



**ANNUAL REPORT**  
**WEST VIRGINIA**  
**HUMAN RIGHTS COMMISSION**  
**1972 - 1973**

# **ANNUAL REPORT**

**WEST VIRGINIA HUMAN RIGHTS COMMISSION**

**1972-73**

**1591 Washington Street, East**

**Charleston, West Virginia**

Cover reprinted with permission of Abbey Press,  
St. Meinard, Indiana

# TABLE OF CONTENTS

## ORGANIZATION - 3-11

Letter from Chairman. . . . .	5
Organizational Structure. . . . .	6-8
Budget. . . . .	9-11

## DIVISIONS - 15-30

### COMPLIANCE - 15-25

Procedure of Processing Complaints. . . . .	15-16
Summary of Caseloads. . . . .	17
Basis for Discrimination by County. . . . .	18-19
Total Complainants by County. . . . .	20
Classification of Complaints. . . . .	21-23
Sample Cases. . . . .	24-25

### LEGAL - 26-27

### EDUCATION - 28-29

### COAL STUDY (Special Project) - 30

## RECOMMENDATIONS FOR 1973-74 - 31-33

**O  
R  
G  
A  
N  
I  
Z  
A  
T  
I  
O  
N**



**STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION**

1591 EAST WASHINGTON STREET  
CHARLESTON, WEST VIRGINIA 25305  
TELEPHONE 348-2616

ARCH A. MOORE, JR.  
Governor

**COMMISSIONERS**

**RUSSELL VAN CLEVE**  
Chairman  
Charleston

**ANCELLA BICKLEY**  
Vice Chairman  
Institute

**HARRY J. BERMAN**  
Clarksburg

**D. PAUL CAMILLETI**  
Wheeling

**REV. J. MATTHEW COLEMAN**  
Bluefield

**E. M. DANDRIDGE**  
Charles Town

**JOHN A. JONES**  
Weirton

**JACK DINEEN**  
Charleston

**H. R. RICHARDS**  
PARKERSBURG

Executive Director

December, 1973

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

Dear Governor Moore:

We have the honor to submit the following  
Annual Report of the West Virginia Human Rights  
Commission for the fiscal year 1972-73.

This report of the activities and recom-  
mendations of the Commission fulfills the require-  
ments of Chapter 5, Article 11, Section 8, of the  
West Virginia Code.

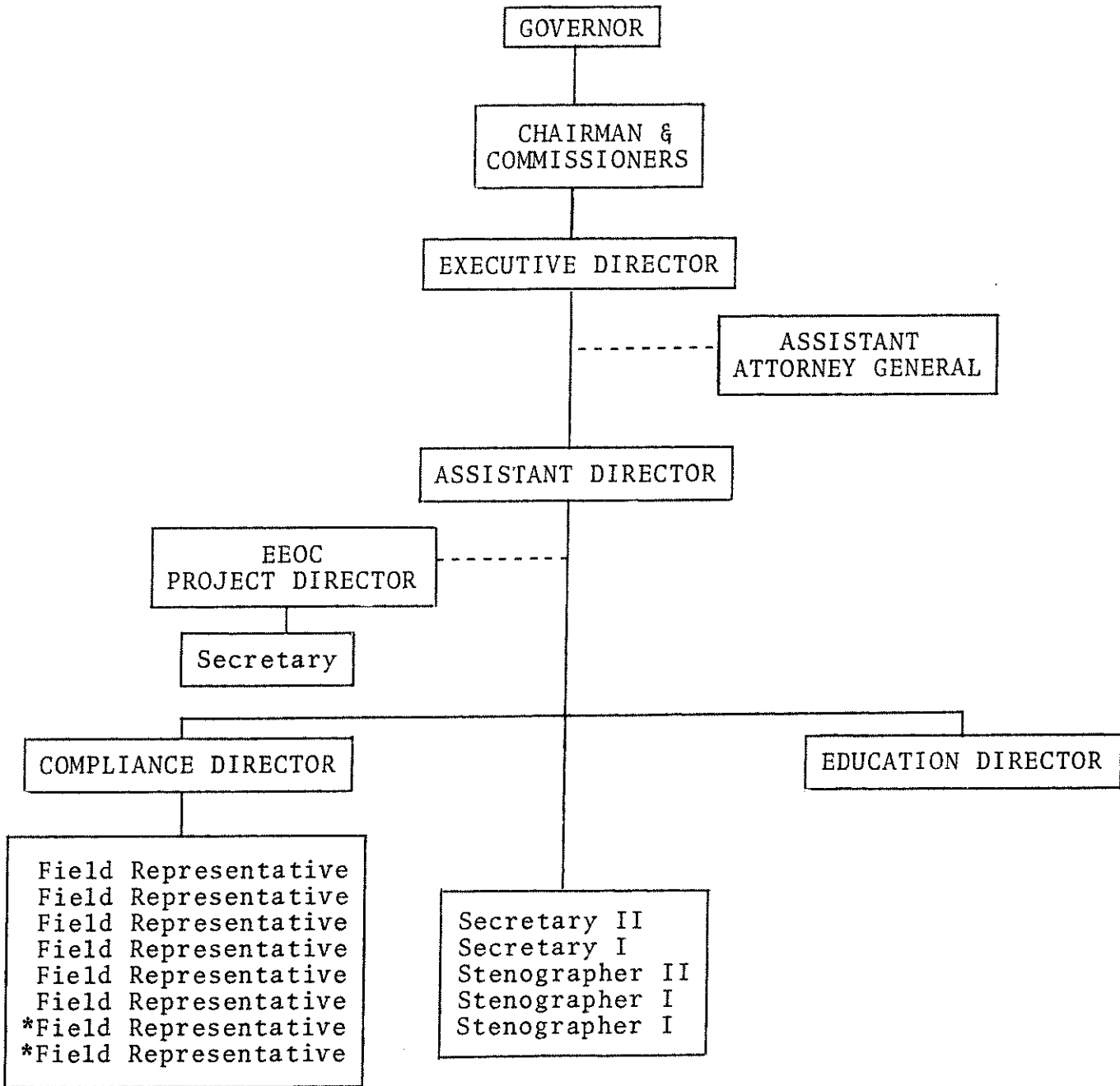
The Commission strives to implement the  
public policy of the State of West Virginia which  
prohibits the denial of human rights or civil  
rights to persons by reason of race, religion,  
color, national origin, ancestry, sex or age.

