

Equality Issues in South Dakota Women's Employment

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

February 1996

A report of the South Dakota Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission and the Commission will make public its reaction. The findings and recommendations of this report should not be attributed to the Commission but only to the South Dakota Advisory Committee.

The United States Commission on Civil Rights

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, as amended by the Civil Rights Commission Amendments Act of 1994, 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, disability, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study and collection of information relating to discrimination or denials of the equal protection of the law; 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; investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections; and preparation and issuance of public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the law. 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.

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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 and section 3(d) of the Civil Rights Commission Amendments Act of 1994. 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 that the Commission may hold within the State.

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Letter of Transmittal

South Dakota Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission

Mary Frances Berry, *Chairperson*

Cruz Reynoso, *Vice Chairperson*

Carl A. Anderson

Robert P. George

A. Leon Higginbotham, Jr.

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Yvonne Y. Lee

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Mary K. Mathews, *Staff Director*

As part of its responsibility to assist the Commission in its factfinding function, the South Dakota Advisory Committee submits this report of the second phase of a study of equality issues in South Dakota women's employment. The Advisory Committee approved the report by a vote of 11 to 0. The study is based on background research and interviews by Committee members and staff, and public factfinding meetings conducted in Sioux Falls on September 17, 1993, and in Rapid City on October 29, 1993. Persons who provided information were given the opportunity to review relevant sections of the report and, where appropriate, their comments and corrections were incorporated.

The first phase of the Advisory Committee's project resulted in the publication of a handbook, *Employment Discrimination and Women in South Dakota: A Legislative Handbook*, which summarized Federal, State, and local legislation establishing the rights of women to equal opportunity in employment.

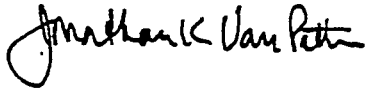
The present report defines and analyzes barriers that South Dakota women face in achieving full opportunity in employment and provides information on some of the programs that have been initiated to alleviate problems. The Committee found that certain categories of women in the State are highly job dependent and lack the power, resources, and support necessary to overcome the disadvantages they face in the employment arena. These women include single women with children under the age of 6, displaced homemakers, women who live in rural areas, and those who are unable to break free from limited and poorly paying occupations traditionally held by women. The high level of poverty in South Dakota and extremely low wage scales add to the problems encountered by these and other women.

The Committee found that other barriers to employment include violence against women, and prejudice that manifests itself in racism, sexism, and discrimination. Women's employment opportunities were also found to be hampered by sexual harassment, wage disparities, and the "glass ceiling." The State's termination-at-will statute, which permits the firing of employees without cause, adds to the difficulties women face in asserting their rights, and inadequate resources for civil rights enforcement agencies result in long delays in the investigation and resolution of discrimination complaints.

The Advisory Committee makes 19 recommendations to alleviate employment barriers faced by women and to support initiatives taken by State and local organizations to address the problems. It

urges the Commission to accept this report, to consider the information it provides on issues that have national implications, and to concur with its recommendations.

Respectfully,

A handwritten signature in black ink that reads "Jonathan K. Van Patten". The signature is written in a cursive style with a large initial 'J'.

Jonathan K. Van Patten, *Chairperson*
South Dakota Advisory Committee

South Dakota Advisory Committee to the U.S. Commission on Civil Rights

Jonathan K. Van Patten, *Chairperson*
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* Served as Advisory Committee Chairperson for the major portion of this project.

** No longer serves on Advisory Committee.

† Appointed to Advisory Committee following completion of this project.

Acknowledgments

The South Dakota Advisory Committee wishes to thank those persons who contributed to the preparation of this report. The project and report were the responsibility of William F. Muldrow, former Director of the Rocky Mountain Regional Office. Evelyn S. Bohor provided essential support services, Susan Klug assisted with the collection and compilation of statistical data, B.J. Kim compiled the directory of women's resource organizations, and Kathryn Monroe reviewed the report for legal sufficiency. Editorial assistance and preparation of the report for publication were provided by Gloria Hong.

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FRONTISPIECE

[State of South Dakota]

November 26, 1940

MEMORANDUM

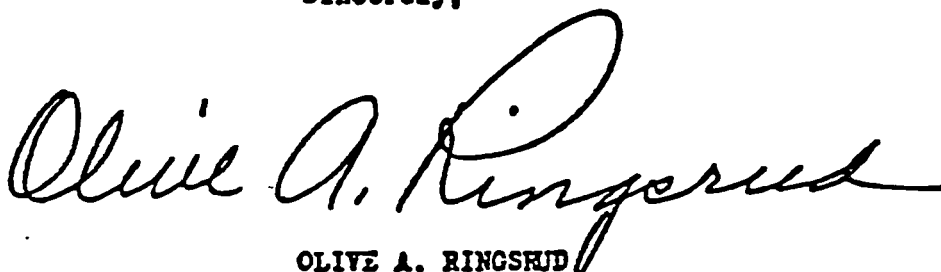
TO

All Constitutional Officers and Department Heads:

At a meeting of Constitutional Officers and Department Heads held November 21, 1940, the policy of dismissing the women employed in the state house, directly after they marry, was unanimously adopted. It was also agreed every married woman employed in the state house be removed from her present position, in the event the husband earns a salary that can support the family.

Governor Bushfield requested that ideas on legislation, in each of the several departments, be sent to him for consideration.

Sincerely,



OLIVE A. RINGSRUD
Secretary of State

Note: Harlan J. Bushfield served as Governor of South Dakota and Olive A. Ringsrud as Secretary of State, from 1939 to 1943. This memorandum provides an example of a discriminatory policy which was not unusual for a period of time in our Nation's history. It existed for a short time in South Dakota until the onset of World War II.

1. Introduction

Using Bureau of the Census statistics, the National Federation of Business and Professional Women's Clubs of the USA (BPW/USA) reported that in 1993 women were 46 percent of the Nation's work force. Projections indicate that 62 percent of the 26 million net increase in the work force between 1990 and 2005 will be attributed to women.¹ The BPW/USA also reports, however, that although employment opportunities for women in the United States have multiplied, women are still constrained from full participation in the work force by both subtle and overt discrimination and lack of enforcement of existing equal employment opportunity requirements. Consequently, despite obvious progress, women are still not afforded the same opportunities as men in the workplace.² According to Oletha Crain, regional administrator for the Women's Bureau of the U.S. Department of Labor in Denver, women traditionally have been denied access to the best positions because of lack of appropriate training and education, as well as sexual harassment and discrimination.³ Such assertions highlight the need to identify and eliminate discrimination and other barriers that may prevent equitable employment opportunity.

The present study by the South Dakota Advisory Committee to the U.S. Commission on Civil Rights outlines and analyzes some of the obstacles remaining in South Dakota that, like in the Nation as a whole, prevent many women from achieving equal treatment and full opportunity in the employment arena. Carol Maicki, a former State senator and an advocate for women and children in South Dakota, believes that the three

biggest barriers to the employment of women are violence against women, racism, and sexism.⁴ The demographics of South Dakota and the nature of its economy also may result in employment barriers for women that are not present to the same extent in other States.

Compared to the rest of the Nation, South Dakota's population has remained relatively static, which has limited growth of the State's economy. As shown in table 1.1, South Dakota declined from the 35th most populous State in the 1930s, to the 45th in the 1980s and 1990s. Statistics in table 1.2 show further that, although the State has become increasingly urban, until 1990 the majority of the population resided in rural areas. In 1950, only one-third of the population lived in urban areas; however, by 1990 almost one-half of the State's residents lived in cities. Furthermore, the actual numbers of people living in rural areas has shown a steady decline over this 40-year period.

Table 1.3 shows, more specifically, what has happened at the county level. Pennington County, which contains the Rapid City metropolitan area, and Minnehaha County, which contains Sioux Falls, are by far the most populous counties in the State. Both have shown remarkably steady growth, even during the 1960s when the State as a whole lost population. During the entire 30-year period from 1960 to 1990, the State's entire population increased by only 2.3 percent, whereas Pennington County's increased by 39.8 percent during that period and Minnehaha County's by 43.0 percent. The picture is one of outmigration from the rural areas. The rapid growth of Rapid City

1 The National Federation of Business and Professional Women's Clubs, Inc., of the United States of America, *Measures to Improve the Status of Working Women* (October 1993).

2 Ibid.

3 "Speaker Says Women's Role in the Work Force Will Grow," *Brookings Register*, Sept. 23, 1993.

4 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, p. 191 (hereafter cited as *Rapid City Transcript*).

TABLE 1.1
South Dakota Population Percentage Change Per Decade and National Rank, 1920-1990

Year	Population	<i>Percent change/decade</i>		
		South Dakota	U.S.	National rank
1920	636,547	8.8	16.1	36
1930	692,849	7.2	7.2	35
1940	642,961	1.5	14.5	37
1950	652,740	4.3	18.5	40
1960	680,514	2.1	13.4	40
1970	666,257	3.7	11.4	44
1980	690,768	0.8	9.8	45
1990	696,004			45

Sources: U.S. Department of Commerce, Bureau of the Census, *1980 Characteristics of the Population, Number of Inhabitants of South Dakota*, p. 7; U.S. Department of Commerce, *Statistical Abstract*, (1981), pp. 10-11; (Ibid.

1985), pp. 12-13; and (Ibid. 1992), pp. 22-23; and U.S. Department of Commerce, Bureau of the Census, *1990 Census of the Population, General Population Characteristics, South Dakota (1990)*, CP-1-43, table 1, p. 1.

TABLE 1.2
South Dakota Urban and Rural Population, 1950-1990

Year	Urban	Urban percentage		Rural
		of total		
1950	216,710	33.2		436,030
1960	267,180	39.3		413,334
1970	296,628	44.6		368,879
1980	320,777	46.4		369,991
1990	347,903	49.9		348,101

Sources: U.S. Department of Commerce, Bureau of the Census, *Characteristics of the Population, Number of Inhabitants of South Dakota* (1980), table 1, p. 7 and table 14, p. 7; and U.S. Department of Commerce,

Bureau of the Census, *Census of the Population, General Population Characteristics of South Dakota* (1990), CP-1-43, table 1, p. 1.

TABLE 1.3

South Dakota's Ten Most Populous Counties, 1960, 1970, 1980, and 1990

	Population (Rank)			
	1960	1970	1980	1990
South Dakota	680,514	665,507	690,768	696,004
Minnehaha	86,575 (1)	95,209 (1)	109,435 (1)	123,809 (1)
Pennington	58,195 (2)	59,349 (2)	70,361 (2)	81,343 (2)
Brown	34,106 (3)	36,920 (3)	36,962 (3)	35,580 (3)
Brookings	20,040 (6)	22,158 (4)	24,332 (4)	25,207 (4)
Codington	20,220 (5)	19,140 (6)	20,885 (5)	22,698 (5)
Meade	12,044 (13)	16,618 (10)	20,717 (6)	21,878 (6)
Lawrence	17,075 (8)	17,453 (8)	18,339 (9)	20,655 (7)
Yankton	17,551 (7)	19,039 (7)	18,952 (8)	19,252 (8)
Beadle	21,682 (4)	20,877 (5)	19,195 (7)	18,253 (9)
Davison	16,681 (9)	17,319 (9)	17,820 (10)	17,503 (10)
Roberts	13,190 (10)	11,678 (13)	10,911 (15)	9,914 (16)

Sources: U.S. Department of Commerce, Bureau of the Census, *Characteristics of the Population, Number of Inhabitants of South Dakota* (1980), table 2, p. 8; and

U.S. Department of Commerce, Bureau of the Census, *Census of the Population, General Population Characteristics of South Dakota* (1990), CP-1-43, table 1, p. 1.

and Sioux Falls suggests the possibility of increased job opportunities in the counties where they are located, at the expense of employment in rural areas where the population has remained static or actually declined.

Table 1.4 provides a comparison of the educational attainments of South Dakota men and women in the labor force. More men in the labor force than women have *not* received a high school education by a ratio of almost two to one. In the categories of those who either have graduated from high school, have some college education, or have received a bachelor's degree, the proportions of women are almost equal to those of men. Only at the graduate or professional degree levels does the proportion of men in the labor force exceed that of women to any significant degree. The percentage of women in the total population who are high school graduates or higher (78.6 percent), however, exceeds that of the percentage of men

who are high school graduates (75.4 percent).⁵ The implication of these statistics is that, except where graduate or professional degrees are required, women, in general, should not be disadvantaged in employment because of their level of education.

Tables 1.5 and 1.6 show that in 1991 South Dakota women made up 46 percent of the labor force, equal to women's participation in the labor force nationwide. These tables also show that, when categorized by occupation, the proportions of women in support and service occupations in South Dakota far exceeded those for men in the same categories, as they did to a lesser extent in categories related to technical and professional specialties. Men held 59 percent of the executive, administrative, and managerial positions, as contrasted to 41 percent of women in those job categories.

⁵ U.S. Bureau of the Census, *Social and Economic Characteristics, South Dakota* (1990), table 47, p. 60.

TABLE 1.4**Educational Attainment Within the South Dakota Civilian Labor Force, by Gender, 1990**

	Total	Male	Female	Percent female
Total labor force	335,874	180,940	154,934	46
Not a high school graduate	55,191	34,199	20,992	38
High school graduate	115,585	62,952	52,633	46
Some college/associate degree	101,801	48,321	53,480	53
Bachelor's degree	45,891	24,060	21,831	48
Graduate/professional degree	17,406	11,408	5,998	35

Note: Labor force includes persons 16 years of age and older.

Source: Compiled by the U.S. Bureau of the Census; processed by the State Data Center of South Dakota at

the University of South Dakota; supplied by Gloria Pluimer, equity coordinator for the Black Hills Special Services Cooperative, Dec. 3, 1993.

The South Dakota Department of Labor provided employment statistics for the State's women by occupation from which it noted that, though the transition is far from complete, occupational barriers to the sexes are being broken down. It also noted that women are moving into job occupations that traditionally have been held by men—many of which also have been better paying.⁶ The Department of Labor concluded that men are moving into traditionally female-dominated occupations faster than women are moving into traditionally male-dominated occupations.⁷ Some examples are provided in table 1.7 of comparisons for the proportions of South Dakota women in selected occupations in 1980 and 1990.

Table 1.8 indicates some of the changes that occurred with regard to the employment of women in South Dakota industries between 1960 and 1990. The proportion of women in the total labor force increased dramatically during those years from 29.1 to 46.2 percent. Table 1.8 also shows that the proportion of South Dakota

women in almost every industry increased steadily over those three decades. This increase was evident in even the more nontraditional occupations for women, such as agriculture, forestry, fisheries, mining, and construction. However, in these industries the employment of women still lags far behind that for men. The proportion of women employed in personal services, an area traditionally occupied by women, decreased during the last decade.

Table 1.9 demonstrates that for per capita money income in the United States, through the years, South Dakota has consistently ranked near the bottom. From 1959 to 1987, its rank declined from 43rd to 49th, with a slight improvement to 46th in 1988. That year, South Dakota's per capita money income was \$10,661, or \$3,759 below that for the Nation as a whole. Using figures provided by the University of South Dakota, Candis Hanson, president of the South Dakota Women's Network Foundation, reported that \$12,000 is necessary to support a family of four in South Dakota.⁸ Yet, the Bureau of Census

6 South Dakota Department of Labor, *South Dakota Labor Bulletin* (May 1993), provided by Phil George, Labor Market Information Center, Nov. 4, 1994.

7 Ibid.

8 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota,

TABLE 1.5
U.S. Civilian Labor Force by Occupational Category and Sex*

Occupation	1983				1991			
	Total	Men	Women	% Women	Total	Men	Women	% Women
Managerial and professional	23,592	13,943	9,649	41	31,012	16,653	14,359	46
Technical, sales, and administrative support	31,625	11,068	20,197	64	36,086	12,738	23,348	65
Service occupations	13,857	5,529	8,328	60	15,986	6,426	9,560	60
Precision production, craft, and repair	12,328	11,329	999	8	13,162	12,030	1,132	9
Operators, fabricators, and laborers	16,091	11,811	4,280	27	17,172	12,845	4,327	25
Farming, forestry, and fishing	3,700	3,108	592	16	3,459	2,902	557	16
Totals	100,833	56,788	44,045	44	116,877	63,594	53,283	46

*Annual average of monthly figures

Source: U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States* (1992), table 629, p. 392.

TABLE 1.6
South Dakota Labor Force by Occupational Category and Sex, 1991

Occupational category	Numbers x 1000			% Women
	Total	Men	Women	
Executive, administrative, and managerial	34	20	14	41
Professional specialty	43	17	26	60
Technicians and related support	9	4	5	56
Sales	39	21	18	46
Administrative support including clerical	47	8	39	83
Service occupations	53	16	37	70
Precision production, craft, and repair	35	31	4	11
Machine operators, assemblers, and inspectors	16	9	7	44
Transportation and material moving	15	14	1	7
Handlers, equipment cleaners, helpers, laborers	14	12	2	14
Farming, forestry, and fishing	44	36	8	18
Total	349	188	161	46

Source: U.S. Department of Labor, Bureau of Labor Statistics, *Geographic Profile of Employment and Unemployment* (1991), table 15.

TABLE 1.7
Proportions of South Dakota Women in Selected Occupations, 1980 and 1990

	Percent women	Percent women
	1980	1990
Real estate sales	28	38
Administrators and officials, public admin.	31	40
Accountants and auditors	42	51
Pharmacists	23	38
Physicians	9	12
Medical and health service managers	47	70
Securities and financial service sales reps.	4	32
Electrical and electronic engineers	1	5
Registered nurses	96	96
Radiology technicians	77	83
Computer programmers and aides	38	44
Clergy	4	13
Architects	4	8
Garbage collectors	3	2
Secretaries	98	99
Child care workers	96	80
Cooks	74	64

Source: South Dakota Labor Bulletin (May 1993), provided by Phil George, South Dakota Department of Labor, Nov. 4, 1994.

TABLE 1.8
South Dakota Female Employment by Industry, 1960-1990

Industry	1960		1970		1980		1990	
	#	% Women	#	% Women	#	% Women	#	% Women
Total employed	238,173		245,325		296,679		321,891	
Total women	69,253	29.1	86,414	35.2	123,016	41.5	148,758	46.2
Agriculture, forestry, & fisheries	72,809	8.2	25,520	6.1	48,227	12.6	39,313	15.1
Mining	2,359	6.1	2,229	5.3	2,791	8.4	2,821	13.4
Construction	15,277	2.9	12,378	4.7	17,464	6.7	17,863	9.5
Manufacturing								
Durable goods	4,168	11.8	7,084	25.8	15,077	34.9	18,963	34.7
Nondurable goods	11,657	21.9	10,562	23.3	13,478	34.9	14,290	37.9
Unspecified							861	46.7
Transportation, communications, & other public utilities	12,147	19.3	12,115	20.4	18,005	23.4	18,449	26.5
Wholesale & retail trade	44,955	37.4	50,782	40.3	65,256	45.8	69,846	49.5
Finance, insurance, & real estate	6,641	42.2	8,343	44.7	13,856	55.4	18,817	61.6
Business & repair services	4,878	11.9	4,559	20.0	7,549	25.7	10,255	30.2
Personal services	13,325	77.4	11,989	78.7	10,506	79.2	9,453	74.3
Entertainment recreation services	1,688	36.8	1,901	44.3	2,360	45.8	3,886	45.8
Professional services	31,637	64.0	48,033	65.9	65,061	69.3	80,971	71.2
Public administration	10,750	30.7	12,068	34.4	17,049	43.3	16,103	48.0
Industries unreported	5,882	44.2	10,762	42.7				

Sources: U.S. Department of Commerce, Bureau of the Census, *Characteristics of the Population, General and Economic Characteristics*, South Dakota (1970), table 47, p. 146; (ibid. 1980) table 69, p. 38; and State Data Center of South Dakota, University of South Dakota, compiled from U.S. Department of

Commerce, Bureau of the Census, *Census of Population and Housing*, South Dakota (1990). Summary tape file 4, PB61.
 Note: Total employed includes those 14 years of age and older for 1960 and 1970; 16 years of age for 1980 and 1990.

TABLE 1.9
Per Capita Money Income, South Dakota and the United States, and
National Ranking, 1959-1989

	1959	1969	1979	1981	1987	1989
South Dakota	\$1,327	2,387	5,697	6,811	8,910	10,661
United States	1,850	3,119	7,298	8,693	11,923	14,420
Ranking	43	44	48	48	49	46

Source: U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States* (1985), table 753, p. 451; 1992, table 715, p. 455; and 1993, table 733, p. 468.

reported that in 1989, 20,841 South Dakota families had incomes of less than \$10,000.⁹ Sue Schulz, executive director of the Crisis Intervention Shelter Service in Meade County, said that in South Dakota 11.6 percent of all families live below the poverty level; one in five children live in poverty; and 66.2 percent of those households are headed by women.¹⁰ The national rate of families headed by women living below the poverty level in 1989 was reported to be 31.1 percent, compared to 38.7 percent in South Dakota.¹¹

Table 1.10 provides a comparison of the year-round income levels of men and women who are full-time workers in South Dakota. At the higher income levels, the disparities between the number and proportion of women in each income bracket become more apparent. For example, while 55 percent of persons earning between \$10,000 and \$12,499 are women, only 10 percent of persons earning between \$40,000 and \$44,999 are women. Fern Chamberlain, a retired statistician from the South Dakota Department of Public Welfare, said that discrepancy in wage

levels has many repercussions because low wages affect any benefits such as social security and unemployment insurance determined by past earnings.¹²

Candis Hanson, chair of the South Dakota Women's Network Foundation, pointed out that although the national minimum wage is \$4.25 per hour, in Sioux Falls the entry level hourly wage is slightly higher at about \$5.00.¹³ Harlene Pesicka, director of The Resource Center for Women in Aberdeen, South Dakota, suggested that although the minimum wage is the place where people begin, too often it is the level where a woman stays. She reported that in Aberdeen, for example, waitresses are paid between \$2.35 and \$2.60 per hour.¹⁴

Ms. Schultz said that in South Dakota many women can be classified as "the working poor" who "fall between the cracks" where there is little to help them. When they are working, they do not receive social services. They are removed from Aid for Dependent Children, and they have no health insurance.¹⁵ She said that women who

9 U.S. Bureau of the Census, *1990 Census of Population and Housing*, summary tape file 3A.

10 *Rapid City Transcript*, p. 244.

