unlawful to discriminate against an individual for the aforementioned reasons in the areas of employment, public accommodations, housing accommodations, and/or real property.

The West Virginia Human Rights Act authorizes the Commission to issue subpoena and/or subpoenaes duces tecum, hold hearings, and take testimony. The Commission may enter cease and desist orders and apply to the appropriate court of competent jurisdiction for enforcement of Commission orders. These enforcement powers have been granted by the Legislature to ensure that all West Virginians are guaranteed equal protection under the law.

Equally important, the Commission can make recommendations to the Governor and the Legislature concerning policies, procedures, practices and legislation concerning matters influencing human rights. The Commission may also create agencies or councils which study discrimination wherever necessary, in order to encourage goodwill, cooperation, and conciliation among the State's people. Then, reports of such studies may be released. Furthermore, a written report is prepared annually, with copies submitted to the Governor, which summarizes the Commission's progress.

On the whole, the West Virginia Human Rights Commission has sought to maintain and further its goals and purposes. Through investigating complaints, it has sought to assert citizens' rights for equality under the Human Rights Act. Also, the Commission has actively participated in events and organizations which further understanding, cooperation, and harmony among the people in West Virginia.

EDUCATIONAL OVERVIEW

One of the West Virginia Human Rights Commission's responsibilities has been to provide educational support to individuals, groups, and organizations. Throughout the past three years the Commission's staff has strived to fulfill its educational duties despite the dissolution of its Educational Division. Various staff members have spoken to assemblies, participated in organizational activities, as well as consulted businesses and organizations.

For example, staff members have addressed classes at West Virginia State College, West Virginia College of Graduate Studies, and West Virginia Institute of Technology. They have also spoken to the Kanawha Valley Board of Realtors, Blue Cross/Blue Shield Insurance Company,, and the Region III Fair Housing Agencies. Major topics of interest have been age and maternity discrimination, non-discriminatory employment procedures, discrimination theories, and subtle forms of discrimination.

Besides speaking engagements, the West Virginia Human Rights Commission has been affiliated with organizations and activities whose goals and themes have been similar to its own. For example, the Commission is represented by one of its staff members on the West Virginia Advocates for the Mentally Disabled (WVAMD). Specifically, the WVAMD serves to insure that eligible individuals are not denied access to programs offered by the Department of Vocational Rehabilitation. Equally important, the Commission was one of thirty organizations which helped form and support Citizens for Passage of Unlawful Paramilitary Act (CPUPA). CPUPA proposed and fought to have legislation passed preventing violent expression of prejudice. On March 26, 1989, a bill was passed in the West Virginia Legislature forbidding plots and training aimed at causing property damage, physical injury, and murder due to prejudice. Moreover, the West Virginia Human Rights Commission has actively participated in events such as Civil Rights Day 1989 and the Black Leadership Symposium.

Finally, the Commission has advised various firms and organizations on laws concerning discrimination. For example, the West Virginia Human Rights Commission, in conjunction with the Office of the Attorney General, consulted the West Virginia Association of Realtors. This project dealt with preventing discrimination practices through proper hiring procedures as well as keeping accurate records as a defensive measure.

In conclusion, education is a great tool which must be used continuously and actively in order to achieve desired results. Unfortunately, a mind can be taught bigotry just as it can be taught fair-mindedness. Therefore, the West Virginia Human Rights Commission must persistently pursue its efforts to promote cooperation and understanding among <u>all</u> people.

CASE PROCESSING PROCEDURES

Introduction

If for any reason, an individual feels discriminated against, they should contact the West Virginia Human Rights Commission. Once contacted, the Commission initiates its complaint procedures.

Compliance Division Activities

First, a complaint must be filed within 180 days after a discriminatory incident has occurred. Otherwise, the complaint can no longer be considered timely and thus unable to be pursued. Yet, if the complaint is timely and the Commission has jurisdiction, an intake officer sends a complainant a background information form which must be completed and returned. This form helps depict a more detailed account of the potential discriminatory act and enables the Commission to establish jurisdiction. Once returned, a formal complaint is written by the intake officer. Then, it is sent to the complainant to be reviewed, signed, notarized, and returned. Subsequently, any noted corrections are made, and the complaint is sent to the docket clerk. The clerk dockets the complaint and assigns it to an investigator.

After receiving an assignment, an investigator seeks any additional information from the complainant. Also, he/she sends the respondent a questionnaire and requests a position statement, as well as documentation such as payroll records, time cards, medical records, personnel files, and etc. If the respondent does not cooperate, then the Commission can subpoena the respondent for what is needed. Afterwards, the complainant is notified of the respondent's position and is asked for his/her response. They are also asked to name any witnesses that could support their respective cases.

Eventually, an investigator sends exit-interview letters to the complainant and the respondent requesting any more pertinent information before ending the investigation. Both parties have five days to respond. Subsequently, a case recommendation is written. It summarizes the case investigation, citing specific details which can lead to the conclusion of whether or not there is probable cause to believe discrimination has occurred. Then, the case recommendation is reviewed by the Assistant Compliance Director who inspects its logical and chronological order. Upon approval, the recommendation is directed to the Compliance Director's attention. The Compliance Director reviews every case and has four options. The investigator's recommendation can be approved, disapproved, changed, or returned for additional information/investigation.

If the Compliance Director approves an investigator's recommendation of No Probable Cause, then the complainant is notified of the findings and their right to appeal within ten days. However, if Probable Cause is found, then the case is sent to public hearing.

Legal Division Activities

Once a case is received in the Legal Division, it is noticed for public hearing and assigned a hearing examiner; then, both parties are notified. The complainant, respondent, their respective attorneys, a hearing examiner, witnesses, and a court reporter are present at the actual hearing. After introductions, motions, and opening statements, testimonies are given. Next, the examiner can ask questions. Afterwards, closing statements or comments are allowed. Upon the termination of the hearing, both the complainant and respondent must submit their proposed findings based only on facts brought out in the hearing. At length, the examiner submits his/her recommended decision to the Commission members for a final decision. The Commission can modify, reject, overturn, or accept the examiner's recommended decision. They can also require another hearing to be conducted. Once a decision is reached, both the complainant and respondent are notified of the final orders. Once notified, the losing party has ten days to ask the Commission for a reconsideration. If a motion is received for reconsideration, the Commission can deny or accept it. Upon deciding, the Commission reissues its final orders. The loser then has thirty days to appeal directly to the West Virginia State Supreme Court of Appeals.

Nonetheless, conciliation may occur any time before a final decision is made. The Compliance Director acts as a negotiator between the complainant and the respondent. If an offer is agreed upon, then the conciliation is documented and signed by the complainant, the respondent, and the Compliance Director. Thereafter, the agreement is legally binding. Compliance to the conciliation can be judically enforced.

