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ID# 259849

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

112010
DEC 17 1984
JR - dent

INCOMING

DATE RECEIVED: DECEMBER 17, 1984

NAME OF CORRESPONDENT: DR. BRENDA WADE

SUBJECT: SUBMITS THE SEXUAL ORIENTATION COMPLAINT
REPORT - FY 83-84

ROUTE TO: OFFICE/AGENCY (STAFF NAME)	ACTION		DISPOSITION	
	ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
RONALD ALVARADO	ORG	84/12/17	LY	A 85101105
REFERRAL NOTE: <i>CuFia</i>	R	85101111		C 85101106
REFERRAL NOTE: <i>Fielding</i>	R	85101116	NRN	C 85104111
REFERRAL NOTE: <i>CUAT18</i>				
REFERRAL NOTE:				
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REFERRAL NOTE:				

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 2600

IA MAIL USER CODES: (A) _____ (B) _____ (C) _____

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*ACTION CODES:          *DISPOSITION CODES:      *OUTGOING          *
*                       *                                     *CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED                *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL      *           OF SIGNER *
*D-DRAFT RESPONSE      *C-COMPLETED              *           CODE = A   *
*F-FURNISH FACT SHEET  *S-SUSPENDED               *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                                     *           OUTGOING *
*R-DIRECT REPLY W/COPY *                                     *                                     *
*S-FOR-SIGNATURE        *                                     *                                     *
*X-INTERIM REPLY        *                                     *                                     *
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LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

THE WHITE HOUSE
WASHINGTON

4-8

TO:

DGH

FROM: John G. Roberts, Jr.
Associate Counsel
to the President

JGR

- FYI
- COMMENT
- ACTION

NO ACTION OR REPLY BY
THIS OFFICE NECESSARY

THE WHITE HOUSE

WASHINGTON

January 5, 1985

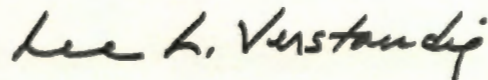
Dear Ms. Wade:

On behalf of the President, I would like to thank you for your recent correspondence.

I have forwarded a copy of your letter to the appropriate White House officials for their consideration.

I sincerely appreciate your bringing your concerns to the attention of the Administration. Please let me know if I can be of further assistance.

Sincerely,



Lee L. Verstandig
Assistant to the President
for Intergovernmental Affairs

The Honorable Brenda Wade
Chairperson
Human Rights Commission
Suite 501
1095 Market Street
San Francisco, California 94103

259849

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution



R. Alvarado

December 10, 1984

Mr. Ronald Reagan, President
The White House
Washington, D. C. 20510

Dear President Reagan:

On behalf of the Human Rights Commission, I am pleased to submit the Sexual Orientation Complaint Report - FY 83-84, which was unanimously accepted by the Human Rights Commission at its regular meeting of November 27, 1984.

As you can see by this report, Lesbian and Gay men are increasingly in need of strong civil rights protections. State and federal laws are quite important to extend the limited protections provided by City Ordinances to more workable laws that ensure fair treatment of Lesbian and Gay people in the workplace and other areas. I urge you to actively promote and support this legislation in your work.

Please feel free to contact Eileen Gillis, Lesbian/Gay Liaison staff, if you have questions or need further information.

Very truly yours,

Brenda Wade, Ph.D.
Chairperson

BW:EG:gm
Encl.



REPORT ON SEXUAL ORIENTATION DISCRIMINATION

FY 1983-84

The Human Rights Commission of San Francisco
Lesbian/Gay Liaison Unit

Prepared by:
Eileen Gillis
Lesbian/Gay Community Specialist

Summary

The Human Rights Commission of San Francisco is empowered to investigate and resolve sexual orientation discrimination complaints in the areas of employment, housing and public accommodation. In FY 1983-84, 123 complaints were received by the Commission's Lesbian/Gay Unit.