11 Gloria Pluimer, equity coordinator for the Black Hills Special Services Cooperative, *Rapid City Transcript*, p. 123.

12 *Sioux Falls Transcript*, pp. 114, 115.

13 *Ibid.*, p. 35.

14 Harlene Pesicka, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 8, 1993.

15 *Rapid City Transcript*, p. 247.

TABLE 1.10
Income Levels of Year-Round, Full-Time Workers in South Dakota, 1989

Income level	No. of men	No. of women	Total	% Women
No income	655	584	1,239	47
1-2,499 or less	2,659	1,390	4,049	34
2,500-4,999	1,557	1,643	3,200	51
5,000-7,499	4,113	4,940	9,053	55
7,500-9,999	5,113	8,150	13,263	61
10,000-12,499	11,183	13,876	25,059	55
12,500-14,999	9,102	10,009	19,111	52
15,000-17,499	13,759	10,162	23,921	42
17,500-19,999	10,453	5,896	16,349	36
20,000-22,499	13,055	5,478	18,533	30
22,500-24,999	7,404	3,003	10,407	29
25,000-27,499	8,679	3,078	11,757	26
27,500-29,999	5,638	1,488	7,126	21
30,000-32,499	8,410	1,588	9,998	16
32,500-34,999	3,548	736	4,284	17
35,000-37,499	4,465	851	5,316	16
37,500-39,999	2,437	418	2,855	15
40,000-44,999	5,093	542	5,635	10
45,000-49,999	2,982	220	3,202	7
50,000-59,999	4,222	297	4,519	7
60,000-74,999	2,507	188	2,695	7
75,000-99,999	1,928	80	2,008	4
100,000 or more	2,455	145	2,600	6
Median income	\$21,425	\$14,271		

Note: Universe is persons 15 years of age and over.
Source: State Data Center of South Dakota, University of South Dakota, compiled from U.S. Department of

Commerce, Bureau of the Census, *Census of Population and Housing*, South Dakota (1990), summary tape file 4, table PB93.

have these "pink ghetto" jobs have no security and little chance for advancement or further education.¹⁶ Lois Rose, a Sioux Falls attorney, also observed that low wages in South Dakota have a disparate impact on women. For example, she said a working single mother with two children may not get child support, and may have a job that provides no health insurance.¹⁷

Participants in the Advisory Committee's fact-finding meetings referred to several categories of

women for whom achieving equal opportunity in employment is especially problematic. At one extreme are highly qualified women who advance to a certain level in management or administration, but then encounter the "glass ceiling," a barrier of discrimination that prevents them from entering the higher ranks of their professions despite credentials equal to, or exceeding, those of men who make the higher grades.

¹⁶ Ibid., p. 245.

¹⁷ *Sioux Falls Transcript*, pp. 102-03.

At the other extreme of the employment ladder are women who encounter discrimination and other problems detrimental to their employment because of their positions in society. Often they lack the power, support, or resources to overcome the disadvantages they face. This category includes women who are poor, single parents, displaced homemakers, abused, who live in rural areas, or are unable to break free from limited and low paying occupations traditionally held by women.

Attorney Lois Rose, whose clients include many women experiencing employment discrimination, indicated that low wages in South Dakota are a fundamental problem that prevent some women from earning a living despite their skills.¹⁸ Ms. Hanson said that single women who are not heads of households may cope with the State's low wages by working two jobs—a full-time job to pay for basic needs and a part-time job to improve the quality of their lives.¹⁹

According to Ms. Hanson, women who head households may be among those who most likely are victimized by discriminatory practices and have the least ability to change their situations.²⁰ Female householder families grew from 16,626 in 1979, to 19,983 in 1989, a 20.2 percent increase. In that same time period, however, those living below the poverty level grew 35.2 percent, from 5,724 to 7,739.²¹ Ms. Rose said that this group of

women, single and divorced women with small children, often have no health insurance, lack power, and are extremely job dependent.²²

David B. Lail, who conducted research pertaining to economic, social, and employment situations of single parents in Rapid City, reported that the workplace is probably the area in which the female single parent encounters the greatest injustice.²³ They may be subjected to illegal or discriminatory questions by potential employers about their marital status, child care arrangements, personal arrangements, and sex life.²⁴ They also may be disadvantaged by misconceptions that single parents are more apt to be late, absent due to the illness of a child, or unproductive.²⁵ Mr. Lail's research showed that, with the exception of excessive time away because of sick children, single parents actually are more reliable than the average married parent.²⁶

Women who are highly job dependent, such as those who are poor or single heads of families, were reported by participants in the Advisory Committee's factfinding meetings to be even more disadvantaged by South Dakota's termination-at-will statute. That statute provides in part that, where there is no written contract or employee handbook with specific terms of employment, either an employee or an employer may terminate the employment relationship when he or she so desires.²⁷ Ms. Rose explained that because this

18 Lois Rose, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, July 23, 1993 (hereafter cited as Rose interview).

19 *Sioux Falls Transcript*, p. 36.

20 *Ibid.*, p. 34.

21 "Income and Poverty Status, 1979 and 1989," prepared by the State Data Center, Business Research Bureau, University of South Dakota, from U.S. Bureau of the Census, *Census of Population and Housing*, 1980 and 1990.

22 Rose interview.

23 David B. Lail, *Single Parents in Rapid City, South Dakota* (February 1993), submitted to Capstone Project BSIS 490, (hereafter cited as *Single Parents in Rapid City*).

24 Jane Wipf Pfeifle, Rapid City attorney, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 29, 1993 (hereafter cited as Pfeifle interview); see also remarks by Sue Schultz, executive director of the Meade County Crisis Intervention Shelter, *Rapid City Transcript*, p. 246.

25 Lail, *Single Parents in Rapid City*, p. 15.

26 *Ibid.*

27 South Dakota Codified Laws § 60-4-4 (1978).

statute does not permit or recognize claims of unjust dismissal, it deters employees who might otherwise complain from challenging unsatisfactory conditions in the workplace.²⁸

Linda Lea M. Viken, a Rapid City attorney, said the effect of the law is especially hard on single parents who must work to maintain their families. They will tolerate a large degree of discrimination and other abuses on the job rather than file a complaint, because they know the process might cost them their jobs, and might bar them from employment opportunities elsewhere. Ms. Viken explained that, instead, they continue

to suffer or endure the abuses and remain at their jobs while looking for a job elsewhere.²⁹ Jane Wipf Pfeifle, another Rapid City attorney, identified the State's termination-at-will statute as a "major factor" in the woman's decision as to whether or not to complain.³⁰ Patrick J. Kane, a Sioux Falls attorney who is a member of the South Dakota Bar Association's Labor Committee, said that his committee has offered a resolution for adoption by the bar association proposing a statute that would require good cause for terminating an employee. However, the resolution is still being discussed.³¹

28 *Sioux Falls Transcript*, pp. 110-11.

29 *Rapid City Transcript*, p. 10.

30 Pfeifle interview.

31 Patrick J. Kane, telephone interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 14, 1994.

2. Advocacy for Women

Concerns related to the employment of women have been addressed by a number of organizations in the State. Some of these organizations are politically oriented and lobby for corrective legislation. Others advocate for women in a variety of ways, or provide resources and offer supportive services, such as training, counseling, child care, or shelter. Appendix A includes a partial directory of these organizations.

One such organization, established by the State legislature in 1973, is the South Dakota Commission on the Status of Women (CSW).¹ Technically, this organization still exists, though it was defunded in 1980. In 1973 the legislature took other action supportive of the rights of women. It ratified the Equal Rights Amendment, although it later rescinded this action; revised antiquated labor laws; and created the Human Rights Division with a budget to research, advocate, and educate regarding the status of human and civil rights in South Dakota.²

The CSW collected a substantial amount of information on women's issues, particularly those related to employment concerns. Given sufficient financial resources to staff and run a one-woman office, and provided a grant of \$50,000, it conducted research, held public forums, published

action guides, and advocated legislative changes.³ Loila Hunking, former chair of the commission, said it "led the charge to improve the status of women on all fronts."⁴

One publication of the CSW, *Women Seek Credit Where Credit is Due*,⁵ outlined how women could obtain credit. Another CSW publication, *Conspiracy of Silence: A Report on Spouse Abuse in South Dakota*,⁶ when presented to a State legislative committee, resulted in one legislator walking out of the room and coming back shortly to report that he had telephoned his family doctor who said that in 20 years of practice in middle South Dakota, he had never treated a case of spousal abuse.⁷ According to Ms. Hunking, a reaction against "troublesome women" developed and funding for the CSW was terminated.⁸ Native American women supported the CSW. Among them, Tillie Black Bear stated that the CSW was the only agency in State government that Native Americans trusted.⁹

In 1979 several commission leaders resigned and founded the Women's Political Caucus to continue the advancement of women's rights.¹⁰ To fill the information and communications gap left when the CSW was defunded, the South Dakota Advocacy Network for Women (SDANW) was also

1 Loila Hunking, former chairperson of the South Dakota Commission on the Status of Women, transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, pp. 11, 12 (hereafter cited as *Sioux Falls Transcript*).

2 Ibid., pp. 10, 11.

3 Ibid., pp. 11, 12.

4 Ibid., pp. 13, 14.

5 South Dakota Commission on the Status of Women, *Women Seek Credit Where Credit is Due* (1974).

6 South Dakota Commission on the Status of Women, *Conspiracy of Silence: A Report on Spouse Abuse in South Dakota* (1974).

7 Loila Hunking, *Sioux Falls Transcript*, pp. 12, 13.

8 Ibid., p. 14.

9 Ibid., p. 24.

10 Ibid., p. 14.

founded, uniting 25 State and local organizations to monitor and influence public policy.¹¹ An offshoot of the SDANW is the South Dakota Women's Network Foundation, currently chaired by Candis Hanson. It has the status of a charitable organization with the Internal Revenue Service, is nonpartisan, and conducts research and educational activities on women's issues. That the CSW remains unfunded, Ms. Hunking believes, is indicative of the priorities of the State.¹² Ms. Schultz lamented that women's projects in South Dakota, such as the CSW, are the first to be abandoned when cutbacks are made in the budget.¹³ Frances Jefferson, assistant to the regional administrator for the Women's Bureau of the U.S. Department of Labor, concluded that it was unfortunate that the CSW was defunded, because it was the "catalyst" that allowed the Women's Bureau to provide funding for programs that covered a broad spectrum of women's issues.¹⁴ Ms. Hunking believes, however, that in South Dakota, a government-funded commission could not be effective now because of the opposing

perspectives on women's place in society. She stated that experience shows that each time the commission took a stand on an issue it would offend some segment of the population.¹⁵ Janice K. Nicolay, a State representative and chair of the Appropriations Committee, said that there are some groups in the State that are very conservative in nature and often work against the interests of women.¹⁶ Linda Lea M. Viken, a Rapid City attorney and former State legislator, believes, however, that if properly funded, it would be worthwhile to reinstate the CSW. She said that it could at least serve as a central body to review laws and determine their effectiveness.¹⁷ Jeff Stingley, then secretary of the South Dakota Department of Commerce and Regulation, believes that, in light of many positive changes in State government for women, the CSW is not needed unless there is also a Commission on the Status of Men.¹⁸ Ms. Viken's response to this suggestion was that an examination of other State boards and commissions demonstrates that men are well-represented.¹⁹

11 Candis Hanson, *Sioux Falls Transcript*, p. 28.

12 *Sioux Falls Transcript*, p. 23.

13 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, p. 244 (hereafter cited as *Rapid City Transcript*).

14 *Sioux Falls Transcript*, p. 132.

15 *Ibid.*, p. 22.

16 *Ibid.*, p. 260.

17 *Rapid City Transcript*, p. 17.

18 Interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 28, 1993.

19 *Rapid City Transcript*, p. 17.

3. Elected and Appointed Officials

Persons elected or appointed to decisionmaking positions in State and local government are also important in the formulation of policies affecting problems women face in employment. Ms. Hanson observed that women have made significant gains in election to public office, but remain underrepresented.¹ No woman ever has been elected to Congress from South Dakota; and no woman has held the State's top posts of Governor, lieutenant governor, or attorney general.² Underrepresentation, Ms. Hanson suspects, is more related to discriminatory practices of political parties and voter attitude, than to public policy. She also suspected that women raise and spend less on their election campaigns than do male candidates.³ Linda Lea M. Viken observed that money is the real obstacle because it is so costly to run for office.⁴

Data in table 3.1 show that in 1992, 26 percent or 25 out of the total 105 legislators in South Dakota, were women. Only 10 of the 50 States had a higher proportion. Table 3.2 shows that prior to 1953, there were no women in the legislature, and until 1973 no more than three women served at any time. Beginning in 1973, however, women's representation in the legislature made dramatic gains, peaking in 1991 at 26, 11 in the Senate and 15 in the House. Ms. Nicolay highlighted the

progress made in terms of women's involvement in the legislature. She pointed out that, not only have their numbers increased in general, but a woman has been Speaker of the South Dakota House within the last 10 years, and women chair legislative committees.⁵ In the 1993 session, women chaired four Senate committees and four House committees.⁶ Despite these gains, women remain significantly underrepresented in the legislature. In 1992 women lost four seats in the Senate and one in the House, reducing their proportion in the legislature from 25 to 20 percent. Ms. Hunking attributed this reduction to the loss of election by several women who were activists on behalf of their sex.⁷

There are 575 registered lobbyists in South Dakota; and less than 14 percent of those positions are held by women. Only one, RoAnn Redlin, a lobbyist for the South Dakota Advocacy Network for Women and the South Dakota Coalition Against Domestic Violence and Sexual Assault, works full time on women's and children's issues.⁸

Although also underrepresented in the Governor's cabinet, women increasingly have secured political appointments through the years. Figures compiled in table 3.3 show that the number of women in the Governor's cabinet has increased from two to five since 1985. South Dakota ranked

1 Candis Hanson, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Aug. 20, 1991 (hereafter cited as Hanson letter).

2 "Women Making Gains in S.D. Politics," *Rapid City Journal*, Aug. 19, 1993 (hereafter cited as "Women Making Gains in S.D. Politics"). In the 1994 election, however, Carole Hillard was elected lieutenant governor.

3 Hanson letter.

4 "Women Making Gains in S.D. Politics."

5 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, p. 243 (hereafter cited as *Sioux Falls Transcript*).

6 "Women Making Gains in S.D. Politics."

7 *Sioux Falls Transcript*, p. 15.

8 RoAnn Redlin, *Sioux Falls Transcript*, pp. 423-43.

TABLE 3.1
Women in State Legislatures, 1992

State	No. of women	Total	% Women
Alabama	8	140	6
Alaska	14	60	23
Arizona	31	90	34
Arkansas	10	135	7
California	22	116	19
Colorado	31	100	31
Connecticut	43	187	23
Delaware	8	62	13
Florida	30	160	19
Georgia	34	236	14
Hawaii	21	76	28
Idaho	36	126	29
Illinois	33	177	19
Indiana	26	150	17
Iowa	22	150	15
Kansas	45	165	27
Kentucky	8	138	6
Louisiana	10	140	7
Maine	60	186	32
Maryland	44	188	23
Massachusetts	37	199	19
Michigan	22	148	15
Minnesota	42	201	21
Mississippi	12	173	7
Missouri	31	196	16
Montana	31	150	21
Nebraska	9	49	18
Nevada	12	63	19
New Hampshire	131	422	31
New Jersey	15	119	13
New Mexico	16	112	14
New York	27	211	13
North Carolina	25	170	15
North Dakota	23	159	14
Ohio	20	132	15
Oklahoma	13	149	9
Oregon	22	90	24
Pennsylvania	24	253	9
Rhode Island	25	150	17
South Carolina	22	166	13
South Dakota	26	105	25
Tennessee	15	132	11
Texas	23	178	13
Utah	12	104	12
Vermont	56	178	31
Virginia	17	138	12
Washington	48	147	33
West Virginia	28	134	21
Wisconsin	32	132	24
Wyoming	23	94	24
Total	1,375	6,854	20

Source: U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States* (1992),

table 434, p. 268, and table 430, p. 266.

TABLE 3-2
Gender of South Dakota State Legislators, 1923-1993

Year	HOUSE			SENATE			TOTAL		
	Men	Women	% Women	Men	Women	% Women	Men	Women	% Women
1923	102	1	1	45	0	0	147	1	0
1925	99	4	4	45	0	0	144	4	3
1927	102	1	1	45	0	0	147	1	0
1929	103	0	0	45	0	0	148	0	0
1931	103	0	0	45	0	0	148	0	0
1933	102	1	0	45	0	0	147	1	0
1935	103	0	0	45	0	0	148	0	0
1937	103	0	0	44	1	2	147	1	0
1939	74	1	1	35	0	0	109	1	0
1941	75	0	0	35	0	0	110	0	0
1943	75	0	0	35	0	0	110	0	0
1945	75	0	0	35	0	0	110	0	0
1947	75	0	0	35	0	0	110	0	0
1949	75	0	0	35	0	0	110	0	0
1951	74	1	1	35	0	0	109	1	0
1953	72	3	4	35	0	0	107	3	3
1955	73	2	3	35	0	0	108	2	2
1957	74	1	1	35	0	0	109	1	0
1959	73	2	3	35	0	0	108	2	2
1961	72	3	4	35	0	0	107	3	3
1963	73	2	3	35	0	0	108	2	2
1965	72	3	4	35	0	0	107	3	3
1967	73	2	3	35	0	0	108	2	2
1969	73	2	3	35	0	0	108	2	2
1971	72	3	4	35	0	0	107	3	3
1973	66	4	6	34	1	3	100	5	5
1975	63	7	10	30	5	14	93	12	11
1977	62	8	11	33	2	6	95	10	10
1979	64	6	9	32	3	9	96	9	9
1981	62	8	11	32	3	9	94	11	11
1983	58	12	17	32	3	9	90	15	14
1985	59	11	16	31	4	11	90	15	14
1987	54	16	23	30	5	14	84	21	20
1989	57	13	19	27	8	23	84	21	20
1991	55	15	21	24	11	31	79	26	26
1993	56	14	20	28	7	20	84	21	20

Source: The South Dakota Legislative Research Council, *The Sixty-Eighth Legislature, A Statistical Comparison*

and *A Summary of Changes to South Dakota Codified Laws* (spring 1993).

TABLE 3.3
Women in the South Dakota Governor's Cabinet, 1985-1994

Year	Governor	Total	No. of women	% Women	National rank
1985	Janklow	15	2	13.3	
1987	Mickelson	19	2	10.5	
1989	Mickelson	19	3	15.8	20
1990	Mickelson	20	4	20.0	11
1991	Mickelson	22	4	18.2	13
1993-1994	Mickelson/Miller	20	5	25.0	

Source: *The Appointment of Women: A Survey of Governor's Cabinets* (Leadership Development, Education and Research Fund, Washington, D.C.

(1985-89, 1987-90, and 1989-91). 1993-1994 data supplied by Mary Hendricks, South Dakota Governor's Office, Oct. 6, 1994.

13th among all the States in the number of women cabinet appointments in 1991. Currently, women in the Governor's cabinet include appointments to the Departments of Correction, Tourism, and Health; the State Lottery; and the Bureau of Personnel.⁹

Women are underrepresented even more at the county commission level. As seen in table 3.4, statewide, only 33 of the 314 county commissioners, or 11 percent, are women. Only Marshall County has equal or greater representation by women. Three of South Dakota's 66 counties have no women commissioners. Fourteen counties have only one, including Minnehaha, the State's most populous county.

Overall, among elected county officials, women are represented considerably better, composing 47 percent of the total (table 3.5). In fact, the large majority of county auditors, treasurers, and registers of deeds are women. Only 21 men hold positions in these three offices, out of the 178 total available. However, men hold almost all of the State's attorney, sheriff, and coroner positions in

South Dakota counties. There are only five women State's attorneys, two women coroners; and there are no women sheriffs. There is also a fairly well-defined division among hired county officials in South Dakota. Table 3.6 shows that, overall, women officials represent only 29 percent of those hired by counties. In addition, 92 percent of county officials who are women are employed in only four positions: director of equalization, welfare director, health nurse, and extension office head. There are no women among the 65 highway superintendents; and women make up only 9 percent of the 64 civil defense directors and 3 percent of the 63 veteran's service officials.

At the city commissioner and councilmember level, women are also poorly represented. Data compiled in table 3.7 for 13 of South Dakota's largest cities show that only in Brookings are women represented equally with men. In these 13 cities, women are only 18 percent of the governing councils' total membership. Sioux Falls, the largest city, has no representation by women at all.¹⁰ Ms. Hunking, who served on the Sioux Falls

9 Mary Hendricks, South Dakota Governor's office, telephone interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 6, 1994. In November 1994, William Janklow was elected Governor of South Dakota. Since inauguration, he has appointed women to 6 of the 21 cabinet positions. Harla Jessop, South Dakota Governor's office, telephone interview, May 1, 1995.

10 On Jan. 1, 1995, the city of Sioux Falls adopted a strong-mayor system. Under this new system, city council, which consists of eight elected part-time members, serves as the policymaking body for the city, and the full-time mayor breaks ties or exercises veto over council decisions. Four of the eight council members are female persons. Office of the Mayor, Sioux Falls, SD, May 3, 1995.

city commission from 1983 to 1986 and was the first woman elected, maintained that qualified women often do not run because they refuse to sacrifice their careers, or suffer a reduction in pay, only to subject themselves to the criticism and abuse a woman must endure if elected.¹¹

The representation of women among the mayors of South Dakota is more complex and

more than a little puzzling (table 3.8). The mayors of South Dakota's 10 largest towns and cities, which are those with populations over 10,000, are all men. However, the mayors of municipalities under 10,000 population, of which there are 300, are nearly all women. Only 33, or 11 percent, are men.

