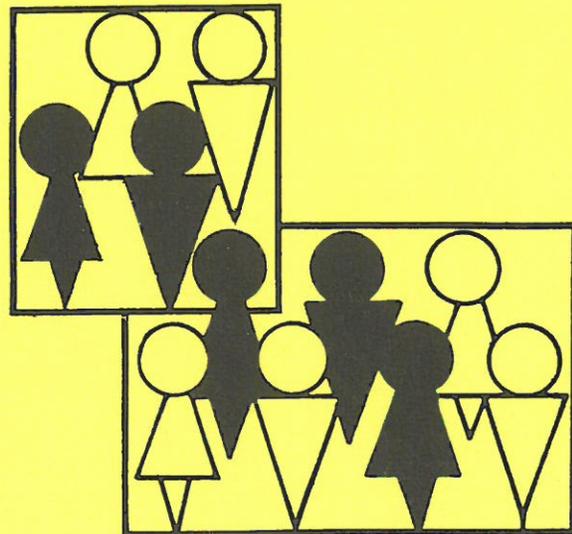


***West Virginia
Human Rights Commission***

ANNUAL REPORT

1984 — 1985





STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION
215 PROFESSIONAL BUILDING
1036 QUARRIER STREET
CHARLESTON, WEST VIRGINIA 25301

TELEPHONE: 304-348-2616

ARCH A. MOORE, JR.
Governor

December 2, 1985

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

Dear Governor Moore:

We have the honor to submit the following Annual Report of the West Virginia Human Rights Commission for fiscal year 1984-85.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Nathaniel G. Jackson".

Nathaniel G. Jackson
Chairperson

NGJ/yb

FOREWORD

Fiscal year 1984-85 was a year of major changes in the West Virginia Human Rights Commission and its approach to resolving complaints of discrimination. These changes may be directly attributed to our efforts to comply with the decision of the West Virginia Supreme Court of Appeals in Allen et al. v. West Virginia Human Rights Commission et al., which will be discussed later in this report.

Commissioners, staff members, and other interested persons from community groups, as well as the legal sector have spent many hours exploring ways to implement the Court's decision.

At this time, I wish to thank each of these individuals for their assistance and support during this period. In addition, I want to express my appreciation to the entire staff of the Commission for their dedication, support and patience during this transition.

This annual report which covers the activities of the West Virginia Human Rights Commission during the fiscal year beginning on July 1, 1984 and ending on June 30, 1985, is respectfully submitted.

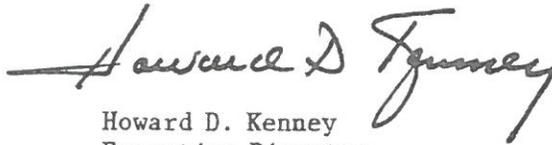

Howard D. Kenney
Executive Director

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THE WEST VIRGINIA HUMAN RIGHTS ACT, AS AMENDED

(Chapter 5 Article 11, West Virginia Code)

ADMINISTERED BY

THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

DECLARATION OF POLICY

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

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

COMMISSIONERS

<u>NAME</u>	<u>TERM EXPIRES</u>
RUSSELL VAN CLEVE, CHAIRPERSON Charleston, WV	June 30, 1986
NATHANIEL G. JACKSON, VICE-CHAIRPERSON Elkins, WV	June 30, 1985
SID ALLEN Huntington, WV	June 30, 1986
IRIS BRESSLER Fairmont, WV	June 30, 1985
ALLEN FISHER * Charleston, WV	December 10, 1984
BETTY AGSTEN HAMILTON Charleston, WV	June 30, 1987
MARY HAMM * Wheeling, WV	December 9, 1984
JACK McCOMAS Huntington, WV	June 30, 1987
FERGUSON MEADOWS Institute, WV	June 30, 1987
JANE MORAN ** Williamson, WV	March 31, 1985
SHERI O'DELL ** Charleston, WV	March 31, 1985
GEORGE RUTHERFORD Ranson, WV	June 30, 1985
BETTE THORNHILL Huntington, WV	June 30, 1986

* Resigned before end of their terms

** Resigned or were replaced by Governor Arch A. Moore's appointees.

OVERVIEW

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

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

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

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

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

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

Prior to the passage of this amendment, persons filing a complaint with Commission could only bring a case before the circuit courts by appealing an ORDER of the Commission.