Statistics are analyzed on a regular basis to show an accurate profile of the complainant population, the variety of problems reported and the solutions developed to remedy disputes. In FY 83-84, a number of positive results were achieved, both in resolving individual complaints and in improving the quality and availability of services to the community. The major observation made in analyzing the processing of FY 83-84's complaint load is that, in addition to the satisfaction achieved for the complainant, all involved parties can profit through the HRC investigative and mediative efforts by resolving disputes closely to the source in correcting the inequitable situation. Escalation of the issue into costly litigative channels is then avoided and improved civil liberties are more quickly enacted for the complainant.

Future planned projects of the Unit include improving enforcement provisions in the enabling legislation, lobbying extensively for Statewide protections for Lesbians and Gay men and continuing to attend to the variety of problems that have arisen for the Lesbian/Gay community due to the AIDS crisis.

Introduction

A thorough analysis of the Lesbian/Gay Units' yearly complaint load is essential because the HRC is the only agency of its kind with assigned full-time staffing to process sexual orientation discrimination complaints. The importance of keeping these accurate records was underscored during the 1984 attempt to pass AB-1, the Statewide legislation extending employment protections to Lesbians and Gay men. The proposal of AB-1 in the California legislature required the Unit to provide extensive documentation of Gay peoples' need for the special protections. This helped to facilitate passage of the bill through both houses. Yet in his veto message, Governor Deukmejian stated that "...the proponents (of AB-1) have been unable to provide compelling evidence that there is, in fact, widespread employment discrimination based upon sexual orientation." Therefore, a major goal of the Lesbian/Gay Unit, in closely monitoring the yearly complaint load, is to provide this additional evidence to Deukmejian to support the Governor's passage of AB-1 into law in 1985.

Definition of Services

-Technical Assistance (T/A)

The Unit defines technical assistance as a separate category in order to encompass complaints that require only immediate advice and one-time assistance. Approximately 4 to 10 of these are received daily. An extensive technical assistance advisory and referral service has been developed to help individuals analyze each complaint and construct a strong and well documented position from which to negotiate a desired remedy. Local attorneys and other individuals active in civil rights use T/A services as well. Many employers find the service useful to aid in efforts to develop and implement equitable personnel policies which not only improve the workplace but eventually leave businesses less liable to engender complaints of discrimination.

For the purposes of quarterly and yearly analysis, three other kind of received complaints are studied. Some of these complaints may require technical assistance and/or referral services, but they differ from complaints categorized as technical assistance solely because they are continued beyond one contact, either by phone, letter, or drop-in, to pursued resolution or actual investigation. This categorization is necessary for inhouse record-keeping purposes as well as to provide information to the community-at-large.

-Informal

Informal complaints are reported complaints continued beyond technical assistance complaints, but do not reach a level requiring filing and notification procedures because they are remedied and/or closed rather quickly. The majority of received complaints are of this variety.

-Formal

A formal complaint involves the filing of a signed complaint outlining the allegations brought by the complainant. The respondent is then notified of the allegations and given 21 days to reply to the HRC. Staff then proceeds to impartially investigate both sides of the issue by collecting information, documenting evidence and interviewing all parties and available witnesses, if it is needed. A recommendation for or against sustaining the allegation of discrimination is submitted to the Director of the HRC who then issues a final opinion. Remedies to end the discrimination include the levying of an injunction by the City Attorney or District Attorney to eliminate the inequitable treatment. Otherwise, the HRC can only act to conciliate or mediate the issue. Formal complaints relate only to non-contracting parties and are filed under Article 33 of the Municipal (Police) Code or Chapter 12A of the Administrative Code. Protections in housing and public accommodations are also extended in this legislation and complaints can be filed in the private sector as well as administratively.

-Official

Official complaints refer to Section 12B and 12C of the Administrative Code and are filed in a manner similar to formal but refer only to businesses which hold City and County contracts or leases. Coverage extends only to employment. Because a contract exists, increased enforcement power is brought

to bear if a finding of discrimination is made. Available sanctions to remedy the discrimination include the levying of a fine against the contractor, suspension of an active contract and/or prohibition of bidding for a period of two years on a future contract. A finding is appealable through the Commission in a hearing process for 12B complaints.