TABLE 3.4
County Commissioners in South Dakota, by Gender, 1993-1994

County	Commissioners				Commissioner's Assistants			
	Men	Women	Total	% Women	Men	Women	Total	% Women
Aurora	4	1	5	20				
Beadle	5	0	5	0				
Bennett	5	0	5	0				
Bon Homme	5	0	5	0				
Brookings	4	1	5	20				
Brown	3	2	5	40				
Brule	5	0	5	0				
Buffalo	3	0	3	0				
Butte	5	0	5	0				
Campbell	5	0	5	0				
Charles Mix	3	0	3	0				
Clark	4	1	5	20				
Clay	3	2	5	40				
Codington	4	1	5	20				
Corson	5	0	5	0				
Custer	3	0	3	0				
Davison	5	0	5	0	1	0	1	0
Day	5	0	5	0				
Devel	5	0	5	0				
Dewey	5	0	5	0				
Douglas	5	0	5	0				
Edmunds	5	0	5	0				
Fall River	3	0	3	0				
Faulk	4	1	5	20				
Grant	5	0	5	0				
Gregory	5	0	5	0				
Haakon	3	2	5	40				
Hamlin	3	2	5	40				

¹¹ *Sioux Falls Transcript*, pp. 20-21.

TABLE 3.4 (continued)

Commissioner's Assistants

Commissioners

County	Commissioner's Assistants			Commissioners				
	Men	Women	Total	% Women	Men	Women	Total	% Women
Hand	4	1	5	20				
Hanson	3	0	3	0				
Harding	4	1	5	20				
Hughes	5	0	5	0	1	0	1	0
Hutchinson	3	0	3	0				
Hyde	5	0	5	0				
Jackson	4	1	5	20				
Jerauld	5	0	5	0				
Jones	3	0	3	0				
Kingsbury	3	2	5	40				
Lake	4	1	5	20				
Lawrence	5	0	5	0	0	1	1	100
Lincoln	5	0	5	0				
Lyman	5	0	5	0				
McCook	5	0	5	0				
McPherson	5	0	5	0				
Marshall	2	3	5	60				
Meade	3	2	5	40				
Mellette	3	0	3	0				
Miner	4	1	5	20				
Minnehaha	4	1	5	20	1	0	1	0
Moody	5	0	5	0				
Pennington	3	2	5	40	0	1	1	100
Perkins	5	0	5	0				
Potter	4	1	5	20				
Roberts	5	0	5	0				
Sanborn	5	0	5	0				
Shannon	3	2	5	40				
Spink	5	0	5	0				
Stanley	5	0	5	0				
Sully	5	0	5	0				
Todd	4	1	5	20				
Tripp	5	0	5	0				
Turner	5	0	5	0				
Union	5	0	5	0				
Walworth	5	0	5	0				
Yankton	4	1	5	20				
Ziebach	5	0	5	0				
Totals	281	33	314	11	2	2	4	50

Source: South Dakota Association of Counties,
Directory of County Officials, 1993-1994.

TABLE 3.5
Elected County Officials in South Dakota, by Gender, 1993-1994

Position	Men	Women	Total	% Women
Auditor	6	60	66	91
Treasurer	4	62	66	94
Register of Deeds	11	55	66	83
State's Attorney	61	5	66	8
Sheriff	66	0	66	0
Coroner	63	2	65	3
Total	211	184	395	47

Source: South Dakota Association of Counties,
Directory of County Officials, 1993-1994.

TABLE 3.6
Hired Officials in South Dakota Counties, by Gender, 1993-1994

Position	Men	Women	Total	% Women
Highway superintendents	65	0	65	0
Director of equalization	41	25	66	38
Civil defense director	58	6	64	9
Veterans service	63	2	65	3
Emergency management	1	0	1	0
Welfare director	4	21	25	84
Health nurse	0	35	35	100
Economic assistance director	0	1	1	100
Extension office head	46	24	70	34
Totals	278	114	392	29

Source: South Dakota Association of Counties,
Directory of County Officials, 1993-1994.

TABLE 3.7
Gender of City Commissioners/Councilmembers in South Dakota for
Municipalities over 5,000 Population, 1993-1994

City	Men	Women	Total	% Women
Aberdeen	3	1	4	25
Brookings	2	2	4	50
Huron	3	1	4	25
Madison	3	1	4	25
Mitchell	6	2	8	25
Pierre	3	1	4	25
Rapid City	8	2	10	20
Sioux Falls	4	0	4	0
Spearfish	5	1	6	16
Sturgis	7	1	8	12
Vermillion	7	1	8	12
Watertown	9	1	10	10
Yankton	8	1	9	11
Totals	68	15	83	18

Source: South Dakota Municipal League, *Directory of South Dakota Municipal Officials 1993-1994*.

TABLE 3.8
Gender of Mayors in South Dakota, August 1993

<i>Mayors in municipalities with population over 10,000:</i>				<i>Mayors in municipalities with population under 10,000:</i>			
Men	Women	Total	% Women	Men	Women	Total	% Women
10	0	10	0	33	267	300	89

Source: Information supplied by Marla J. Gienger, South Dakota Municipal League, Aug. 10, 1993.

4. State Government Employment

The affirmative action plan of the State of South Dakota states in part:

It is the policy and the law of the State of South Dakota to provide equal opportunity to all employees. . . without regard to . . . sex. . . . This policy is designed not only to insure against practices of discrimination toward . . . women employees, but it is designed to accomplish a positive, continuing, and affirmative equal opportunity program for all employees.¹

The plan also states that the Governor shall lend the full support of his or her office to achieve equal employment opportunity in South Dakota State government.² Administrative Rule of South Dakota No. 55:01:02:04:01 requires that each executive branch department covered by the Career Service System establish an annual affirmative action objective. Doug Decker, general counsel and EEO officer, said general guidance is given to individual departments, which develop their own affirmative action plans on a voluntary basis.³

An analysis of the South Dakota State government's full-time work force by gender (table 4.1) shows that the proportion of female government employees peaked at 47.8 percent in 1984, and stood at 46.5 percent in 1992. These proportions are slightly higher than the proportions for women in the State's labor force overall (tables 1.5 and 1.6). As seen in table 4.2, the proportion of women working full time for South Dakota State government also has exceeded consistently that of women employed by State and local governments nationwide (table 4.2). In 1980, for example, 46.1 percent of the South Dakota State government employees were women, whereas nationwide they were only 42 percent.

Despite the high proportion of women overall in State government, the distribution of women among the various occupational categories in State government varies considerably (table 4.3). In 1992, only 26 percent of the officials and administrators working for State government were women, a proportion that had changed little since 1979. The proportion of women employees in the "professional" category has increased steadily since 1976, until it now equals their percentage in the overall State government work force. Except for paraprofessionals and office clerical workers, women are, and have always been, vastly underrepresented in the other occupational categories.

A detailed analysis of State government employment of women and minorities by departmental function and occupational category in 1993 is provided in table 4.4. Women were well-represented in some of the employment functions more traditionally served by women, such as financial administration, public welfare, hospitals and sanitoriums, health, housing, community development, and employment security. In non-traditional functions, such as streets and highways, police protection, natural resources, parks and recreation, and corrections, the proportion of women was very low. In every department function, women were concentrated most heavily in clerical occupations, reflecting the traditional nature of this work for women.

Dennis Hull, manager of the Civil Rights Program of the South Dakota Department of Transportation, reported that his department, which is one of the largest in the State with 1,200 full-time employees, has developed an affirmative action plan that has produced considerable progress in

1 State of South Dakota, *Affirmative Action Plan* (July 1, 1973).

2 Ibid.

3 Doug Decker, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Pierre, SD, Sept. 20, 1993 (hereafter cited as Doug Decker interview).

TABLE 4.1
Full-time Employment with the State of South Dakota, 1979-1992

Year	Men	Women	Total	% Women
1976	*	*	*	40.0
1979	3,579	2,903	6,482	44.8
1981	3,681	3,324	7,005	47.5
1984	3,528	3,230	6,758	47.8
1987	3,827	3,279	7,106	46.1
1992	4,055	3,518	7,573	46.5

* Actual numbers not provided.

Source: State of South Dakota, *Affirmative Action Plan*, (1976, 1980-81, 1982, and 1985). Sandra Jorgensen,

director of compensation, State of South Dakota, Bureau of Personnel, supplied data for 1987 and 1992 on Oct. 29, 1993.

TABLE 4.2
Employment and Median Annual Salaries by Sex, State and Local Governments in the U.S., 1973-1990

Year	Employment x 1000			% Women	Salary x 1000	
	Total	Men	Women		Men	Women
1973	3,809	2,486	1,322	35	9.6	7.0
1975	3,899	2,436	1,464	38	11.3	8.2
1976	4,369	2,724	1,645	38	11.8	8.6
1977	4,415	2,737	1,678	38	12.4	9.1
1978	4,447	2,711	1,736	39	13.3	9.7
1979	4,576	2,761	1,816	40	14.1	10.4
1980	3,987	2,350	1,637	41	15.2	11.4
1981	4,665	2,740	1,925	41	17.7	13.1
1983	4,492	2,674	1,818	40	20.1	15.3
1984	4,580	2,700	1,880	41	21.4	16.2
1985	4,742	2,789	1,952	41	22.3	17.3
1986	4,779	2,797	1,982	41	23.4	18.1
1987	4,849	2,818	2,031	42	27.3	21.8
1989	5,257	3,030	2,227	42	26.1	20.6
1990	5,374	3,071	2,302	43	27.3	21.8
Occupations						
Officials,						
administrators	299	206	94	31	42.5	35.0
Professionals	1,192	598	594	50	34.7	29.7
Technicians	502	298	204	41	28.0	22.2
Paraprofessionals	392	109	284	72	20.3	18.4
Protective service	884	768	116	13	26.3	24.0
Administrative support	972	123	849	87	20.8	18.9
Skilled craft	456	436	19	4	25.0	20.1
Service/maintenance	676	534	142	21	20.3	16.4

Source: U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States* (1992), table 483, p. 305.

TABLE 4.3
Composition of South Dakota State Government Work Force by Occupational Category, 1979-1993

Occupation	1976			1979			1981			1984			1992		
	M	F	% F	M	F	% F	M	F	% F	M	F	% F	M	F	% F
Officials, administrators	*	*	11.5	218	69	24.0	286	89	23.7	268	105	28.2	214	75	26.0
Professionals	*	*	30.3	1,416	816	36.6	1,454	1,007	40.9	1,392	1,041	42.8	1,710	1,513	46.9
Technicians	*	*	17.2	369	127	25.6	361	144	28.5	343	143	29.4	442	147	25.0
Protective service	*	*	1.5	321	12	3.6	321	17	5.0	360	17	4.5	487	47	8.8
Paraprofessionals	*	*	57.0	153	383	71.5	164	455	73.5	146	467	76.2	256	552	68.3
Office/clerical	*	*	94.2	67	1,039	93.9	70	1,065	93.8	60	959	94.1	93	1,004	91.5
Skilled craft	*	*	41.7	212	61	22.3	299	72	19.4	293	72	19.7	421	66	13.6
Service/maintenance	*	*	29.7	761	398	34.3	725	475	39.6	666	426	39.0	493	177	26.4
Total				3,517	2,905	45.2	3,680	3,324	47.5	3,528	3,230	47.8	4,116	3,581	46.5

* Actual numeric figure was not given.

Source: State of South Dakota, *Affirmative Action Plan* (1976, 1980-81, 1982, and 1985). Sandra Jorgensen, compensation director, South Dakota Bureau of Personnel,

supplied 1993 data in a letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Dec. 2, 1993.

TABLE 4.4

South Dakota State Employment, by Department Function, Occupational Category, Gender, and Minority Status, 1993

	Men	Women	Total	% Women	Minority	% Minority
Total employees						
Officials and administrators	214	75	289	26	2	1
Professionals, technicians, paraprofessionals	2,408	2,212	4,620	48	109	2
Protective services	487	47	534	9	19	4
Clerical	93	1,004	1,097	92	21	2
Skilled crafts	421	66	487	14	7	1
Service maintenance	493	177	670	26	25	4
Total	4,116	3,581	7,697	47	183	2
Financial Administration & General Control						
Officials and administrators	54	21	75	28	1	1
Professionals, technicians, and paraprofessionals	331	265	596	44	4	1
Protective services	5	2	7	29	0	0
Clerical	46	286	332	86	2	1
Skilled crafts	11	4	15	27	0	0
Service maintenance	28	4	32	13	3	9
Total	475	582	1,057	55	10	1
Streets & Highways						
Officials and administrators	35	2	37	5	0	0
Professionals, technicians, and paraprofessionals	473	68	541	13	11	2
Protective services	0	0	0	0	0	0
Clerical	4	74	78	95	3	4
Skilled crafts	249	1	250	0	5	2
Service maintenance	277	12	289	4	18	6
Total	1,038	157	1,195	13	37	3
Public Welfare						
Officials and administrators	23	14	37	38	1	1
Professionals, technicians, and paraprofessionals	273	526	799	66	47	6
Protective services	0	0	0	0	0	0
Clerical	4	211	215	98	9	4
Skilled crafts	0	0	0	0	0	0
Service maintenance	1	0	1	0	0	0
Total	301	751	1,052	71	57	5
Police Protection						
Officials and administrators	3	0	3	0	0	0
Professionals, technicians, and paraprofessionals	81	18	99	18	1	1
Protective services	165	2	167	1	3	2
Clerical	18	34	52	65	0	0
Skilled crafts	0	0	0	0	0	0
Service maintenance	0	0	0	0	0	0
Total	267	54	321	17	4	1

TABLE 4.4 (continued)

	Men	Women	Total	% Women	Minority	% Minority
Natural Resources & Parks & Recreation						
Officials and administrators	37	3	40	8	0	0
Professionals, technicians, and paraprofessionals	335	58	393	15	6	2
Protective services	59	1	60	2	0	0
Clerical	2	72	74	97	3	4
Skilled crafts	30	1	31	3	0	0
Service maintenance	57	0	57	0	0	0
Total	520	135	655	21	9	1
Hospitals & Sanitoriums						
Officials and administrators	9	5	14	36	0	0
Professionals, technicians, and paraprofessionals	309	685	994	69	15	2
Protective services	15	0	15	0	1	7
Clerical	8	69	77	90	1	1
Skilled crafts	63	48	111	43	0	0
Service maintenance	105	137	242	57	3	1
Total	509	944	1,453	65	20	1
Health						
Officials and administrators	2	6	8	75	0	0
Professionals, technicians, and paraprofessionals	97	205	302	68	3	1
Protective services	1	0	1	0	0	0
Clerical	1	67	68	99	1	1
Skilled crafts	1	0	1	0	0	0
Service maintenance	0	0	0	0	0	0
Total	102	278	380	73	4	1
Housing						
Officials and administrators	1	0	1	0	0	0
Professionals, technicians, and paraprofessionals	4	17	21	81	0	0
Protective services	0	0	0	0	0	0
Clerical	0	1	1	100	0	0
Skilled crafts	11	3	14	21	2	14
Service maintenance	7	21	28	75	0	0
Total	23	42	65	65	2	3
Community Development						
Officials and administrators	0	1	1	100	0	0
Professionals, technicians, and paraprofessionals	6	8	14	57	0	0
Protective services	0	0	0	0	0	0
Protective services	0	2	2	100	0	0
Clerical	0	0	0	0	0	0
Skilled crafts	0	0	0	0	0	0
Service maintenance	6	11	17	65	0	0
Total	12	20	32	322	0	0

TABLE 4.4 (continued)

	Men	Women	Total	% Women	Minority	% Minority
Corrections						
Officials and administrators	19	6	25	24	0	0
Professionals, technicians, and paraprofessionals	120	65	185	35	8	4
Protective services	213	42	255	16	15	6
Clerical	1	25	26	96	0	0
Skilled crafts	37	9	46	20	0	0
Service maintenance	8	0	8	0	0	0
Total	398	147	545	27	23	4
Employment Security						
Officials and administrators	6	1	7	14	0	0
Professionals, technicians, and paraprofessionals	159	150	309	49	6	2
Protective services	0	0	0	0	0	0
Clerical	5	55	60	92	0	0
Skilled crafts	0	0	0	0	0	0
Service maintenance	0	0	0	0	0	0
Total	170	206	376	55	6	2
Other						
Officials and administrators	25	16	41	39	0	0
Professionals, technicians, and paraprofessionals	220	147	367	40	8	2
Protective services	29	0	29	0	0	0
Clerical	4	108	112	96	2	2
Skilled crafts	19	0	19	0	0	0
Service maintenance	10	3	13	23	1	8
Total	307	274	581	47	11	2

*Financial Administration and General Control includes: Governor's Office, Lt. Governor's Office, Indian Affairs, Bureau of Finance and Management, Bureau of Administration, Bureau of Personnel, Department of Revenue, Retirement, Legislative Audits, Legislative Research Council, Attorney General, School and Public Lands, Secretary of State, State Treasurer, State Auditor, Supreme Court, and Energy Policy. Streets and Highways includes: Department of Transportation. Public Welfare includes: Department of Social Services, Division of Rehabilitation Services, and Division of Services to the Blind and Visually Impaired. Police Protection includes: Highway Patrol, Fire Safety, Criminal Investigation, and State Radio Communications. Natural Resources and Parks and Recreation includes: Department of Agriculture, Livestock Sanitary Board, Department of Game, Fish and Parks, and Department of Environment and Natural Resources. Hospitals and Sanitoriums includes: Custer State Hospital, Redfield State Hospital and School, Human Services Center, and

Department of Human Services Central Office. Health includes: Department of Health, Department of Human Services—Division of Mental Health and Division of Developmental Disabilities. Housing includes: State Veteran's Home. Community Development includes: Department of Tourism. Corrections includes: State Penitentiary, State Training School, Youth Forestry Camp, Court Services Administration, Correctional Services, and Springfield Correctional Facility. Employment Security includes: Department of Labor. Other includes: Division of Labor and Management, Department of Education and Cultural Affairs, Public Utilities Commission, Division of Motor Vehicles, Department of Military and Veteran's Affairs, Department of Commerce, and Lottery Commission.

Source: Sandra Jorgensen, compensation director, South Dakota Bureau of Personnel, supplied data from which this chart was compiled in a letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Dec. 2, 1993.

the employment of women since 1976. That year, the department, which is responsible mainly for highway construction and maintenance, traditionally male occupations, had no women engineers, and no women on its maintenance crews. The employment of women was confined mostly to office work. However, beginning in the 1980s, as part of its affirmative action plan, the department set higher goals and timetables for employment of minorities and women. Consequently, by 1993, 79, or 6.7 percent, of the department's total 1,184 employees were women working in nontraditional jobs as engineers, technicians, accountants, and maintenance workers.⁴ To accomplish this result, the department used an employee preference policy. The goal of the department, and one that is nearing fulfillment, Mr. Hull said, is to have a work force representative of the State's civilian labor force.⁵ He believes that the Department of Transportation has demonstrated that, as an employer, it can make changes in the composition of its work force without traumatic revision of its recruiting and hiring process.⁶

Sandra Jorgensen, compensation director for the South Dakota Bureau of Personnel, reported that the State's Career Service System conducts periodic interviews throughout the careers of government employees, and considers various factors to assure that women are not being discriminated against.⁷ In hiring, agencies may request up to three additional certified minority or women applicants for consideration in positions where they are underrepresented.⁸

Through an analysis of the comparative pay of women and men in State government, Ms. Jorgensen reported that the State considers know-how, problem solving, and accountability to determine pay ranges for each job and to assure that women are paid equitably.⁹ An analysis of performance appraisals a few years ago, she said, showed that the same proportion of men and women employees was receiving outstanding ratings. Ms. Jorgensen also reported that one-third of the Governor's cabinet are women. She also said that women employed in managerial positions, one level below cabinet level, with salaries over \$43,000 per year increased from 2 percent of the State's women employees in 1976, to 8 percent in 1990, and 14 percent in 1993.¹⁰ She emphasized, however, that there are disparities in the proportion of women in top pay brackets among the various departments. In 1986, in some department functions, such as streets and highways, financial administration, natural resources, and hospitals, Ms. Jorgensen said there were no women in top pay brackets. By 1993, however, each of those functions had one woman at the highest level.¹¹

Doug Decker, general counsel for South Dakota State government, outlined steps an employee may take to resolve a grievance or complaint. If it involves alleged illegal discrimination, a complaint may be filed with the South Dakota Human Rights Division, the U.S. Equal Employment Opportunity Commission, or processed through the State government grievance procedure.¹²

4 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, pp. 70-71 (hereafter cited as *Rapid City Transcript*).

5 *Rapid City Transcript*, p. 71.

6 *Ibid.*

7 *Ibid.*, pp. 80-81.

8 *Ibid.*, p. 81.

9 *Ibid.*

10 *Ibid.*, pp. 83-84. See table 3.3 for the number and proportion of women in the Governor's cabinet since 1985.

11 *Ibid.*, p. 84.

12 Doug Decker interview.

5. Federal Contractors and the Women's Business Enterprise Program

The South Dakota Department of Transportation (SDDOT) is responsible for meeting civil rights, equal opportunity, and non-discrimination requirements in the use of Federal monies for contractors, subcontractors, and disadvantaged business enterprises.¹ Many of these requirements have been integrated into the regular procedures and processes of the department.²

Table 5.1 provides statistics on the employment of women by SDDOT contractors in four major categories plus one that includes miscellaneous jobs. These figures cover all years in the 14-year period from 1980 to 1993, with the exception of 1985. Mr. Hull observed that, in each of these categories, statistics do not show the steady, upward trend in the percentages of women employed he had expected. He observed, however, that contractors have been consistently employing women on highway construction projects in excess of the overall employment goal for women set by the U.S. Department of Labor, which was 6.9 percent in 1993.³ That year, as table 5.1 shows, contractors employed 9.3 percent women. However, June Radtke, Director of Operations for the Denver Region of the U.S. Department of Labor's Office of Federal Contract Compliance Programs, said that contractor hiring does not approximate the Labor Department's goal of 6.9 percent women in each trade. She pointed out

that census statistics show that there are women in each of the trades to meet that goal.⁴

Like the total employment of women by contractors, no particular pattern emerges during this 14-year period for the employment of women within the four major categories shown in table 5.1. Mr. Hull noted, however, that by far the largest single employment category of women is that of unskilled laborer. Statistics for unskilled laborers vary widely, as they do for those in the semiskilled labor category, which Mr. Hull said reflect variations in definitions used for semi- and unskilled laborers by contractors in reporting.⁵ He estimates that contractors have done a good job of involving women in the traditionally men's world of highway construction.⁶

The Department of Transportation found that contractors consistently have demonstrated good faith in their efforts to recruit women applicants. However, contractors are handicapped in their recruitment efforts, because women in South Dakota have not created the types of job recruiting and placement organizations as have minorities (for example, the United Sioux Tribes, which recruits and places Native Americans in construction jobs).⁷

The department has maintained an on-the-job training program for construction workers. Records show that since 1980, out of the total

1 49 C.F.R. §§ 23.41, 23.43, 23.64.

