

A S U M M A R Y R E P O R T S E P T E M B E R 1 9 8 8

*Civil  
Rights  
Issues  
in  
Wyoming*

*Wyoming Advisory Committee  
to the U.S. Commission on  
Civil Rights*

*This summary report of the Wyoming Advisory Committee to the United States Commission on Civil Rights was prepared for the information and considera-*

*tion of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but*

*only to individual participants in the community forum where the information was gathered.*

## THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, and reauthorized under the Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice, investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the laws; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

## THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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UNITED STATES COMMISSION ON CIVIL RIGHTS

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Washington, D. C. 20425

DATE: September 1988

FROM: Wyoming Advisory Committee

RE: Civil Rights Issues in Wyoming

TO: William B. Allen, Chairman  
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The Wyoming Advisory Committee to the United States Commission on Civil Rights submits this summary report on civil rights issues in Wyoming in fulfillment of its mandate to advise the Commission regarding civil rights problems in the State.

The information on which this report is based was obtained at a forum held on June 6-7, 1986. The Committee invited federal and state officials who have knowledge of civil rights problems in the State. Representatives from community organizations as well as representatives from the private sector were also invited to appear before the Committee.

The report summarizes the presentations made to the Advisory Committee and should assist the Commission in its monitoring of civil rights issues across the country.

Donald L. Tolin, Chairman

Fuji Adachi	Oralia G. Mercado
Russell Lee Donely, III	Laurel Miller
Floyd A. Esquibel	Gloria Monroe
L. Keith Henning	Jamie Childs Ring
Lucille McAdams	Edna L. Wright

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United States Commission on Civil Rights

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\*No longer a member of the Advisory Committee

\*\*Was not a member at the time of this study

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## CIVIL RIGHTS ISSUES IN WYOMING

### INTRODUCTION

On June 6-7, 1986, the Wyoming Advisory Committee to the U.S. Commission on Civil Rights conducted a community forum on civil rights issues in the State. The purpose of the forum was to solicit information from persons representing the public and private sectors in Wyoming who are familiar with antidiscrimination laws and the status of civil rights compliance in their respective institutions. The Advisory Committee also wanted to hear from individuals representing Wyoming communities concerning their perceptions of civil rights issues affecting women and minorities.

The Committee previously had received allegations of employment and housing discrimination and denial of equal educational opportunities. It then decided that a community forum would be the best vehicle to begin to determine the substance of such complaints and to plan for future projects. To assist the Advisory Committee in its goals, it invited persons from a wide range of occupational backgrounds to offer information on the general topics of employment, education, housing, handicapped issues, administration of justice, and accessibility problems. At each session, persons were invited to make presentations to the Committee.

The following persons made formal presentations to the Committee:  
Jan Nelson Schroll, executive director of the Wyoming Commission for

Women; Sleeter Dover, equal employment opportunity officer for the Wyoming Highway Department; Donna R. Nickerson, president of the Wyoming National Organization for Women; John Clark, director, NOWCAP (North Western Community Action Programs) Disability Services; Audrey Cotherman, deputy State superintendent of public instruction; Kenneth LeClair, president, Minority Caucus of the Human and Civil Rights Commission of the Wyoming Education Association; Robert Tomb, Wyoming Association of Realtors; Lloyd R. Miller, director of Fair Housing and Equal Opportunity, Region VIII Department of Housing and Urban Development; Chad Fossen, executive director of the Governor's Committee for Employment of the Handicapped; Phil Nissen, vocational rehabilitation counselor, Wyoming Department of Vocational Rehabilitation; James Kyritis, investigator, Laramie Police Department; Dee Pridgen, president of the Laramie National Chapter of the American Civil Liberties Union; Angie Majeed, director of the Casper Child Development Center; Maggie Murdock, associate professor of political science, University of Wyoming; Kathleen Karpan, director of the Wyoming Department of Health and Social Services; E. Scott Sessions, director of the Wyoming Commission on Aging; Kenneth Gray, entrepreneur; The Reverend David Wilson, pastor of God's Fenced Flock Ministry to Prisons; and Jesse Vialpando, investigator, Wyoming Department of Labor, Fair Employment Division. Information presented at the forum is summarized in this report.