Statistical Analysis

The number of complaints received has risen consistently each year since the Unit began providing remedial services. The 123 complaints received in FY 83-84 represents a 41% rise over the 87 cases reported in FY 82-83. In FY 81-82, only 62 cases were recorded. Previous to this time, complaint statistics were recorded solely on a calendar year basis. Fifty-three complaints were investigated in 1980 and forty-five were shown in the 1979 complaint report. Data recorded before 1979 is not subject to analysis related to the present established category's.

The significant rise in caseload is attributed, by staff, to an increased knowledge by the Lesbian/Gay Community that laws exist protecting them and remedial services are available through the HRC to address disputes. The protective laws are still relatively new, having originally been extended to include sexual orientation in 1972 and 1978 for 12B and Article 33 respectively. In addition, the number of complaints related to the AIDS (Acquired Immune Deficiency Syndrome) crisis has substantially increased the yearly caseload. Thirteen AIDS-related complaints were investigated in the year.

The stated goal of the Unit for the year was to maintain complaint investigatory and mediative services at the FY 82-83 level. As can be seen, the Lesbian/Gay Unit was able to exceed this goal to meet increased community need for services.

a) Demographics - The Unit was able to achieve some improvement, through special outreach, to increase the percentage of minority community members represented in the total complaint load. In FY 82-83, there were no complaints reported by Asian, Filipino or American Indian Lesbians or Gay men. Complaints recorded by people in these categories increased by 2%, 1.5% and 1.5% respectively. The number of Hispanics reported in the caseload increased from 4.5% to 7% and Black representation increased from 9.0% to 9.7%.

Much thought has been given to understand the reasons that complaints are received more often from white males than the minority and/or women sector of the population. Answers to this question help guide the Unit in its special outreach efforts. Women and minorities experience a greater degree of discrimination in the workforce. They are also more likely to work in areas that provide minimal internal protections against discrimination. These groups risk compounded threat for they are impacted as women, and/or as a racial or cultural minority as well as Gay people. These repeated assaults against their rights act to exhaust the will or hopefulness to confront each unfair action through an administrative channel like the HRC. An increased risk of retaliation on the worksite is compounded with each new complaint effort. Underrepresented groups feel additional distrust for the workings of bureaucratic systems. The line of thought is that if the system acts to discriminate, it will not, on the other hand, move decisively to remedy the inequity. White males trust and use the complaint system more readily because it is part of a general bureaucracy that has acted to give them privilege in American society. They are familiar with the system's complexities because it was formed out of their experience and they act with this knowledge to use it to work for themselves successfully.

The San Francisco population EEO breakdown shows that in the future, caseload analysis should show an increase in the Hispanic and Asian population

categories by 40% and 18% in order to adequately compare with San Francisco local population levels. Efforts will continue in targeting outreach to meet these goals.

Eighty seven (70%) of the complaints were reported by males. Thirty-six (30%) were received from females. The inequality in the reporting pattern is obvious. The local EEO 1980 Workforce Statistics show that 55% of those employed in the City are male and 45% are female, and the complaint load should show a similar division. The breakdown along gender in the FY 83-84 complaint load is improved over the FY 82-83 report where 86% of received complaints came from males and 12% from females.

Statistics relating to age show:

18-25	20	(16%)
26-30	30	(24%)
31-35	34	(27.5%)
36-55	34	"
unknown	5	(4%)

Six (5%) of the 123 complainants are disabled and 117 (95%) are not. Twenty-nine (24%) report being Lesbian, 83 (67%) are Gay men and 10 (8%) are Heterosexual with 1 (.5%) as Bi-sexual.