Sincerely,

Russell Van Cleve  
Chairman

RVC/1t

# ORGANIZATIONAL STRUCTURE OF THE COMMISSION



\*Positions effective FY 1972-73

# COMMISSIONERS

1972-73

<u>Name of Commissioner</u>	<u>Congressional District</u>	<u>Term Expires</u>
Chairman Russell Van Cleve Chemical Engineer	Third	1974
Vice-Chairman Ancella Bickley Assistant Professor	Third	1975
Harry J. Berman Businessman	First	1976
D. Paul Camilletti Attorney	First	1974
J. Matthew Coleman Minister	Fourth	1976
Ernest M. Dandridge Retired School Administrator	Second	1976
John A. Jones Corporation Executive	At Large	1975
John M. Dineen Telephone Company Executive	Third	1975
Harley R. Richards United Steel Workers of America, AFL-CIO	First	1974

COMMISSION STAFF  
1972-73

\*Carl W. Glatt  
EXECUTIVE DIRECTOR

Eric L. Warren  
INTERGROUP RELATIONS SPECIALIST

Howard D. Kenney  
ASSISTANT DIRECTOR

Beverly Bowles  
INTERGROUP RELATIONS SPECIALIST

A. Andrew MacQueen, III  
ASSISTANT ATTORNEY GENERAL

Connie Stahl  
INTERGROUP RELATIONS SPECIALIST

Thomas H. Zerbe  
COMPLIANCE DIRECTOR

Carole Ferrell  
SECRETARY II

Karen L. Kuhens  
EDUCATION DIRECTOR

Edna Martin  
SECRETARY I

John E. Lynch  
INTERGROUP RELATIONS SPECIALIST

La Verne Proctor  
STENOGRAPHER II

Chester R. Wright  
INTERGROUP RELATIONS SPECIALIST

Janet Johnson  
STENOGRAPHER I

Gaylord Stewart  
INTERGROUP RELATIONS SPECIALIST

Connie Payne  
STENOGRAPHER I

\*Resigned in September, 1972

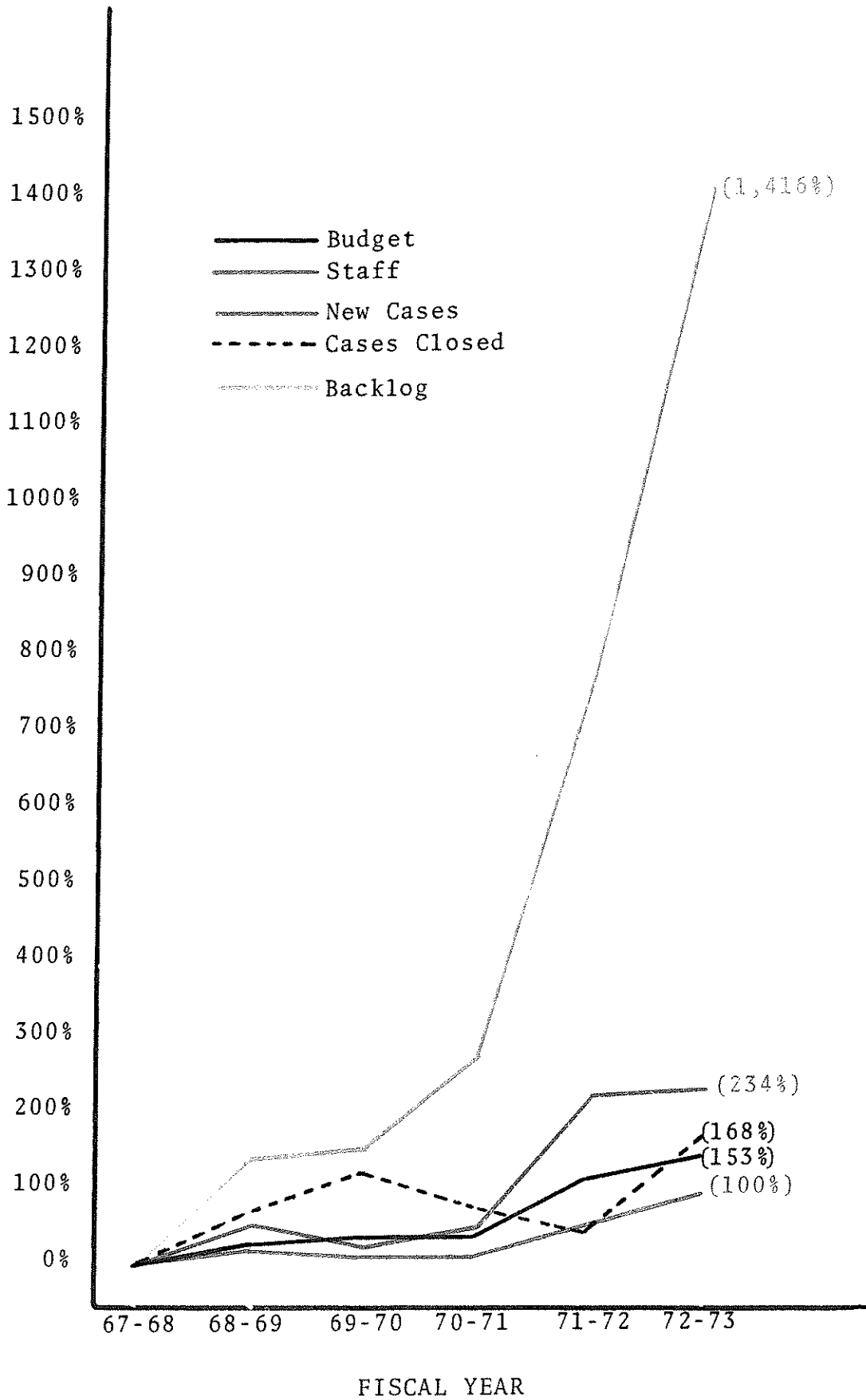


# BUDGET

## LEGISLATIVE ALLOCATIONS

<u>FISCAL YEAR</u>	<u>AUTHORIZED EMPLOYEES</u>	<u>APPROPRIATION</u>
1967-68	8	78,900
1968-69	10	102,425
1969-70	9	110,200
1970-71	9	110,200
1971-72	13	175,335
1972-73	16	200,000

PERCENTAGE INCREASE OVER FISCAL YEAR 1967-68



The chart on the opposite page graphically demonstrates the dilemma which has confronted the Commission by virtue of the fact that it has been inadequately staffed and funded to handle the complaints which it receives. The increase in backlogged cases of 1,416 percent over 1967-68 fiscal year figures clearly shows that the Commission is unable to meet the challenge of its law enforcement responsibilities with its present level of financial support.