## I. AN OVERVIEW

Maggie Murdock, Associate Professor of Political Science,  
University of Wyoming

Ms. Murdock stated that she has taught for 11 years and that she has learned that those students who take her courses in constitutional rights and liberties or criminal procedure are unaware of their own rights, and often unwilling to share them with those they consider less worthy. She stressed that so-called women's issues or men's issues or children's issues are really human issues which affect society as a whole, and that societal problems are not solved when individuals or interest groups operate only from self-interest with no consideration for the general welfare. She feels that this narrow-minded approach to problem solving results in intolerance for those who are different from oneself or one's group in terms of education, socioeconomic level, race, culture, language, age, handicapped status, and religion.

Ms. Murdock believes education is the answer to better human relations, and that individuals, groups, and the nation will be improved when people commit to learning each other's needs as well as ideas, and to seeing value in one another.

## II. WOMEN'S ISSUES

### Donna R. Nickerson, President, Wyoming National Organization for Women

Ms. Nickerson asserted that women have difficulty obtaining their civil rights in every area of life, citing housing, medical care, education, the justice system, employment, and economics as examples. She stated that the poor in Wyoming tend to be women, including minorities, the elderly, abused spouses, deserted heads of households, and teen mothers.

Ms. Nickerson presented statistics from the Wyoming Employment Security Commission indicating that women in Wyoming are concentrated in occupations traditionally held only by women, and that mean income for white females is substantially less than that for their male counterparts. Similarly, according to her statistics, male householders with no spouse present earn nearly twice the mean income reported for female householders with no spouse present. She also pointed out that all racial or ethnic groups of men earn more than any racial or ethnic group of women.

Ms. Nickerson proposed several solutions to women's poverty, beginning with the recognition that women work to earn a living, but frequently must work at both a paid job in the labor force and an unpaid one at home. She emphasized the need for affordable, quality child care, especially for women who are trying to escape welfare. She suggested

that Wyoming government undertake a vigorous outreach program to encourage girls and women in nontraditional careers, and increase affirmative action efforts in State agencies, most of which have no affirmative action plans.

Ms. Nickerson's final proposed solution is to compensate women fairly and to stop the current practice, in her view, of underpaying women because they work in jobs which are female dominated and therefore undervalued. She alleges that the State itself illegally discriminates against women, supporting her allegation with findings from a 1985 study, known as the Hubbard Revo-Cohen pay equity study, commissioned by the Wyoming Legislature. The results, stated Ms. Nickerson, revealed a 28.5 percent wage gap between sexes; substantial undervaluation of female-dominated jobs; greater salary gains and promotion rates for men than for women with equivalent years of service; and that female-dominated job classes required more complex and varied tasks, greater experience or education, and were accorded less recognition for both difficult working conditions and difficult personal interaction. Ms. Nickerson concluded her presentation by stating that poverty is a systematic effect of an unfair marketplace which has not kept pace with a changing society, and that it is time for that marketplace to catch up with women's roles and responsibilities.

Jan Nelson Schroll, Executive Director, Wyoming Commission for Women

Ms. Schroll's testimony covered the economic and employment status of women in Wyoming; sex-based job discrimination; and female underrepresentation in some occupations and unions and on State boards and agencies. Ms. Schroll referred to the Wyoming Employment Security Commission study and alleged that there is substantial occupational segregation by sex in Wyoming State Government and a 28.5 percent wage gap between male and female workers. Ms. Schroll went on to say that a strong reliance on labor market rates in establishing State compensation standards was described by the researchers as a way of incorporating any discrimination in the labor market into the Wyoming system. She presented additional findings from the study indicating an inverse correlation between the female-dominated jobs and higher pay ranges, with an actual 25 percent reduction in salary for those jobs occupied entirely by women. She also quoted the researchers' judgment "that a man currently has a slightly better chance of receiving a special step assignment than does a woman," based on the differential rejection rates for male and female State employees who requested such a step increase.

Mr. Schroll used data from two comparable worth forums sponsored by her agency in 1985 to further illustrate the status of Wyoming's female workers, both inside and outside State government. According to statistics prepared by the State Auditor's Office, for instance,

only one percent of women on the Wyoming payroll earn over \$35,700 annually, compared with 13.5 percent of their male co-workers. Other information gathered at the Wyoming Commission for Women forums, said Ms. Schroll, showed that 95 percent of Aid to Families with Dependent Children (AFDC) recipients in the State are women, and that the poorest segment of the State's population is women over 65 years of age. She cited figures provided by an equal employment opportunity (EEO) officer of the State Employment Security Commission which indicated that both women and men employed parttime in jobs such as sales and clerking are the workers most likely to suffer a lack of fringe benefits like sick and annual leave. A second State EEO officer, according to Ms. Schroll, advised the Wyoming Commission for Women that there is no affirmative action plan for Wyoming State government. And, Ms. Schroll stated, she herself was recently told by a State Personnel representative that data from an applicant flow tracking system supposedly implemented following the two comparable worth forums in 1984 are not available in report form, thus making the system of little value to those wishing to analyze applications by members of target groups.