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

COMPOSITION OF THE COMMISSION

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

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

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

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

STRUCTURE AND FUNCTION

INTRODUCTION

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

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

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

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

Enforcement/Compliance Unit

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

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

Enforcement/Legal Unit

The responsibility of the Commission's legal unit is to provide the numerous legal services necessary for the agency to fulfill its mandate. These legal services may include: (1) presenting some cases at public hearing; (2) serving as a Hearing Examiner; (3) petitioning the circuit courts for issuance of injunctions in certain housing cases; (4) assisting the Commissioners in preparing final orders after public hearings; (5) representing the Commission during judicial review of its decisions before the State Circuit Courts as well as before the West Virginia Supreme Court of Appeals; (6) representing the Commission in other civil and miscellaneous proceedings in State and/or Federal courts whenever the agency is a party; (7) providing other legal services or advice to the Commissioners; and (8) coordinating the movement of public hearing cases filed between the Commission's office and the office of

the Attorney General, who are involved in presenting backlog cases at the public hearing (Backlog cases are ones which were filed prior to the Allen decision December 6, 1984).

Education Program

The Commission is mandated to promote a more harmonious understanding and greater equality of rights between and among all racial, religious and ethnic groups in the State. In addition, the Commission is authorized and empowered to enlist the cooperation of racial, religious and ethnic groups, community and civic organizations, industrial and labor groups and other identifiable groups in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and peoples.

To achieve these goals, three (3) primary activities are employed by the Commission's staff. These activities include disseminating information, providing technical assistance, and conducting research and gathering data. The staff performs these functions in a variety of ways including, but not limited to, those which follow:

1. Programs and projects to study and prevent discriminatory practices are developed and undertaken by the Commission's staff. Community outreach is provided to make the Commission's presence felt throughout the State. Workshops, seminars and conferences to eliminate discrimination and to foster goodwill and cooperation among all elements of the population of the State are conducted by the staff. Printed literature in the form of annual reports, news releases, pamphlets, brochures, program and workshop flyers, and study and research reports are prepared to keep the public abreast of Commission activities and items of operational interest. Press conferences, television and radio appearances and announcements, and a speakers' bureau are used to inform citizens of the services which are available through the Commission.
2. Liaison activities with local human relations commissions are another important function of the Commission's community services. Some local commissions have staff and strong enforcement powers while others have only volunteers with no authority. Upon request, the staff coordinates training workshops and provides individual instruction to local commissions in areas such as investigations, conciliations and public hearings. In addition, assistance in drafting proposed legislation and testifying in support of stronger legal authority for local jurisdiction is provided.

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

The educational activities of the Commission are designed to improve community understanding of the issues related to civil rights, to increase voluntary compliance, to enhance equal opportunity for all citizens, and possibly, to reduce the number of discrimination complaints that must be filed.

ALLEN'S IMPACT

On December 6, 1984, the WV Supreme Court of Appeals issued its decision in Allen et al. v. WVHRC, a writ of mandamus which was filed in April 1984 by five (5) complainants seeking a more rapid disposition of their cases. The Court granted the "writ" and ordered the Commission to: "(1) place on its docket all complaints tendered that meet the five statutory criteria, including the complaint tendered by petitioner Haid on April 6, 1984; (2) employ at least a full-time hearing examiner, duly licensed to practice law in this State, for the conduct of public hearings authorized under the Human Rights Act; (3) hold adjudicatory hearings within one hundred eighty days, (180) and issue final orders within one year, from the date of filing of complaints upon which it is determined probable cause exists for substantiating their allegations, including the scheduling of hearings on complaints filed by petitioners Allen, Francisco, Lucas, and Moore, within ninety (90) days from the issuance of this writ; (4) promulgate rules and regulations specifying internal procedural time limits; (5) request the Attorney General to provide such full-time staff attorneys and supporting assistance as the Commission deems necessary to assist in the prompt discharge of its duties; (6) request other officers, departments, and agencies of staff government to provide such assistance as the Commission deems necessary to perform its various hearings, programs, and projects; (7) meet immediately to consider all the Commission's business, with a particular emphasis upon the disposition of cases awaiting final decision, and adjourn from month to month with the entire membership of the Commission present until the current backlog of cases is eliminated; (8) submit to the Clerk of this Court, within ninety days from issuance of this writ, a specific time schedule for the appropriate disposition of its "inventory" at the time of issuance of this writ; (9) cooperate with the West Virginia State Bar in the development of a list of lawyers to sit as hearing examiners for the conduct of public hearings; (10) cooperate with the West Virginia State Bar in the development of a hearing examiner manual or benchbook and training seminars to assist in the preparation of the cadre of lawyers for service as hearing examiners; and (11) reimburse the petitioners for attorneys fees and other costs associated with the prosecution of this mandamus action."