b) Processing of Caseload

An analysis of all cases is made to assess the legislation empowering the HRC to receive complaints in investigations. This breakdown shows that, of the 123 received complaints, 115 were informal or Article 33 (93%), 6 (5%) formal or Article 33's made formal, and 2 (2%) were official or 12B's. The majority, (100 81%) are categorized as employment related, 3 (2.5%) housing, 16 (13%) public accommodation and 4 (3%) sex discrimination. Sex discrimination complaints relate mostly to transsexual issues. Informal complaints, or those reported to staff which are handled in an informal manner through resolution and negotiation may, at a later date, escalate to become formal or official. Eighteen received complaints related to City contractors were categorized as informal 12B complaints. All others came under either Article 33 or Section 12A (which relates to community-wide problems). The coverage mandating protective services provided by the HRC show that when originally reported, 90 (73%) proceeded under Article 33, 12 (10%) Section 12A and 21 (17%) Section 12B of the Administrative Code respectively.

All but 11 cases initiated in the year are closed at the time of drafting this report. The length of time it takes between the opening and closing of a complaint is evaluated in two ways. All investigated cases that were closed in FY 83-84 took an average of 70 days to process. This figure represents the average number of days a complaint remains open and is studied. It also includes cases that had been carried over from the previous year. The second way of computing the number of days taken to complete all complaints reported includes those reported solely and/or investigated this year. In this case, the number of days taken to close decreases to an average of 25.7. Regardless, both figures fall well within the projected MBO goal of 90 days to complete a complaint of discrimination.

c) Remedies

Remedies mediated is another area which is focused on to analyze yearly performance trends. Using resolution abilities, staff was able to negotiate a yearly total of \$6,140 in FY 83-84 for complainants to monetarily resolve their disputes. Reinstatement to the job was also given to two complainants who were unfairly terminated from their positions and, in one case the offending Supervisor was removed.

Additional remedies show that in practice, a number of more creative resolutions were used by staff to solve the complaints. (see Appendix for examples). These are often negotiation techniques seldom used in the field of equal rights or in employment litigation, in the private sector, to solve complaints. The need for staff to use more untraditional improvisation in designing adequate remedies is essential because the enabling legislation is actually quite limited in its enforcement power providing mediation powers as the major tool, thereby forcing staff to be quite imaginative in devising ways to resolve disputes. For example, transfers of location of an employee within the worksite or changes in the timing of the employees shift are also tactics used to achieve satisfaction in many cases. Arranged and facilitated mediation meetings between employers and employees often produced similar positive results. Additionally, many employers agree to amend their anti-discrimination policies to include sexual orientation as a protected class and act to outline clear grievance procedures to readily address allegations of discrimination. All of these tactics for change were used in a number of cases.

Over 90% of all complainants regularly report a subjective feeling of satisfaction with the outcome of their complaint after it is brought to HRC. Examples of possible outcomes that can occur include a complaint being found lacking in merit, with its subsequent dismissal; mediation with only minimal investigation needed to substantiate the claim or other similar actions taken to provide direct remedy to the client compensating for the wrongdoing experienced. In any case, the 90% figure refers to clients who feel their issue is fairly and thoroughly addressed by the Unit staff and are satisfied by the efforts to move the issue to its appropriate conclusion.

Problem Areas and Future Plans

There are a number of problems that are identified as a result of the analysis of the FY 83-84 complaint statistics. All of these areas need to be targeted as top priority for improvement in FY 84-85.

Again, there continues to be a need for special outreach to groups under-represented in the complaint load, which include minorities and women. Two problems complicate increased outreach. Widening outreach is limited further by available staffing able to effectuate the community work involved in educating and informing minorities and women about the complaint process. In addition, the ability of the Unit to properly meet the needs of the complainants could be severely taxed if the entire complaint load is increased greatly past the present level, as a result of the outreach.

a) Enforcement Powers

A major problem is the undermining of the negotiation process due to the limitations in the enforcement powers of the Commission. The legislation mandating HRC involvement in cases of sexual orientation discrimination, Chapter 12A and Article 33 of the Municipal Code, makes it difficult to obtain a fair remedy for a complainant whose allegations are justified.