2 Dennis Hull, transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, p. 59 (hereafter cited as *Rapid City Transcript*).

3 *Rapid City Transcript*, pp. 61-62.

4 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, p. 171 (hereafter cited as *Sioux Falls Transcript*).

5 *Rapid City Transcript*, pp. 62-63.

6 *Ibid.*, p. 64.

7 *Ibid.*, p. 66.

TABLE 5.1
Contractor Employment of Women with the South Dakota Department of Transportation, 1980-1993

	1980	1981	1982	1983	1984	1986	1987	1988	1989	1990	1991	1992	1993
Total employed	1,459	1,522	1,827	1,343	2,099	1,715	1,849	2,315	2,025	2,274	1,760	1,903	2,250
Total women	133	111	105	128	184	144	163	150	163	140	136	143	210
Percent women	9.1	7.3	5.7	9.5	8.8	8.4	8.8	6.5	8.0	6.2	7.7	7.5	9.3
Total equipment operators	418	447	445	297	545	382	499	597	436	604	447	472	686
Women	15	14	5	8	19	18	15	20	11	16	9	11	35
Percent women	3.6	3.1	1.1	2.7	3.5	4.7	3.0	3.4	2.5	2.6	2.0	2.3	5.1
Percent of total women	11.3	12.6	4.8	6.3	10.3	12.5	9.2	13.3	6.7	11.4	6.6	7.7	16.7
Total truck drivers	282	357	346	206	403	321	318	472	326	382	332	222	402
Women	19	16	13	12	9	11	10	10	10	10	16	11	21
Percent women	6.7	4.5	3.8	5.8	2.2	3.4	3.1	2.1	3.1	2.6	4.8	5.0	5.2
Percent of total women	14.3	14.4	12.4	9.4	4.9	7.6	6.1	6.7	6.1	7.1	11.8	7.7	10.0
Total semiskilled labor	178	143	158	103	264	228	200	267	272	301	247	308	260
Women	18	12	11	7	14	30	19	18	6	30	27	21	5
Percent women	10.1	8.4	7.0	6.8	5.3	13.2	9.5	6.7	2.2	10.0	10.9	6.8	1.9
Percent of total women	13.5	10.8	10.5	5.5	7.6	20.8	11.7	12.0	3.7	21.4	19.9	14.7	2.4
Total unskilled labor	220	189	465	423	502	356	473	516	496	528	373	475	544
Women	66	42	66	82	122	69	97	84	73	72	76	94	136
Percent women	30.0	22.2	14.2	19.4	24.3	19.4	20.5	16.3	14.7	13.6	20.4	19.8	25.0
Percent of total women	49.6	37.8	62.9	64.1	66.3	47.9	59.5	56.0	44.8	51.4	55.9	65.7	64.8
Total misc.*	361	386	413	314	385	428	359	463	495	459	361	426	358
Total women misc.	15	27	10	19	20	16	22	18	63	12	8	6	13
Percent women	4.0	6.5	2.4	5.7	4.9	3.6	5.8	3.7	11.3	2.5	2.2	1.4	3.5
Percent of total women	11.3	24.3	9.5	14.8	10.9	11.1	13.5	12.0	38.7	8.6	5.9	4.2	6.2

Note: Miscellaneous category includes: managers, supervisors, foremen, clericals, mechanics, carpenters, cement masons, electricians, pipe fitters, plumbers, and painters.

Source: Dennis W. Hull, Civil Rights Program manager, South Dakota Department of Transportation, Oct. 29, 1993.

enrollment of 388 trainees, 92, or 24 percent, have been women, with a graduation rate of 59 percent. This was slightly higher than the graduation rate of men at 54 percent. The large majority of women who participated were enrolled for training in light equipment operation, which is more of a starting point, and less complex or intimidating, than heavy equipment operation. Six women were enrolled for training in heavy equipment; four in medium equipment; seven as structural trainees; and six as general trainees.⁸

A Disadvantaged Business Enterprise (DBE) program mandated by Federal statute⁹ includes women businesses in its 10 percent annual goal, which is measured by prime contract awards to DBEs plus subcontract or intended subcontract participation. Except in 1990, the department always has exceeded its goal.¹⁰ For participation tracking purposes, the DBE program is divided into subcategories of Minority Male Business Enterprise (MBEs), Minority Women Business Enterprise (MWBEs), and White Women Business Enterprise (WWBEs).¹¹ Participation by these three entities during the years from 1984 to 1993 is shown in table 5.2.

Since 1982, 106 WBEs have been certified. The department maintains a roster of these firms that has 27 current listings. According to Mr. Hull, 9 are quite active; 8 are somewhat active; and 10

are either new with no projects yet, or relatively inactive.¹²

Mr. Hull said that he assumes Congress intended the DBE program to increase the number of female entrepreneurs and their participation in federally assisted programs, and that this has obviously occurred. He further stated that it also was meant to increase the number of minority and women workers in the highway construction industry, under the assumption that minority and women owners were more likely to employ minorities and women. This assumption, he believes, has held true for the hiring practices of MBEs, but not for WBEs. In 1993, MBEs had 260 employees, 60 of whom were minorities. WBEs had about the same number of employees, only 7 of whom were women.¹³

Fae Johnson, president and owner of one of the certified WBEs with construction contracts, related several instances when she felt she had been discriminated against in the planning or inspection process due to her gender. On one occasion, two equipment operators left the job rather than take orders from a woman.¹⁴ However, she said her greatest obstacles were getting bonded, obtaining financing, and being left out of business discussions that customarily occur when men associate with one another.¹⁵

8 Ibid., pp. 67-69.

9 Pub. Law 102-240, 105 Stat. 1919; 23 C.F.R. § 635.107.

10 *Rapid City Transcript*, pp. 67-69.

11 Ibid., p. 72.

12 WBE summary sheet presented to the Advisory Committee by Dennis W. Hull, Oct. 28, 1993.

13 *Rapid City Transcript*, pp. 73-74.

14 Ibid., pp. 91-92.

15 Ibid., p. 93.

TABLE 5.2**South Dakota Department of Transportation Disadvantaged Business Enterprise Prime Awards and Commitments, 1984-1993**

Fiscal year	No. of projects	MBE participation	MWBE participation	WWBE participation	Total DBE participation
1984	106	10.76	—	1.03	11.79
1985	191	10.22	—	3.11	13.33
1986	157	11.22	—	7.12	18.34
1987	171	9.98	—	2.71	12.69
1988	321	9.16	—	2.23	11.39
1989	315	7.75	—	2.88	10.63
1990	258	6.51	—	2.92	9.43
1991	196	8.55	—	2.59	11.14
1992	230	7.93	0.78	2.88	11.59
1993	234	5.37	0.85	4.77	10.99

Source: Statistics supplied by Dennis W. Hull, Civil Rights Program manager, South Dakota Department of Transportation, Oct. 24, 1993.

Note: DBE = Disadvantaged Business Enterprises; MBE = Minority Business Enterprises; MWBE = Minority Women

Business Enterprises; and WWBE = White Women Business Enterprises. MWBE participation was not tracked separately prior to FY 1992.

6. The Glass Ceiling

A great deal of media attention has been given to a program of the U.S. Department of Labor termed the glass ceiling initiative.¹ The initiative was launched to investigate why minorities and women have not advanced to more senior levels in corporate America.

The Labor Department concluded that the glass ceiling is defined most clearly as "those artificial barriers based on attitudinal or organizational bias that prevent qualified individuals from advancing upward in their organization into management level positions."² It concluded that when the glass ceiling exists, it hinders not only individuals, but society as a whole, effectively reducing the pool of potential leaders by eliminating over one-half of the population. The Department further observed that the glass ceiling deprives the economy of new leaders, the "would be" pioneers of the business world who could be new sources of creativity.³

Jaime Ramon, Director of the Labor Department's Office of Federal Contract Compliance Programs, reported that the first pilot study of the initiative in 1991 involved nine "Fortune 500" companies from different industries in five geographic regions. Of the 147,000 employees at these companies, women were 37 percent of all employees, and minorities were 15.5 percent.⁴

These minorities and women were at much lower ranks than initially anticipated. Of the 4,400 managers and executives at the assistant vice president level or higher, only 6.6 percent were women, and 2.6 percent minorities.⁵

A 1991 survey by *Fortune* magazine discovered only 19 women among 4,012 of the highest paid officers and directors in 800 "Fortune 1000" companies.⁶ In the financial services industry, women are over 40 percent of middle management, yet only 2 percent of top management.⁷

A *Business Week* survey of 400 female managers found that half of the respondents believed that the rate of progress in hiring or promoting women executives had slowed. One-third of the respondents thought that in 5 years, the number of female senior executives will have remained the same or decreased. Seventy percent of those female managers polled believed that male-dominated corporate culture was an obstacle to their success.⁸

Labor Secretary Lynn Martin said that women continue to be held back by outdated attitudes that prevent them from securing assignments that lead to promotions. For example:

- women are thought to be too busy to take travel assignments;

1 U.S. Department of Labor, *A Report on the Glass Ceiling Initiative* (1991) (hereafter cited as *A Report on the Glass Ceiling Initiative*); and U.S. Department of Labor, *Pipelines of Progress: A Status Report on the Glass Ceiling Initiative* (August 1992) (hereafter cited as *Pipelines of Progress*).

2 *A Report on the Glass Ceiling Initiative*, p. 1.

3 *Ibid.*, p. 2.

4 Jaime Ramon, Director of the Office of Federal Contract Compliance Programs, U.S. Department of Labor, briefing before the U.S. Commission on Civil Rights in Washington, D.C., Nov. 13, 1992.

5 *Pipelines of Progress*, p. 5.

6 Clearinghouse on Women's Issues, *Newsletter*, April 1991.

7 *Ibid.*

8 *Ibid.*

- educational opportunities are not offered to women because they might conflict with responsibilities at home;
- men are judged on their potential, women on past performance; and
- male executives are more comfortable with other men.⁹

A complete analysis of the degree to which women reach top management positions in South Dakota was beyond the scope of this study; however, it was noted that the State is not without its successes in this area. Candis Hanson noted that U.S. West in South Dakota has a woman CEO, and a woman at the *Argus Leader*, the State's largest newspaper, is currently the publisher.¹⁰ Loila Hunking noted, however, that Sioux Falls, South Dakota's financial center, has no women bank presidents.¹¹ In contrast, Martha Reed, director of human relations for Citibank of South Dakota, praised her company's efforts to help women ascend into management. She reported that 70 percent of the work force is female, with 45 percent among management. In addition, 60 percent of first line supervisors are women. Two current vice presidents are women, both of whom started with the company in clerical positions.¹² She said that other women have been offered but turned down first line supervisory positions because of family responsibilities.¹³

Often, women feel the only alternative to barriers in the workplace is to flee corporate America and start their own businesses. Patricia Saiki,

Administrator of the Small Business Administration, reported that this is happening at twice the rate of that for men. She said that, by the year 2000, nearly 50 percent of all businesses will be women-owned.¹⁴

Ms. Hanson said that the creation of women-owned businesses "is an explosion that will not be hidden much longer." Women who are excluded from the top echelon in large industries, who have talent and energy and modest resources, rather than challenging the system, are investing in themselves.¹⁵ In the 1970s, she said, the "women's movement" involved getting a credit card and a credit history in a woman's name. In the 1990s, the battle will involve access to venture capital, construction loans, and credit lines.¹⁶ She explained that women in legal practices have been able to "hang out their shingles" and open their own offices.¹⁷

A consensus existed among those making presentations to the Advisory Committee that in the area of public education administration it is especially difficult for women to advance to top levels, or even to gain entrance. Janice K. Nicolay, principal of Washington High School in Sioux Falls, and one of the two women high school principals in the State, reported that there are few women in secondary administrative roles in the State. Furthermore, the number of women superintendents is minimal. Some, she said, do not last a year on the job before the board buys out their contract, and they go into another position or leave the State.¹⁸ Ms. Nicolay noted that women

9 Kenneth Eskey, "Women Still Hit Glass Ceiling in Corporate Arena, Labor Chief Says," *Rocky Mountain News*, Aug. 12, 1992 (hereafter cited as "Women Still Hit Glass Ceiling in Corporate Arena, Labor Chief Says").

10 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, p. 31 (hereafter cited as *Sioux Falls Transcript*).

11 *Sioux Falls Transcript*, p. 15.

12 *Ibid.*, pp. 151-52.

13 *Ibid.*, p. 158.

14 "Women Still Hit Glass Ceiling in Corporate Arena, Labor Chief Says."

15 *Sioux Falls Transcript*, pp. 32, 33.

16 *Ibid.*, p. 33.

17 *Ibid.*, p. 32.

have been well-represented as elementary principals for a long time, but that it requires a huge commitment of time to be the principal of a high school, and people are increasingly unwilling to take on that responsibility.¹⁹ —

Tables 6.1 and 6.2 contain data contrasting the positions of women in South Dakota public school administration to those on the instructional staff. Twenty-five percent of the administrative positions are held by women. However, most positions women occupy are not at the top levels, but rather at the program director level, or as assistant principal or superintendent. Surprisingly, there are no assistant elementary principals in the State who are women, and no women are athletic directors. Women, however, hold 72 percent of all instructional positions. They also outrank men in all teaching positions except in high school. Junior high school teaching positions are divided almost equally between men and women.

On the faculties of institutions of higher education across the Nation, women are not only vastly underrepresented, they encounter the glass ceiling, especially at the rank of professor. Statistics in table 6.3 show that, in 1991, women made up less than one-third of the full-time instructional faculty in the United States. At the lecturer and instructor levels, they almost equal the number and proportion of the male faculty. At the assistant professor level, however, their percentage begins to decline rapidly; and at the full professor level, they are outnumbered by men almost six to one.

Tables 6.4 and 6.5 demonstrate that women faculty in South Dakota public institutions of

higher education fare even more poorly than those in similar institutions nationwide, in terms of their representation at the various academic ranks. Thirty percent of the faculty members of public institutions of higher education in the State are women. Although this provides a picture of drastic underrepresentation of women faculty in South Dakota, their proportion is almost equal to that of women higher education faculty nationwide. However, at every rank above that of instructor, women faculty in South Dakota have less representation than those of comparable rank nationwide. Only 11 percent of professors in South Dakota institutions are women, compared to 15 percent nationally.

Table 6.5 also shows considerable inequities in the proportions of women employed by the various institutions when compared to those of men. Comparisons are difficult to make, however, because the schools vary greatly in size and academic specialties. Dakota State University has a faculty with 41 percent women, the highest of any institution, with correspondingly higher proportions of women at almost every faculty level. However, it is a small school and the total number of women faculty is small compared to, for instance, the University of South Dakota. The South Dakota School of Mines, which is mainly concerned with technical fields not traditionally entered by women, and Northern State University have much lower proportions of women on their faculties than the other State institutions. Only 4 professors, out of the total 55 at the School of Mines, are women; and there is only 1 woman professor out of 31 at Northern State University.

18 Ibid., p. 242.

19 Ibid., p. 248.

TABLE 6.1
South Dakota Public School Administrators by Gender, 1992-93

Position	Full time equivalent			% Women
	Women	Men	Total	
Middle school/jr. high school principal	10.96	62.52	73.48	15
Asst. middle school/jr. high school principal	4.67	10.55	15.22	31
Program director/supervisor	12.52	19.72	32.24	39
Asst. program director/supervisor	2.60	1.00	3.60	72
Curriculum specialist/coordinator	9.47	5.00	14.47	65
Athletic director	0.00	20.30	20.30	0
Modernizing director	5.50	0.99	6.49	85
Elementary principal	88.52	115.77	204.29	43
Asst. elementary principal	0.00	3.05	3.05	0
High school principal	4.86	113.44	118.30	4
Asst. high school principal	5.73	24.67	30.40	19
Superintendent	2.40	131.01	133.41	2
Asst. superintendent	2.00	3.33	5.33	38
Special education director	19.10	6.47	25.57	75
Total	168.33	517.82	686.15	25

Source: Dale D. Hegg, director, Office of Finance and Management, State of South Dakota, Department of Education and Cultural Affairs, *Comparative Statistics on*

Classroom Teachers, Administrators, and Support Staff by School District, 1992-1993.

TABLE 6.2
Instructional Staff in South Dakota Public Schools by Gender, 1992-1993

Position	Full time equivalent			% Women
	Women	Men	Total	
Prekindergarten teacher	19.55	19.55	.00	0
Elementary school teacher	3,707.12	3,291.61	415.51	11
Middle school teacher	981.08	599.42	381.66	39
High school teacher	2,371.08	1,034.61	1,336.47	56
Junior high school teacher	600.33	315.31	285.02	47
Special education teacher	710.85	654.70	56.15	8
Special education sev. & pro.	9.00	8.00	1.00	11
Coord/teacher gifted	92.14	83.80	8.34	9
Teacher of hearing impaired	9.40	8.40	1.00	9
Office occupations	3.76	2.76	1.00	27
Librarian/media	193.52	177.41	16.11	8
Teacher of visually impaired	1.00	1.00	.00	0
Kindergarten teacher	261.12	260.12	1.00	0
Total	8,959.95	6,456.69	2,503.26	28

Source: Dale D. Hegg, director, Office of Finance and Management, State of South Dakota, Department of Education and Cultural Affairs, *Comparative Statistics on*

Classroom Teachers, Administrators, and Support Staff by School District, 1992-1993.

TABLE 6.3
Full-Time Instructional Faculty in U.S. Institutions of Higher Education, by Rank and Sex, Fall 1991

Academic rank	Men	Women	Total	% Women
Lecturers	5,362	5,913	11,275	52
Instructors	41,124	36,958	78,082	47
Assistant professors	76,129	50,215	126,344	40
Associate professors	84,311	32,328	116,639	28
Professors	123,173	21,163	144,336	15
Other faculty	25,012	18,639	43,651	42
Total	355,111	165,216	520,327	32

Source: U.S. Department of Education, Office of Education Research and Improvement, *Digest of Education Statistics* (1993), table 219, p. 227.

TABLE 6.4
Total Instructional Faculty at South Dakota Public Institutions of Higher Education, by Rank and Sex, 1993-1994

Academic rank	Men	Women	Total	% Women
Instructors	80	96	176	55
Assistant professors	286	185	471	39
Associate professors	229	71	300	24
Professors	340	41	381	11
Total	935	393	1,328	30

Source: Compiled from data on table 27.

TABLE 6.5

Instructional Faculty in South Dakota Public Institutions of Higher Education, by Institution, Rank, and Sex, 1993-1994

	Men	Women	Total	% Women
<i>University of South Dakota</i>				
Instructor	13	28	41	68
Asst. professor	93	67	160	42
Assoc. professor	85	28	113	25
Professor	102	15	117	13
Total	293	138	431	32
<i>South Dakota State University</i>				
Instructor	32	33	65	51
Asst. professor	103	66	169	39
Assoc. professor	64	31	95	33
Professor	128	13	141	9
Total	327	143	470	30
<i>South Dakota School of Mines & Technology</i>				
Instructor	8	12	20	60
Asst. professor	22	10	32	31
Assoc. professor	28	6	34	18
Professor	51	4	55	7
Total	109	32	141	23
<i>Northern State University</i>				
Instructor	17	10	27	37
Asst. professor	22	19	41	46
Assoc. professor	33	2	35	6
Professor	31	1	32	3
Total	103	32	135	24
<i>Black Hills State University</i>				
Instructor	5	6	11	55
Asst. professor	33	12	45	27
Assoc. professor	11	0	11	0
Professor	19	6	25	24
Total	68	24	92	26
<i>Dakota State University</i>				
Instructor	5	7	12	58
Asst. professor	13	11	24	46
Assoc. professor	8	4	12	33
Professor	9	2	11	18
Total	35	24	59	41

Source: Statistics supplied in communications to the Rocky Mountain Regional Office of the U.S. Commission on Civil Rights by Betty Turner Asher, president, University of South Dakota, Nov. 19, 1993; Linda R. Schumacher, administrative assistant to the president, South Dakota State University, Dec. 8, 1993; Marshall Burgess, equal employment opportunity officer and general

counsel to the South Dakota School of Mines and Technology, Sept. 9, 1993; John M. Hutchinson, president, Northern State University, Nov. 29, 1993; Clifford M. Trump, president, Black Hills State University, Nov. 23, 1993; Linda Brozik, administrative assistant to the president, Dakota State University, Nov. 24, 1993.

7. Pay Equity

June 10, 1993, marked the 30th anniversary of the Equal Pay Act of 1963.¹ However, women in the United States have little to celebrate, for they earn less than 70 cents for every dollar earned by men.² This differential widens with age, leaving women age 50 and older with only 64 percent of the wages paid men.³ Minority women across the United States fare even worse. In 1991 black and Hispanic women earned 62 and 54 cents, respectively, for every dollar earned by white men.⁴ Female hourly workers come closer to parity than women in white-collar jobs, who may earn as little as half that of their male counterparts. There are undoubtedly many reasons for this disparity in wages, including outright discrimination. The *Wall Street Journal* reported that, although companies have argued that women get paid less because their credentials are not comparable to men's, women would earn about 18 percent more than they do at present, if they were men with the same credentials.⁵

The AARP reported that analysts attribute the gender pay gap for women over 50 to four factors: (1) education, as women concentrated on fields that did not prepare them for higher paying jobs in occupations such as medicine, law, and engineering; (2) work experience, because women take time out for childbearing and have less tenure

than men; (3) occupational choice and occupational segregation, because women tend to dominate certain occupations that become lower paying; and (4) sex discrimination, which persists despite its prohibition by Title VII of the Civil Rights Act of 1964⁶ which bans it.⁷

The *Wall Street Journal* observed that though the Equal Pay Act was intended to close the gender wage gap, statistics show that it has actually widened from one year to the next a total of six times since it became law. It also reported that in the government's 1992 fiscal year, the EEOC filed only 2 lawsuits under the act, down from 6 the year before and from a high of 79 in fiscal year 1980.⁸

Ms. Rose believes that the act is inadequate, because pay differential is not a violation unless men and women have exactly identical jobs, which require the same level of experience or training, have the same title, and impose the same work responsibilities. Consequently, pay issues are not being addressed, particularly in small businesses, where seldom are two jobs identical.⁹

Table 7.1 shows that in South Dakota, as in the rest of the nation, the gap in the median incomes for men and women has decreased steadily since 1960. In 1989 women in the State were earning

1 29 U.S.C. § 206(d) (1988).