In order to comply with the Court's mandate, the Commission took the following actions: (1) docketed the complaint of petitioner Haid; (2) employed a full-time hearing examiner (effective July 1, 1985) to conduct public hearings; (3) scheduled and held hearings or settled the complaints filed by petitioners Allen, Francisco, Lucas and Moore within the ninety days allowed by the "writ", in addition to scheduling other cases so that the adjudicatory hearings could be held within the one hundred and eighty (180) days set out by the court; (5) requested the Attorney General to fulfill his mandatory duty, under the code to furnish all legal services necessary to the Human Rights Commission; (6) promulgated new administrative rules and regulations with specific internal procedural time limits; (7) requested assistance from other officers, department and agencies of state government; (8) Commission met on December 12 & 13, 1984 to review all agency business (including the reorganization of the staff to involve all available personnel in compliance/enforcement activities); (9) participated with the West Virginia State Bar in the development of a list of lawyers to serve as hearing examiners for our public hearings, of an manual or benchbook and of training for these

same lawyers; (10) reimbursed the petitioners for attorneys fees and other cost; (11) submitted to the Court a plan for the disposition of the inventory of cases the plan involved investigating and/or adjudicating new complaint (filed prior to December 6, 1984) over a two years period; contracted with several local legal firms to have them investigate/resolve about fifty (50) backlog cases; and purchased an electronic recording system which can be used for public hearings.

The afore mentioned actions as well as others too numerous to list here, illuminates this agency's intention to comply with the Court's order and to also follow its suggestion that the Commission pursue aggressively and with creativity its statutory obligations in fulfilling the mandate of the West Virginia Human Rights Act, as amended.

CASE PROCESSING PROCEDURES

Introduction

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

Intake

When a person wishes to file a charge of discrimination, he or she is assisted by the intake officer who determines whether the Commission has jurisdiction to process the complaint under the provisions of the West Virginia Human Rights Act.

The Commission can accept charges alleging unfair practices which occurred in West Virginia and are prohibited by the Act provided the charges are received by the agency within ninety (90) days from the date of the alleged discriminatory practice. The following chart indicates the jurisdictional areas and protected classes designated by the West Virginia Human Rights Act.

<u>AREAS</u>	PROTECTED CLASSES								
	RACE	SEX	RELIGION	NATIONAL ORIGIN	COLOR	ANCESTRY	AGE (40 - 65)	BLINDNESS	HANDICAP
EMPLOYMENT	X	X	X	X	X	X	X	X	X
PUBLIC ACCOMMODATIONS	X	X	X	X	X	X	X	X	X
HOUSING	X	X	X	X	X	X		X	X
REPRISAL	X	X	X	X	X	X	X	X	X

When a person contacts the Commission to file a charge, the intake officer obtains preliminary information concerning the allegation. An interrogatory, or questionnaire, is given to the complainant to be completed and returned to the Commission. Upon return of this form, a decision on jurisdiction is made. If the charge is within the jurisdiction of the Commission, a formal complaint is drawn up and returned to the complainant for his or her signature and notarization of that signature. When complaints are not within the jurisdiction of the Commission, the intake officer often

refers people to other agencies and organizations that can provide assistance. Complaints may also be received by mail and by telephone. Forms and interrogatories are mailed to individuals who are unable to file charges in person.