NEW REGULATIONS

On April 8, 1989, the West Virginia Legislature enacted amendments to Sections two, four, eight, nine, and eleven, Article Eleven, Chapter Five of the West Virginia Code to be effective July 1, 1989. These amendments relate:

> . . .to the human rights commission; policy; powers; objects; functions; services; definitions; adding discrimination on the grounds of familial status as an unlawful discriminatory practice; exemption; complaints; subpoena and subpoena duces tecum; hearings; delegation of authority to hearing examiners; commission review of hearing examiner's final decision; conciliation agreements; unlawful discriminatory practices generally; and appeal and enforcement of commission orders.

First, familial status was included in the declaration of public policy as a condition protected from discrimination. Familial status was then defined (in 5-11-3, subsection u) as individual(s) under age 18 living with a legal guardian or a designee of such guardian. Furthermore, anyone pregnant or securing legal custody of a minor is also included in the familial status definitions. This means they, too, are protected. However, nothing in this definition pertains to housing/dwellings for older persons.

Secondly, the definition of "handicap" was expanded greatly. The definition explained that major life activities limited by a handicap would be "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working." Moreover, a record of any such impairment constitutes a handicap. Also, a person thought to have such an impairment would be protected too. On the other hand, any person using or addicted to drugs or alcohol which inhibits their job performance is considered a threat to persons and property and therefore not subject to this section.

The changes in the Commission's powers, functions, and services were significant. First, the location of public hearing is to be held where the respondent resides/transacts business, where both parties agree, or where the alleged incident occurred. Second, the subpoena power is subject to approval by either the Executive Director or the Commission's chairperson, instead of the agreement of at least five Commission members. Thirdly, the hearing examiner decides all questions of fact and law presented at hearing and then makes a final decision. This decision is liable for review by the Commission. Then any appeals are made to the Commission within thirty days of the examiner's final decision. Specific criteria are used for judging appeals. They are whether or not the examiner's decision:

1. Conforms to West Virginia and United States law and constitution;
2. Is within the jurisdiction and authority of the Commission;
3. Followed proper procedures required by law or rules of the Commission; and,
4. Is substantially supported by evidence; is not arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

NEW REGULATIONS
(CONTINUED)

Next, any conciliation agreements require the respondent to cease discriminatory practices and to abide by the terms of the conciliation. Terms of a conciliation are first agreed upon between the respondent and the Commission. Then, these terms are sent to the complainant who either agrees or objects to them. If he/she agrees with or fails to respond to the Commission within fifteen days, then the Commission makes the terms effective and gives notice to both parties. If no further objections are made, the conciliation becomes enforceable. Otherwise, the case goes to public hearing.

Besides changes in powers and functions, the specifications of discriminatory practices are somewhat different. This difference is due to the addition of familial status. Persons may not be refused sale, rent, lease, furnishings, assignment, or sublease of any housing accommodations due to familial status. Also included are withholding, extending, modifying, renewing, or fixing rates, terms, conditions, or financial provisions.

Finally, the appeal and enforcement of the Commission's orders has also been amended. Appellants may now appeal to the Kanawha County Circuit Court if the Commission awards damages other than back pay exceeding five thousand dollars or the Commission awards back pay exceeding thirty thousand dollars, or if both parties agree to appeal to the circuit court. The party aggrieved by the decision of the circuit court may appeal the decision to the WV Supreme Court of Appeals. Such an appeal must be made within thirty days of the notification of the circuit court's decision.

In conclusion, these amendments became effective July 1, 1989. They were designed to streamline case processing and to benefit the execution of justice for ALL!

PUBLIC HEARINGS HELD

1986-87 Fiscal Year

1.	Artis v Steppes Beauticians, Inc.	ER-204-76
2.	Pearson v Homer Laughlin China Company	ER-466-80
3.	Tolli v Ohio Brass Company	EA-605-85
4.	Satterfield v Patrick Real Estate	HR-114-86
5.	Dayhoff v Wood County Board of Education	EREL-19-76
6.	Ritenour v Capitol Broadcasting Corp./ dba WCAW Radio	ES-67-82
7.	Cox v Sears	ER-621-85
8.	Miller v WV Institute of Technology	ES-536-85
9.	Gates v Town of Romney Housing Authority	ES-668-84 ENOR-669-84
10.	Bryan & McClanahan v WV Society for the Blind	ES-61-86 EB-62-86 EA-63-86 ES-38-86 EA-39-86 EB-40-86
11.	Ford v City of Keystone	ER-121-77
12.	Harrah v Central Appalachian Coal Company	EH-233-83
13.	Banton (Spade) v City of Hinton Police Dept./ City of Hinton Civil Service Commission	REP-184-82
14.	Cooper v Kanawha County Sheriff's Dept./ Corrections Division	ES-375-85
15.	Porterfield v Kanawha County Sheriff's Dept./ Corrections Division	ES-376-85
16.	Moore v Vitro Agate	ES-296-76
17.	Hairston v Stevens Clinic Hospital, Inc.	ER-195-71
18.	Musick v Colonial Stair & Woodwork Co.	ES-42-84 EA-43-84
19.	Bojaski v CAMC - General Division	EH-54-86
20.	McClanahan v Dave Sugar Construction Co.	ES-17-86

PUBLIC HEARINGS HELD
1986-87 Fiscal Year (Continued)

21.	Strange v Thomas Broadcasting/WOAY-TV	EA-416-86
22.	Amos v B.F. Goodrich	EH-531-85
23.	Evans v Gino's Pizza of West Hamlin	ES-99-86
24.	Hager v Teamster's Local No. 505	ES-552-79
25.	Hooper v Beckley Appalachian Regional Hospital	ES-163-76 ES-216-77
26.	Zavareei v WV Institute of Technology	ENO-350-85
27.	Whitt v Mingo County Equal Opportunity Counsel & Headstart Director	EA-609-85 EH-610-85
28.	Donatelli v Dairy Queen	ES-479-86
29.	Dishner, Radford & Spradling v Princeton Armature Co.	EA-6-86 ES-7-86 ES-644-85 ES-635-85 EA-643-85
30.	Parsons v Olin Corporation	EH-173-86
31.	Holstein v Heck's, Inc.	EA-105-86
32.	Theierl v Heck's, Inc.	EA-111-86
33.	Martin v Heck's, Inc.	EA-317-86 ES-318-86
34.	Simpson v Huntington Alloys, Inc.	ES-9-79
35.	Naylor v Bird Machine Company, Inc.	EA-52-86
36.	Johnston v Ashland Coal, Inc.	ES-181-85
37.	Pauley v Southern Appalachian Coal Company (Treated as final order with remand)	EA-87-80
38.	Dillon v Sabraton Chrysler, Plymouth Dodge	ES-304-86 REP-305-86
39.	Salyers v Bishop Coal Company, Mine #36	ES-492-81
40.	Fain v Leckie Smokeless Coal Company	EA-507-86