According to the Wyoming Department of Labor annual report, Ms. Schroll said, 56 of the 97 employment discrimination complaints recorded in 1985 by the State Fair Employment Commission alleged sex discrimination. In her view, such alleged discrimination against women in the labor market is reflected in the 1980 census measure of female income in Wyoming.

Ms. Schroll said Wyoming women are generally employed in traditional female occupations, such as clerical/secretarial work, health care, food service, library science, and teaching, representing from 67.2 to 98.6 percent of workers in these job areas. By contrast, women are generally underrepresented in Wyoming's bentonite, trona, and surface mining industries, where their representation ranges from zero to 10.1 percent, depending on the facet (production, refining, mill work, maintenance) of mining examined. Ms. Schroll also remarked that, based on a list provided by the Wyoming Department of Labor Statistics, 30 State labor unions are among those which claim less than 20 percent female membership. She told the Committee that income patterns displayed in census data for Wyoming women and men parallel those from the pay equity study of State employees: generally, the higher the pay range, the lower the female representation and vice versa. Ms. Schroll indicated that Wyoming boards and agencies are another area in which women are underrepresented, most notably the University of Wyoming Board of Trustees, which has no female members.

To conclude her presentation, Ms. Schroll made several recommendations. The State of Wyoming, she said, should continue to study the status of women in State government, and should deal with, rather than dismiss, discrimination. She urged that pay and promotional opportunities for Wyoming women employed outside State government also be scrutinized for possible inequities. She suggested that greater efforts be made to ensure that women are considered for appointments to State boards, commissions, and agencies.

### III. DISABILITY ISSUES

Chad Fossen, Executive Director, Governor's Committee for  
Employment of the Handicapped

Mr. Fossen noted the success of Wyoming's "Handicapped Awareness Program," which he feels has been effective in removing both architectural and attitudinal barriers in its 5 years of operation. He also noted positive effects from the "Statement of Support" program, under which employers affirm the right of disabled persons to equal opportunity in career choice and preparation, and pledge to provide them with equal employment opportunity.

The Governor's Committee for Employment of the Handicapped, Mr. Fossen continued, has also worked to make parks and rest areas accessible throughout the State, and to advise municipal officials of the needs of handicapped residents and visitors. He outlined some legislation which could further benefit those with disabilities. His agency sought sponsorship for three bills during Wyoming's 1987 general session of the legislature. These bills were to: (1) exempt disabled persons from increased home improvement taxes for improvements made to render a home

accessible; (2) ensure that handicapped persons who need flotation devices are allowed to use them in municipal pools, and (3) make reciprocal handicapped parking permits issued by other States.<sup>1</sup>

Mr. Fossen said his agency will soon conduct a statewide needs survey, intended to reach every Wyoming resident with a disability. The survey will address housing, transportation, employment, educational opportunities, removal of architectural barriers, and any other areas respondents choose to discuss. The agency will use the results to identify what kinds of disabilities Wyoming citizens have and where within the State, persons with particular disabilities are located. Mr. Fossen feels that such information could help the Governor's Committee for Employment of the Handicapped decide where to concentrate

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<sup>1</sup> In an effort to update the status of this legislation, staff contacted Ms. Penny Williams, Secretary, Wyoming Employment of the Handicapped Agency, and obtained the following: During that 1987 legislative session, the Wyoming legislators passed an act which exempted any property owner from paying additional taxes on improved property if the improvements were made to render a home or apartment accessible to the handicapped. It also passed a law to make handicapped parking permits from other States valid in Wyoming.

The Wyoming Environmental Health Services Agency conducted a State survey and could not find a municipal pool which did not allow the use of flotation devices by the handicapped.



its activities, as well as build a mailing list and form future fundraising and lobbying coalitions among people with different disabilities.