Rapid Charge Processing

The Commission began implementation of a procedure called rapid charge processing in fiscal year 1979. Viewed as a method to shorten the length of complaint processing time by at least two-thirds, and based upon the Equal Employment Opportunity Commission's successful utilization of rapid charge processing, the West Virginia Human Rights Commission committed itself to providing this alternative method of resolving charges prior to investigation or conciliation.

Once the formal complaint is received and docketed, the respondent (the party against who the complaint is filed) is notified of the charge and is given ten (10) days in which to respond. Both parties are informed that a Pre-Determination settlement (the outcome of a charge resolved through the rapid charge process) can be reached through negotiation between the parties involved. Following an explanation to both parties of the rapid charge process, a fact-finding conference (the forum through which negotiation occurs presided over by a member of the investigation staff) is scheduled if both the charging party and the responding party agree to participate in the process.

Investigation

A complaint is forwarded for investigation after basic information is entered in the docket book maintained by the Commission and after notice that the charge has been filed is sent to the respondent.

One of the important steps in the investigative process is the fact-finding conference (the basic element of the rapid charge process) intended to clarify the issues contained in the charge, obtain evidence, and determine whether a pre-determination settlement (a voluntary settlement is reached during the investigatory stage) is possible. When settlement is not possible as a result of a fact-finding conference, a charge is formally investigated.

The Fact-Finding Conference

The fact-finding conference is not mandatory in every case investigation. There are several factors which may make a fact-finding conference impossible or unnecessary. Generally, the fact-finding conference is considered the first step in an investigation.

The fact-finding conference provides a forum in which a charging party and a respondent can present evidence and confer upon the allegations contained in a charge before formal investigation is undertaken by the Commission. Investigations are time consuming and costly for the State, charging parties, and the respondents. All parties concerned benefit when a charge is resolved expeditiously through a pre-determination settlement. A fact-finding conference is conducted by a convenor or compliance staff members. The process has also been used on some of the Commission's backlogged investigation cases.

In attendance at a fact-finding conference is the convenor, the charging party and the respondent. Legal representatives for either party may attend. Both parties are encouraged to bring documents, witness statements, or other evidence that should be presented to substantiate their positions.

The convenor acts as an objective facilitator who attempts to negotiate a settlement of the charge through the conference. The parties receive encouragement and assistance in reaching a voluntary settlement which is mutually acceptable. If a resolution is reached, a Pre-Determination Settlement containing the terms agreed upon in resolution of the charge is drawn up and signed by both parties and approved by the Executive Director. When a settlement is not reached, a formal investigation is conducted.

Formal Investigation

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

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

Prior to conduct of a public hearing the parties are invited to enter conciliation discussions. If they both express an interest, a conciliation conference may be held to discuss the proposed terms of agreement. Counter-proposals may be made and, if acceptable, the proposed terms are modified. In this manner agreements may be reached. Conciliation is a voluntary process. If attempts to conciliate fail, the Commission must conduct a public hearing in the case to resolve the matter.

The Administrative Review

A charging party may request an administrative review of the dismissal of the complaint by the Commission or the terms of a proposed conciliation agreement. Within ten (10) days of receiving a notice of dismissal or the terms of the proposed agreement, the charging party must make this request in writing to the Chairperson of the Commission.

The charging party is given ten (10) days' written notification of the time and place for a review hearing. Based on the information presented

during the review hearing and thorough review of the case file, the determination or the proposed conciliation agreement is upheld, reversed or remanded for further conciliation attempts.

During the review process the charging party has the burden of showing that the dismissal of the complaint is arbitrary, capricious, or not in accordance with the law, or that the proposed conciliation agreement fails to provide an adequate remedy.

Public Hearing

When conciliation is unsuccessful, the case is then forwarded to the legal unit and scheduled for public hearing. A public hearing presided over by a hearing commissioner and a hearing examiner is held to settle a case and to make conclusions based upon the facts. Following the hearing, the examiner submits a proposed order and decision accompanied by findings of fact and conclusions of law to the Commission. If the Commission accepts these findings and recommendations, it may issue an order requiring the respondent to cease and desist from such unlawful discriminatory practices and to comply with the prescribed remedies to make the complainant whole. The Commission's order may also dismiss the complaint based on a finding that the evidence failed to show that Respondent violated the statute or any other situation which might prohibit the conduct of a public hearing (i.e. death of complainant or inability to locate the parties). Any final Order of the Commission may be appealed to the circuit courts for judicial review.