PUBLIC HEARINGS HELD

1987-88 Fiscal Year

1.	Truax v Weirton Steel Corporation	EH-183-87
2.	Basta v Corning Glass Works, Inc.	ER-166-86 EH-167-86
3.	Mace v Pizza Hut, Inc.	REP-576-86
4.	Hatcher v Kanawha Valley Regional Transportation Authority	EA-511-86
5.	Jackson v Jack Skelton, DDS Family Dentistry	PAB-60-86
6.	Cook v North Central WV Community Action Association	ER-312-86
7.	Justice v Marion Broadcast Corp./dba Radio Station WMMN	ER-43-87
8.	Moss v Reagent Chemical & Research, Inc.	ES-313-86
9.	Hooper v Beckley Appalachian Regional Hospital	ES-162-77 ES-216-77
10.	Hall v Hobet Mining, Inc.	EH-530-86
11.	McCoy (Croniser) v Eagle Manufacturing Company	ES-280-79 EANC-281-79 EC-282-79
12.	Saunders v Piedmont Airlines	ER-95-76
13.	Holloway v Consolidation Coal Company	ER-486-86
14.	Toothman v St. John's Home for Children	ES-667-84A
15.	Baumer v Clearbrook Corporation/dba University Chevrolet	EH-553-86
16.	Brown v White Lincoln-Mercury, Inc.	EA-53-87
17.	Trunk v WV Dept. of Health/Colin Anderson Center	EH-346-86
18.	Loudermilk v Eastern Associated Coal Company	EH-45-86
19.	Cutlip v High Power Energy	ES-102-87
20.	Rollyson v Belington Bank	ES-379-87 EA-380-87
21.	Ash v Doddridge County Board of Education	EA-258-84 ES-259-84

PUBLIC HEARINGS HELD
1987-88 Fiscal Year (Continued)

22.	Cobb v N & W Railroad	EA-477-86
23.	Dailey v Extra Touch Cleaning Services, Inc.	EH-75-87
24.	Watkins v WV Dept. of Energy	REP-151-86

PUBLIC HEARINGS HELD

1988-89 Fiscal Year

1.	Bost v WV Office of Medical Examiners	EH-64-87
2.	Frazier v CAP Construction & Excavating Company	ER-180-83
3.	Ross v International Union of Operating Engineers	ES-1-87
4.	Isbell v Poor Richards/dba Sebastian's Restaurant	EH-352-87
5.	Hammock v ARA Leisure Services	EA-670-86 ES-671-86
6.	Sweeney, Bumgardner & Landers v Veterans of Foreign Wars, Post 573	ES-560-83 ES-559-83 ES-558-83
7.	Petty v Relgis, Inc.	ES-652-86
8.	Payne v Coolfont Recreation	EH-531-86
9.	Frame v City of Nitro/Nitro Fire Dept.	EH-214-87
10.	Smith v Monongahela Power Company	EH-302-84 REP-303-84 REP-141-82
11.	Rager v Guardsmark, Inc.	EH-496-84
12.	Mayo v Southwestern Community Action Agency, Inc./ dba Fairfield West Community Center	ER-616-84A ES-617-84A
13.	Hatcher v Kanawha Valley Regional Transportation Authority	EA-511-86
14.	Pauley v Southern Appalachian Coal Company	EA-87-80
15.	Day v Canaan Valley Resorts, Inc.	EA-510-86
16.	Cadle v Calhoun County Board of Education	PAREL-80-88
17.	Mayle v North Central WV Community Action Assoc., Inc.	REP-242-87
18.	Brown v Raleigh County Sheriff's Department	ER-430-79
19.	Day v Hobet Mining, Inc.	ER-531-87

FINAL ORDERS ISSUED

1986-87 Fiscal Year

1. **Amos v B.F. Goodrich, EH-531-85.** No violation; dismissed. February 10, 1987.

2. **Artis v Steppes Beauticians, Inc., ER-204-76.** No violation; dismissed. August 8, 1986.

3. **Banton (Spade) v City of Hinton Police Dept./Civil Service Commission, REP-184-82.** Respondent was ordered to cease and desist from discriminating. Respondent to pay Complainant back pay of $4,820 (plus prejudgment interest of 10% through 5/2/86) as well as incidental damages of $5,000. November 3, 1986.

4. **Bojaski v CAMC-General Division, EH-54-86.** Respondent was ordered to cease and desist from discriminating and to pay the Complainant incidental damages of $5,000. January 23, 1987.

5. **Bryan v WV Society for the Blind, ES-6-86 & EA-63-86.** No violation; dismissed. October 15, 1986.

6. **Bryan v WV Society for the Blind, EB-62-86.** Respondent ordered to cease and desist from discriminating; to offer the Complainant the next available comparable position as manager. Respondent also to pay the Complainant back pay of $1,080.33 per month (plus 10% interest) thru 10/86 and front pay of $1,080.33 per month until they are offered such a position. Respondent also must pay Complainant incidental damages of $5,000. October 15, 1986.

7. **Cooper v Kanawha County Sheriff's Dept./Corrections Division, ES-375-85.** No violation; dismissed. November 3, 1986.

8. **Cox v Sears, ER-621-85.** No violation; dismissed. October 15, 1986.

9. **Dillon v Sabraton Chrysler-Plymouth-Dodge, ES 304-86 & REP-305-86.** Respondent ordered to cease and desist from discriminating. Respondent must reinstate the Complainant to her former position at a comparable rate of pay thru 12/31/86 of $6,491.73 (plus interest); pay Complainant $7,500 in incidental damages; $5,760 in attorney fees and $265.25 for cost. June 12, 1987.

10. **Dishner v Princeton Armature Co., ES-6-86 & EA-7-86.** Respondent ordered to cease and desist from discriminating. Respondent must recall Complainant from layoff immediately; pay Complainant $29,840.40 (plus 10% interest) in back pay; and front pay until Complainant is recalled; Respondent also must pay Complainant $2,000 in incidental damages and $5,446.31 for attorney fees. April 23, 1987.

11. **Donatelli v Dairy Queen, ES-479-86.** No violation; dismissed. April 14, 1987.

FINAL ORDERS ISSUED
1986-87 Fiscal Year (Continued)

12. **Evans v Gino's Pizza of West Hamlin, ES-99-86.** Respondent ordered to cease and desist from discriminating; to rehire the Complainant to former or comparable position with back pay and front pay at the rate of $120.75 weekly until complainant is reinstated; $474.40 for costs. February 20, 1987.

13. **Fain v Leckie Smokeless Coal Company, EA-507-86.** No violation; dismissed. June 12, 1987.

14. **Ford v City of Keystone, ER-121-77.** Respondent ordered to cease and desist from discriminating. Respondent ordered to pay Complainant $500 in incidental damages. October 15, 1986.