Perhaps the most obvious explanation for the backlog is that, in 1971 the legislature expanded the jurisdiction of the agency to cover substantial new subject matter areas. Specifically, the Commission was charged with monitoring sex and age discrimination in employment and public accommodations and discrimination in housing based on race. As a result of this increased jurisdiction, the number of new cases filed more than doubled. During that same year, however, the Commission's staff was increased only by forty-four (44) percent, and funding was increased by only fifty-nine (59) percent. The disparity between increased caseload and staff and facilities to handle that caseload has produced the snowballing accumulation of backlogged cases.

Certainly increased experience and the use of more sophisticated procedures will enhance the Commission's ability to carry out its mandate under the Human Rights Act. However, it is equally clear that if the state is to meet its commitments to human rights, the Commission must be provided with staff and money at a level commensurate with the job it has to perform.

8

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

**D  
I  
V  
I  
S  
I  
O  
N  
S**

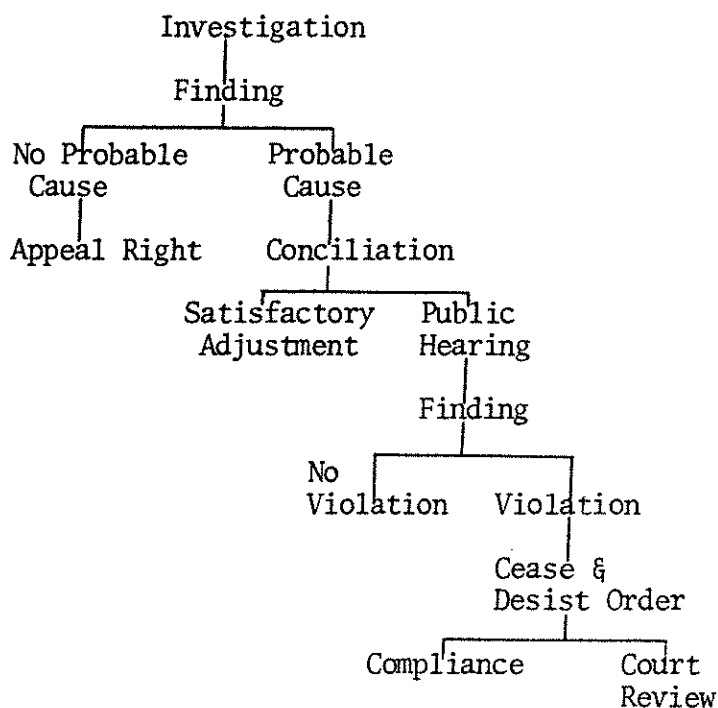


# COMPLIANCE

The compliance process is a series of actions by the Commission designed to resolve complaints of alleged discrimination, the chief concern of the Compliance Division. All cases presented to the Commission are handled by this Division, consisting of conciliators, field representatives, a compliance director and an assistant attorney general, the Commission's legal counsel. The Compliance Division serves as a deferral agency for the Federal Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD). The cooperative effort has been valuable in keeping the Commission's methods abreast of these in effect elsewhere.

The compliance process is set into motion as follows:

## THE PROCEDURE OF PROCESSING COMPLAINTS



### 1) THE COMPLAINT

*Complaints may be filed within 90 days after the act of discrimination by:*

- a) *An aggrieved individual*
- b) *The Commission itself*
- c) *The Attorney General of West Virginia*

*The complaint may include the charge of pattern and practice of discrimination.*

### 2) THE INVESTIGATION

A Commission staff member will:

- a) *Interview the respondent and other appropriate persons*

- b) Review pertinent records and documents
- c) Make an on-site inspection of the respondent's facilities and operations.

purposes of the West Virginia Human Rights Act.