LITIGATION ACTIVITIES

PUBLIC HEARINGS HELD

Thomas v. WV Alcoholic Beverage Control Commission, ER-384-76

Sumner v. McJunkin Corporation, EA-9-84 & EH-10-84

Agnew v. Consolidated Motor Express, REP-385-84

Martin v. Smith's Transfer, ER-282-83

Allen v. Union Carbide Corporation, ER-278-77

Lawson v. Wyoming County Commission on Aging, ES-606-83

Wong v. Highland Hospital, EANC-113-84

Taylor v. City National Bank, ER-787-83

Bria v. Fayette County Board of Education, REP-5-84

Koger v. Alcan Aluminum, ER-179-84

Paxton v. Crabtree, ES-287-82

Smith v. Alkahn Silk Label, ES-281-85

Rajan v. WV College of Graduate Studies, EC-170-74

Fullen v. WV Department of Highways, ER-380-79

Hedricks v. Bloss & Dillard, REP-335-85

Keenan v. Salt Rock Public Service District, ES-309-85

Hairston v. J. C. Penny, ER-88-77

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

Francisco v. Thorofare Markets, Inc., ES-273-79 & EA-363-79

Hayford v. WV College of Graduate Studies, ES-238-85

Baram v. K-Mart Corporation, PANO-254-82

Chapman v. Executive Inn, REP-749-83

Marshall v. Carbon Fuel, EH-171-82

Barton v. City of Huntington, ER-717-83 & REP-245-84

Taylor v. Triad Distributors, ER-231-82

Fuller v. Consolidation Coal, ER-111-82

Moore v. Vitro Agate, ES-296-76

Sykes v. Smiley's Motel, ER-204-79

VOLUNTARY SETTLEMENTS

Aaron (Snodgrass) v. Stagg Engineering Service, ES-37-82. Complainant received total monetary award of \$3,000.

Adams v. N & L Industries, ER-6-78. Complainant received a total monetary award of \$750.

Agnew v. Consolidated Motor Express, EA-349-83 & REP-292-85. Complainant received a total monetary award of \$3,500.

Allen v. Union Carbide Corporation, ER-278-77. Complainant received a total monetary award of \$1,200.

Brown v. General Motors Corporation, ER-468-76. Complainant received a total monetary award of \$5,210.37 and will be considered for the next job opening with the Respondent.

Crozier v. C & P Telephone Company, ER-556-79. Complainant received a total monetary award of \$5,000.

Gatens (Runion) v. Avtex Fibers, ES-447-77. Complainant received a total monetary award of \$1,500.

Gorman v. Kaiser Aluminum, EH-471-82. Complainant received a total monetary award of \$7,836 and retirement benefits of \$433.93 per month.

Harrison v. Cocoa Cola Bottling Co., EA-318-83. Complainant received a total monetary award of \$2,800.

Holmes v. Booten Bros., ER-785-83 & REP-231-84. Complainant received a total monetary award of \$500.

Holmes v. Ralph Food Fair, ER-785-83 & REP-231-84. Complainant received a total monetary award of \$500.

Holyfield v. Hall's Motor Transit, ER-67-73. Complainant received a total monetary award of \$2,000.

Jarret v. Ardans, ES-81-83. Complainant received a total monetary award of \$3,000.

Johnson v. Cedar Coal Company, ER-128-82. Complainant received a total monetary award of \$1,000.

Koger v. Alcan Aluminum, ER-179-84. Complainant received a total monetary award of 2,000.

Lawson v. Wyoming County Commission, ES-606-83. Complainant received a total monetary award of \$2,500 and an offer of the first permanent position available as an Outreach Worker.

Monday v. Potomac House, EA-405-83. Complainant received a total monetary award of \$1,000.

Moore v. U.S. Steel Corporation, ER-368-80. Complainant received a total monetary award of \$2,000.