15. **Gates v Town of Romney Housing Authority, ES-668-84.** Respondent ordered to cease and desist from discriminating; to hire Complainant; to pay Complainant $20,225 in back pay (plus interest) and $5,000 in incidental damages. October 15, 1986.

16. **Gates v Town of Romney Housing Authority, ENOR-669-84.** No violation; dismissed. October 15, 1986.

17. **Hager v Teamster's Local No. 505, ES-552-79.** Respondent ordered to cease and desist from discriminating; to pay Complainant $5,211.72 (plus 10% interest) in back wages and $3,000 in compensatory damages. February 20, 1987.

18. **Hairston v Stevens Clinic Hospital, Inc., ER-195-71.** No violation, dismissed. December 30, 1986.

19. **Harrah v Central Appalachian Coal Company, EH-233-83.** Respondent ordered to cease and desist from discriminating and to pay Complainant $12,974 in back pay, $5,000 in incidental damages, and $450 for non-wage benefits. Respondent also must pay interest of 10% per annum until payment is made. October 31, 1986.

20. **Holstein v Heck's, Inc., EA-105-86.** Respondent ordered to cease and desist from discriminating. Respondent to reinstate Complainant at a rate of pay comparable to that he should have been receiving ($29,900 per year plus increases). Respondent also ordered to pay Complainant $47,344.64 (plus interest) in back pay; front pay at a rate of $2,491 monthly; $1,076.61 in costs; $1,000 in incidental damages; $10,326.15 for attorney fees. April 27, 1987.

21. **Martin v Heck's, Inc., EA-317-86 & ES-318-86.** Respondent ordered to cease and desist and to reinstate Complainant at comparable rate of pay ($1,165 monthly plus increases); Respondent also ordered to pay Complainant $17,475 in back wages; $1,165 (plus interest) monthly in front pay until rehired; $5,000 in incidental damages; $697.67 in actual damages for medical costs; $7,612.50 for attorney fees and $850.17 in costs. April 27, 1987.

FINAL ORDERS ISSUED
1986-87 Fiscal Year (Continued)

22. **McClanahan v WV Society for the Blind, ES-38-86 & EA-39-86.** No violation; dismissed. October 15, 1986.

23. **McClanahan v Dave Sugar Construction Co., ES-17-86.** Respondent ordered to cease and desist from discrimination; to pay Complainant $10,000 as compensatory damages for humiliation, etc.; to pay Complainant's attorney fees of $8,381 and the sum of $53.09 for costs.

24. **McClanahan v WV Society for the Blind, EB-40-86.** (See Bryan v WV Society for the Blind, EB-62-86.) October 15, 1986.

25. **Miller v WV Institute of Technology, ES-536-85.** No violation. October 15, 1986.

26. **Moore v Vitro Agate, ES-196-76.** No violation. November 24, 1986.

27. **Musick v Colonial Stair & Woodwork Co., ES-42-84 & EA-43-84.** No violation. December 30, 1986.

28. **Naylor v Bird Machine Co., Inc., EA-52-86.** Complaint was untimely; dismissed. April 29, 1987.

29. **Parsons v Olin Corporation, EH-173-86.** No violation. April 27, 1987.

30. **Pauley v Southern Appalachian Coal Company, EA-87-80.** Commission ordered that Complainant is entitled to affirmative relief; attorney fees and costs, all to be determined by rehearing of stipulation of the parties. May 28, 1987.

31. **Porterfield v Kanawha County Sheriff's Dept./Corrections Division, ES-376-85.** No violation; dismissed. November 3, 1986.

32. **Radford v Princeton Armature, ES-644-85.** No violation. April 23, 1987.

33. **Ritenour v Capitol Broadcasting Corporation, ES-67-82.** Respondent ordered to pay Complainant $16,155.36 in back pay and interest; $2,594 for medical expenses and $5,000 in incidental damages. October 15, 1986.

34. **Satterfield v Patrick Real Estate, ER-114-86.** Respondent ordered to cease and desist from discriminating and to pay $15,351.50 (plus interest of $1,605.51). September 3, 1986.

35. **Simpson v Huntington Alloys, Inc., ES-9-79.** No violation. April 29, 1987.

36. **Spradlin v Princeton Armature, ES-635-85 & EA-643-85.** Respondent ordered to cease and desist from discriminating; to recall the Complainant from layoff immediately; to pay Complainant $21,067.98 (plus 10% interest) in back pay and front pay until she is recalled; to pay $2,000 in incidental damages; $10,163.25 for attorney fees; and $1,076.61 in costs. April 27, 1987.

37. **Strange v Thomas Broadcasting/WOAY-TV, EA-416-86.** No violation. February 10, 1987.

38. **Theierl v Heck's, Inc., EA-111-86.** Respondent ordered to cease and desist from discriminating; to reinstate Complainant at $22,800 yearly rate; to pay Complainant $26,740 (plus interest) in back pay; and front pay of $860 per month until rehired; to pay Complainant $1,000 in incidental damages; $10,163.25 for attorney fees, and $1,076.61 in costs. April 27, 1987.

39. **Tolli v Ohio Brass Co., EA-605-85.** Respondent ordered to cease and desist from discriminating; to pay Complainant $7,367.95 in back pay and interest; to rehire Complainant and to pay $5,000 in incidental damages. September 3, 1986.

40. **Whitt v Mingo County Equal Opportunity Council & Headstart Director, EA-609-85 & EH-610-85.** Respondent ordered to cease and desist from discriminating; to pay Complainant $30 in back pay; $5,000 in incidental damages; and $6,847 in attorney fees. April 14, 1987.

FINAL ORDERS ISSUED

1987-88 Fiscal Year

1. **Truax v Weirton Steel Corp., EH-183-87.** Dismissed with prejudice. August 18, 1987.

2. **Basta v Corning Glass Works, Inc., ER-166-86 & EH-167-86.** Judgment awarded to the Respondent. August 18, 1987.

3. **Mace v Pizza Hut, Inc., REP-576-86.** Dismissed with prejudice. August 18, 1987.

4. **Hatcher v Kanawha Valley Regional Transportation Authority, EA-511-86.** Judgment for Complainant. Respondent to reinstate Complainant to former position; pay Complainant $7,847.56 in back pay and $5,000 in compensatory damages. August 20, 1987.

5. **Jackson v Jack Skelton, DDS Family Dentistry, PAB-60-86.** Judgment in favor of Complainant. Respondent to pay Complainant $5,000 in damages and to pay Complainant's attorney fees. August 24, 1987.

6. **Cook v North Central WV Community Action Association, ER-312-86.** Dismissed with prejudice. September 2, 1987.