In the case of complaints filed under Article 33 this is very apparent because of the nature of the Ordinance's enforcement powers. If a complaint is upheld through investigation, Article 33 provides only for injunctive relief, which can only be brought through the City Attorney or District Attorney and not through the Commission itself. Essentially, the powers of the Commission in these cases is limited to investigative and mediative efforts solely. A civil action brought through a private attorney under Article 33 would provide more relief to the complainant, awarding special and general damages, attorneys' fees, and a small award of no less than \$200 and no more than \$400. Essentially, the options provided by Article 33 for relief through the Administrative channel encourages a complainant to turn to areas of private litigation for any substantial relief. This not only contributes to overload in the court system, but sets up an inequity and acts to discriminate against those without the financial resources to enable them to cover the costs of an attorney to advocate on their behalf. Additionally, the mandate of Article 33 and Chapter 12A restricts HRC staff to remaining impartial in investigation. Staff cannot act as an advocate for the complainant, although there may be a need for such support, especially in cases where advocating attorneys are used by the respondent for defense.

Chapter 12B and 12C of the Administrative Code can be held as a model example of strong legislation that adds force to efforts to ensure compliance with nondiscrimination provisions. It is hoped to amend Article 33 to act similarly to 12B and 12C. An attachment to all City contracts states 12B and 12C's mandates that there shall be no discrimination against the protected classes, which include sexual orientation, in the enactment of the agreement. When a contractor does not fulfill this agreement, they become subject to a fine and a cancellation of the contract.

Unfortunately, Article 33 complaints are levied against private parties and no contracts exist to memorialize a nondiscrimination provision. Nevertheless, plans are underway to strengthen enforcement and subpoena powers through legislation. Arrangements to apply for a short-term grant have begun to support a legal intern to study possible ways to improve Article 33.

At the present time an initial move has also been undertaken by staff, a local Gay rights attorney and a representative of Supervisor Harry Britt to amend Article 33 in ways that can be implemented quickly and easily, leaving more difficult development of enforcement powers to directed study. Changes that can be initially made are to increase retaliation protections against complainants and witnesses, to require posting of nondiscrimination notices similar to those posted and required by State and Federal law, to remove from the employment discrimination provisions exceptions for businesses with five (5) or fewer employees, to extend protections to educational institutions and to make it clear that suit to enforce the Ordinance can be brought either by

the City Attorney or District to increase available powers past injunctive to the imposing of penalties for discrimination.

b) AIDS Related Complaints

An area presenting a number of complex problems have been the AIDS related complaints. This devastating illness has impacted Lesbians and Gay men with so many difficulties that the community can scarcely keep pace with the constant crises that appear daily. We are rocked with the deaths of many valued friends and lovers and the demands the illness makes on community coping abilities are unprecedented. The variety of problems that arise unexpectedly and are reported to the HRC challenge abilities to respond with constant inventiveness and unlimited energy.

Major problems fall into two categories. There are problems related to a lack of provision of proper healthcare services. Whether these are a result of lack of funding or the amount of stress on hospital/healthcare staff which leads to insensitivity or poor response, these problems need to be recorded and quickly addressed at the source. Complaints of this nature are brought to the HRC and other unrelated AIDS healthcare agencies but there is no one central problem solving source available to record and act directly on healthcare related issues, although HRC staff is able to provide efforts to problem solve or give direct referrals to known helping sources. Staff is also working closely with a number of groups presently providing helping services to victims of the disease, such as the AIDS/KS Foundation, Shanti Project, Department of Health and People With AIDS (PIWA) to develop a reporting service able to directly follow-up problems with help. A form has been developed to document the extent of problems impacting the general community and this will be distributed throughout the community shortly.