John Clark, NOWCAP Disability Services

Mr. Clark stated that NOWCAP (North Western Community Action Programs) is a private organization which contracts with the State Department of Community Programs to provide services to developmentally disabled adults in Natrona County. In preparation for his testimony to the Committee, he had consulted with staff members to identify any instances of prejudice or discrimination against NOWCAP Disability clients who are mentally retarded. He was unable to discover any such instances. Mr. Clark did feel, however, that overcompensation, or a tendency to treat NOWCAP clients as children, on the part of employers, store owners, police, etc., has sometimes been a problem. He cited the case of a client who was caught shoplifting but was given ice cream by the police, despite a previously existing agreement with police to treat NOWCAP participants the same as other citizens. Employers too, in Mr. Clark's opinion, sometimes tolerate behavior in NOWCAP clients which would be considered unacceptable in other employees. If such client behavior indicates to the NOWCAP job coach that the client is not ready to do his job, said Mr. Clark, the coach will sometimes suggest that the employer fire him. This approach to the negative client behavior indicates to

clients that they are being treated the same as everyone else, no better or worse. In this situation, clients merely revert back to the NOWCAP system for additional training.

Asked if all NOWCAP Disability participants are able to find employment, Mr. Clark reported that they have encountered no problems yet. He noted, though, that clients generally find work in areas traditional for mentally retarded employees, such as janitor and dishwasher jobs. He attributed this restricted placement more to lack of training than to client ability. NOWCAP has also placed its participants in fast food jobs, and in its own sheltered workshop, which manufactures "worm harnesses" for the fishing industry and aluminum storm windows.

Mr. Clark reported that NOWCAP Disability currently serves 61 clients in Natrona County. When his organization took over the program 10 months ago, it inherited 60 clients from the former program; some of these had been referred from other counties, some from State institutions, and some from Natrona County schools. The County Human Services Commission is currently conducting a study to determine the total need for services such as those provided by NOWCAP Disability. Mr. Clark feels that the general community has become much more aware of mentally handicapped citizens in the 10 years he has worked with them, and that this growing awareness, plus programs such as NOWCAP, have alleviated many problems for handicapped persons in Wyoming.

Phil Nissen, Vocational Rehabilitation Counselor, WyomingDivision of Vocational Rehabilitation

Mr. Nissen stated that he has worked as a vocational rehabilitation counselor for 15 years. In this capacity, he attempts to help persons with physical, mental, or emotional handicaps overcome employment barriers. This gets him involved, he explained, with larger issues such as accessibility, housing, and transportation, as these all affect an individual client's employment prospects.

Able-bodied people, Mr. Nissen reported, sometimes display a lack of knowledge, misunderstanding of limitations, or unfounded fear of contagion towards disabled people. He questions whether such attitudes constitute discrimination. As a vocational rehabilitation counselor, he stresses clients' abilities rather than disabilities, and tries to educate employers. Though Mr. Nissen feels he has seen little discrimination toward disabled persons, he does know of one large Wyoming contractor, he said, who routinely checks with the clerk of courts to see if job applicants have previously filed worker compensation claims before he will consider hiring them, believing that handicapped people file more claims than able-bodied people. Mr. Nissen continues to work with and educate this employer, hoping that by dispelling the myths, the employer will hire more handicapped persons.

Asked if individual clients had complained to him of employment discrimination, Mr. Nissen replied that some had. If such complaints involved a specific employer, rather than a client's general perception of discrimination, Mr. Nissen said, he would talk to the employer. He did not know whether Wyoming has a State statute prohibiting employment discrimination on the basis of disability, or what other recourse might exist for a vocational rehabilitation client alleging such discrimination.

In regard to availability of vocational rehabilitation services, Mr. Nissen noted there is an office of his agency in each county in Wyoming. Clients are referred, he said, by treatment professionals such as doctors and psychologists, other helping agencies such as Social Services, schools, and word of mouth.

#### IV. ADMINISTRATION OF JUSTICE

Dee Pridgen, President, Laramie National Chapter, American Civil Liberties Union (ACLU)

Ms. Pridgen opened her presentation by remarking that her ACLU presidency has been an "eye-opening experience," as she almost daily gets a phone call or letter from someone who feels that his or her civil rights have been violated. Most such complaints, Ms. Pridgen said, involve the criminal justice system. She then detailed reported instances of what she termed "overzealous law enforcement"; these involved alleged beatings of arrestees,

harassment of a citizen who police felt was wrongfully acquitted of prior charges, excessive stops for drunk driving checks, and use of unnecessary force and unreasonable procedures in making arrests.