2 "Three Decades After the Equal Pay Act, Women's Wages Remain Far From Parity," *Wall Street Journal*, June 9, 1993 (hereafter cited as "Three Decades After the Equal Pay Act").

3 *AARP Bulletin*, "Equity Eludes Women," November 1991 (hereafter cited as "Equity Eludes Women").

4 "Three Decades After the Equal Pay Act."

5 *Ibid.*

6 42 U.S.C. § 2000e-e(17) (1988 and Supp. V 1993).

7 "Equity Eludes Women."

8 "Three Decades After the Equal Pay Act."

9 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, p. 105 (hereafter cited as *Sioux Falls Transcript*).

TABLE 7.1

Median Income of South Dakota's Full-Time Civilian Labor Force by Sex, 1960-1989

	1960	1970	1980	1989
<i>South Dakota</i>				
Females		\$3,489	\$8,150	\$14,271
Males		6,527	13,268	21,425
F/M ratio	.426	.535	.614	.666
<i>Minnehaha County</i>				
Females				16,088
Males				24,982
F/M ratio				.644
<i>Pennington County</i>				
Females				15,244
Males				22,980
F/M ratio				.663

Source: Bureau of the Census, *Characteristics of Population, Detailed Characteristics*, South Dakota (1960), table 130, pp. 317-318; (ibid. 1970), tables 175 and 176, pp. 431-432 and pp. 437-438; (ibid. 1980),

table 222, pp. 158-163. Bureau of the Census, *Social and Economic Characteristics*, South Dakota (1990), table 3, pp. 5-6.

almost 67 cents for every dollar that men earned, up from 43 cents in 1960.

Like the Federal Government, South Dakota also has an Equal Pay Act.¹⁰ The State's act provides that:

No employer shall discriminate between employees on the basis of sex, by paying wages to any employee in any occupation in this state at a rate less than the rate at which he pays any employee of the opposite sex for comparable work on jobs which have comparable requirements relating to skill, effort, and [sic] responsibility, but not to physical strength.

However, Ms. Chamberlain reported to the Advisory Committee that she knew of no action ever taken to enforce the comparable worth provision of this law.¹¹ Ms. Rose also reported that the

South Dakota Department of Labor, which is charged with the enforcement of this law, to her knowledge, has never done so.¹²

Susan Randall, a sociologist and director of Development Operations at Turn About, Inc., stated that our culture's long history of devaluing women's work is a form of institutional discrimination that is fairly widespread in the Sioux Falls work force.¹³ She explained that, historically, women have performed caretaking, nurturing, and support roles in our culture. As women have moved into the marketplace, however, jobs in these areas have tended to pay less than jobs requiring a parallel level of skill and education in areas traditionally dominated by men. She illustrated her point by comparing wages for secretarial positions, typically identified as women's

10 S.D. Cod. Laws § 60-12-15 (1978). See South Dakota Advisory Committee to the U.S. Commission on Civil Rights, *Employment Discrimination and Women in South Dakota: A Legislative Handbook*, August 1993, for a discussion of the provisions of this act.

11 *Sioux Falls Transcript*, p. 114.

12 Lois Rose interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, July 23, 1993.

13 *Sioux Falls Transcript*, pp. 208-09.

work, with carpentry, traditionally a men's work area. She said that although both require an equivalent level of education, experience, and skill in the operation of equipment, starting wages for carpenters are a full dollar per hour more than for secretaries.¹⁴ She believes that pay equity legislation and public education can change the subtle attitude pervading the Sioux Falls community that a woman can be hired for less than a man.¹⁵ However, she added that the discrimination that occurs when a man is paid

more for the same position held by a woman is usually not blatant, but unintentional.¹⁶

Ms. Hanson believes that in the 1990s there will be a renewed interest in the issue of pay equity, although she was not aware of any recent progress to date in South Dakota. She thinks that women are beginning to understand that they are being "statistically segregated" in job categories that do not pay wages comparable to those for jobs traditionally held by men.¹⁷

14 Ibid., pp. 209-10.

15 Ibid., p. 216.

16 Ibid.

17 Ibid., p. 34.

8. Sexual Harassment

The U.S. Equal Employment Opportunity Commission (EEOC) defined unwelcome sexual behavior as illegal harassment when:

- submission to such conduct is made implicitly either a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

In South Dakota, as early as 1981, then-Governor William Janklow issued an executive order that declared sexual harassment "to be a form of discrimination which is prohibited in any and every work place in which public employees are required to conduct business."² The order mandated the commissioner of the Bureau of Personnel to implement informational material to assure understanding of the illegality of sexual harassment. The heads of each department were made responsible for providing information on the nature of sexual harassment and methods by

which it might be prevented or eliminated.³ In February 1993, then-Governor George Mickelson reissued the same order⁴ and proclaimed that it is the policy of the State and the responsibility of all State employees to ensure that the work place is free from sexual harassment. The policy statement also set forth provisions for its enforcement by the Bureau of Personnel and penalties for its violation. Employees also were informed of their right to complain of violations to the State Human Rights Division.⁵

Mr. Decker said that the experience in State government is that sexual harassment has not been in the form of "quid pro quo" exchanges as much as it has been the result of a hostile work environment. He also said that most complaints are resolved at the departmental level.⁶ Classes provided by the Bureau of Personnel are required as part of the general training program for supervisors, but are also offered to other employees as well.⁷ Ms. Jorgensen stated that, "we make certain the supervisors know . . . that sexual harassment will not be tolerated in State government."⁸ Mr. Hull, civil rights program manager for the Department of Transportation, a male-dominated department whose work force included only 6.7 percent women in 1993,⁹ observed that

1 29 C.F.R. § 1604.11(a) (1994). For the definition of "sexual harassment" and a comprehensive discussion of its legal implications, see South Dakota Advisory Committee to the U.S. Commission on Civil Rights, *Employment Discrimination and Women in South Dakota: A Legislative Handbook* (August 1993), pp. 6-9.

2 Executive Order 81-08, attached as app. B.

3 Ibid.

4 Executive Order 90-7.

5 State of South Dakota, *Sexual Harassment Policy*, Feb. 13, 1990.

6 Doug Decker, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 28, 1993.

7 Ibid.

8 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, pp. 82-83 (hereafter cited as *Rapid City Transcript*).

sexual harassment is not a substantial problem now, a dramatic difference from 15 years ago.¹⁰

Hazel Shepard, a sexual harassment consultant to private businesses, said sexual harassment clearly exists in South Dakota, although she believes that many employers are not aware of the subtle forms it can take. She said sexual jokes, pinup calendars, or even waitress uniforms could become the basis for sexual harassment claims. She believes that where there is an awareness of the dimensions of sexual harassment, it creates an atmosphere of respect and professionalism on the job.¹¹

Joellen Koerner said that sexual harassment in the form of verbal abuse is also a significant problem for industry. In the Sioux Valley Hospital of Sioux Falls, where she is vice president for patient services, an abuse policy was put into place 3 years ago. Consequently, two physicians and two nurses were required to attend a training workshop on the issue.¹²

Ms. Rose reported that, in her experience as an attorney, sexual harassment cases have escalated.¹³ Thomas F. Burke, director of the Sioux Falls Human Relations Commission, reported that sexual harassment complaints received and processed by his agency during the 5-year period between 1988 and 1993 numbered 51, or 16 percent of its total 326 caseload.¹⁴ He said that many

sexual harassment complaints received by his agency in the past 3 years have ended up in court, not only as civil rights claims, but also as breach of contract claims or tort allegations, such as intentional infliction of emotional distress.¹⁵ William P. O'Toole, director of investigations for the South Dakota Human Rights Division, said that of the 205 pending discrimination cases in his office, a majority involved sexual discrimination or sexual harassment.¹⁶ Jeff Stingley, secretary of the Department of Commerce and Regulation which includes the Human Rights Division, attributed the increase in sexual harassment complaints to the publicity generated by Supreme Court Justice Clarence Thomas' congressional confirmation hearings.¹⁷ Regarding the reported increase in sexual harassment, Ms. Hanson questioned whether it resulted from more reporting, or whether society was now recognizing and admitting behavior or conditions that have been unexposed for years.¹⁸

Dr. Ruth Sorenson, chair of the department of sociology at Augustana College, and former chair of the Committee for Women in the South Dakota Synod of the Evangelical Church, provided the Advisory Committee with information based on a survey conducted in 1992, of abusive experiences of Lutheran church women. Results of the survey are included in table 8.1. Nine, or 12.9 percent, of

9 South Dakota Department of Transportation, "1993 Affirmative Action Plan Update" (July 1993), p. 9.

10 Dennis Hull, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 28, 1993.

11 "Unwelcome Behavior," *Rapid City Journal*, undated 1993 article (hereafter cited as "Unwelcome Behavior").

12 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, p. 174 (hereafter cited as *Sioux Falls Transcript*).

13 *Ibid.*, p. 106.

14 Thomas F. Burke, director, Human Relations Commission, City of Sioux Falls, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, July 25, 1994.

15 *Sioux Falls Transcript*, p. 231.

16 "Unwelcome Behavior."

17 Jeff Stingley, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 28, 1993.

18 *Sioux Falls Transcript*, p. 39.

TABLE 8.1
Survey of Abuse Experiences of Women, South Dakota Synod of the
Evangelical Lutheran Church in America, 1992

	Total responses	Yes responses	Percent of total
<i>Have you experienced any form of abuse?</i>	341	70	20.5
Form of abuse experienced by yes respondents			
Sexual harassment		Number	Percent of total
		9	12.9
Emotional abuse		60	85.7
Physical abuse		26	37.1
Sexual abuse		15	21.4
Rape		8	11.4

Note: This information is based on findings of a survey of women of the South Dakota Synod of the Evangelical Lutheran Church in America. A total of 1,058 survey instruments were sent to a random sample of adult female members of parishes in the synod. The response rate was 32 percent with 345 usable questionnaires returned. The percentage for types of abuse is a percentage of the respondents

(N=70) who have experienced abuse. Many women had experienced more than one type of abuse, so percentages total more than 100 percent.
 Source: Ruth Sather Sorenson, Ph.D., Committee for Women, Board for Church in Society, South Dakota Synod Evangelical Lutheran Church in America, *Survey of Women in South Dakota Synod* (1992), table 19.

the 70 women who responded "yes" to experiencing some form of abuse said they had suffered sexual harassment.

Sexual harassment also occurs in America's schools. A study by the American Association of University Women (AAUW) found that four out of five students (81 percent) have been the target of some form of sexual harassment during their years in school.¹⁹ The survey categorized 14 forms of harassment, ranging from physical behavior to sexual comments.²⁰ The report pointed out that such behavior not only has far-reaching negative educational, behavioral, and emotional impact for the individual victim, but it also raises the important societal questions as to whether adult sexual harassment has roots in school-based be-

havior.²¹ The experience of RoAnn Redlin, lobbyist for the South Dakota Advocacy Network, confirmed that it did. She said that the primary complaint she receives concerns the sexual harassment of young women in schools. These complaints usually come from frantic parents. She said that unless sexually inappropriate behavior and attitudes are addressed in the early grades, they will resurface in the work place.²²

A number of reports emphasize that sexual harassment in the work place is especially a problem for single women. A study of single parents in Rapid City by David B. Lail found that their negative response to the advances of supervisors will almost always prevent any upward progression within the company.²³ Ms. Rose observed

19 AAUW Education Foundation, *Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools* (June 1993), p. 7.

20 Ibid., pp. 8-9.

21 Ibid., pp. 15-18, 21.

22 *Sioux Falls Transcript*, pp. 49-50.

23 David B. Lail, *Single Parents in Rapid City, South Dakota*, submitted to Capstone Project BSIS 490, February 1993, p. 14.

that, based on cases she has handled, many women, typically single mothers trying to survive on South Dakota wages, in some instances without any child support or health insurance, are so job dependent that speaking out against sexual harassment simply is not a viable option.²⁴ Ms.

Hanson also confirmed that women heads of households are particularly vulnerable to disrespectful working conditions and have no alternatives to remaining in the job and tolerating the conditions.²⁵

²⁴ *Sioux Falls Transcript*, p. 103.

²⁵ *Sioux Falls Transcript*, p. 36.

9. Domestic Violence

A report, *Stop Violence Against Women*, by the Legal Defense and Education Fund of the National Association of Women (NOW) presents an appalling picture of the extent and effect of domestic violence in our country.¹ According to this report, an estimated 2 to 4 million American women are battered by their spouses, and 15 to 25 percent of these abused women are pregnant;² about 30 percent of women murdered in the United States are slain by their husbands or boyfriends.³ Nationally, between one in four and one in three women are involved in an abusive relationship,⁴ and almost 50 percent of all homeless women and children in the U.S. are fleeing domestic violence.⁵ NOW maintains that such statistics indicate that domestic violence has reached epidemic proportions, and that the first step in dealing with the problem is to persuade authorities that it exists. According to NOW, however, American law "continues to treat the problem of violence against women as though it were a series of isolated, unconnected, individual breakdowns of law and order."⁶ Moreover, law enforcement agencies and the courts tend to be lenient with offenders: approximately two-thirds of the incidents are identified as "simple assaults," a mis-

demeanor rather than a felony, even though "up to 50 percent of these simple assaults result in physical injuries that are as or more serious than in 90 percent of all rapes, robberies, and aggravated assaults."⁷

Nadine Zeller, a counselor for the Job Service of South Dakota, has observed that when some women start to become independent, their husbands or male friends become or feel threatened. They fear that they are losing control and become physically abusive to keep women submissive and "in their place."⁸ Ms. Schultz has encountered women in abusive relations who have somehow gained the strength to go back to school and further their education, only to have their books thrown out the window because their abusers cannot stand to see them empower themselves.⁹

A 1979 report of the South Dakota Commission on the Status of Women found that cultural attitudes about violence against women had changed little over the years.¹⁰ Traditionally, women have been viewed as property, to be owned and controlled by the men with whom they share a relationship. When a woman cannot consider herself as worthwhile apart from marriage, she will continue a relationship, regardless of the physical

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- 1 National Organization for Women, Legal Defense and Education Fund, *Stop Violence Against Women* (1994), (hereafter cited as *Stop Violence Against Women*).
 - 2 *Ibid.*, p. 5.
 - 3 *Ibid.*
 - 4 Sue Schultz, transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, p. 239 (hereafter cited as *Rapid City Transcript*).
 - 5 *Stop Violence Against Women*, p. 5.
 - 6 *Ibid.*, p. 1.
 - 7 *Ibid.*, p. 5.
 - 8 *Rapid City Transcript*, p. 201.
 - 9 *Ibid.*, p. 238.
 - 10 Dr. Joyce Eckblad, *Conspiracy of Silence: A Report on Spouse Abuse in South Dakota* (1979), pp. 28-29, (hereafter cited as *Conspiracy of Silence*).

and emotional trauma, often for a variety of social, economic, and emotional reasons.¹¹ The poorer a woman is, the more difficult it is to leave a battering situation, because job options are more limited for poor women.¹²

Carol Maicki, a former State senator, has observed that domestic violence cuts across all economic, racial, and religious lines. It is prevalent even in communities where there is minimal alcohol abuse.¹³ Similarly, Dr. Joyce Eckblad, a consultant for the South Dakota Commission on the Status of Women, reported that a battered woman may be of any age, race, economic status, or educational level.¹⁴

The impact of domestic violence on industry is staggering. One economist has estimated that employees incur between \$3 and \$5 billion in expense annually because of absenteeism resulting from domestic violence. Fear of violence also ranks as the number one hurdle facing women in the job market.¹⁵ Women are forced to miss work when they are battered and abused, but their employers are afraid to help them. When they are harassed by their husbands or boyfriends at the workplace, women are terminated because it interferes with their jobs. Employers are afraid of what is going on.¹⁶ Ms. Hanson said employers are also concerned about how abusive family relationships which culminate in domestic violence will affect work performance.¹⁷

Ms. Sorenson stated that feelings of low self-esteem, insecurity, and depression that result from abuse keep women from both education and employment opportunities.¹⁸ Many battered women possess no marketable skills and fear looking for a job. Searching for a job can be frustrating, depressing, and humiliating to women who feel they have nothing to offer.¹⁹ An abused woman who finds a job that does not pay enough to support her family, often goes back to her abuser or finds another man to help her. Such women find it almost impossible to break the cycle of dependency and abuse.²⁰

Ms. Redlin reported that South Dakota has 90 percent of the domestic violence laws that are considered ideal in other parts of the Nation. This, she said, is a credit to the women in South Dakota who have lobbied for their enactment.²¹ However, for the past 4 years the State has appropriated only \$125,000 annually to fund 21 battered women shelters.²² These shelters have paid staffs of about 100, plus 400 volunteers, and a budget of approximately \$1½ million. Each year these shelters house and assist approximately 3,000 women and their children. In addition, they aid three times that number of walk-ins, provide support groups, accept crisis calls, and render counseling services.²³ The shelters only accommodate approximately 10 percent of the battered women in the State who are estimated to number, at a

11 Ibid.

12 Karen Artichoker, director of the White Buffalo Calf Society, *Rapid City Transcript*, p. 165.

13 *Rapid City Transcript*, p. 183.

14 *Conspiracy of Silence*, p. 31.

15 *Stop Violence Against Women*, p. 1.

16 Sue Schultz, *Rapid City Transcript*, p. 238.

17 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, p. 39 (hereafter cited as *Sioux Falls Transcript*).

18 *Sioux Falls Transcript*, p. 267.

19 *Conspiracy of Silence*, p. 20.

20 Sue Schultz, *Rapid City Transcript*, p. 239.

21 *Sioux Falls Transcript*, p. 47.

22 Sue Schultz, *Rapid City Transcript*, p. 244.

minimum, 30,000.²⁴ This figure represents almost 10 percent of the State's 353,506 women counted in the 1990 census.²⁵ In 1992, 11,650 women and children contacted shelters.²⁶ Twelve women have been killed to date in South Dakota due to domestic violence. In one instance, a woman and her three children were shot and killed by her abuser at a court-ordered visitation appointment.²⁷

In the survey of women in the South Dakota Evangelical Lutheran Church in America, 20.5 percent of the women who responded reported some type of abuse experience (table 8.1). Based upon an estimated 40,000 women in the South Dakota Synod, approximately 8,200, or over 20 percent, have experienced abuse.²⁸

23 Carol Maicki, a former State legislator, interview in Rapid City with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Mar. 30, 1993.

24 Karen Artichoker, *Rapid City Transcript*, p. 156.

25 U.S. Bureau of the Census, *General Population Characteristics*, South Dakota (1990), table 17, p. 35.

26 RoAnn Redlin, *Sioux Falls Transcript*, p. 44.

27 Sue Schultz, *Rapid City Transcript*, p. 243.

28 Ruth Sather Sorenson, *Sioux Falls Transcript*, p. 269.

10. Child Care

One of the largest barriers to the employment of women in South Dakota, as it is nationwide, is the lack of acceptable, affordable child care. As more and more women have moved into the work force, the problem has escalated. The problem is especially acute for single parents who must work, or who are attempting to further their education in order to obtain decent employment. Some work two jobs, or several part-time jobs, to provide basic necessities for their family.¹ Many working women who are trying to raise children are disadvantaged in their jobs by having to take more leave than men for family matters.² The inadequate provisions for child care also contributes to the glass ceiling barrier for women. Martha Reed, director of human relations at Citibank, said that sometimes women must reject offers of first line supervisory positions because of family responsibilities.³

In South Dakota, the problem of child care is especially acute relative to other States. In 1990, 71.3 percent of women in South Dakota with chil-

dren under the age of 6 were in the work force.⁴ This percentage was the highest of all 50 States and far exceeded the 59.7 percent of women in the labor force in the United States with children in the same age grouping.⁵ South Dakota also ranks second in the number of families in the United States with both parents working outside of the home.⁶ In Pierre, South Dakota's capital, over 80 percent of women with children under 6 are in the work force, the highest in any city in the State.⁷ In Rapid City and Pennington County, 35 percent of parents are single for whom the need for child care is especially acute.⁸

Ms. Hunking reported that, as work patterns of American families have changed, women are not working only from 8:00 a.m. to 5:00 p.m., but also on night shifts when it is especially difficult to obtain child care.⁹ Butch Anderson, personnel manager for John Morrell and Company, one of Sioux Falls' largest employers, related that the need for child care on the night shift is a major obstacle to his company's efforts to recruit

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- 1 Bobbi Brown, program administrator, Child Care Services, South Dakota Department of Social Services, transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, p. 34 (hereafter cited as *Rapid City Transcript*).
 - 2 Sue Schultz, *Rapid City Transcript*, pp. 241-42.
 - 3 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993 (hereafter cited as *Sioux Falls Transcript*), p. 158.
 - 4 Statistics prepared by the State Data Center, Business Research Bureau, University of South Dakota, from the U.S. Bureau of the Census, *Census of Population and Housing*, South Dakota (1990).
 - 5 Gloria Pluimer, *Rapid City Transcript*, pp. 122-23.
 - 6 *Ibid.*, Bobbi Brown, pp. 30-31.
 - 7 Bobbi Brown, program administrator, Child Care Services, South Dakota Department of Social Services, interview in Pierre, South Dakota, with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 28, 1993 (hereafter cited as Bobbi Brown interview).
 - 8 David B. Lail, *Single Parents in Rapid City*, Capstone Project BSIS 490, p. 2 (hereafter cited as *Single Parents in Rapid City*).
 - 9 *Sioux Falls Transcript*, p. 19.

women. Almost all new hires, he said, including single mothers, begin on the night shifts when child care is least available. Day employment for new hires would violate the company's contract with the union if there are employees with seniority waiting for openings on the day shift.¹⁰

The cost of child care is a major factor in terms of its availability and affordability for many families in a State where comparative wage levels are extremely low. Many two-parent and single-parent families have difficulty paying for child care.¹¹ Ms. Brown said the federally recognized rate is \$1.25 per hour per child.¹² In Rapid City, in 1990, the cost of child care facilities was \$1.75 per hour for the first child, plus \$0.75 for each additional child, plus \$1.00 for lunch for each child. In addition, only 3 of the 15 child care centers would accept children under 2 years of age or children who were not toilet trained.¹³ Ms. Redlin said that she pays \$1.50 per hour in Vermillion for each of her two children, which is difficult despite her level of education. She cannot imagine what it is like for a woman with three or four children who may not be as employable because of less education.¹⁴ Ms. Brown observed that full-time child care for a pre-schooler costs approximately three times more than does undergraduate tuition in a State institution.¹⁵ For a family earning \$30,000 per year, care for one child would consume 10 percent of its income; while care for two children would consume 20 percent.¹⁶

While the cost of child care often exceeds the ability of families to pay, child care providers in South Dakota are among the lowest paid workers.¹⁷ One solution to the problem of affordable care, Ms. Brown said, is to leave younger children with older children, or worse, be forced to leave children home alone. Presently, she said, the average age of children being left at home alone in South Dakota is 8 years, "which is pretty scary."¹⁸ One indication of how many children may stay home alone is the statistics provided in a study by the South Dakota Child Care Task Force. The Task Force reported that there are 41,400 children under the age of 6 living in single-parent households or homes where both parents work. However, there are only 18,636 slots for children in licensed or registered child care facilities.¹⁹

Ignoring the pressing need for child care can be costly to companies. A study by the Women in Cable Foundation's Child Care Initiative found that companies with 500 employees could lose up to \$640,000 a year by failing to provide for child care needs, while companies with as few as 100 workers could lose up to \$135,000 a year in child-related absences or employee turnovers resulting from the need for child care.²⁰ According to Bob DeMesserman, director of the Rapid City Economic Council, the availability of child care programs within the workplace is the first problem that must be addressed before Rapid City can take its "rightful place in the business world" and

10 Butch Anderson, personnel manager for John Morrell and Company, interview in Sioux Falls with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, July 24, 1993 (hereafter cited as Butch Anderson interview).