When the complainant and the respondent have reached a satisfactory remedy for the complaint then the terms of adjustment will be presented in a formal Conciliation Agreement which is a legally binding document.

### 3) THE FINDINGS

*After the investigation of the allegations of discrimination, the Commission makes a finding of*

*No Probable Cause. . . and dismisses the complaint*

*or*

*Probable Cause. . . and acts to correct the discriminatory practice and its effects.*

### 5) THE PUBLIC HEARING

*When the complaint is not successfully resolved during the conciliation, the Commission may convene a public hearing at which testimony under oath is heard, a decision rendered and a legally enforceable order issued. Both the complainant and the respondent have the right to appeal this order to the Circuit Court of the county where the respondent is located.*

### 4) THE CONCILIATION

If the investigation substantiates the complaint, then the respondent will be required:

- a) to make available to the complainant and/or others the previously denied housing, employment or services.
- b) to compensate the complainant and/or others for any losses incurred because of the discrimination.
- c) to correct practices which have had an adverse effect on persons protected by the West Virginia Human Rights Act.
- d) to take other affirmative action needed to eliminate the effects of discrimination and to effectuate the

*In the vast majority of cases the actual adjustment of a complaint takes place during the conciliation without a public hearing. The complainant and respondent will be informed by mail of the Commission's official closing of the case.*

### THE PENALTIES

The ignoring or willful violation of Commission orders are misdemeanors, punishable by fines at \$100 to \$500 and/or imprisonment not exceeding 30 days.

The same penalties apply to any person who interferes with a Commission representative in the performance of duty.



# 1972-73 STATISTICALLY

YEARLY CASELOAD	
Cases carried from fiscal year 1971-72.	.279
New cases filed . . . . .	.167
Total cases on file for year. . . . .	.446
Cases closed. . . . .	.67
Cases remaining . . . . .	.379

CATEGORIES OF CASES CLOSED	
Satisfactory Adjustment. . . . .	.15
No Probable Cause. . . . .	.28
Withdrawal . . . . .	.4
No Jurisdiction. . . . .	.4
Administratively Closed. . . . .	.16
	<u>67</u>

CLASSIFICATIONS	
Employment. . . . .	.338
Housing . . . . .	.52
Public Accommodations . . . . .	.56
	<u>446</u>

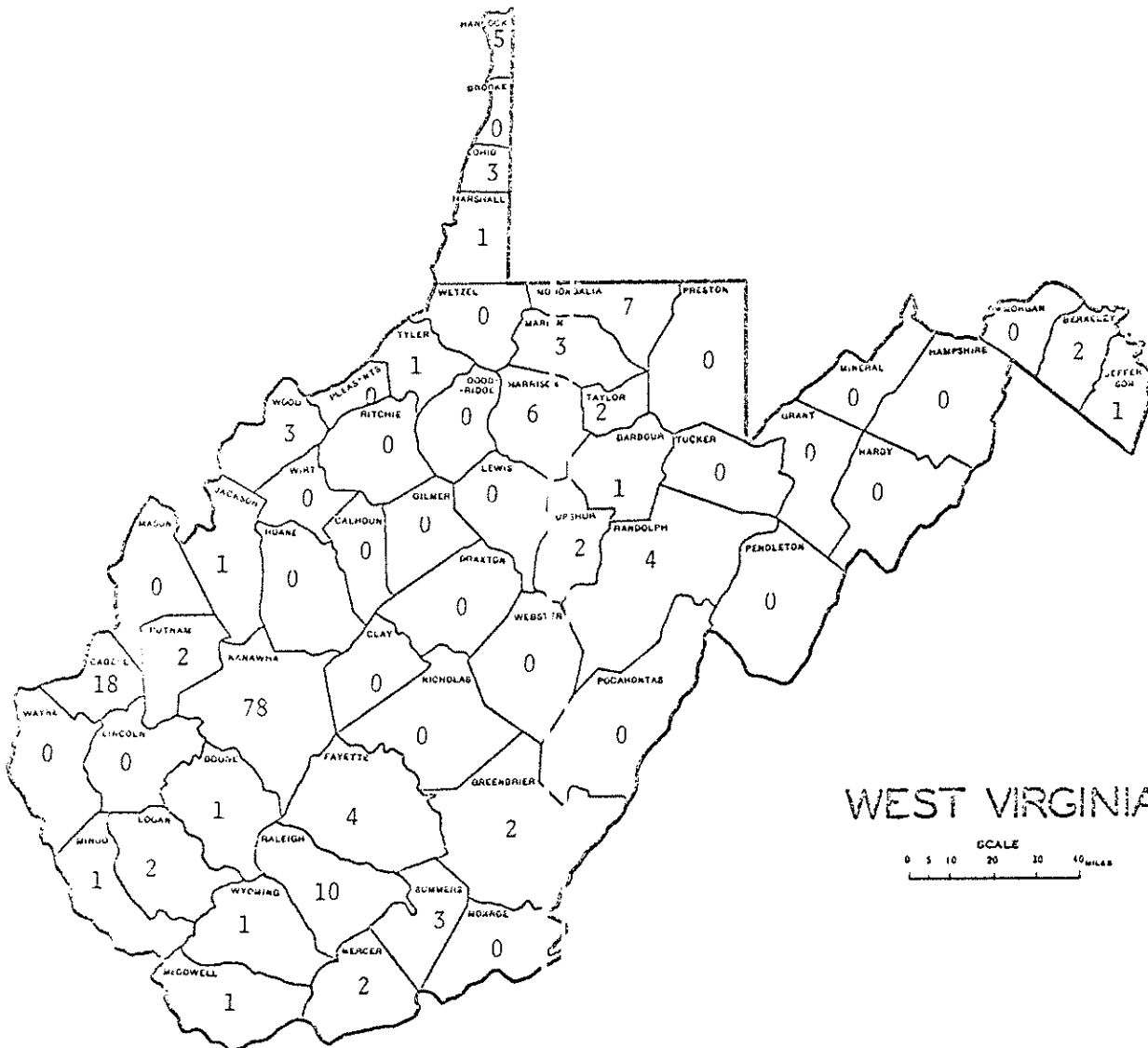
BASIS FOR DISCRIMINATION OF NEW CASES ON FILE	
Race. . . . .	.98
Sex . . . . .	.52
Age . . . . .	.11
Religion. . . . .	.3
Ancestry. . . . .	.3
	<u>167</u>