Ms. Pridgen named jail conditions as a major problem area, noting that Wyoming is one of the few States that does not have minimum standards for jails. She reported that the Laramie ACLU Chapter plans to file a report on jail conditions with the Wyoming Legislature before the next legislative session. The chapter is specifically concerned about the jails in Albany, Campbell, Teton, Carbon, Sweetwater, and Fremont Counties, and about the State Penitentiary at Rawlins. Complaints about these facilities, Ms. Pridgen stated, include crowded conditions, inadequate exercise and medical treatment, denial of writing paper, restriction of phone calls, lack of access to a law library, infrequent changes of bedding and clothing, racial taunts, "bugging" of attorney-client conversations, forced waiver of the right to sue over jail conditions, and threats of retaliation for complaining to groups such as the ACLU.

## V. DELIVERY OF SOCIAL SERVICES

Kathleen M. Karpan, Director, Wyoming Department of Health and Social Services

Ms. Karpan described the four divisions of her agency and the services each provides to Wyoming citizens. She emphasized that the Department of Health and Social Services is, by virtue of its mission, dedicated to a policy of nondiscrimination in both employment and delivery of services, and outlined steps the divisions have taken to protect the civil rights of their clients.

The Division of Health and Medical Services, for instance, tries to assure client access through continued advertising, publications of bilingual brochures, news stories, and dissemination of promotional materials, said Ms. Karpan. The Division of Public Assistance and Social Services (D-PASS), she stated, has its own civil rights compliance officer. Each D-PASS office also has available both bilingual and sign language interpreters, and staff visit the homes of physically disabled clients for whom it is impractical to receive services elsewhere.

The Division of Community Programs, explained Ms. Karpan, provides services related to mental health, substance abuse, family violence, and adult and preschool developmental disabilities. Since some of these services are purchased by the division, all

contracts issued require a grievance procedure for protection of clients and staff.

The Division of Vocational Rehabilitation (DVR) specifically serves handicapped individuals. Ms. Karpan stated that the overwhelming majority of DVR offices are accessible to handicapped persons. Staff members from those offices which are not barrier free meet elsewhere with clients, usually in the client's home. She also noted that barrier-free office space is not always available in other communities, but that DVR works with the State Leasing Office to minimize this problem.

## VI. AGE DISCRIMINATION

### E. Scott Sessions, Director, Wyoming Commission on Aging

Mr. Sessions submitted samples of four documents the Wyoming Commission on Aging uses to assure compliance with Title VI of the Civil Rights Act of 1964: (1) an "Assurance of Compliance" required from every grant applicant; (2) the cover page of the agency's grant application, incorporating the "Assurance of Compliance" by reference; (3) an "Elderly Meals Program" poster which tells potential complainants who to contact if they feel they have been discriminated against; and (4) an internal civil rights review form which includes a count of racial and ethnic representation for population, participants, staff, volunteers, and board members.

Since there is no central tracking system for age discrimination suits in Wyoming, Mr. Sessions explained, the Commission on Aging works with a Legal Services representative who serves seniors. In the past year, this Legal Services employee has handled two cases which could be classified as age discrimination. One case, involving an age-based pay disparity, was referred to the State Fair Employment Commission. The second, concerning nonrenewal of car insurance, was not able to be resolved, as investigation revealed that insurance companies are not required to state a reason for nonrenewal (unlike cancellation).

#### VII. EDUCATION ISSUES

##### Audrey Cotherman, Deputy State Superintendent of Public Instruction

Ms. Cotherman made her presentation on behalf of the Wyoming State Department of Education (SDE), stating that SDE's civil rights role is one of monitoring and assisting local education agencies. She outlined State and Federal laws, as well as internal agency policies, which govern civil rights in Wyoming's public schools, and described the educational equity activities conducted by SDE's three program units.



The General Programs Unit annually conducts onsite accreditation visits of one-third of Wyoming's 49 school districts; such visits include a civil rights review. Accreditation visits for the 1985-86 school year revealed that 10 of 16 districts were not in compliance with section 504 of the Federal Rehabilitation Act of 1973, in that one or more of their buildings were inaccessible to the handicapped. Ms. Cotherman cited the age of buildings (those built before 1975 are generally not barrier free), the lack of funds to make architectural modifications, and a relatively small handicapped student population, resulting in accessibility problems not being brought to the attention of local school officials, as factors contributing to noncompliance. The same accreditation visits showed that almost half of the districts reviewed were not in compliance with rules and regulations of the Education of the Handicapped Act covering procedural matters or services. Ms. Cotherman noted, however, that final SDE rules and regulations regarding services for handicapped students in Wyoming were only promulgated as of April 19, 1986, and so feels that some problems in this area were to be expected.