7. **Justice v Marion Broadcast Corp., Radio Station WMMN, ER-43-87.** Respondent shall cease and desist discriminating. Respondent shall pay Complainant $4,100.07 in back pay plus statutory interest, $5,000 for incidental damages, $6,769 for Complainant's attorney fees, and $514.14 for costs expended for case litigation. September 2, 1987.

8. **Moss v Reagent Chemical & Research, Inc., ES-313-86.** Respondent to cease and desist from discrimination. Respondent shall offer Complainant reinstatement into former position at a comparable pay rate that she would have been receiving if not for constructive discharge. Respondent to pay Complainant back pay (plus interest) and $5,000 for incidental damages. September 2, 1987.

9. **Hooper v Beckley Appalachian Regional Hospital, ES-162-77 & ES-216-77.** Respondent ordered to cease and desist discrimination. Respondent shall pay Complainant back wages of $116,182.17 plus interest; $49,676.47 as actual damages incurred by Complainant; and $5,000 as compensatory damages. August 12, 1987.

10. **Hall v Hobet Mining, Inc., EH-530-86.** Dismissed with prejudice. September 18, 1987.

11. **McCoy (Croniser) v Eagle Manufacturing Company, ES-280-79, EANC-281-79 & EC-282-79.** Dismissed with prejudice. September 28, 1987.

12. **Saunders v Piedmont Airlines, ER-95-76.** Dismissed with prejudice. September 28, 1987.

13. **Holloway v Consolidation Coal Company, ER-486-86.** Respondent to cease and desist from discriminating. Respondent shall reinstate Complainant to former position with full benefits and seniority restored. Respondent shall pay Complainant $99,458.53 in back pay; $8,000 for incidental damages, $27,570 for Complainant's attorney fees; and $1,280.30 for costs necessary for litigation of case. October 8, 1987.

14. **Toothman v St. John's Home for Children, ES-667-84A.** Respondent to cease and desist discrimination. Respondent to instate Complainant to position of Child Care Worker. Respondent shall pay Complainant $31,204 in back pay, $5,000 for incidental damages, and statutory interest compounded annually at 10% on all monies due Complainant. October 22, 1987.

15. **Baumer v Clearbrook Corp./dba University Chevrolet, EH-553-86.** Dismissed with prejudice. October 22, 1987.

16. **Brown v White Lincoln-Mercury, Inc., EA-53-87.** Dismissed with prejudice. October 22, 1987.

17. **Trunk v WV Department of Health/Colin Anderson Center, EH-346-86.** Respondent to cease and desist from discriminating. Respondent shall pay Complainant $12,523.72 in back pay and $10,000 for incidental damages. Respondent shall reinstate and retroactively credit Complainant with all accrued benefits. December 15, 1987.

18. **Loudermilk v Eastern Associated Coal Co., EH-45-86.** Dismissed with prejudice. December 23, 1987.

19. **Cutlip v High Power Energy, ES-102-87.** Respondent shall cease and desist from discrimination. Respondent shall offer position to Complainant as truck driver upon meeting requirements of Respondent's physical examination. Respondent shall pay Complainant $35,976.33 in lost wages, interest and back pay; and $2,000 in incidental damages. December 23, 1987.

20. **Rollyson v Belington Bank, ES-379-87 & EA-380-87.** Dismissed with prejudice. February 17, 1988.

21. **Ash v Doddridge County Board of Education, EA-258-84 & ES-259-84.** Dismissed with prejudice. February 17, 1988.

22. **Cobb v N & W Railroad, EA-477-86.** Dismissed with prejudice. March 10, 1988.

23. **Dailey v Extra Touch Cleaning Services, Inc., EH-75-87.** Dismissed with prejudice. May 4, 1988.

24. **Watkins v WV Department of Energy, REP-151-86.** Dismissed with prejudice. May 4, 1988.

FINAL ORDERS ISSUED

1988-89 Fiscal Year

1. **Bost v WV Office of Medical Examiners, EH-64-87.** No violation; dismissed. August 2, 1988.

2. **Frazier v CAP Construction & Excavating Company, ER-180-83.** Respondent ordered to cease and desist from discriminating. Respondent to pay Complainant $7,000 in back pay; Complainant entitled to $10,000 in incidental damages. August 2, 1988.

3. **Ross v International Union of Operating Engineers, ES-1-87.** Dismissed with prejudice. August 3, 1988.

4. **Isbell v Poor Richards/dba Sebastian's Restaurant, EH-352-87.** Respondent ordered to cease and desist discrimination. Respondent to rehire Complainant at comparable pay rate he would be receiving had he not been terminated; pay Complainant $2,000 for incidental damages; pay Complainant $33,779.75 for attorney's fees; pay Complainant $5,778.96 for costs necessary for litigation of the matter; Respondent ordered to report to the Commission within 30 days in order to be evaluated. September 23, 1988.

5. **Hammock v ARA Leisure Services, EA-670-86 & ES-671-86.** Dismissed with prejudice. September 23, 1988.

6. **Sweeney, Bumgardner & Landers v Veterans of Foreign Wars, Post 573, ES-560-83, ES-559-83 & ES-558-83.** Complainants Sweeney, Landers, & Bumgardner awarded $1,000 for incidental damages. September 23, 1988.

7. **Petty v Relgis, Inc., ES-652-86.** Case ruled in favor of the Respondent. September 23, 1988.

8. **Payne v Coolfont Recreation, EH-531-86.** Judgment awarded to the Complainant. Respondent to pay Complainant $3,920.94 in back pay; $25,000 in incidental damages; interest rate of 10% per annum for the back pay and incidental damages. Complainant to be reinstated with award of full benefits for severance period. Respondent to reimburse WV HRC for costs incurred. September 23, 1988.

9. **Frame v City of Nitro/Nitro Fire Department, EH-214-87.** Judgment awarded to Respondent. September 23, 1988.

10. **Smith v Monongahela Power Company, EH-302-84, REP-141-82 & REP-303-84.** Complainant to be awarded $90,894 in back pay. October 4, 1988.

11. **Rager v Guardsmark, Inc., EH-496-84.** Complainant to be awarded $22,571.50 in back pay. December 12, 1988.

12. **Mayo v Southwestern Community Action Agency, Inc./dba Fairfield West Community Center, ER-616-84A & ES-617-84A.** Judgment in favor of Respondent. December 12, 1988.

FINAL ORDERS ISSUED
1988-89 Fiscal Year (Continued)

13. **Hatcher v Kanawha Valley Regional Transportation Authority, EA-511-86.** Judgment for the Complainant. Respondent to reinstate the Complainant to former position. Respondent to pay Complainant $1,156.45 in back pay; $5,000 for emotional and mental distress. A judgment interest of 10% per annum to be applied to total dollar amount of award. December 12, 1988.