**BASIS FOR DISCRIMINATION CASES  
FILED 1972-73 BY COUNTY**

COUNTY	TOTAL POPULATION	BLACK POPULATION	% OF TOTAL POPULATION	COMPLAINTS			TOTAL COMPLAINTS	FEMALE WORKFORCE	% OF TOTAL WORKFORCE
				Race	Sex	Other			
Barbour	14,030	140	.99	1			1	1,480	33.5
Berkeley	36,356	1,341	3.68	1	1		2	5,300	36.7
Boone	25,118	283	1.12		1		1	2,125	26.1
Braxton	12,666	81	.63					1,210	28.5
Brooke	29,685	251	.84					3,790	30.3
Cabell	106,918	4,475	4.18	10	6	2	18	16,620	36.8
Calhoun	7,046	4	.56					705	30.5
Clay	9,330	1	.01					350	21.0
Doddridge	6,389	3	.04					650	29.1
Fayette	49,332	4,240	10.62	1	2	1	4	4,375	29.5
Gilmer	7,782	17	.21					850	37.3
Grant	8,607	138	1.60					1,335	29.7
Greenbrier	32,090	1,653	5.15		1	1	2	3,205	32.6
Hampshire	11,710	99	.84					1,265	33.5
Hancock	39,749	1,294	3.25	1	2	2	5	4,975	30.1
Hardy	8,855	214	2.41					845	30.1
Harrison	73,028	1,089	1.49	4	1	1	6	9,940	33.0
Jackson	20,903	2	.09	1			1	2,070	27.0
Jefferson	21,280	2,731	12.83	1			1	2,995	34.9
Kanawha	229,515	12,957	5.64	56	18	4	78	33,915	35.2
Kewis	17,847	85	.47					2,080	26.8
Lincoln	18,912	7	.37					1,000	28.5
Logan	46,269	2,741	5.92	2			2	4,490	30.8
McDowell	50,666	9,083	17.92	1			1	4,470	27.8
Marion	61,356	2,296	3.74	1	2		3	8,810	35.6
Marshall	37,598	226	.60		1		1	4,685	32.8
Mason	24,306	257	1.05					2,235	26.9
Mercer	63,206	5,323	8.42	1		1	2	8,040	35.1

COUNTY	TOTAL POPULATION	BLACK POPULATION	% OF TOTAL POPULATION	COMPLAINTS			TOTAL COMPLAINTS	FEMALE WORKFORCE	% OF TOTAL WORKFORCE
				Race	Sex	Other			
Mineral	23,109	344	3.00					1,780	30.6
Mingo	32,780	1,344	4.10	1			1	2,430	27.9
Monongalia	63,714	1,097	1.72	2	5		7	10,380	36.8
Monroe	11,272	525	4.65					1,115	33.7
Morgan	8,547	106	1.24					720	32.6
Nicholas	22,552	4	.17					2,590	30.0
Ohio	64,197	1,994	3.10	1	1	1	3	9,920	38.4
Pendleton	7,031	141	2.00					700	30.3
Pleasants	7,274	30	.41					925	32.8
Pocahontas	8,870	132	1.48					730	26.6
Preston	25,455	91	.35					2,310	30.3
Putnam	27,625	11	.03	1		1	2	1,910	25.0
Raleigh	70,080	6,880	9.81	8	2		10	7,570	32.6
Randolph	24,596	194	.78	2	2		4	3,135	33.6
Ritchie	10,145	2	.19					1,025	30.9
Roane	14,111	53	.37					1,790	33.4
Summers	13,213	539	4.07		3		3	1,020	29.6
Taylor	13,878	150	1.08		1	1	2	1,500	35.1
Tucker	7,447	17	.22					700	30.2
Tyler	9,929	5	.05			1	1	845	28.9
Upshur	19,092	65	.34	1	1		2	2,105	34.3
Wayne	37,581	28	.07					4,205	30.9
Webster	9,809	1	.01					655	26.8
Wetzel	20,314	2	.09					1,400	26.5
Wirt	4,154	4	.09					360	27.1
Wood	86,818	730	.84	1	2		3	11,840	34.9
Wyoming	30,095	472	1.56		1		1	2,135	20.7