SDE's Special Programs Unit administers programs which relate to the civil rights of handicapped school children. Under the Program for Handicapped Children, the State provides 85 percent of the cost of guaranteeing that each school-age handicapped child receives a free and appropriate education. Services to be provided a child are determined by a Child Study Committee

appointed by the child's home district, and might include occupational therapy, physical therapy, audiology, or speech pathology services. The other civil rights-related program administered by Special Programs involves distribution of funds under the Federal Education of the Handicapped Act. These funds support activities such as staff and parent training. Parents of handicapped children, Ms. Cotherman believes, are not always aware of their rights, as low-cost legal advice is not readily available in Wyoming and the State's small population and geographic isolation make it difficult for parents to establish mutual support groups.

The Vocational Programs Unit of Wyoming's Department of Education monitors 49 school districts, seven community colleges, men's and women's prisons, and the State Honor Farm to insure that vocational services at these institutions are not being denied on the basis of race, color, national origin, sex, or handicap. If identified violations are not corrected voluntarily, the case is turned over to the Federal Government in accordance with a 1979 court action requiring such oversight by the U.S. Department of Health and Human Services (HHS). This monitoring has not, in Ms. Cotherman's opinion, indicated any serious problems with civil rights in Wyoming's vocational programs.

Data collected under the Carl D. Perkins Vocational Education Act of 1984, however, may suggest inequities. Students in the vocational agriculture, industrial arts and trades, and industry

programs are predominately male, while students in health occupations programs are predominantly female. Handicapped enrollments are also low in both health occupations and business and office courses. Ms. Cotherman mentioned that the first comprehensive vocational assessment center in Wyoming will soon be established, in part with Perkins Act funds, and that the center will serve many of the populations with which the HHS Office for Civil Rights is concerned. In addition, a total of 13 programs for single parents, displaced homemakers, and homemakers and students in vocational programs that are nontraditional for their sex are supported by special Perkins set-aside funds.

Ms. Cotherman offered some additional data which appear, she said, to demonstrate gender imbalance in district-level school administrator positions in Wyoming. Only one of 49 school superintendents, for instance, is female. Thirteen percent of 284 elementary, middle, and junior high school principals are female; 2 percent of high school principals are female. Within the State Department of Education, both the Superintendent and Deputy Superintendent of Public Instruction are female, as are half of the unit directors. However, 71 percent of SDE's professional positions are held by males, while 100 percent of the support staff are female.

Kenneth LeClair, Public School Teacher

Mr. LeClair stated that he has taught for over 16 years, is a member of the Shoshone Tribe of the Wind River Reservation, president of the Douglas Wyoming Education Association, and president of the minority caucus of the Human and Civil Rights (HCR) Commission of the Wyoming Education Association (WEA). The minority caucus is interested in boosting the number of minority teachers in Wyoming, which Mr. LeClair estimates to be between 120 and 150 currently. The caucus is also concerned with assisting its members in dealing with any problems they might encounter due to their minority status.

Mr. LeClair said he was aware of only one instance in which a minority educator felt he had been denied employment opportunities in Wyoming, but suggested there might be other such cases. He feels he personally has benefited from being a minority. In Mr. LeClair's opinion, academic and athletic programs for boys and girls in Douglas are equal, and school services for handicapped children are very adequate. He reported no particular inequities for Native American students either, but would like to see more minority teachers on the Wind River Reservation.

## VIII. FAIR HOUSING ISSUES

Lloyd R. Miller, Region VIII Director, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development (HUD)

Mr. Miller explained that Wyoming is one of six States covered in HUD's Region VIII, where he has served as director of his office for 8 years. He described HUD's mission as twofold: to provide assistance for low-income and federally insured housing, and to participate in urban development through block and action grants. Though some laws administered by Mr. Miller's office apply only to federally funded housing programs, Title VIII of the Civil Rights Act of 1968 covers all housing programs, whether funded federally, privately, or in combination. Title VIII prohibits housing discrimination on the basis of race, creed, color, sex, or national origin.

Mr. Miller said Title VIII is enforced both through compliance reviews, initiated by the agency, and complaints, usually initiated by individual citizens. Compliance reviews focus on public housing authorities and on private developers whose subdivisions have been approved for HUD insurance. The latter are examined to see that they are carrying out the terms of their required affirmative marketing plans, including advertising, community contacts, and other commitments designed to ensure equal housing opportunity.