14. **Pauley v Southern Appalachian Coal Company, EA-87-80.** Respondent shall cease and desist from discriminating; pay Complainant $111,687.21 in back pay; pay Complainant's attorney fees of $17,878.07. December 12, 1988.

15. **Day v Canaan Valley Resorts, Inc., EA-510-86.** Judgment in favor of Complainant. Respondent to give Complainant regular position in snack bar with vested seniority of 2 years. Complainant to receive back pay of $5,000 and $15,000 in incidental damages. Respondent to cease and desist discrimination. December 12, 1988.

16. **Cadle v Calhoun County Board of Education, PAREL-80-88.** Dismissed with prejudice. March 27, 1989.

17. **Mayle v North Central WV Community Action Association, Inc., REP-242-87.** Dismissed with prejudice. March 27, 1989.

18. **Brown v Raleigh County Sheriff's Department, ER-430-79.** Respondent to pay Complainant $5,778.63 in back pay plus interest. Respondent to pay Complainant $5,000 in compensatory damages. March 27, 1989.

19. **Day v Hobet Mining, Inc., ER-531-87.** Dismissed with prejudice. March 27, 1989.

CASES APPEALED TO CIRCUIT COURT

1. Barrett v B B & B Travel Goods, ER-495-86
2. Bryan v WV Society for the Blind, ES-61-86
3. Chafin v Massey Stores, Inc., ES-494-79
4. Crouch v E.I. DuPont DeNemours & Co., ES-471-83
5. Davis v City of Charleston Housing Authority, ER-366-86
6. Devericks v Lewis County Board of Education, PAH-249-79
7. Evans v Gino's Pizza of West Hamlin, Inc., ES-99-86
8. Flanigan v Office of Attorney General, PAANC-81-87A
9. Ford v U.S. Steel Mining Company, ER-492-83
10. Gates v Town of Romney Housing Authority, ES-668-84
11. Hager v Teamsters Local Union No. 505, ES-552-79
12. Harrah v Central Appalachian Coal Company, EH-223-83
13. Hooper v Beckley Appalachian Regional Hospital, ES-163-77
14. Hawkins v WV Dept. of Finance & Administration, ER-26-78
15. Jackson v Consolidation Coal Company, ER-301-82
16. Kimble v Dawn View Manor Nursing Home, ES-633-85
17. Miller v Cressler's Food Warehouse, ES-345-82
18. McGlawn v Imperial Towers, HR-507-76
19. McClanahan v WV Society for the Blind, ES-61-86
20. McClanahan v Dave Sugar Construction, Inc., ES-17-86
21. Mingo County EOC & Headstart Director v WV HRC, EA-609-85 & EH-610-85
22. Patterson v FMC Corporation, ER-301-82
23. Pearson v Homer Laughlin, ER-366-86
24. Ritenour v Capitol Broadcasting Corp., ES-67-82
25. Satterfield v Patrick Real Estate, HR-114-86
26. Spade (Banton) v City of Hinton Police Dept., REP-184-82

CASES APPEALED TO CIRCUIT COURT
(CONTINUED)

27. Taylor v WV Dept. of Finance & Administration, ER-26-78

28. Thomas v McDowell Co. Maintenance, ER-107-80

29. Trammell v Appalachian Power, EA-196-84

30. Truly v Cressler's Food Warehouse, ES-239-82

31. Wassum v Arbors Management Services, Inc., ES-258-85

32. Whitt v Mingo County EOC Counsel & Headstart Director, EA-609-85

33. Zavareei v WV Institute of Technology, ENO-350-85

SUPREME COURT DECISIONS

St. John's Home for Children v WV HRC & Kathy Toothman, Ohio County, decision reversed.

Mingo County Equal Opportunity Council & Headstart Director v WV HRC & Roberta Whitt, Mingo County, decision reversed.

Appalachian Regional Health Care, Inc./dba Beckley Appalachian Regional Hospital v WV HRC & Anne D. Hooper, Appeal reversed.

Ranger Fuel Corporation v WV HRC & Joyce Ann Marcum, Raleigh County, decision reversed in part, affirmed in part, remanded with directions to enter judgment for the defendant.

Jim Liller, Sheriff of Preston County & Preston County Sheriff's Department v WV HRC & Cynthia McCrobie, Preston County, reversed and remanded.

Chico Dairy Company, Store No. 22 v WV HRC & Terrah Elynn Alfred, Kanawha County, affirmed in part, reversed in part.

Independent Fire Company No. 1 v WV HRC & Daniel Lutz, Jefferson County, ruling on certified question reversed.

Bishop Coal Company v Brenda Salyers & WV HRC, affirmed in part, reversed in part, and remanded.

McJunkin Corporation v WV HRC, Russell Van Cleve, Chairman, & Perry Sumner, Kanawha County, affirmed.

Fourco Glass Company v WV HRC & Charles Washington, Taylor County, reversed; final order of WV Human Rights Commission reinstated.

Montgomery General Hospital v WV HRC & Pamela C. Evans Franco, Fayette County, reversed.

Mace v Pizza Hut, Inc., District Office, & the WV HRC, affirmed.

James D. Naylor v WV HRC & Bird Machine Company, Inc., affirmed.

Dorothy Coffman v WV Board of Regents, A Corp., Douglas A Clark, et al., reversed & remanded.

Bonnie B Currey v WV HRC & E.I. DuPont deNemours & Co., etc., & E.I. DuPont deNemours & Co., etc. v Bonnie B. Currey, Russell Van Cleve, individually and in his capacity as Chairperson of WV HRC, affirmed.

Pride, Inc. v WV HRC & Joan Montgomery, affirmed.

Earl Canterbury v WV HRC & Ivan Richardson, reversed & Commission's final order reinstated.

SUPREME COURT DECISIONS
(CONTINUED)

Frank's Shoe Store v WV HRC & Kathy Varney, reversed & WV HRC's final order reinstated.

City of Ripley, a WV Municipal Corp. v WV HRC & Charla Lynn Rhodes, reversed, final order of WV HRC reinstated.

Baram v K-Mart, reversed.

Basta v Corning Glass Works, denied.

Brown v White Lincoln-Mercury, Inc., denied.

City of St. Albans v Arthur Moss & WV HRC, denied.

Cobb v N & W Railroad, denied.

Consolidation Coal v Puller, denied.

Cutlip v High Power Energy, denied.

E.I. DuPont v WV HRC & Crouch, denied.

Hatcher v KVRTA, Commission decision reversed.

Justice v Marion Broadcast Corp./WMMN Radio, denied.

Kerns v Marshall University/Board of Regents, pending.

Saunders v Piedmont Airlines, denied.

Toothman v St. John's Hospital for Children, denied.