# TOTAL COMPLAINTS FILED BY COUNTY



# CLASSIFICATION OF COMPLAINTS

FILED IN 1972-73

## Employment

NATURE OF DISCRIMINATION	
Hire. . . . .	.30
Discharge . . . . .	.45
Terms & Conditions. . . . .	.23
Commission. . . . .	.9
Other . . . . .	.10
	<u>117</u>

BASIS FOR DISCRIMINATION	
Race. . . . .	.57
Sex . . . . .	.45
Age . . . . .	.11
Religion. . . . .	.3
Ancestry. . . . .	.1
	<u>117</u>

CLASSIFICATION OF EMPLOYER RESPONDENTS			
Banks. . . . .	2	Manufacturing . . . . .	.21
Communications . . . . .	4	Medical Services. . . . .	.3
Construction/Contractors . . . . .	4	Mining. . . . .	.3
Education. . . . .	8	Clubs/Restaurants . . . . .	.4
Government		Retail Sales and/or Services.	.21
State. . . . .	7	Social Services Agencies. . . . .	.2
County . . . . .	4	Transportation. . . . .	.9
City . . . . .	7	Utilities . . . . .	.11
Labor Unions . . . . .	8	Hotels/Motels . . . . .	.1
			<u>117</u>

CASES CLOSED	
No Probable Cause. . . . .	.17
Satisfactory Adjustment. . . . .	.6
Withdrawal . . . . .	.4
No Jurisdiction. . . . .	.2
	<u>.29</u>

# Housing

BASIS FOR DISCRIMINATION*	
Race. . . . .	.34
*New cases	

NATURE OF DISCRIMINATION	
Refusal to Rent. . . . .	.17
Refusal to Sell. . . . .	.3
*Required to Vacate. . . . .	.13
Terms and Conditions . . . . .	<u>.1</u>
	.34
*Includes association with Blacks and interracial marriage	

CLASSIFICATION OF HOUSING RESPONDENTS	
Property Owner. . . . .	.26
Bank. . . . .	.2
Realtor and/or Property Owner . . . . .	.5
Building Contractor . . . . .	<u>.1</u>
	.34

CASES CLOSED	
Satisfactory Adjustment. . . . .	.10
No Probable Cause. . . . .	.8
Administratively Closed. . . . .	.2
No Jurisdiction. . . . .	<u>.2</u>
	.22

# Public Accommodations

## BASIS FOR DISCRIMINATION

Race. . . . .	9
Sex . . . . .	7
	<u>16</u>

## NATURE OF DISCRIMINATION

Terms and Conditions . . . .	9
Refused Admittance . . . . .	5
Refusal to Sell Products . . .	2
	<u>16</u>

## CASES CLOSED

Administratively closed. . . .	13
No Probable Cause. . . . .	3
	<u>16</u>

## CLASSIFICATION OF RESPONDENTS

Educational Institutions. . . . .	5
Class "C" Liquor Clubs. . . . .	5
Retail Sales and/or Services. . .	3
Recreational Organizations. . . .	1
Banks . . . . .	1
Hotels/Motels . . . . .	1
	<u>16</u>

## SAMPLE CASES

In order that the reader may have some concrete perspective on the compliance function, the following case examples are provided. In these examples, the actual persons or organizations involved are unidentified, fictitious names having been substituted:

### EMPLOYMENT

#### JANE DOE vs. XYZ EMPLOYMENT SERVICE SYSTEM

In mid 1972, Jane Doe, a married female, was advised by her personal physician that she was pregnant and that she could expect to deliver in February, 1973. Ms. Doe had been employed by her employer, one of the largest in the State, for a period of more than eight years as a secretary. When she notified her employer that she was pregnant and that she would have her baby in late February, 1973, Ms. Doe was advised that the rules governing her employment stipulated that she was not entitled to a leave of absence as a matter of right, that she would be required to leave her employment six weeks in advance of the expected delivery date, and that she would not be allowed paid sick leave during the period that she was absent.

On September 6, 1972, Ms. Doe filed her complaint with the Human Rights Commission, charging that she was the victim of employment discrimination because of her sex. In substance, she alleged that since only women were subject to pregnancy, the refusal to grant benefits and leave ordinarily granted in the instance of illness

or disability constituted a sex related act of discrimination.

A Commission investigation confirmed the facts alleged by the complaint and the Commission ruled that Probable Cause existed to believe that a violation of the law had been committed.

During the process of the investigation, the employer modified its rules relating to pregnancy to eliminate much of their discriminatory impact. At the close of the fiscal year, conciliation was in progress between the Commission and the employer which proposed to resolve the details of a complete modification of the maternity leave and sick pay rules.

### HOUSING

#### RICHARD ROE vs. A. B. WHITEACRE

On February 13, 1973, Mr. Richard Roe, a Black native of Clarksburg, West Virginia, answered a newspaper advertisement which offered an apartment for rent. During a telephone conversation with the landlord, Mr. Whiteacre, Mr. Roe was advised that the apartment was available for rental and that he could view it that evening. A short time later, on that same day, Mr. Whiteacre called Mr. Roe back by telephone and



advised him that the apartment was not in fact available, that he intended to make repairs on the dwelling. Because of the circumstances of the phone call from Mr. Whiteacre, Mr. Roe formed the belief that Mr. Whiteacre had independently discovered that Mr. Roe was Black by calling his place of employment.

On March 27, 1973, Mr. Roe filed a complaint with the West Virginia Human Rights Commission alleging that he had been refused the housing unit because of his race.

An investigation was initiated by the Commission, during which the respondent, Mr. Whiteacre, denied that he had refused to rent the apartment to the complainant because of his race. The Commission investigators further determined that it was impossible to corroborate the complainant's allegation that the respondent had called Mr. Roe's place of employment to determine his race.