Moore v. City of Chesapeake, ER239-80. Complainant received a total monetary award of \$1,000.

Moore v. Beverage Center, ES-561-83. Complainant received a total monetary award of \$2,500.

Pleasant v. Peerless Block, ER-4-73 & ER-22-73. Complainant received a total monetary award of \$700.

Pryor v. Kanawha County Commission, ER-596-82. Complainant received a total monetary award of \$5,000. His attorney received fees of \$600.

Stafford v. Hancock County Commission, ER-69-76. Complainant received a total monetary award of \$2,000.

Stout v. WV Dept. of Health, ES-330-82. Complainant received a total monetary award of \$5,000.

Tolbert v. Rite Aid, ES-200-79. Complainant received a total monetary award of \$5,575.

Townsend v. Mound Cleaners, ES-169-83. Complainant received a total monetary award of \$530.

Wilkerson v. N & W Railway Company, ER-577-79. Complainant received a total monetary award of \$10,000. His attorney received fees of \$5,000.

Young v. Sleepy Hollow Golf Club, EA-169-77. Complainant received a total monetary award of \$750.

FINAL ORDERS ISSUED

Alderson v. Cedar Coal Company, ES-31-77. No Violation Order issued. January 17, 1985

Allen v. C & O Railways, ER-152-79. No Violation Order issued. June 28, 1985

Bradsher v. Guyan Valley Hospital, ER-26-77. Cease and Desist Order issued. Complainant was awarded back pay of \$9,510 (plus interest of 8% per annum 8-74 thru 9-76) as well as \$500 for mental anguish. August 9, 1984

Bria v. Fayette County Board of Education, REP-5-84. Cease and Desist Order issued. Complainant was to be reinstated to the position of Head Coach. May 24, 1985

Keene v. Holiday Inn, ER-77-76. Administrative Dismissal Ordered based on Complainant's withdrawal. June 26, 1985

Jurena v. Multi-Family Management, ES-300-77. No Violation Order issued. June 17, 1985

Preston v. Bloss & Dillard, ES-450-77. Cease and Desist Order issued. Complainant was awarded back pay of \$13,500 (plus interest of 6% per annum), \$2,000 for pain and suffering, as well as \$6,335 in attorney fees. January 16, 1985

Richmond v. WV Workmen's (Workers) Compensation Fund, ER-330-76. Cease and Desist Order issued. Complainant was awarded \$1,000 (with interest accruing from December 16, 1982 to date) in back pay, as well as \$10,505 in attorney's fees.

Smith v. John E. Amos Power Plant, EA-33-73. Cease and Desist Order issued. Complainant was awarded \$20,699.53 (plus 10% interest compounded annually) in back pay, as well as \$500 for mental anguish.

Thompson v. Blount Brothers, EA-292-75 & ER-293-75. Cease and Desist Order issued. Complainant was awarded \$34,755.61 (less wages earned but plus 8% interest per annum for period 4-20-75 thru May 1, 1978) in back pay, as well as \$1,000 for mental suffering. August 2, 1984

Thomas v. WV Alcoholic Beverage Control Commission, ER-384-76. No Violation Order issued. May 8, 1985

Wong v. Highland Hospital, EANC-113-84. No Violation Order issued. June 17, 1985.

APPEALS BEFORE WV CIRCUIT COURTS

Berley Geiger v. Greyhound, remanded from WV Supreme Court of Appeals. E-213-72 & E-214-72

Robert Powers v. Kaiser Aluminum, EAN-171-75
Meredith Brown v. Eugene Conley, H-49-73
Pamela Evans Franco v. Montgomery General Hospital, ES-246-77
Charles Washington v. Fourco Glass, ER-226-79
Bonnie Currey v. E. I. Dupont DeNemours and Company, ES-58-73
Sarah Welch v. Boone County Sheriff's Department, ES-156-77
Harriet Lee v. S. E. Nichols, EA-481-77 & ER-482-77
Arthur Moss v. City of St. Albans Police Department, ER-16-75
Rose Marie Bradsher v. Guyan Valley Hospital, ER-26-77
Pamela Preston v. Bloss & Dillard, ES-450-78
James Strain v. Vecillio & Grogan, ER-167-76
Russell Van Cleve WVHRC v. Jefferson County Board of Education, PAR-570-79
Gentry A. Thompson v. Blount Brothers, EA-292-75 & ER-293-75
Ruby Bennett Jones v. City of Meadowbridge, ES-47-77
Elizabeth Alderson v. Cedar Coal Company, ES-31-77
David M. Redman v. Martinsburg Police Department, ER-96-78
Geraldine Murray v. Jefferson County Board of Education, ES-181-78