PUBLICATIONS LIST

PAMPHLETS

- °Danger: Discrimination in Housing
- °Do You Have A Complaint?
- °Guidelines for Employers: Pre-Employment Inquiries
- °Guidelines for Employers: Interviewing Women Candidates
- °Guidelines for Employers: The Blind Applicant
- °Guidelines for Employers: Affirmative Action/Equal Employment Opportunity
- °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
- °Equal Educational Opportunities in West Virginia
- °Interpretive Rules Governing Discrimination on the Handicapped*
- °West Virginia Administrative Regulations*

POSTER

- °West Virginia Human Rights Act Poster

*Available through the Office of Secretary of State for a fee.

STATISTICAL APPENDIX

FISCAL YEARS

1986 - 1989

CONTENTS:

Statistical Overview	A
Category of Cases Closed	B
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STATISTICAL OVERVIEW FOR FISCAL YEARS 1986-89

INTAKE	86-87	87-88	88-89
By Phone	1,328	1,501	1,326
Walk-Ins	272	224	160
Letters	84	38	27

Approximately 38% of all Preliminary Inquiries received during fiscal year 1986-87 resulted in formal complaints filed with the Agency; 34% in 87-88; and 36% in 88-89.

BASIS OF COMPLAINTS	86-87	87-88	88-89
Race	217	165	142
Sex	144	146	155
Age	103	142	97
Handicap	122	122	115
Religion	4	4	6
National Origin	1	3	4
Ancestry	2	0	2
Blindness	0	2	1
Reprisal	43	23	21
Color	0	0	0
TOTALS	636	607	543
Employment	594	567	510
Public Accommodations	30	18	23
Housing	12	22	10
TOTALS	636	607	543

INVENTORY			
Total Cases Filed	636	607	543
Total Cases Closed	506	447	667

CATEGORY OF CASES CLOSED

VOLUNTARY SETTLEMENTS	86-87	87-88	88-89
Pre-Determination	19	21	22
Pre-Hearing Settlements	48	62	76
Withdrawals W/Settlement	19	8	129
TOTALS	86	91	227

ADMINISTRATIVE DISMISSALS			
Withdrawals without Settlement	65	58	73
Complainant failed to cooperate	52	5	3
Unable to locate	12	3	14
Civil suit filed	6	4	34
Dismissals during pub. hearing	4	9	13
No jurisdiction	23	14	43
TOTALS	162	93	180

CLOSURES AFTER ISSUANCE OF PUBLIC HEARING ORDER			
No violation	13	14	20
Cease and desist	7	10	10
No decision	0	0	1
TOTALS	20	24	31

MONETARY BENEFITS FOR COMPLAINANTS	
1986-87	$179,511.78
1987-88	$748,125.00
1988-89	$215,372.12

EMPLOYMENT

COMPLAINTS FILED Nature of Discrimination	86-87	87-88	88-89
Discharges/layoff	300	346	277
Refusal to hire	114	97	127
Terms & conditions	142	68	83
Denied promotion	15	29	16
Demotion	21	27	7
Failure to train/represent	0	0	0
Illegal pre-employment inquiry	0	0	0
TOTALS	594	567	510

BASIS FOR CHARGE OF DISCRIMINATION			
Race	190	137	124
Sex	141	142	152
Age	100	139	97
Handicap	115	118	104
Reprisals	40	23	21
National Origin	4	3	4
Ancestry	1	0	2
Religion	3	3	5
Blindness	0	2	1
Color	0	0	0
TOTALS	594	567	510

COMPLAINTS CLOSED Types of Closures			
Satisfactory Adjustments			
Pre-determination settlements	18	21	18
Pre-hearing settlements	47	57	71
Withdrawals w/settlements	19	8	128
TOTALS	84	86	217
No Probable Cause	226	213	215
Administrative Dismissals			
Withdrawals without settlements	58	58	68
Complainant failed to cooperate	30	5	3
Complainant filed civil suit	3	4	30
Unable to locate complainant	10	3	12
No jurisdiction	21	14	43
Dismissals during public hearing	4	9	13
TOTALS	126	93	169

EMPLOYMENT
(CONTINUED)

Orders After Conduct of Public Hearing

No violation	11	14	20
Cease & desist	6	9	8
TOTALS	17	23	28
TOTAL CASES CLOSED	453	415	629

HOUSING

COMPLAINTS FILED Nature of Discrimination	86-87	87-88	88-89
Refusal to rent	6	12	4
Evictions	5	4	1
Refusal to sell	0	1	1
Other	1	5	4
TOTALS	12	22	10
Basis of Charge of Discrimination			
Race	9	18	6
Sex	3	2	1
National Origin	0	0	0
Religion	0	0	0
Color	0	0	0
Blindness	0	0	0
Handicap	0	2	3
Ancestry	0	0	0
Age	0	0	0
TOTALS	12	22	10

COMPLAINTS CLOSED Types of Closures						
Satisfactory Adjustments						
Pre-determination settlements	1		0		3	
Pre-hearing settlements	1		0		2	
Withdrawals with settlements	0		0		0	
TOTALS		2		0		5
No Probable Cause		4		7		8
Administrative Dismissals						
Complainant failed to cooperate	2		2		0	
Unable to locate complainant	0		0		0	
Withdrawal without settlement	4		0		1	
Hearing settlement	0		1		0	
Civil suit filed	0		0		3	
TOTALS		6		3		4
TOTAL COMPLAINTS CLOSED		12		10		17

PUBLIC ACCOMMODATIONS

COMPLAINTS FILED	86-87	87-88	88-89
Nature of Discrimination			
Denied privileges	4	8	14
Denied services/accom.	16	5	2
Unequal treatment	10	5	7
TOTALS	30	18	23
Basis of Charge of Discrimination			
Sex	0	2	2
Race	15	11	12
National Origin	3	0	0
Handicap	8	4	8
Ancestry	1	0	0
Blindness	1	0	0
Reprisals	2	0	0
Age	0	1	0
Religion	0	0	1
TOTALS	30	18	23

COMPLAINTS CLOSED			
Types of Closures			
Satisfactory Adjustments			
Pre-determination settlements	0	0	1
Pre-hearing settlements	0	0	3
Withdrawals with settlements	0	0	1
TOTALS	0	0	5
No Probable Cause	9	11	6
Administrative Dismissals			
Withdrawals without settlement	3	4	4
Complainants failed to cooperate	20	1	0
Complainants filed civil suit	1	0	1
Unable to locate complainant	2	1	2
No jurisdiction	3	0	0
Hearing settlements	0	4	0
TOTALS	29	10	7
Orders After Conduct of Pub. Hearing			
No violation	0	0	0
Cease & desist	1	1	2
TOTALS	1	1	2
TOTAL COMPLAINTS CLOSED	39	22	20