11 Bobbi Brown, *Rapid City Transcript*, p. 32.

12 Bobbi Brown interview.

13 *Single Parents in Rapid City*, p. 187.

14 *Sioux Falls Transcript*, p. 48.

15 *Rapid City Transcript*, p. 31.

16 *Ibid.*

17 *Ibid.*, p. 32.

18 *Ibid.*, pp. 31-32.

19 Erin Anderson, "Desperate Parents Plead for Day Care," *Rapid City Journal*, July 7, 1994, p. A-1.

20 Anita Bruzzese, "Ignoring Child Care Can Cost Companies," *Denver Post*, Sept. 6, 1994.

experience economic growth.²¹ He said that many qualified workers leave this area because of the lack of employer involvement in the area of child care, an involvement that is available in other areas of the country.²² Only one company in Rapid City was reported to have programs aimed at meeting the needs of single parents, such as day care facilities, flexible work hours, or liberal sick leave policies permitting free days to care for sick children.²³

Ms. Koerner reported that, because day care is particularly important for nurses, Sioux Valley Hospital in Sioux Falls has a day care program much like that of Citibank, in which day care is available for children 5 to 6 months of age.²⁴ Citibank also has developed flexible work schedules and other "family-friendly" policies.²⁵ Concerned about the child care needs of its employees, John Morrell and Company offered a private organization five acres of land adjacent to the company's Sioux Falls plant to build a day care center on site. It also offered assistance in paying the taxes and providing food. However, these offers were not accepted.²⁶

Ms. Brown believes that employers often shy away from the area of child care because they know little about it. They may believe that the only solution is to build an on-site facility that is very expensive. She reported that, nationally, company-provided child care programs have not

been successful. High priority for child care services in the future will be to work with employers and offer suggestions for other options.²⁷

Ms. Brown reported that some schools may provide child care programs before and after school that may be subsidized with State funds.²⁸ Churches also may have programs that the State can subsidize.²⁹

Child Care Services within the South Dakota Department of Social Services administers a federally funded program that was implemented in 1991 to assist with the State's child care needs. Congress established the program to help States improve the "affordability, accessibility, and quality of child care, specifying that 75 percent of block grant funds be used to directly help low-income families. . . ."³⁰ In addition, the 1991 South Dakota Legislature established the Child Care Task Force to oversee child care issues and to work with Child Care Services to develop a 5-year plan to increase the affordability of child care.³¹

Child Care Services provides direct assistance for child care on a sliding scale to children under the age of 13 whose family income is less than 150 percent of the Federal poverty level. In addition, it provides grants to child care providers, including those operated by school districts and for-profit businesses, such as hospitals.³² Three-fourths of the families who receive child care assistance have single heads of household, and

21 *Single Parents in Rapid City*, p. 26.

22 *Ibid.*

23 *Ibid.*, pp. 16-17.

24 *Sioux Falls Transcript*, pp. 170-71.

25 Martha Reed, director of human resources for Citibank in South Dakota, *Sioux Falls Transcript*, pp. 153-55.

26 Butch Anderson interview.

27 *Rapid City Transcript*, p. 41.

28 *Ibid.*, pp. 34-35.

29 Bobbi Brown interview.

30 South Dakota Department of Social Services, "Improving Child Care in South Dakota" (Sept. 15, 1993).

31 Bobbi Brown interview.

32 *Ibid.*

there are working adults in 58 percent of the families who receive assistance. The remainder have adults who are enrolled in an education or training program.³³

Despite what Ms. Brown reports is strong support for the child care program from the Depart-

ment of Social Services and the Governor's office, she believes that what Child Care Services has been able to do by way of remedying the need for child care is only the beginning. She believes it has a long way to go.³⁴

33 Ibid.

34 *Rapid City Transcript*, p. 36.

11. Native American Women

According to Charon Asetoyer, executive director of the Native American Women's Health, Education and Resource Center in Lake Andes, the status of Native American women in South Dakota, viewed from a variety of perspectives, is "as bad as it could possibly be."¹ Table 11.1 shows several comparisons between the social and economic characteristics for Native Americans and those for white persons, and for the State population as a whole. For the State as a whole, unemployment for Native Americans of both sexes is 24.1 percent, eight times as high as that for white persons. Almost 54 percent of Native American families are below poverty level, compared to about 9 percent of white families. The per capita income for Native Americans in 1989 dollars was \$4,040, compared to \$11,230 for white persons. These disparities cannot be explained by differences in educational levels, because 62.5 percent of Native Americans in the State who are 25 years of age and over have a high school education or better, a figure only 15 percent below the figure for white persons. Cheryl Crazy Bull, vice president of Sinte Gleska University, believes that, in general, data on Native American Women's employment is totally inadequate or nonexistent.²

Phyllis Old Dog Cross, a retired mental health nursing consultant, outlined a number of barriers facing Native women in employment. Many of these women, she said, are raised in conditions of poverty without access to opportunities available to the average American. Some cannot afford proper clothing, among other basic items. In addition, because of the high unemployment rate for Native Americans, many Native American youth lack exposure to working adults as role models. Some grow up in dysfunctional families or in single-parent families.³ Indeed, 65 percent of Native American parents are single. In Rapid City, the urban center of Pennington County where 7.2 percent of the population is Native American, 16 percent of all single parents are Native Americans.⁴ However, Ms. Cross said the most significant issue faced by Native American women in seeking employment is child care.⁵

Many women from the reservation have no family or friends upon whom to rely. Many of the women work part-time jobs, or on weekends and in the evenings when it is particularly difficult to find child care.⁶ Transportation to and from work is also a problem, for many Native women work night shifts in hospitals when public transportation is not available.⁷ The problem is not just

1 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, p. 70 (hereafter cited as *Sioux Falls Transcript*).

2 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, p. 138 (hereafter cited as *Rapid City Transcript*).

3 *Rapid City Transcript*, pp. 128-30.

4 David B. Lail, *Single Parents in Rapid City*, Capstone Project, BSIS 490, p. 24 (hereafter cited as *Single Parents in Rapid City*).

5 *Rapid City Transcript*, pp. 133-34.

6 Nadine Zeller, *Rapid City Transcript*, p. 202.

7 Phyllis Old Dog Cross, *Rapid City Transcript*, p. 130.

TABLE 11.1
Social and Economic Characteristics for Native American and White Persons, 1990

	Total population	In labor force ¹	Unemployed	Per capita income ²	Families below poverty level	High school graduates or higher ³
South Dakota	696,004	66.2%	4.2%	\$10,661	11.6%	77.1%
White	637,181	66.9	3.1	11,230	9.1	77.8 ⁴
Native American	50,369 (7.2%)	54.0	24.1	4,040	53.5	62.5 ⁵
Minnehaha County	123,909	73.1	2.9	13,345	5.4	83.1
White	120,490	73.4	2.7	13,558	4.9	83.5
Native American	1,484 (1.2%)	54.0	15.3	4,400	49.8	71.4
Pennington County	81,343	74.4	5.8	12,031	10.0	84.8
White	72,713	71.0	4.7	12,723	8.1	85.5
Native American	5,890 (7.2%)	61.2	20.8	5,369	43.4	73.8

¹ Persons 16 years and older

² Income in 1989 dollars

³ Persons 25 years and over

⁴ 76.1 percent for males, 79.5 percent for females.

⁵ 62.5 percent for males, 62.6 percent for females.

Source: U.S. Bureau of the Census, *Social and Economic Characteristics* (1990), tables 1, 2, 3, 8, 10, and 47, pp. 1, 2, 3, 6, 19, 22, and 60.

being able to afford a car. Insurance and the driver's license fees are also expensive.⁸ Affordable housing is also difficult to obtain. Many Native American people live in cars, parks, and cardboard boxes.⁹ At work, harassment is a problem—not only sexual harassment, but harassment because they are Indian.¹⁰ Then there are cultural differences that manifest themselves in actions or in patterns of communication that can be a problem in applying for work, as well as on the job. Perhaps worst of all are the stereotypes that the dominant society places on them of being lazy, drunken, or ignorant.¹¹

Domestic violence is also a problem for Native American women on the reservations as well as off of them. Karen Artichoker, director of the White Calf Women's Society, explained that a main reason for establishing the society in 1978 was that women on the Rosebud Sioux Reservation prioritized violence as a primary issue that the tribal government had failed to address.¹² She reported that 50 percent of abused women in South Dakota shelters are Native American.¹³ Ms. Maicki provided an even higher figure of 65 percent, or nine times their proportion in the total population.¹⁴ Both Ms. Artichoker and Ms. Maicki cautioned, however, that the high proportions of Native American women using the shelters do not necessarily indicate that domestic violence is more prevalent among the Native American pop-

ulation. The reason for their disproportionate number in the shelters, they said, is that Native American women have fewer economic and social resources available to them than do white women. Furthermore, they are more accustomed to taking advantage of social services offered to them.¹⁵ Ms. Artichoker attributed the dynamics for violence among Native Americans to the introduction of corporal punishment by Christian missions, and the purposeful introduction of alcohol into their society.¹⁶ She said that there is no doubt that violence against Native American women is a major factor in preventing them from achieving gainful employment, and it is also significant in impeding their college education.¹⁷

Finding employment in urban areas is also difficult for Native American women. In an informal survey of 7 major employers in Sioux Falls, with a total of about 10,000 employees including 5,900 women, Rae Burnette, director of the Sioux Falls Indian Services, found only 27 employees who were Native American women.¹⁸ Ms. Koerner said that Sioux Valley Hospital has only two Native American nurses on its staff and as a hospital, probably is not as "user friendly" to Native Americans as it could be, failing to identify with native culture.¹⁹ Mr. Peterson said that he does not have a single minority on his South Dakota Job Service staff, and that during his 8-year tenure with the South Dakota Job Service,

8 Nadine Zeller, *Rapid City Transcript*, p. 204.

9 *Ibid.*, p. 209.

10 Phyllis Old Dog Cross, *Rapid City Transcript*, p. 130.

11 *Ibid.*, p. 129.

12 *Rapid City Transcript*, p. 154.

13 *Ibid.*, p. 156.

14 Carol Maicki, former State legislator, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Mar. 30, 1993.

15 *Rapid City Transcript*, p. 183.

16 *Ibid.*, p. 160.

17 *Ibid.*, pp. 156–57.

18 *Sioux Falls Transcript*, p. 57–58.

19 *Ibid.*, p. 180.

he had never interviewed a minority person for a position.²⁰ He noted, however, that he is restricted in the persons he can consider by the list of applicants sent to him from the South Dakota Bureau of Personnel.²¹ The Sioux Falls school district has only one Indian school teacher, although 2.6 percent of the students are Indian.²² Lake Andes, a town near the Yankton Sioux Reservation with a high proportion of Native American children, has no Native American principals, administrators, or teachers, and until recently, no Native American representative on the school board.²³

Anita Paz, a member of the Yankton Sioux Tribe and staff member of the Sioux Falls Human Relations Commission, said that Native American women who are employed in the city, even those who have graduated from a tribal college, are stereotyped as to their abilities and steered to lower level jobs as maids or fast food service employees.²⁴ Bruce Long Fox, director of Rural America Initiatives, said the same is true in Rapid City where he works. There, even with a bachelor's degree, women end up cleaning motel rooms because they are Indian.²⁵ Employment opportunities and working conditions on the Indian reservations is not any better. On the Rosebud Sioux Reservation, the unemployment rate is about 87 percent.²⁶ Ms. Crazy Bull said that al-

though there are many women employed by the tribe, they usually encounter discrimination in hiring and compensation. Women are not as well paid as their counterparts in administrative and managerial positions.²⁷ She said the prevailing mentality is that in a two-person working household, the woman does not need the financial support provided by her job.²⁸ There is also a marked lack of understanding on the part of the council and tribal administration that discrimination and harassment are illegal.²⁹ There are few women on the Rosebud Sioux Tribal Council; only 3 out of 20 members were elected in the 1993 election. Of the nine tribal presidents in South Dakota, none are women.³⁰

Tribal institutions of higher education increasingly provide Native American women with educational opportunities, and opportunities for present and future employment. Table 11.2 demonstrates that in 1991 in South Dakota tribal institutions and in such institutions nationwide, over two-thirds of the students were women, and Indian women students outnumbered Indian men two to one. In 1992, 11, or 39 percent, of the presidents of the 28 member colleges in the American Indian Higher Education Consortium were women. This was more than three times the 11 percent of female faculty at colleges and universities in the United States as a whole.³¹ That year

20 Ibid., p. 201.

21 Ibid., p. 206.

22 "Tribal Colleges Urged to Compete for Funding," *Rapid City Journal*, Sept. 26, 1993.

23 Charon Asetoyer, *Sioux Falls Transcript*, p. 73-74.

24 Anita Paz, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, July 23, 1993.

25 Bruce Long Fox, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 30, 1993.

26 Cheryl Crazy Bull, *Rapid City Transcript*, p. 139-40.

27 *Rapid City Transcript*, pp. 141-42, 145-46.

28 Ibid., p. 142.

29 Ibid., p. 140.

30 Ibid.

31 Mary Jane Ambler, "Women Leaders in Indian Education," *Journal of American Indian Higher Education*, vol. III, spring 1992.

TABLE 11.2
Enrollment in South Dakota Tribal Institutions of Higher
Education by Gender and Ethnicity, Fall Term, 1991

Institution	IM	IF	NIM	NIF	Total	Total male	Total female
Cheyenne River Comm. College							
Number	16	72	6	36	130	22	108
Percent	12.3	55.4	4.6	27.7	100.0	16.9	83.1
Oglala Lakota College							
Number	224	430	23	123	800	247	553
Percent	28.0	53.8	2.9	15.4	100.0	30.9	69.1
Sinte Gleska University							
Number	129	240	29	96	494	158	336
Percent	26.1	48.6	5.9	19.4	100.0	32.0	68.0
Sisseton Wahpeton Comm. College							
Number	53	58	12	21	144	65	79
Percent	36.8	40.3	8.3	14.6	100.0	45.1	54.9
All South Dakota tribal institutions							
Number	422	800	70	276	1,568	492	1,076
Percent	26.9	51.0	4.5	17.6	100.0	31.4	68.6
Tribal institutions nationwide¹							
Number	2,338	4,703	523	1,310	8,874	2,861	6,013
Percent	26.3	53.0	5.9	14.8	100.0	32.2	67.8

Notes: IM=Indian male; IF=Indian female; NIM=non-Indian male; NIF=non-Indian female. Source: Information supplied by Stephen Amato, COMTEC, and the American Indian Higher Education Consortium, in written communications to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Nov. 3, 1993.

¹ Other tribal colleges in the United States are: Bay Mills Community College, Brimely, MI; Blackfeet Community College, Browning, MT; D-Q University, Davis, CA; Dullknife Memorial College, Lama Deer, MT; Fort Peck Community College, Poplar, MT; Fond Du Lac Community College, Cloquet, MN; Fort Belknap Community

College, Harlem, MT; Fort Berthold Community College, New Town, ND; Lac Courte Oreilles Ojibwa Community College, Hayward, WI; Little Big Horn Community College, Crow Agency, MT; Little Hoop Community College, Fort Totten, ND; Navajo Community College, Tsaile, AZ; Nebraska Indian College, Winnebago, NB; Northwest Indian College, Bellingham, WA; Salish Kootenai College, Pablo, MT; Standing Rock College, Fort Yates, ND; Stonechild Community College, Box Elder, MT; and Turtle Mountain Community College, Belcourt, ND.

at Sinte Gleska University in Mission, South Dakota, 13, or 38.2 percent of the 34 full-time faculty members were women. Sixteen, or 53.3 percent, of the part-time faculty were women.³² All faculty members there are classified as "instructors," with no "track" designations separating them.³³

Ms. Crazy Bull said Sinte Gleska has developed a nondiscrimination policy that also prohibits sexual harassment, and that there have been no discrimination suits.³⁴ She also reported that most of the university's female students stay on the reservation to work after graduation because it is their homeland, and they would like to contribute to improving conditions of the tribal community.³⁵ In addition, employment opportunities are better for them there than off the reservation. Women graduates tend to be employed in reservation programs involving education, counseling, and human services.³⁶ Still, they face discrimination because they are women. Of five women students who recently graduated with tribal management degrees, one has a job at the university, while the other four remain unemployed. People in the tribal management, Ms. Crazy Bull said, do not often invite women to apply for jobs that are available. Men with similar or lesser educational

qualifications get the jobs.³⁷ However, all of the university's women graduates who wanted to work in the school system have been able to find employment there.³⁸

Some Native American women are successful in finding employment off the reservation. Patty Wells, assistant director of Indians Into Medicine and a graduate of the University of South Dakota, said many employment opportunities in urban areas opened up to her because she was a Native American woman. She found employment in a city as soon as she graduated.³⁹ However, Ms. Crazy Bull said that employment off the reservation exacts a big price in terms of cultural adjustment, unpleasant racial experiences, and personal relationships.⁴⁰ Ms. Burnette, who is successfully employed in Sioux Falls as director of the American Indian Center, said that the adjustment of moving from the reservation to an urban area where she was a member of a minority group was difficult due to the "strict economic and social dictates of the predominately white society."⁴¹ Anita Paz said that it is pretty devastating to have overcome the many obstacles to getting an education and "then have your hopes and dreams for a better life dashed by an offer to clean motel rooms."⁴²

32 *Self Study Report of Sinte Gleska University*, 1992, p. 128.

33 *Ibid.*

34 *Rapid City Transcript*, p. 145.

35 *Ibid.*, p. 146.

36 *Ibid.*, p. 144.

37 *Ibid.*

38 *Ibid.*, p. 148.

39 *Sioux Falls Transcript*, p. 87.

40 *Rapid City Transcript*, p. 146.

41 *Sioux Falls Transcript*, p. 68, as supplemented in written communication with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Nov. 14, 1994.

42 Anita Paz, staff member of the Sioux Falls Human Relations Commission, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, July 23, 1993.

12. Civil Rights Enforcement

A variety of State and Federal statutes and municipal ordinances guarantee the rights of women to equal opportunity and freedom from discrimination in employment.¹ In South Dakota, the Human Rights Division (SDHRD) in the State Department of Commerce and Regulation was established in 1972 to administer the South Dakota Human Relations Act,² which applies to all employers of one or more employees. This agency has a working relationship with the U.S. Equal Employment Opportunity Commission (EEOC) to investigate alleged violations of Title VII of the Civil Rights Act of 1964.³ The Sioux Falls Human Relations Commission (SFHRC) enforces the city's civil rights ordinance⁴ and also has authority to enforce the State statute. The Rapid City Human Relations Commission (RCHRC) administers the Rapid City ordinance that prohibits discriminatory employment practices.⁵ It also is authorized to process complaints of alleged violations of the State statute.

Table 12.1 provides statistics on complaints received and processed by the SDHRD and shows that, in FY 1992, 54 complaints of discrimination on the basis of sex amounted to 33 percent of the 165 complaints received that year. Over the 6-year period from FY 1987 to FY 1992, gender-related discrimination complaints amounted to 39 percent of the total 845 complaints.

In October 1993, the SDHRD had only two employees—both investigators and both white males. Subsequently a support position was added by the legislature at the request of the Department of Commerce and Regulation.⁶ There are two women, one of them black, and a Native American male on the five-member South Dakota Human Rights Commission. The division has no director at present. Jeannette Schipper, business manager for the Department of Commerce and Regulation, administers the Human Rights Division in addition to her other duties.⁷ Three independent contractors who serve as investigators assist the division's two staff members.⁸ The death in 1993 of the former director, along with

1 See South Dakota Advisory Committee to the U.S. Commission on Civil Rights, *Employment Discrimination and Women in South Dakota: A Legislative Handbook* (August 1993), for a discussion of these laws and a directory of Federal, State, and local agencies that enforce them (hereafter cited as *Employment Discrimination and Women in South Dakota: A Legislative Handbook*).