APPEALS BEFORE WV SUPREME COURT OF APPEALS

Logan County Day Care Center v. WVHRC and Rose Bradsher, ER-41-77
Frank's Shoe Store v. WVHRC and Kathy Varney, ES-222-77 & ES-298-77
PRIDE, Inc. v. WVHRC and Joan Montgomery, ER-244-76

MISCELLANEOUS ACTIONS IN STATE COURTS

Edith Allen, et. al. v. State of West Virginia Human Rights Commission & Howard D. Kenney, Executive Director, Writ of Mandamus filed in WV Supreme Court of Appeals in April, 1984. Writ granted on December 6, 1985.

STATISTICAL OVERVIEW FOR FISCAL YEAR 1985

INTAKE

BY PHONE	974
WALK-INS	241
LETTERS	<u>133</u>
	1,348

Approximately 48% of all Preliminary Inquiries received during the Fiscal Year 1984-85 resulted in formal complaints filed with the Agency.

BASIS OF COMPLAINTS

Race	176
Sex	160
Age	137
Handicap	104
Religion	8
Ancestry	7
National Origin	7
Blindness	6
Reprisal/Retaliation	35
Color	<u>4</u>
TOTAL	644

EMPLOYMENT	610
PUBLIC ACCOMMODATIONS	20
HOUSING	<u>17</u>
TOTAL	647

FISCAL YEAR 1984-85

Total Cases Filed	644
Total Cases Closed	<u>500</u>
TOTAL	144

Total Cases Unresolved as of June 30, 1984 1,663

Unresolved inventory as of June 30, 1985 1,807

CATEGORY OF CASES CLOSED

VOLUNTARY SETTLEMENTS		93
Pre-Determination	44	
Conciliations	14	
Withdrawals with	35	
NO PROBABLE CAUSE		234
ADMINISTRATIVE DISMISSALS		149
Withdrawals without settlements	59	
Complainant failed to cooperate	12	
Unable to locate	3	
Civil suit filed	75	
HEARING SETTLEMENTS		24
ORDERS AFTER CONDUCT OF HEARING		
No violation		
Cease and desist		

EMPLOYMENT

COMPLAINTS FILED

NATURE OF DISCRIMINATION

Failure to hire	106
Terms & Conditions	110
Demotions	21
Failure to Promote	28
Discharge (Layoffs, etc.)	<u>345</u>
TOTAL	610

BASIS FOR CHARGE OF DISCRIMINATION

Race	154
Sex	155
Age	137
Handicap	100
Reprisals	35
National Origin	4
Ancestry	7
Religion	8
Blindness	6
Color	<u>4</u>
TOTAL	610

COMPLAINTS CLOSED

TYPES OF CLOSURES

Satisfactory Adjustments	107
Pre-Determination Settlements	43
Conciliations	11
Pre-Hearing Settlements	20
Withdrawals with Settlements	33
No Probable Cause	226
Administrative Dismissals	141
Withdrawals without settlements	53
Complainant failed to cooperate	12
Complainant filed civil suit	73
Unable to locate Complainant	3
Orders After Conduct of Public Hearing	0
No Violation	
Cease & Desist	<u> </u>
TOTAL	474