In addition, another major problem which must be met that is a direct result of AIDS has been the increase in discrimination complaints received by the HRC. In FY 83-84, at least thirteen investigations of discrimination against Gay men are a direct result of the individual being discriminated against because they have the disease or are being perceived as AIDS victims. Individuals are prevented from working or are being denied housing on a regular basis. The inflamed fears of those acting to discriminate have very little to do with the disease which is not transmissible without close, sexual contact involving the exchange of body fluids, yet a general paranoia motivates many people to act irrationally to discriminate. For example, an employer may fire an individual because he has flu symptoms similar to pre-AIDS conditions. Staff has received cases from individuals thrown out of apartments because they become ill with the disease. Once an individual is diagnosed with AIDS, some employers act to terminate them out of a reluctance to be responsible for healthcare benefits or the adaptations that must be made in the workplace to accommodate an employee who will become increasingly unable to perform the job. Again, staff acts to investigate and address each of these issues as they arise but needs are apparent for an established central source to address these problems and document their extent.

c) Future Planning

A number of additional activities and projects are in progress or are anticipated for FY 84-85. A major effort of the L/GAC unit is to help organize statewide lobbying and documentation efforts made towards passage of AB-1, the bill to provide statewide protections in employment to Lesbian and Gay people in California. The unit has helped organize community meetings and has initiated special outreach to different segments of the community including the legal, minority, religious and media oriented sectors in a organizing activity. In addition, the major task of documenting the extent of discrimination, in answer to Governor Deukmejian's challenge that he must receive proof of cases before he will sign the bill into law, has been pursued through coordination with a statewide documentation project, as well as in our own interagency documentation efforts, which this report will assist in accomplishing.

Participation in a fall or winter conference on Lesbian/Gay legal issues is also in the planning stages. HRC will help to organize presentation on Administrative remedies available to protect individuals against discrimination.

The major goal of the next year is to improve outreach services, educative efforts and the achieved remedy rate in relation to complaints of sexual orientation discrimination. The accomplishments of this year have been extensive, given the available laws enabling HRC to address complaints received of sexual orientation discrimination and limited staffing. The L/GAC Unit remains committed to responding as an Administrative agency to address the needs of the Lesbian/Gay Community in FY 84-85, and responsibly effect positive change to meet the challenges that will arise.

Statistical Evaluation:

Complaints received: 123

Services provided:

- 76 [62%] Investigation
- 47 [38%] Technical Assistance

of those received:

- 114 [93%] informal
- 6 [5%] formal
- 2 [2%] official

Categories:

- 100 [81%] Employment
- 3 [3%] Housing
- 16 [13%] Public Accommodation
- 4 [3%] Sex Discrimination

Coverage or Enabling Legislation:

- 90 [73%] Article 33 of the Municipal Code
- 21 [17%] Section 12B of the Administrative Code
- 12 [10%] Section 12A of the Administrative Code

Status:

- 112 [91%] Closed
- 11 [9%] Open

Days to Close:

- 73 - Investigated Complaints
- 25.8 - Investigated and Technical Assistance Complaints

Activity

- 62 [50%] Closed
- 11 [8.9%] Ongoing
- 23 [20.5%] Withdrawn
- 29 [25.8%] Not ongoing; but completed to the complainant's satisfaction.

5 [4.5%]	Referred
3 [2.7%]	Dismissed
1 [.9%]	Completed

Demographics:

Race:

99 [88%]	Caucasian
12 [9.7%]	Black
7 [6.25%]	Hispanic
2 [1.7%]	American Indian
1 [.89%]	Asian
2 [1.8%]	Pacific Islander or Filipino

Sex:

87 [70%]	Male
36 [30%]	Female

Physical Ability:

117 [95%]	Ablebodied
6 [5%]	Disabled

Sexual Orientation

83 [67%]	Gay men
29 [24%]	Lesbian
10 [8%]	Heterosexual
1 [1%]	Bi-sexual

Age:

18-25	20 (16%)
26-30	30 (. 24%)
31-35	34 (27.5%)
36-55	34 (27.5%)
Unknown	5 (4%)

Investigated AIDS related complaints: 13

Male v. Office Supply Co.

The complainant in this case performed a variety of tasks in the eight months he was employed as chief expeditor with a San Francisco supply company. His work tasks involved shipping, receiving, ordering, display set-up, basic repair work and deliveries.