According to Mr. Miller, a HUD analysis of several national studies done over a long period of time determined that the complaint process provides an insufficient measurement of housing discrimination. He feels that this conclusion is as true for Wyoming as anywhere else. The analysis revealed that a potential 2 million incidents of housing discrimination are occurring nationwide each year, but that HUD is addressing only 5,000 of them under Title VIII. Mr. Miller views HUD's outreach efforts to make the public aware of his program as inadequate, and noted that its single Wyoming field office may only assist an individual in filing a complaint with the Denver office.

HUD has also been involved, Mr. Miller reported, in extensive "testing" by individuals attempting to rent or purchase housing, which is accomplished on a contract basis through other organizations. Testing is used to ascertain the extent of housing discrimination in certain areas in the nation, and for enforcement, in which case the tester files a complaint.

Robert Tomb, Vice President, National Association of Realtors

Mr. Tomb, a real estate broker, stated that the National Association of Realtors has 700,000 members nationwide with 1,400 members in Wyoming. All of these have agreed to abide by antidiscrimination provisions in the association's code of ethics. Article 10 of the code, which prohibits discrimination, is

enforced by the State Board of Realtors and Mr. Tomb was not aware of any complaints which had been filed under this section. The U.S. Department of Housing and Urban Development conducts periodic reviews of real estate firms to assure compliance with Federal law and most complaints go through that agency rather than the association. Mr. Tomb stated that the major problem is the recruitment of minority Realtors, as there are few minorities in the State. The majority of Wyoming Realtors, he said, are women. When asked why Wyoming had no fair housing law, Mr. Tomb replied that it was generally felt that Federal legislation provided the protection that was needed.

#### IX. CREDIT AVAILABILITY

##### Kenneth Gray, Entrepreneur

Mr. Gray informed the Advisory Committee that he has been in private business in Wyoming for 16 years. He stated that being a minority places him at a handicap when he seeks loans for his businesses. Lending institutions, he says, are surprised when they see that he is black and frequently make derogatory remarks. Because of this he alleges that white persons of the same economic status as himself are able to get credit which is denied to him.

## X. EMPLOYMENT ISSUES

Jesse Vialpando, Wyoming Department of Labor, Fair Employment  
Division

Mr. Vialpando, speaking as an individual rather than for his agency, asserted that his experience in the Wyoming Department of Labor led him to believe that statistics which show only complaints filed do not tell the whole story, and that phone calls, intake forms and walk-ins with reports of discrimination must be considered to get a realistic picture. He contended that many complaints never proceed to the formal complaint stage for fear of retaliation and because the remedies available do not justify the risk. Most people are afraid of losing their jobs, he said, a fear which is much more acute currently because of the poor economic situation in the State. This, he felt, was especially true with incidents involving sexual harassment. He also said that the lack of attorney fee provisions in the State Fair Employment Practices Act makes it less feasible for attorneys to take cases related to discrimination.

Mr. Vialpando stated that most discrimination complaints in Wyoming relate to Hispanics because of their national origin and women because of their sex. He also believes that in Wyoming a disproportionate number of minorities are affected by the death penalty.



Angie Majeed, Director, Office of Child Development

Ms. Majeed explained that the availability of child care is a major factor in the employability of women. Though data are sparse, a 1982 survey showed that 55 percent of working women need child care and it is hard to acquire. Her agency receives an average of 130 calls per month from parents seeking child care and callers are referred to providers. She reported that she is aware of a few cases in which racial discrimination was used to reject children from day care centers.

The child care service industry is characterized by low pay and lack of benefits for employees. Home providers, who provide day care services in a private home, earn an average of \$3.68 per hour, or \$9,200 per year. The result of this inadequate return for providers is high turnover and low quality of child care. Many parents cannot afford even those low rates which cost \$50-\$60 per week for children under 2 years of age.

Ms. Majeed emphasized that the quality of child care is important, especially during the formative first 5 years of a child's life, and training is necessary for providers to achieve a satisfactory level of competence. The State requires only 5 hours of training for certification, which Ms. Majeed considered to be very inadequate. She said that 80 percent of children using day care are in uncertified facilities. She said that

certification is not required for facilities which care for two or fewer children. But even for larger facilities, certification requirements are seldom enforced by the State.

Liability insurance is another limiting factor for providers which Ms. Majeed said can cost \$350 to \$1,000 per year. As a result providers cut other services such as transportation to and from their facilities.