TEN YEARS' OVERVIEW

YEAR	TOTAL
NEW COMPLAINTS	
1978-79	584
1979-80	532
1980-81	580
1981-82	643
1982-83	809
1983-84	671
1984-85	644
1985-86	680
1986-87	636
1987-88	607
1988-89	543
CASES CLOSED	
1978-79	338
1979-80	458
1980-81	512
1981-82	668
1982-83	613
1983-84	553
1984-85	500
1985-86	882
1986-87	506
1987-88	447
1988-89	667
VOLUNTARY SETTLEMENTS	
1978-79	91
1979-80	133
1980-81	168
1981-82	117
1982-83	168
1983-84	112
1984-85	117
1985-86	204
1986-87	86
1987-88	91
1988-89	227

PRELIMINARY INQUIRIES

YEAR	TOTAL
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
1986-87	1,684
1987-88	1,763
1988-89	1,513

BUDGET

LEGISLATIVE ALLOCATIONS

FISCAL YEAR	AUTHORIZED EMPLOYEES	APPROPRIATION	CASES FILED
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	167
1973-74	18	222,052	199
1974-75	21	249,513	315
1975-76	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
1986-87	24	711,193	636
1987-88	25	530,263	607
1988-89	25	530,825	543

COMPLAINTS FILED

1986-1987

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Barbour	1			3	2				1		7
Berkeley	2		3	3							8
Boone	2		2	3	2						9
Braxton	1		1	1					1		4
Brooke	1			1							2
Cabell	5		2	9	2		2		1		21
Calhoun											0
Clay				1							1
Doddridge	2				1						3
Fayette	3		6	7	6				1		23
Gilmer											0
Grant											0
Greenbrier			5	2							7
Hampshire	1			1							2
Hancock	5		2								7
Hardy											0
Harrison	3		2	5	1		1				12
Jackson	3			1					1		5
Jefferson	1		1	3							5
Kanawha	44	2	83	59	45	1	1		24		259
Lewis	3										3
Lincoln	1			1							2
Logan	5		9	3	2				1		20
Marion	2		3	3	2				1		11
Marshall		1									1

COMPLAINTS CLOSED
1986-87
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County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Mason				1							1
McDowell	1		1	1	1						4
Mercer	1		62	4	2				1		70
Mineral	1		1								2
Mingo	2		5	2	1						10
Monongalia	3		7	3					1		14
Monroe	1				1						2
Morgan	1		1								2
Nicholas	1			3	2				2		8
Ohio	1		3	3	2						9
Pendleton	1										1
Pleasants	1										1
Pocahontas			1								1
Preston				1							1
Putnam	7			1	2	1			1		12
Raleigh	4		8	4	5				1		22
Randolph			3	5	6						14
Ritchie											0
Roane	2			2							4
Summers			1						1		2
Taylor				2							2
Tucker											0
Tyler											0
Upshur	2								1		3
Wayne	2			2	3				2		9

COMPLAINTS CLOSED
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County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Webster					1						1
Wetzel	2										2
Wirt											0
Wood	2		5	5	5				1		18
Wyoming	3		3	1	1						8
								TOTAL			635

COMPLAINTS FILED

1987-1988

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Barbour					2						2
Berkeley	3		4	2	1			1	1		12
Boone	1			1	4						6
Braxton				2	1						3
Brooke	2				1						3
Cabell	13		9	12	14				1		49
Calhoun		1		1	1						3
Clay	1				1				1		3
Doddridge											0
Fayette	5		3	2	5				1		16
Gilmer				1							1
Grant											0
Greenbrier	3			1	2						6
Hampshire											0
Hancock	6		2	1	3						12
Hardy				1							1
Harrison	6	1	1	5	2		1				16
Jackson	2			3	3						8
Jefferson			4		1						5
Kanawha	23	2	62	50	30		2		9		177
Lewis				1							1
Lincoln				2							2
Logan	5		11	7	5			1	2		31
Marion	13		6	4	4				2		29
Marshall	3		1								4

COMPLAINTS CLOSED
1987-88
Page 2

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Mason					4						4
McDowell	1		7	2	2						12
Mercer	6		18	11	21				2		58
Mineral			2		2				1		5
Mingo	1		2	3	1						7
Monongalia	1		5	1	1				1		9
Monroe	1		3		1						5
Morgan					2						2
Nicholas				1	2						3
Ohio	1		2	1	1				1		6
Pendleton											0
Pleasants				1							1
Pocahontas					1						1
Preston			1	1	1						3
Putnam	3			5	2						10
Raleigh	4		10	4	3						21
Randolph	1		1	1	2						5
Ritchie											0
Roane				2	1						3
Summers	2			2							4
Taylor					1						1
Tucker											0
Tyler	1				1						2
Upshur			1	2							3
Wayne	2		1	1						1	5

COMPLAINTS CLOSED
1987-88

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Webster	4				4						8
Wetzel											0
Wirt	1				1						2
Wood	5		7	8	5				3		28
Wyoming	3		1	1	3				1		9
								TOTAL			607

COMPLAINTS FILED

1988-1989

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Barbour		1	2	1	1						5
Berkeley	5			2					1		8
Boone	3	1		1	2						7
Braxton				1							1
Brooke	1										1
Cabell	8		10	13	9		1		2		43
Calhoun	1			1							2
Clay					1						1
Doddridge											0
Fayette			9	6	2				1		18
Gilmer											0
Grant	1		1								2
Greenbrier	2		1	3							6
Hampshire				1	1						2
Hancock	1		2	2	1						6
Hardy	2		1	1							4
Harrison	10		8	10	2				4		34
Jackson	8			7	7						22
Jefferson	1		2	1							4
Kanawha	29	2	42	41	27			1	5		147
Lewis											0
Lincoln											0
Logan	1	1	3	5	6	1			1		18
Marion	1			1	2				3		7
Marshall	2		3	1	1						7

COMPLAINTS CLOSED
1988-89
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County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Mason			1	1							2
McDowell	1		2	1	2						6
Mercer	9		19	13	8						49
Mineral	1				1		1				3
Mingo	2		5	1	2						10
Monongalia	1		4	6	1		1				13
Monroe											0
Morgan			1								1
Nicholas	3			2							5
Ohio	1		3	5	1		1				11
Pendleton											0
Pleasants	2	1		1	2				2		8
Pocahontas			1	2							3
Preston	1			1							2
Putnam	3			3							6
Raleigh	7		11	5	5				1		29
Randolph				4							4
Ritchie			1	1	1	1					4
Roane					1						1
Summers					2						2
Taylor	1										1
Tucker					1						1
Tyler											0
Upshur	1										1
Wayne	1			1	2						4

COMPLAINTS CLOSED
1988-89

County	Hndcp	Rel.	Race	Sex	Age	Anc.	Nat. Org.	Blind	Rep.	Color	Total
Webster				2	1				1		4
Wetzel	1			1	1						3
Wirt											0
Wood	3		3	7	4						17
Wyoming	1		7								8
								TOTAL			543