All co-workers were as described by the complainant, "a part of the social circle" and the complainant felt he never fit in this inner circle. He was never asked to parties or invited to lunch, etc.

The final triggering incident in his firing was minor compared to the resentment obviously felt by co-workers and the employer, which was the major factor in his termination.

What is alleged in this case, then, is that sexual orientation differences create an atmosphere that produces discriminatory behavior on the part of the employer. This is common in discrimination complaints and reveals the subtlety of bias in the workplace. What is attributed to "personality conflicts", is in fact a kind of "not fitting in" by the complainant, which is, in stronger terms described as racism, homophobia, etc. in the discrimination nomenclature.

The complaint was filed and a timely response was received. Mediation efforts were attempted and proved successful. The complainant's desired outcome was to receive two weeks severance pay, which he did not get when he was terminated. When this amount was asked for, it proved negotiable. The complainant will receive \$640.00, minus standard payroll deductions.

Male v. Brokerage Company

This individual lodged a complaint against a company that does not have existing contracts with the City and County of San Francisco. The implication of this is that HRC's jurisdictional powers are limited to enforce a proper remedy.

The complainant alleged verbal harassment. This consisted of subtle slurs spoken against his homosexuality by co-workers and supervisors. He additionally claims that, because he is homosexual, he is unduly pressured to produce more work than an individual is capable of doing, given the minimal staffing available in comparison to work load. He felt he was being set-up to be fired and felt discouraged.

The complainant additionally felt he didn't want to continue working for a company that was extremely hostile towards him. I suggested that we then begin to develop a severance agreement that would be acceptable and make him feel as if he was repaid for the stress incurred and for job displacement. This worked out to gaining one month's severance pay (\$1,000), two week vacation pay (\$499), two months extension of health benefits, no contest of unemployment and wording on personnel records reflecting neutral cause of severance from the position (this is a traditional formula based upon 1 month's severance for every year worked).

HRC staff then mediated on his behalf with the company's personnel department. In cases like these, when talks between complainant and respondent have already broken down and personalities flare, it then becomes quite valuable to have the assistance of an impartial negotiator, such as HRC staff, to pursue a fair resolution of a dispute. In addition, HRC staff can draw up the paperwork solidifying the agreement and protecting both parties from any further retaliatory actions, thereby bypassing the need for a private attorney.

HRC staff was able to establish a final agreement with the company promising to pay the complainant \$2,300 severance. This increased by \$800, the complainant's original estimated desired amount. In addition, he received one month extended health benefits, uncontested unemployment and neutral language regarding separation from the workplace. In exchange, the employer gained from this kind of negotiation by getting a final resolution of the dispute that has arisen, as well as protection from the matter being pursued repeatedly by the complainant in any future causes of action or claims.

Male v. Healthcare Institution

GM v. Healthcare Institution - This is ongoing and is AIDS related. The specifics concern a Gay man who was terminated from his clerk position at a major institution which holds City and County contracts. The allegation is that the firing was due to a supervisor's fear that the man had AIDS and would spread the illness in the work environment. This fear was heightened at that time due to media focus which exploded the issue during months when little was known of the modes of transmission.

Supportive evidence for his allegations in the case included the behavior of a supervisor who, when training him, placed a towel down on his chair before sitting on it. She did this with no other employee. On-site investigative interviews showed evidence supporting the complainant.

The staff investigation has been completed and Director Miggins released a finding that upholds the allegation of discrimination. He has suspended a monetary penalty and the cancellation of hospital contracts in order to give all parties an opportunity to negotiate a remedy for the complainant. The complainant is represented by two attorneys who have additionally filed a complaint in Superior Court of discrimination and wrongful discharge. Essentially, the attorneys can act as an advocate for the complainant to balance against the legal representation provided by the defendant's insurance company. HRC staff can only act in an impartial investigatory/mediative position. The respondent has requested to appeal the finding of the Director to the Commission.