When asked about possible solutions to some of the problems, Ms. Majeed suggested that more community education about the situation is needed, and that government subsidies should be increased. She felt that cooperative programs operated by parents were unrealistic, as parents who need the services most do not have the energy or time to participate in such programs.

Sleeter Dover, EEO Officer, State Highway Department

Mr. Dover prefaced his remarks by explaining that the Federal Aid to Highways Act requires that all federally aided highway construction projects include provisions relating to minority subcontracting. The State Highway Department, he said, has had an affirmative action plan since August of 1976. This document is updated annually, in preparation for a week-long review by the Federal Highway Administration. The review is quite comprehensive, involving interviews with employees and supervisors, as well as examination of the State Highway Department's records.

Mr. Dover indicated that his agency has improved its employment of minorities and women over the last 10 years. When he started on the job in January 1976, for example, there were no female technicians and only a few female professionals on the payroll. Women who worked for Wyoming's Highway Department at that time were mostly office and clerical employees. As of May 15, 1986, however, females made up 5.5 percent of the department's professionals, 25 percent of its technicians, 1.5 percent of its skilled crafts workers (such as equipment operators and mechanics, and 9 percent of its service and maintenance employees. As of the same date, minorities represented 4.5 percent of all department employees, a figure Mr. Dover termed fairly comparable to minority availability in the Wyoming labor force, and a rather positive one in light of the State Highway's Department's largely technical work force.

During his tenure, Mr. Dover instituted a recruitment program for minority engineers at New Mexico State University, the University of New Mexico, the University of Texas at El Paso, and Alabama A&M. Previously, his department had tried to recruit minorities from urban schools such as Howard with "dismal success," he said. It seemed obvious to Mr. Dover that this lack of success had to do with a mismatch of student-employer settings, and that the Highway Department needed to concentrate its efforts on schools in more rural areas if it were to attract minority students in Wyoming. The biggest problem with hiring such students now, he

feels, is that the department, as a State agency, cannot pay an employee's initial relocation costs, unlike its private sector competitors.

In Mr. Dover's last 5 years at the Wyoming Highway Department, he began a program called the Laramie Design Squad, patterned after a "co-op" student program operated by New Mexico State University at Las Cruces. The Laramie Design Squad involves an agreement with the University of Wyoming at Laramie to employ sophomore level and above engineering students with at least a C average for 20 hours a week. The department currently employs 9 or 10 such students, and Mr. Dover serves on the committee which selects them. Though there is no obligation for the students to accept eventual permanent placement with the State Highway Department, Mr. Dover feels that the agency has been successful in attracting both minority and female permanent employees from this program.

In response to questions, Mr. Dover stated that Federal law currently requires the department to strive for parity representation of any minority group constituting one percent or more of the population, and that this translates to Hispanics and American Indians in Wyoming. He added, however, that he personally concerns himself with employment of all minority groups.

Mr. Dover emphasized that the department still has a long way to go in regard to females. Though he does not believe in quotas, the agency does use 5-year goals to measure its progress. Such goals are required, he explained, if minority or female representation is less than 80 percent of parity. For this reason, the State Highway Department's goals are primarily for female professionals. There is also a smaller goal for female technicians, such as engineering technicians and drafters. Mr. Dover feels he has been successful in educating hiring officials about differences in people, and noted a complete reversal in the department's overall attitude and approach toward women. Though the department has had difficulty finding women with the relevant skills, it has been successful in attracting them from the School of Mines. As for minorities, the problem of finding schools with significant minority enrollment is compounded by competition for minority employees. Mr. Dover thinks the State Highway Department may have "hit a plateau" in its minority representation. Total employment at the agency, he estimated, is about 2,000, with minorities 5 percent and women 15 percent of this figure.

Until 2 or 3 years ago, Mr. Dover, believes, Title VII of the Civil Rights Act of 1964 worked well. However, he sees a more recent trend by individual complainants to bypass any attempt at administrative resolution under Title VII. Instead, they go directly to an attorney and file under the 1871 Civil Rights Act because it provides them access to damage awards

not authorized under Title VII. Mr. Dover remarked that although the 1871 statute was originally designed to protect nonwhites, it seems to him that white males are now using it to frustrate the whole concept of EEO. He also suggested that some tort actions alleging improper termination may even be frivolous suits, and said he could see a need for legislative reform in this area. Mr. Dover feels that this trend makes his job harder by detracting from the credibility of the civil rights function and turning it into a "legal-monetary venture." As a result, the State Highway Department ends up putting time and effort into defending itself in court, rather than rectifying the basic problems.