2 S.D. Cod. Laws §§ 20-13 to 20-56 (1987 & Supp. 1991).

3 42 U.S.C. § 2000e-e(17) (1988 & Supp. V 1993).

4 City of Sioux Falls, S.D. Revised Ordinances, Ch. 13.

5 Rapid City Code § 20-281; Rapid City, S.D. Ordinances, § 20-281 (1973).

6 Jeannette Schipper, business manager, Department of Commerce and Regulation, transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, p. 53 (hereafter cited as *Rapid City Transcript*); and Jeannette Schipper, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 31, 1994.

7 *Rapid City Transcript*, pp. 50, 53.

8 William P. O'Toole, director of Investigations, and Ray T. Falk, investigator, interview in Pierre, SD, with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 29, 1993 (hereafter cited as O'Toole and Falk interview).

TABLE 12.1

Complaints of Discrimination, South Dakota Division of Human Rights, 1987-1992

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Race	31	28	38	32	39	38
Sex	61	59	52	56	46	54
Retaliation	17	19	12	18	12	21
National origin	1	1	9	6	4	5
Religion	4	4	1	2	4	2
Disability	18	29	19	24	28	45
Color	0	1	0	2	0	0
Ancestry	0	1	0	2	0	0
Other	0	0	0	0	0	0
TOTAL*	132	142	131	142	133	165
<i>Areas of discrimination</i>						
Public services	3	2	6	2	5	4
Employment (non-EEOC)	21	37	25	37	35	55
Employment (EEOC)	73	71	62	68	61	91
Public accommodations	7	4	4	4	7	9
Housing accommodations	2	5	5	4	10	0
Education	7	0	4	0	2	1
Labor union	0	0	1	0	0	0
TOTAL	113	119	107	117	120	160
<i>Disposition of closed cases</i>						
No cause	68	79	78	64	60	38
Negotiated settlement	9	16	4	11	7	4
Withdrawal w/settlement	6	3	1	5	2	2
Successful conciliation	3	2	8	4	7	3
Unsuc. conciliation to Federal court	0	1	10	0	0	2
Withdrawal w/o settlement	2	2	0	5	0	2
No jurisdiction	3	6	3	3	0	4
Orders issues after hearings						
For charging party	3	1	2	0	3	1
For respondent	0	0	2	2	2	0
Pending	0	0	1	1	0	0
Administrative closures						
Failure to cooperate	3	3	2	3	4	5
Failure to locate	0	2	2	2	3	1
Other	2	0	0	2	0	0
Transfer to HUD/EEOC invest.	0	3	3	9	11	9
TOTAL	105	115	112	111	99	71
Intake for EEOC	26	17	17	12	18	47
Potential complaints	318	420	391	435	545	527
Requests for information	160	203	309	314	286	363
Speeches	26	20	43	40	67	14
Benefits for clients				44,600	52,060	35,825

Source: Information supplied by William P. O'Toole, director of Investigations of the South Dakota Human Relations Division, in a letter to William F. Muldrow,

Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Aug. 19, 1993.*Some cases alleged more than one basis of discrimination.

the loss of one investigator and funds for the position, have left the division hard pressed to keep current with its caseload.⁹ For FY 1994, the division received \$90,000 from the State's general fund, and an additional \$20,000 of Federal funds for cases handled on behalf of the EEOC.¹⁰

On October 29, 1993, Ms. Schipper reported that the division had a current backlog of 200 cases, including all areas of investigation.¹¹ Some of these charges, she said, were 270 days old.¹² In September of that year, staff of the SDHRD said that, given the current size of staff, it would take 2½ years to resolve the current backlog even if no new cases were received.¹³ In September 1993, Ms. Rose said that the backlog was the worst it had ever been in all the years of her practice.¹⁴ However, a year later, on October 24, 1994, Mr. O'Toole, present director of the SDHRD, reported that, with additions to the staff of an administrative assistant and the use of the three independent consultants, the backlog had been reduced from 200 to 140 cases. He believes that the division is heading in a positive direction, and, if present productivity can be maintained, the backlog essentially could be eliminated in little more than 1 year's time.¹⁵ Ms. Schipper also said that much effort and dedication has greatly improved the service provided to the public by the Human

Rights Division. She is confident that service will only improve in the future.¹⁶

Jeff Stingley, secretary of the Department of Commerce and Regulation, said that the Human Rights Division would like to do more by way of public education; however, the result would be an increase in cases.¹⁷ Mr. O'Toole also reported that given the current size of the caseload and staff, public education has not been a priority over complaint investigations.¹⁸ Thomas Burke, director of the Sioux Falls Human Relations Commission, suggested that the SDHRD is not visible in South Dakota because it does not have the money or the commitment of State government to open branch offices or enable periodic visits to outlying areas of the State.¹⁹ The result, he said, is that people are unaware of their rights or of the available procedures.²⁰

Mr. Stingley believes that budget cuts for the SDHRD by the legislature have resulted because of the confusion of the division's enforcement function with the equal opportunity program of the State. He said that one legislator had moved to cut the budget for one staff member because he considered SDHRD's work as a duplication of work by the State's EEO officer.²¹

Janice Nicolay, who chairs the Appropriations Committee in the South Dakota Legislature, said

9 *Rapid City Transcript*, pp. 47, 48.

10 *Ibid.*, p. 49.

11 *Ibid.*, p. 48.

12 *Ibid.*, p. 49.

13 O'Toole and Falk interview, Sept. 29, 1993.

14 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Sioux Falls, South Dakota, Sept. 17, 1993, p. 122 (hereafter cited as *Sioux Falls Transcript*).

15 William P. O'Toole and Michael J. Mehlhoff, secretary, Department of Commerce and Regulation, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 25, 1994.

16 Jeannette Schipper, Department of Commerce and Regulation, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 31, 1994.

17 Jeff Stingley, secretary of the Department of Commerce and Regulation, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 28, 1993 (hereafter cited as *Stingley interview*).

18 O'Toole and Falk interview.

19 *Sioux Falls Transcript*, p. 226.

20 *Ibid.*

that no advocacy group exists that can speak or lobby for the SDHRD. She said that at the last legislative session, no one came forward to address the cut in the agency's budget.²² Ms. Nicolay believes that the problem is a lack of structure or mechanism to educate people and highlight the role and needs of the agency.²³ Certainly, the division's 2½ year backlog of cases is a matter of consternation to attorneys who participated in the Advisory Committee's factfinding meetings in Rapid City and Sioux Falls. Ms. Viken said that the failure to adequately fund the SDHRD is a matter of civil rights being undermined by the budgetary process and that "[j]ustice delayed is justice denied."²⁴ She said that this is especially true in employment matters, because if people are out of work and their complaints are not heard for 2 years, they get discouraged and do not pursue their rights.²⁵ Ms. Rose expressed the same sentiments. She questioned the State's commitment to enforce civil rights laws, by failing to provide adequate staff or funding for the SDHRD.²⁶

Mr. Burke also viewed the 2½ year backlog of the SDHRD and the legislative budget cuts as evidence of the lack of commitment by the State of South Dakota to the enforcement of civil rights.²⁷ He said that the State's Human Relations Act specifies that the SDHRD will investigate promptly complaints of discrimination, and

that, "while the word 'promptly' do [not] have a precise definition, [he] submit[s] it is not two and one-half years."²⁸ He suggested that, if the State Human Rights Commission is not given the tools to comply with the law in terms of prompt investigations, its members should resign.²⁹ Ms. Pfeifle remarked, however, that while there is a significant delay in the resolution of complaints by the SDHRD because of limited staff and resources, it "does a good job" with its investigations.³⁰

Table 12.2 provides statistics on complaints received by the Sioux Falls Human Relations Commission during the 5-year period between 1988-1993. Fifty-one, or 16 percent, of the total 326 complaints received involved discrimination on the basis of gender. Seven percent of all complaints were settled informally before investigation. Ten percent resulted in findings of probable cause.

Mr. Burke told the Advisory Committee that his agency has three staff people and receives between 55 and 75 cases each year. According to Mr. Burke, these cases are processed in an average of 81 days from the date of filing to final deposition.³¹ The SFHRC has, in the past, assisted in an attempt to reduce the State agency workload. Burke said, however, that the SDHRC cannot reimburse the SFHRC in an amount to cover the cost of investigation.³²

21 Stingley interview.

22 *Sioux Falls Transcript*, p. 259.

23 *Ibid.*, p. 260.

24 *Rapid City Transcript*, p. 13.

25 *Ibid.*

26 *Sioux Falls Transcript*, p. 106.

27 *Ibid.*, p. 227.

28 *Ibid.*, p. 233.

29 *Ibid.*, pp. 239-40.

30 Jane Wipf Pfeifle, Rapid City attorney, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 27, 1994.

31 *Sioux Falls Transcript*, p. 240.

32 Thomas F. Burke, director of the Sioux Falls Human Relations Commission, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 24, 1994.

TABLE 12.2
Discrimination Complaints Received by the Sioux Falls
Human Relations Commission, 1988-1993

Type of complaint	Number	Percent
Sex	71	22
Sexual harassment	51	16
Race	102	31
Religion	4	1
National origin	14	4
Disability	58	18
Retaliation	4	1
Housing	19	6
Public services	2	1
Public accommodations	1	0
Total	326	100

Disposition

- 7% Settled informally before investigation
- 2% Withdrawn by mutual consent between complainant and respondent
- 2% Dismissed for failure of the complainant to cooperate with the investigation
- 10% Resulted in findings of probable cause and disposed of by hearing or conciliation
- 79% Dismissed for failure to establish probable cause

Source: Thomas F. Burke, director of Human Relations, Human Relations Commission, City of Sioux Falls, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, July 25, 1994.

The SFHRC also has an educational outreach program to inform the public about how the agency operates, and about matters concerning discrimination in employment and housing. Included in this program are 7 to 10 monthly seminars and the publication and distribution of informational brochures.³³ Education, Mr. Burke said, is a never-ending process, but a very valuable service.³⁴

Kay Rippentrop, assistant to the mayor of Rapid City, said that the Rapid City Human Re-

lations Commission (RCHRC), which she administers, serves mainly as a clearinghouse for complaints. The commission consists of 13 members appointed by the mayor and confirmed by the city council. Its efforts are chiefly conciliatory, as it has no power to provide remedies. If negotiations fail, complaints are referred to the South Dakota Human Rights Division (SDHRD), which accepts the investigation done by members of the RCHRC, who are trained by the SDHRD.³⁵ The commission meets monthly, and though it

³³ *Sioux Falls Transcript*, p. 235.

³⁴ *Ibid.*

³⁵ Kay Rippentrop, interview with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 29, 1993.

receives many inquiries, it only investigates approximately 10 cases per year. In 1992, there were five, only one of which involved employment discrimination.³⁶

Executive Order No. 11,246 prohibits discrimination on the basis of sex, as well as race, color, religion, or national origin, by government contractors or subcontractors.³⁷ In South Dakota the Executive order is enforced by the Denver Regional Office of the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP).³⁸ June Radtke, the director of operations for that agency, informed the Advisory Com-

mittee that contractors that do more than \$10,000 in government business a year are covered by the Order.³⁹ Contractors that have an underrepresentation of women or minorities must establish goals for their employment and demonstrate a good-faith effort in reaching those goals. Ms. Radtke said that the OFCCP has completed 50 compliance reviews of contractors in South Dakota in the last 2 or 3 years, resulting in 18 conciliation agreements. These agreements require contractors to report regularly on their implementation.⁴⁰

38 Ibid.

37 Exec. Order No. 11,246, 3 C.F.R. § 339 (1964-65), reprinted in 42 U.S.C. § 2000e (1988). See *Employment Discrimination and Women in South Dakota: A Legislative Handbook*.

38 For a discussion of the OFCCP enforcement authority, see *Employment Discrimination and Women in South Dakota: A Legislative Handbook*.

39 *Rapid City Transcript*, p. 168.

40 Ibid., pp. 170-71.

13. Women in the Judicial System

Professional opportunities for women in the legal and judicial system, their involvement as judges and lawyers, and their participation in such capacities as members and "foremen" of juries may be related to the degree to which women are treated equitably by the courts in matters related to their employment. In 1987 Chief Justice Douglas K. Amdahl of the Minnesota Supreme Court described the pervasiveness of gender inequities in the courts of this country as follows:

[R]ecent scholarly investigations in local communities and states of this nation have revealed a pattern of different and unequal treatment of men and women in the American legal and judicial system. . . . [S]uch studies have demonstrated that gender based myths, biases and stereotypes operate in application, interpretation and enforcement of numerous areas of law. . . .¹

This conclusion was reinforced by the findings of a preliminary study conducted by the Gender Fairness Study Assessment Subcommittee of the North Dakota Supreme Court's Judicial Planning Committee. Included in the observations of the subcommittee, following a preliminary review of available anecdotal and statistical information, were the following:

- There is a perception by many women attorneys that they receive differential treatment in and out of the courtroom.

- Following divorce, there is a substantial decrease in disposable income for women and children, and a substantial increase in income for men.
- Problem areas in the protection and treatment of domestic abuse victims, most of whom are women, by judges, prosecutors, and law enforcement personnel range from inappropriate remarks to frank denial of access to court where women are not represented by counsel.
- Out of 15 juries in one North Dakota county, a woman was chosen as foreperson only once, men 11 times, and 3 were not identified.²

The same subcommittee suggested that, in view of the dramatic increase in the number of women law students and women lawyers in North Dakota, there needs to be an assessment of the legal system's adjustment to a "gender integrated system."³ Tables 13.1 and 13.2 show that in South Dakota, there also has been a steady increase in the number and proportion of women in law school and in membership of the State bar. During the 5-year period from 1989 to 1993, the proportion of women enrolled in law school at the University of South Dakota increased 6 percent. Consequently, in 1993, they constituted 42 percent of the total enrollment. From 1988 to 1993, their proportion of the bar membership increased from 13.4 to 16.2 percent.

In South Dakota there are no women on the Supreme Court; 3 circuit judges out of 36 are women; and 3 of the 16 magistrates are women.⁴ Ms. Schultz believes that one result of the lack of

1 "Preliminary Report and Recommendations of the North Dakota Gender Fairness Study Assessment Subcommittee" (n.d.), supplied to the Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, by Sarah Andrews Harmon, chair of the subcommittee, June 23, 1994, pp. 1-2.

2 Ibid.

3 Ibid.

4 Jane Wipf Pfeifle, Rapid City attorney, interviews in Rapid City with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Sept. 29, 1993, and Nov. 1, 1994 (hereafter cited as Pfeifle interviews).

TABLE 13.1
Enrollment of Women in the University of South Dakota School of Law, 1988-1993

Year	Total enrollment*	Women*	Percent women
1989	181	65	36
1990	200	70	35
1991	224	77	34
1992	226	89	39
1993	218	91	42
1993 enrollment by class			
1st year	75	28	37
2nd year	68	32	47
3rd year	75	31	41

* Fall enrollment

Source: Jean Henriques, admission officer, University of South Dakota Law School, memorandum to the Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 22, 1993.

TABLE 13.2
Female Membership of the State Bar of South Dakota, 1987-1993

Year	Total membership		Men		Women		Inactive % of males	Inactive % of females
	No.	%	No.	%	No.	%		
1988								
Active	1,412	100.0	1,228	87.0	184	13.0		
Inactive	391	100.0	333	85.2	58	14.8	21.3	24.0
Total	1,803	100.0	1,561	86.6	242	13.4		
1989								
Active	1,429	100.0	1,232	86.2	197	13.8		
Inactive	410	100.0	353	86.1	57	13.9	22.3	22.4
Total	1,839	100.0	1,585	86.2	254	13.8		
1990								
Active	1,481	100.0	1,266	85.5	215	14.5		
Inactive	393	100.0	335	85.2	58	14.8	21.0	21.3
Total	1,874	100.0	1,601	85.4	273	14.6		
1991								
Active	1,488	100.0	1,270	85.3	218	14.7		
Inactive	418	100.0	364	87.1	54	12.9	22.3	19.9
Total	1,906	100.0	1,634	85.7	272	14.3		
1992								
Active	1,519	100.0	1,283	84.5	236	15.5		
Inactive	438	100.0	372	84.9	66	15.1	22.5	22.0
Total	1,957	100.0	1,655	84.6	302	15.4		
1993*								
Active	1,621	100.0	1,351	83.3	270	16.7		
Inactive	421	100.0	361	85.7	60	14.3	21.1	18.2
Total	2,042	100.0	1,712	83.8	330	16.2		

* As of July 31, 1993

Source: Kelly Hollenbeck, director of communications, State Bar of South Dakota, memorandum to the Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 25, 1993.

representation by women on the bench is an obvious lack of sensitivity by some judges in domestic violence situations. She said some judges are unable to see a woman as truly battered "if she is not missing teeth or does not have debilitating injuries."⁵ Karen Hattervig, supervising attorney for the East River Legal Services, affirms that women judges make a difference in domestic violence rulings. Otherwise, abused women are "always fighting a male point of view."⁶ In Ms. Hattervig's experience, one judge refused to put an abuser out of the home because the man was seen as owner of the house and the woman there by his graces, even though it was a marital house.⁷

In South Dakota judges are appointed by the Governor, but the State Judicial Qualifications Commission⁸ plays an important role. The seven-member commission submits a list of at least two names for each appointment, from which the Governor is required to make the selection.⁹ The commission, as required by statute, consists of seven members as follows:

- Two judges of the circuit court, elected by the Judicial Conference;
- Three members of the bar practicing law in this State, no more than two of whom should

be of the same political party appointed by the president of the State bar; and

- Two citizens who are not judges, retired judges or members of the same political party, appointed by the Governor.¹⁰

The term of office of a commission member is 4 years. No one serves more than one term as a member of the commission. To qualify for appointment, a candidate must possess a license to practice law in South Dakota and be in good standing with the bar association.¹¹ If the Governor disapproves the list of candidates submitted, he may request additional recommendations.¹² No records are kept concerning the application process or the list of names sent to the Governor.¹³ A.P. Fuller, then-chair of the Judicial Qualifications Commission, said that three or four names, one of a woman, were submitted to the Governor for a recent Supreme Court vacancy. However, a man was appointed.¹⁴ Mr. Fuller also reported that in the past 5 years, four circuit court vacancies were filled by three men and one woman. He said there has been at least one woman on every list of qualified candidates sent to the Governor.¹⁵

In December 1993, a Gender Fairness Task Force was established to inquire into the

5 Transcript of the factfinding meeting conducted by the South Dakota Advisory Committee in Rapid City, South Dakota, Oct. 29, 1993, p. 148 (hereafter cited as *Rapid City Transcript*).

6 Karen Hattervig, East River Legal Services, interviews with William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, July 24, 1993, and Nov. 2, 1994.

7 Ibid.

8 S.D. Cod. Laws §§ 16-1A-1 to 16-1A-14 (1987).

9 A.P. Fuller, chair of the South Dakota Judicial Qualifications Commission, letter to William F. Muldrow, Rocky Mountain Regional Office of the U.S. Commission on Civil Rights, Oct. 21, 1993 (hereafter cited as Fuller letter).

10 S.D. Cod. Laws § 16-1A-2 (1987). On Aug. 8, 1994, in an article entitled "Who Picks Judges," the *Rapid City Journal* reported that the commission included two women law members (a lawyer and a layperson) but no minority persons. Lawyers on the commission were Bob Hofer, Pierre; Mary Lou Jorgenson, Sioux Falls; and David Vrooman, Sioux Falls; Judges were Martin Tice, Jr., Rapid City; and Tim Tucker, Madison; citizens were Robert H. Miller, Pierre; and Martha Rankin, Fort Pierre, (hereafter cited as "Who Picks S.D. Judges").

11 Fuller letter.

12 "Who Picks S.D. Judges."

13 Fuller letter.

14 Ibid.

15 Ibid.

existence of a perception of bias in South Dakota courts and to recommend any necessary changes. Members to the task force were appointed jointly by the U.S. district court, the State bar, and the South Dakota Supreme Court. Of the 15 mem-

bers, 10 are women and 5 are men. They include three judges, a court administrator, three clerks of court, a probation officer, the U.S. attorney, and six attorneys. The committee began its study in January 1994.¹⁶

¹⁶ Pfeifle interviews.

14. Findings and Recommendations

Finding 1

Women in the South Dakota labor force are concentrated in support and service occupations, whereas men hold the majority of executive, administrative, and managerial positions. Women employed in South Dakota also tend to be concentrated in lower paying occupations traditionally occupied by women, although there has been a slow but steady increase of women in nontraditional areas. South Dakota's income levels, which rank close to the bottom nationally, impose significant hardship on certain classes of women, including the poor, single parents, displaced homemakers, abuse victims, and those whose level of training and experience limit them to low paying occupations traditionally held by women. A large portion of all South Dakota families live below the poverty level, and the majority of those households are headed by women. Women such as these, in job-dependent categories, are disadvantaged significantly in achieving their right to equal employment opportunity.¹

Disturbing reports and statistics gathered by the Advisory Committee indicate that many South Dakota women are not afforded equal treatment and full opportunity in employment. Despite progress in some areas, and in addition to economic, demographic, and social barriers, women still face both subtle and overt discrimination because of their sex, race, or both.²

From 1979 until 1980, the South Dakota Commission on the Status of Women (CSW) provided information on the status of women in the State, and advocated for programs and changes in the law to remove barriers to their equal opportunity

in employment. Women's organizations have attempted to fill the void left by the demise of the CSW upon its defunding by the State legislature. However, these organizations lack the staff and other resources necessary to address adequately the needs of women.³

Recommendation 1

The State legislature should reestablish and adequately fund the CSW as an independent, bipartisan commission charged with the responsibility to conduct research and serve as a clearinghouse of information on the status of women in South Dakota, and instruct it to work closely with the South Dakota Department of Labor, the Department of Social Services, the Bureau of Personnel, and the Human Rights Division in the collection and analysis of data, and in the education of the public, regarding problems faced by women. The CSW should be empowered to provide technical advice to these and other agencies in the formulation of programs and to recommend solutions to problems resulting in inequities for women.