As a result of the investigation, it was determined that there was insufficient evidence to credit the allegations of the complaint. Acting on the recommendations of the field staff, the Commission entered a ruling that there was No Probable Cause to credit the allegations of the complaint and the case was ordered closed.

#### PUBLIC ACCOMMODATIONS

##### JOHN DOE vs. ABC BAR & GRILL

On the evening of December 21, 1972, John Doe, a Black resident of Charleston, West Virginia, entered the ABC Bar & Grill and attempted to obtain service. Shortly after his entry, the manager of the liquor club forceably ousted Mr. Doe from the premises.

On December 27, 1972, Mr. Doe filed his complaint with the West Virginia Human Rights Commission alleging that he was denied service at the ABC Bar & Grill because of his race.

Acting on the complaint, the staff of the West Virginia Human Rights Commission initiated an investigation to determine whether or not there was substance to the charge. During the process of the investigation, the manager of the ABC Bar & Grill admitted to one of the Commission representatives that he did not allow Blacks to patronize his club and further admitted that he had ousted the complainant because of his race. Based on these facts, a ruling of Probable Cause was made by the Commission.

The case was taken to conference and conciliation, and as a result of those proceedings an agreement was reached between the Commission, the complainant and the respondent. By the terms of that agreement, the ABC Bar & Grill discontinued its policy of discrimination because of race. In addition, the manager of the club agreed to give detailed instructions to all of his employees about equal treatment to all persons regardless of their race, color, religion, national origin, ancestry, sex or age. Finally, the respondent agreed to pay the complainant \$500 in full compensation for the embarrassment, humiliation and loss of personal dignity suffered by virtue of the discriminatory act.

Upon execution of the conciliation agreement, the case was closed as satisfactorily adjusted. The provisions of the conciliation agreement, if violated, are enforceable by court proceedings.

## LEGAL

Since July, 1971, the West Virginia Human Rights Commission has been represented on a full time basis by assigned counsel from the Office of the Attorney General. The legal officer is charged with the sole responsibility of acting on behalf of the Commission and has no other duties.

The responsibility of the legal division is to provide on-going legal services and advice to the Commission and its staff.

### FUNCTION

The primary function of the legal division is to assist the Commission in the construction, interpretation and application of the provisions of the West Virginia Human Rights Act. In addition, since the provisions of the Human Rights Act very closely parallel those of several federal Civil Rights Acts, the legal counsel advises the Commission relative to the mandate of federal laws and their relationship to state statutory provisions.

Of course it is necessary that the legal division initiate all civil proceedings on behalf of the Human Rights Commission, as well as defend the Commission in litigation which has been brought against it.

Legal counsel has the responsibility of participating in all hearings, investigatory or adjudicatory, conducted by the Commission. In accordance with the provisions of section 10 of the Human Rights Act, Commission's counsel presents the case in support of the complainant during adjudicatory proceedings. However, only where the complaining party is unrepresented by private counsel does the Commission staff attorney act in a representative capacity. In most instances, the Commission's legal counsel merely develops the evidence which was revealed by an investigation conducted by the professional staff.

In addition to the functions articulated above, the legal division is responsible for on-going review of the statutes, regulations and case law which bear upon the functioning of the Commission.

## ACTIVITIES

During the past fiscal year, the legal division has engaged in a continuing program designed to alert the Commission and its staff to the recent developments in the burgeoning area of civil rights law. This program has been effectuated by the preparation of numerous advisory memoranda and position papers which have been submitted to the Commissioners and to staff members.

Beyond his advisory activities, the legal counsel has been called upon to act on behalf of the Commission in several judicial proceedings which dealt with matters of the scope of the authority of the agency. Particularly, there have been several challenges to agency powers relating to the issuance of subpoenas and other discovery procedures as well as the remedial authority of the agency. The results of litigation have been mixed, with some decisions sustaining Commission action and others overruling it. Several negative decisions have been considered sufficiently detrimental to the Commission's authority to warrant appeal. These appeals are pending at the time of the preparation of this report.

## PROJECTS

The legal division has determined that two areas of Commission activities require substantial attention. The first of these is the conduct of adjudicatory proceedings. In the past, a limited number of administrative hearings have been conducted by the Commission in performing its law enforcement function. Although a number of factors have contributed to the limited number of administrative hearings, the principal influence has been the demand placed upon the time of the legal division to attend to other Commission matters. It is anticipated by the legal division that there will be a substantial increase in administrative hearings conducted during the next fiscal year.

The second area of long-range concern to the legal division is the development of revised procedural regulations, and a promulgation of comprehensive substantive regulations. It is anticipated that a project to formulate revised regulations begun during the 1972-73 fiscal year will come to fruition during the next year.

## OVERVIEW

Inasmuch as the West Virginia Human Rights Commission is essentially a law enforcement agency, its legal activities represent its most important area of endeavor. It is the on-going commitment of the legal division to take all possible steps to insure a full and fair execution of the provisions of the West Virginia Human Rights Act.

# EDUCATION

The responsibility of the Education Division, whose personnel includes one member, the Education Director, is to alert the public to the existence and function of the Commission. The main objective is not one of personal relations, but rather that of advising individuals of their rights and how to secure them. In other words, its function is not to sell, but to educate, as the title suggests. Just as the potential complainant is educated as to his rights, so, too the potential respondent is advised of his responsibilities and how to avoid violating the Human Rights Act. In becoming acquainted with the act and its requirements, he can be assured of dealing with all persons without discrimination.