EMPLOYMENT COMPLAINTS FOR FISCAL YEAR 1985 BY COUNTY

	Handi- cap	Reli- gion	Race	Sex	Age	Ances- try	Nat. Ori.	Blind- ness	Rep.	TOTAL
Barbour				1						1
Berkeley	1		3	1						5
Boone	2		2	4						8
Braxton	1			2	2	1				5
Brooke	1		2	1	1					5
Cabell	7	2	11	22	10				2	54
Calhoun					1				2	3
Fayette			7	2	2		1		2	14
Gilmer				1	1					2
Grant	2			1						3
Greenbrier	3			5					4	12
Hampshire				1						1
Hancock (Color-1)	3		2	1	3	1	1		1	13
Hardy			1	1						2
Harrison	1	1	2	3	10				1	18
Jackson	1	1		1	1					4
Jefferson	1		1	3	1					6
Kanawha (Color-3)	29		53	48	41	3	2	5	11	195
Lewis	1		7						1	9
Lincoln	2									2
Logan	8	1	3	5	8				1	26
Marion	2		4	2	9					17
Marshall				1	11					12
Mason	1		3	2				1		7
McDowell	1		5	3					1	10
Mercer	3		20	10	6	2			3	44
Mineral			1	1	2					4
Mingo	4		2	2	3				1	12
Monongalia	2		3	2						7
Monroe	1									1
Nicholas	4			1	1					6
Ohio	1	1	1	3	2					8
Pocohontas					1					1
Preston			2	2						4
Raleigh	8		16	5	7				3	39
Randolph				2	2					4
Roane				2						2
Summers			1							1
Taylor				1	1				1	3
Tyler					1					1
Upshur	5		1	2	3					11
Wayne				1						1
Wetzel				3	1					4
Wood	4	2		7	3				1	17
Wyoming	1		1		3					5
TOTAL	100	8	154	155	137	7	4	6	35	610

Color* 4

HOUSING

COMPLAINTS FILED:

NATURE OF DISCRIMINATION

Refusal to Rent	12
Evictions	1
Other	<u>1</u>
TOTAL	14

BASIS OF CHARGE OF DISCRIMINATION

Race	10
Sex	3
National Origin	<u>1</u>
TOTAL	14

COMPLAINTS CLOSED:

TYPES OF CLOSURES

Satisfactory Adjustments		3
Pre-Determination Settlements		
Conciliations	3	
Pre-Hearing Settlements		
Withdrawals with Settlements		
No Probable Cause		2
Administrative Dismissals		3
Withdrawals without settlements	1	
Complainant filed civil suit	2	
Orders After Conduct of Public Hearing		<u>0</u>
TOTAL		8

PUBLIC ACCOMMODATIONS COMPLAINTS FOR FISCAL YEAR 1985 BY COUNTY

	Handi- cap	Reli- gion	Race	Sex	Age	Ances- try	Nat. Ori.	Blind- ness	Rep.	TOTAL
Cabell	1		1	1						3
Kanawha			7							7
Mason				1						1
Mercer			2							2
Monongalia	1						2			3
Raleigh	2									2
Ritchie			1							1
Wood			1							1
TOTAL	4	0	12	2	0	0	2	0	0	20

BUDGET

LEGISLATIVE ALLOCATIONS

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

TEN YEARS OVERVIEW

<u>YEAR</u>	<u>TOTAL</u>
<u>NEW COMPLAINTS</u>	
1975-76	522
1976-77	520
1977-78	512
1978-79	584
1979-80	532
1980-81	580
1981-82	643
1982-83	809
1983-84	671
1984-85	644
<u>CASES CLOSED</u>	
1975-76	306
1976-77	478
1977-78	384
1978-79	338
1979-80	458
1980-81	512
1981-82	668
1982-83	613
1983-84	553
1984-85	500
<u>VOLUNTARY SETTLEMENTS</u>	
1975-76	94
1976-77	91
1977-78	96
1978-79	91
1979-80	133
1980-81	168
1981-82	117
1982-83	168
1983-84	112
1984-85	117
<u>PRELIMINARY INQUIRIES</u>	
1977-78	2,175
1978-79	3,295
1979-80	2,212
1980-81	1,927
1981-82	2,083
1982-83	1,652
1983-84	1,627
1984-85	1,348

PUBLICATIONS LIST

PAMPHLETS

- °You and The Law
- °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
- °Administrative Rules and Regulations
- °Interpretive Rules Governing Discrimination on The Handicapped
- °Equal Educational Opportunities in West Virginia

POSTER

- °West Virginia Human Rights Act Poster

OTHER COMPILED INFORMATION

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