Finding 2

South Dakota's termination-at-will statute, which can result in the termination of women and other employees without cause or due process, may deter the filing of complaints of discrimination or other abusive practices. The statute works special hardships on job-dependent men and women, whose complaints may result in unfair or illegal dismissal, and may jeopardize their efforts to acquire other employment.⁴

1 Pp. 5-9.

2 Pp. 8, 10, 11.

3 Pp. 12-13.

4 Pp. 10-11.

Recommendation 2.1

The South Dakota Bar Association should investigate allegations that the State's termination-at-will statute may result in unjust terminations and propose any changes necessary to protect the rights of employees and employers.

Recommendation 2.2

The South Dakota Human Rights Division should educate the general public and employers on the illegality of retaliating against an employee for filing a complaint of sex discrimination.

Finding 3

The State of South Dakota has an affirmative action plan and equal opportunity program designed to provide equal employment opportunity for all employees. However, only general guidance is given to individual departments in developing their specific, voluntary affirmative action plans and goals. Although the overall proportion of female government employees approximates that of the State's labor force, their distribution among the various occupational categories and departmental functions shows much variation. Women are underrepresented among officials and administrators, and little change has taken place in their representation at these higher job levels in the last 15 years. Women are underrepresented in all job functions within State government, except in the clerical and paraprofessional jobs. The Department of Transportation, where most jobs fall into categories in which women traditionally have not been employed, has followed a commendable affirmative action plan for employing women in nontraditional jobs, with goals and timetables for hiring women in numbers representative of their proportion in the State's civilian labor force.⁵

Recommendation 3

The South Dakota Bureau of Personnel should require individual departments to develop af-

firmative action plans and goals in harmony with the State affirmative action plan, and monitor their enforcement.

Finding 4

The Women's Business Enterprise (WBE) program administered by the South Dakota Department of Transportation has succeeded in its overall goal for the employment of 6.9 percent women on highway construction projects, although shortages of women in some occupations in the labor force, in trades traditionally employing men, prevent it from meeting this goal for each employment category. The effort to recruit women applicants for various construction projects is impeded by the lack of an organization to identify qualified women for placement in available jobs. The department's on-the-job training program recruits and trains women for nontraditional occupations, but very few women have been enrolled in this program since 1990.⁶

Recommendation 4.1

The South Dakota Department of Transportation (DOT) should encourage the South Dakota Job Service to increase its efforts to identify and recruit women for construction jobs, especially in nontraditional categories. The DOT should also work with the sex equity program of the Department of Educational and Cultural Affairs to prepare women for work in nontraditional areas within the construction industry.

Recommendation 4.2

The Department of Transportation should expand its on-the-job training program for women construction workers in order to prepare more women for jobs in construction trades traditionally occupied by men.

Recommendation 4.3

Through its sex equity program, the Department of Education and Cultural Affairs should encourage and assist displaced rural women

⁵ Based on chap. 4 as a whole, but see pp. 22, 24, 28 in particular.

⁶ Pp. 29-32. See pp. 29-30 in particular.

who possess machinery skills to upgrade and use these skills for employment in the construction industry.

Finding 5

It is difficult for many highly qualified women to advance to the top levels in public education administration, especially in secondary administration. The result is that there are very few secondary school administrators in the State. Women are also underrepresented to a large degree on the faculties of most public institutions of higher education.⁷

Recommendation 5.1

The South Dakota Department of Education and Cultural Affairs should provide local school boards with information regarding disparities in the employment of women school administrators, and work with them to develop plans and goals for their proportion and recruitment.

Recommendation 5.2

The South Dakota Board of Regents should enforce strictly its regulations prohibiting discrimination in employment on the basis of gender and ensure that institutions under its direction fully comply with the anti-discrimination requirements of State and Federal statutes. It should work with and support individual institutions in following established guidelines for the recruitment and selection of faculty, especially in appointments to tenured positions.

Finding 6

Despite the existence of a State statute requiring equal pay for comparable work, the median income for women in South Dakota is approximately two-thirds of that for men. Although this disparity may be attributable to several factors other than gender discrimination, such as dif-

ferences in education, work experience and occupational choice, it is indicative of disadvantages women face in the employment arena.⁸

Recommendation 6

The South Dakota Department of Labor should make all employers and the general public aware of the existence and requirements of the State's Equal Pay Act. It should vigorously enforce this statute and report annually to the Bureau of Personnel the result of its efforts.

Finding 7

Sexual harassment, which negatively affects employment opportunities for women, is an increasing concern in South Dakota in all sectors of the population. State government has addressed the problem in part with a strongly worded gubernatorial executive order and mandated training for all supervisors.⁹

Recommendation 7.1

The South Dakota Human Rights Division should educate employers and the public as to the nature, extent, and consequences of sexual harassment in the workplace, and encourage victimized women to pursue available legal remedies.

Recommendation 7.2

The Bureau of Personnel should require training for all employees in the prevention of sexual harassment.

Finding 8

Despite strong legislation in South Dakota to curb domestic violence, it is a problem that negatively affects a large proportion of women in the population. It seriously interferes with the employment and educational opportunities for many women and contributes to absenteeism, which is a major expense to industry. The Department of Commerce administers a small grant to

7 Pp. 34-38.

8 Pp. 39-41.

9 Pp. 42-45.

help fund a network of shelters across the State that are staffed largely by volunteers and that provide protection and support to an estimated 10 percent of battered women in South Dakota.¹⁰

Recommendation 8

The South Dakota legislature should increase its appropriation in support of the State's battered women shelters to enable them to engage in preventative activities and which may enable victims to become independent of abuse situations. It should transfer administration of the program from the Department of Commerce to the Department of Social Services, whose capabilities and experience are relevant to the needs of the women involved.

Finding 9

The dearth of acceptable and affordable child care in South Dakota is one of the most formidable barriers to the employment of women in South Dakota. The State has a higher proportion than any State of women in the work force with children under the age of 6, a segment of the population for which the need for child care is particularly acute. Many are single-parent heads of household with marginal incomes. The need for child care is reported to be a costly problem for industry in limiting the availability of qualified workers, especially women, and a deterrent to economic growth in some areas. The federally funded Child Care Services Program of the Department of Social Services does much to assist with the State's child care needs, however, it is only a beginning in alleviating the need.¹¹

Recommendation 9.1

The Child Care Services Program should pursue aggressively its plans to work with employers to assist them in developing and implementing options for meeting the child care needs of their employees.

Recommendation 9.2

The South Dakota Department of Commerce should conduct a study of the impact of child care needs on the development of the State's economy in relation to the employment of women, and recommend to the legislature that it provide the necessary support for programs to address the need.

Finding 10

The problems of equitable employment and underemployment faced by Native American women, both on and off the reservations, are far greater than for any other segment of the population. In addition to all the problems faced by women in the general population, many Native American women are acutely disadvantaged by extreme poverty, the large proportion of single-parent families, unfair and inaccurate stereotyping, and by discrimination perpetuated by racial and sexual prejudices.¹²

Recommendation 10

Tribal councils should develop affirmative action plans and equal opportunity programs with goals and timetables for the employment of women at all levels in tribal programs.

Finding 11

Funding and staff resources for the South Dakota Human Rights Division have been reduced drastically by the State legislature. Consequently, it cannot handle, in a timely fashion, the complaints of discrimination that it receives from individual citizens or those referred to it by the Equal Employment Opportunity Commission. This results in intolerable injustice to those who have been injured. The division also lacks the resources to educate the public as to their rights under civil rights statutes, or how to complain of illegal discrimination.¹³

10 Pp. 46-48.

11 Pp. 49-52.

12 Pp. 53-58.

13 Pp. 59, 61-63.

Recommendation 11.1

The South Dakota legislature should restore sufficient funding to the South Dakota Human Rights Division to provide resources enabling it to investigate and resolve individual complaints of discrimination within 90 days after they are received.

Recommendation 11.2

Upon provision of adequate funding by the legislature, the South Dakota Human Rights Division should fulfill its mandate to reduce and eliminate employment discrimination through a public education campaign, which would also inform employers and private citizens of the provisions of the State Human Rights Statute and of the process by which injured persons can complain.

Finding 12

Despite a dramatic increase in the proportion of women in the South Dakota School of Law, and in their number and proportion in the State bar, only three women have been appointed to judgeships at the circuit level, and no women are members of the South Dakota Supreme Court.¹⁴

Recommendation 12

In its inquiry regarding the existence of a perception of gender bias in the courts, the South Dakota Gender Fairness Task Force should review the process by which judges are selected for the State's circuit and supreme courts, and make recommendations for any necessary corrective actions. It should ensure that women are fairly represented in the selection process, and that qualified women are included among the candidates for each judgeship.

14 Pp. 65-68.

Appendix A

SOUTH DAKOTA WOMEN'S ORGANIZATIONS November 1994

Aaker Institute, Inc.
Shari Aaker, Executive Director
218 Hall Street, #14
Vermillion, SD 57069
624-8290

Altrusa Club
Maxine Buskohl
1905 W. 10th St.
Sioux Falls, SD 57104
332-1644/336-2623

American Assn of Univ Women-SD
Diana Melvin
Rural Route #3
Pierre, SD 57501

American Assn of Univ Women
Rapid City Branch
Diana Glover
Route 6, Box 3330
Rapid City, SD 57702
787-4631/394-1821

American Assn of Univ Women-SD
Eloise Thompson
2801 E. 52nd Street
Sioux Falls, SD 57103
371-3110

American Business Women's Association
Deb South
716 South Glendale
Sioux Falls, SD 57104
339-9967/335-5393

Association of Educational Secretaries
Cathy Byington
801 West 41st Street
Sioux Falls, SD 57105
339-2431/338-8434

**Association of Future Homemakers of America,
Inc.**
Brenda M. Bak, State Advisor
Kneip Building
700 Governors Drive
Pierre, SD 57501

Black Hills Special Services Cooperative
Gloria Pluimer, Equity Coordinator
P.O. Box 218
Sturgis, SD 57785
347-4467

Bridges Against Domestic Violence
211 - 13 Street East
Mobridge, SD 57601
845-2110

Brookings Domestic Abuse Center
Deb Wulf
P.O. Box 36
Brookings, SD 57006
692-7233

Business & Professional Women
Sioux Falls Branch
Joanne Haase, President
P.O. Box 1773
Sioux Falls, SD 57101
331-6735

Business & Professional Women-SD
Melvina Newman
P.O. Box 85421
Sioux Falls, SD 57118
338-7986/332-1822

CARE
(Council Affirmative Role Equality)
Tammy Freitag, Director
673 Faculty Dr.
Brookings, SD 57006
692-4148

C.A.V.A
(Communities Against Violence & Abuse)
Shirley Erhart, Director
P.O. Box 245
Lemmon, SD 57638
374-5823

Center for Women-Sioux Falls College
Sonia Gaarder Bury, Director
1501 S. Prairie Avenue
Sioux Falls, SD 57105-1699
331-6697

Children's Inn
Marlene K. Weires, Exec. Dir.
409 North Western Avenue
Sioux Falls, SD 57104
338-0116

Citizens Against Rape and Domestic Violence
Melva Christensen, Executive Director
300 North Dakota, Suite 220
Sioux Falls, SD 57102
339-0116

CLUW
(Coalition of Labor Union Women)
Thelma Underberg
1612 Rock Creek, #144
Sioux Falls, SD 57103
335-5585

Coalition Against Domestic Violence-SD
RoAnn Redlin
601 Poplar Avenue
Vermillion, SD 57069
624-6447

Coalition Against Domestic Violence-SD
Sue Schultz, Co-Chair
P.O. Box 842
Sturgis, SD 57785
347-0050

Commission on the Status and Role of Women
Barbara Goodman
Dakotas Conference, United Methodist Church
1231 Broadway
Vermillion, SD 57069
624-8113

Crisis Intervention Services
P.O. Box 842
Sturgis, SD 57785
347-0050

Crisis Intervention Team
Jami Smith, Director
P.O. Box 995
Hot Springs, SD 57747
745-5859

Dakota Conference Methodist Women
Betty Craig
RR 1, Box 118
Watertown, SD 57201
886-2033

East River Legal Services
Doug Cummings, Director
335 North Main, Suite 300
Sioux Falls, SD 57102
336-9230

Family Crisis Center
Betty Johnson
PO Box 347
Redfield, SD 57469
472-3097

Financial Women International
Elaine Cade
Norwest Bank of South Dakota
P.O. Box 5128, MS 6008
Sioux Falls, SD 57117-5128
339-7344

General Federation of Women's Clubs-SD
Maxine Heffron
4530 W. Chicago
Rapid City, SD 57702
394-9037

Gregory County Shelter
1318 Rosebud
Gregory, SD 57533
835-8505

Growing Up Together
Diana Melvin, Director
809 E. Dakota
Pierre, SD 57501
224-6439/224-3189

The Junior League of Sioux Falls
Chris McGrann, President
P.O. Box 88255
Sioux Falls, SD 57105
371-3511

Layne Library, Dakota Wesleyan University
Linda B. Ritter, Director of Learning Resources
1200 West University
Mitchell, SD 57301-4398
995-2617

League of Women Voters of Sioux Falls
Lucy Green—Candace Cummings, President
P.O. Box 1851
Sioux Falls, SD 57101
361-8423

League of Women Voters of SD
Lucy Green
601 S. Lincoln Avenue
Sioux Falls, SD 57104
334-7966

Madison Area Helpline
Teri McCrachen, Executive Director
Rt. 4, Box 13
Madison, SD 57042
482-8193

Minnehaha County Women's Political Caucus
Loila Hunking, Chair
208 Meyer Lane
Sioux Falls, SD 57103
338-0199/338-7657

Missouri Shores Domestic Violence Center
Dedra Shaw, Director
200 W. Pleasant, Suite 105
Pierre, SD 57501
224-0256
crisis line 224-7187
toll free crisis line 1-800-696-7187

Mitchell Area Safehouse
Gladys Hall, Director
219 West Third
Mitchell, SD 57301
996-2765/996-4440 hotline

Mother's Against Drunk Driving, SD East Chapter
Judy Lindberg
104 Dogwood
Brandon, SD 57005
582-2399

National Association of Insurance Women-SF
Kathy Justice, President
c/o Western Insurance Agency
P.O. Box 5225
Sioux Falls, SD 57117-5225
335-5412

National Association of Social Workers
South Dakota Chapter
Michele Kuhlmann Hockett
P.O. Box 52
Winner, SD 57580
842-2144

National Association of Women in Construction-SF
Renae Church, President
301 So. Garfield
Sioux Falls, SD 57104
336-9338

National Organization for Women
Southeast South Dakota Chapter
Barbara Goodman State Coordinator
1231 W. Broadway
Vermillion, SD 57069
624-8113/677-5158

National Organization for Women-SD
Lois Hardacre
1112 Van Buren Street
Rapid City, SD 57701

National Women's Political Caucus-SD
Mary Louise Gardner
3600 S. Willow Avenue, #302
Sioux Falls, SD 57105
334-1882

Native American Women's Health and Education
Resource Center (NAWHERC)
Charon Asetoyer, Executive Director
P.O. Box 572
Lake Andes, SD 57356
487-7072

Network Against Family Violence & Sexual
Assault-South Dakota
Jan Manolis, Chairperson
17 - 5th Street
Huron, SD 57350
352-2793

Nurses Association-South Dakota
Cindy Mulder
RR 1
Brando, SD 57005
338-2118

Owl Feather War Bonnet Women's Center
Tillie Black Bear
PO Box 442
St. Francis, SD 57572
747-2464

Peacemaking/Justice Ministry
Janice Goble
P.O. Box 376
Avon, SD 57315

Professional Secretaries International
Sara Eisenhauer, President
708 S. Covell
Sioux Falls, SD 57104
338-6974/333-7396

Project Medicine Wheel
Sonja Hernandez
Court House - O.S.T.
Pine Ridge, SD 57770
867-5151

Project SAFE
Lisa Thompson
Box 49
Ft. Thompson, SD 57339
245-2471

RoAnn Redlin, Lobbyist
South Dakota Advocacy Network for Women
118 Willow
Vermillion, SD 57069
624-6447

Resource Center for Women
Gale McEvoy, Exec. Director
P.O. Box 41
Aberdeen, SD 57401
226-1212

Sacred Heart Women's Shelter
P.O. Box 2000
Eagle Butte, SD 57625
964-7233

Seroptomists
Judy Stenholtz
2718 South Summit
Sioux Falls, SD 57105
336-6745

Sioux Falls College Center for Women
Sonia Gaarder-Bury, Director
1501 So. Prairie Avenue
Sioux Falls, SD 57105
331-6697

South Dakota Advocacy Network for Women
Melvina Newman, President
P.O. Box 398
Sioux Falls, SD 57101
338-7986/332-1822

South Dakota Association of Social Workers
Michelle Kuhlman Hockett
430 South Main
Winner, SD 57508

South Dakota Business and Professional Women
Melvina Newman
P.O. Box 85421
Sioux Falls, SD 57118
338-7986

South Dakota Education Association/NEA
Patricia Peters
320 West 27th Street
Sioux Falls, SD 57105

South Dakota Women's Network Foundation
Lee Burd, Registered Agent
P.O. Box 88311
Sioux Falls, SD 57103
987-4219/332-4351

South Dakota Women's Network Foundation
Candis Hanson, President
P.O. Box 88311
Sioux Falls, SD 57103
987-4219/332-4351

State Employees Organization-SD
Ken Melins, Executive Director
P.O. Box 1021
Pierre, SD 57501
224-8241

Vermillion Coalition
RoAnn Redlin
P.O. Box 144
Vermillion, SD 57069
624-5311

Vermillion Coalition Against Domestic Violence

Betty Lynn
610 Catalina
Vermillion, SD 57069

Victims of Violence Intervention

"Artemis House"
Mary E. Maiki
Box 486
Spearfish, SD 57783

Victim Witness Assistant

Denise Richards
415 North Dakota Avenue
Sioux Falls, SD 57102

Volunteer and Information Center

1321 West 22nd Street
Sioux Falls, SD 57105
334-6646

Waawanyanka Oti, Watchful Home, Inc.

Marilyn Gangone, Director
P.O. Box 1068
Mission, SD 57555
856-2189

White Buffalo Calf Women's Society, Inc.

Karen Artichoker, Director
Box 227
Mission, SD 57555

Wholeness Center

Roberta Williamson
218 East 2nd
Flandreau, SD 57028
997-3535

Woman's Alliance

Bonnie Ulrich
4100 E. 16th Street
Sioux Falls, SD 57103

Women Against Sexual Harassment

Theresa Hawk
217 S. Kansas
Clark, SD 57225
c/o Tesseract Publications
P.O. Box 505
Huron, SD 57034-0505
532-3117

Women Against Violence

Box 3042
Rapid City, SD 57702

WEAVE

(Women Escaping a Violent Environment)
Donna Talley, President
Box 729
Custer, SD 57730
1-800-424-3574/673-5277
673-HELP (4357)

Women's Center/Shelter

P.O. Box 675
Yankton, SD 57078
665-4725

Women's Circle

Yvonne Leith
RR 2, Box 442
Agency Village, SD 57262
698-4129

Women's Resource Center

Jo Wayrynen, Director
P.O. Box 781
Watertown, SD 57201
886-4300

YWCA Family Violence Program

Donna Dean, Executive Director
17 - 5th Street, SW
Huron, SD 57350
352-9433

YWCA - Sioux Falls

Donna Dean, Executive Director
300 West 11th
Sioux Falls, SD 57102
336-3660

Appendix B

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 81-08

Sexual Harassment

WHEREAS, The State of South Dakota, in spirit and in law, is dedicated to a strong policy against discrimination based upon sex; and

WHEREAS, State law and policy require the provision of a working environment conducive to the performance of duties and free from intimidation or coercion in any form; and

WHEREAS, Sexual harassment is defined to be unwanted conduct or communication of a sexual nature which adversely affects a person's employment relationship or working environment; and

WHEREAS, Sexual harassment is unsolicited, deliberately sexual statements, gestures or physical contacts which are objectionable to the recipient; and

WHEREAS, Sexual harassment may involve intimidation by a person of either sex against a person of the opposite or same sex; and

WHEREAS, This administration is committed to merit principles as the basis for employment and advancement and therefore requires a workplace that is entirely free of any kind of intimidation or harassment; and

WHEREAS, Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals;
or
- 3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; and

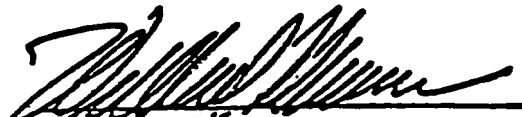
WHEREAS, It is important that all State employees be assured a work atmosphere free from sexual harassment:

NOW, THEREFORE, I, WILLIAM J. JANKLOW, GOVERNOR OF SOUTH DAKOTA, BY THE AUTHORITY VESTED IN ME BY THE LAWS OF SOUTH DAKOTA, do hereby declare sexual harassment to be a form of discrimination which is prohibited in any and every workplace in which public employees are required to conduct business.

I HEREBY ORDER AND DIRECT

- 1) All employees of State government to ensure enforcement and observance of all provisions of law, regulation and policy prohibiting such harassment in the Executive Branch;
- 2) The Commissioner of the Bureau of Personnel to develop and implement information material for the purpose of ensuring that all officials and employees of the Executive Branch clearly understand that sexual harassment in the workplace is illegal and will not be tolerated;
- 3) The Secretaries of each State Department or Agency shall be responsible for the dissemination of information concerning the nature of sexual harassment and the methods by which it may be prevented or eliminated and any other relevant information concerning this practice to each person employed by any such State Department or Agency;
- 4) The Commissioner of the Bureau of Personnel to distribute copies to the heads of all agencies in the Executive Branch for posting in conspicuous locations in all facilities in the Executive Branch.

Dated this 18th day of June, 1981.



William J. Janklow
Governor of South Dakota

ATTEST:



Alice Kundert
Secretary of State

U.S. COMMISSION ON CIVIL RIGHTS
Rocky Mountain Regional Office
1700 Broadway, Suite 710
Denver, CO 80290

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300