It is obvious that the disproportionate number of complaints from Kanawha County is directly due to the location of the Commission and the consequent facility in educating. It is the responsibility of the Education Director to overcome that disparity by making itself more available to those in the farthest sections of the state not easily accessible to the capitol.

The following is a list of techniques used to implement the function of the Education Division:

## SPEAKERS BUREAU

The entire staff makes itself available for speaking engagements, radio and television shows and panel discussions dealing with the West Virginia Human Rights Act, the issues of racism and with the functions of the Commission.

The Panel of American Women, part of a nationwide organization, is composed of local residents and is used by the Commission to fill speaking engagements dealing with prejudice. The Panelists--a Catholic, a Jew, a Black and a Protestant--speak briefly about how prejudice has affected their lives and their reaction to this prejudice. The most significant part of the program is the question and answer period which follows the presentation. This period gives the audience an opportunity to express its reactions and share its experiences. The Panel is available through the Commission for bookings.

## HUMAN RELATIONS SEMINARS

*Particularly the Education Director, but also the entire staff is available for participation in and development of human relations training seminars. This year, the Education Director coordinated three workshops and participated in eight. In ten other seminars, additional members of the staff served as resource persons.*

## PAMPHLETS AND BROCHURES

An attempt has been made to prepare concise and informative materials for distribution to those unacquainted with the function of the Commission, particularly with the compliance process and the Human Rights Act. These materials include posters, pamphlets and booklets. A model affirmative action program is also available.

## FILMS

*Available to any interested group or person is a comprehensive film*

library dealing with human relations. In order to provide a more inclusive coverage, a referral service has been developed which coordinates our library with other sources dealing with this subject.

Because of the physical inaccessibility of the Commission office, films are mailed statewide at no cost, except for return mailing charges.

#### JOB NOTICES

Activities have been coordinated with various employers assisting them in conducting their affirmative action programs by distributing job notices and apprentice programs to minority employment recruitment sources.

#### ANNUAL REPORT

Under the mandate of the West Virginia Code, Chapter 5, Article 11, Section 8, a report of the activities and recommendations of the Commission is required annually. This survey is compiled by the Education Director and is available to anyone upon request.

#### PUBLIC HEARINGS

Section 5-11-8, subsection (c), ". . . to initiate its own consideration of any situations, circumstances or problems, including therein any racial, religious or ethnic group tensions, prejudice, disorder or discrimination reported or existing within the state relating to employment, places of public accommodations, housing accommodations and real property;" and "To issue such publications and such results of investigation and research as in its judgment will tend to promote good will and minimize or eliminate discrimination: Provided, That the identity of the parties involved shall not be disclosed."

Under the authority cited above, the Commission provides a forum for those involved in tension or crisis situations dealing with discrimination covered by the West Virginia Human

Rights Act. An informal public Commission hearing is conducted and a report is issued in which an analysis is made of the Commission's impression and/or attitude about the type of problem represented. An attempt is made to suggest remedial action.

During the fiscal year 1972-73, one such hearing was conducted in Weirton on August 30 and 31, 1973. Copies of the Weirton Public Hearing Special Report and other informal public hearings conducted in the past years have been distributed to the parties involved, but are also available to the general public.

#### AFFIRMATIVE ACTION PROGRAM

A portion of the 1972 amendments to the 1964 Civil Rights Act brought state and local government under the Equal Employment Opportunity Commission. It is compulsory under the state civil service system that state agencies have an affirmative action program, the options being adoption of the state civil service program or development of an individual plan. Having chosen the latter, the Commission sets goals and timetables for employment of minorities and women. It also requires written certification for all vendors and suppliers as to their policy of equal employment. This program is available to anyone upon request.

#### ANNUAL HUMAN RIGHTS CONFERENCE

The conference was sponsored by the Commission at the First Baptist Church in Charleston, September 29 and 30, 1972. Approximately 250 participants representing various parts of the state attended. Resource persons were from the state and national levels and techniques utilized were dramas, workshops, multi-media presentations and speeches.

#### LOCAL COMMISSIONS

The Education Director was instrumental in assisting several local commissions in the development and passage of enforceable human rights ordinances for their communities.

## **COAL STUDY**

(Special Project)

The State Commission has received \$26,171 in Federal funds from the Equal Employment Opportunity Commission to conduct a survey of the employment practices of the coal mining industry in West Virginia. Covered by the coal survey are employers in both deep mining and surface mining operations. The money provides funds for a project director and a secretary.

The Commission will utilize EEO-1 forms which show a workforce breakdown by race and job classification in order to elect a representative number of employers for an in-depth survey. Those employers evidencing discriminatory employment patterns and practices will be assisted by the Commission to embark upon Affirmative Action Programs to increase the number of Black workers being hired.

**R  
E  
C  
O  
M  
M  
E  
N  
D  
A  
T  
I  
O  
N  
S**





## R E C O M M E N D A T I O N S

- I. The Commission recommends that sufficient additional staff be provided to handle the workload. For the six-year period since the enactment of the enforceable law, 1967-1972, the Commission has been confronted with a percentage increase in total caseloads of 1,416%. All indications are that the caseload in fiscal year 1973-74 will greatly increase. Inadequate staffing can only mean delays in processing complaints.
  
- II. The Commission recommends that sufficient appropriations be granted to pay competitive salaries so that competent, trained staff members will not be lost to other agencies and that experienced workers can be attracted to the agency in the future.

