



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D. C. 20506

OFFICE OF THE
COMMISSIONER

FOR IMMEDIATE RELEASE

MAY 25, 1983

CONTACT: ROGELIO PADILLA
OR
SUSAN SALISBURY
(202) 634-6720

EEOC COMMISSIONER TO HOLD FACTFINDING MEETING
IN LOS ANGELES, CALIFORNIA

WASHINGTON, D.C. -- COMMISSIONER TONY E. GALLEGOS AND COMMISSIONER ARMANDO M. RODRIGUEZ OF THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) WILL BE CONDUCTING A ONE-DAY FACTFINDING MEETING IN LOS ANGELES ON MONDAY, JUNE 13, 1983. THE MEETING WILL BE HELD IN THE CASA MARAVILLA, MULTI-PURPOSE ROOM, 4716 BROOKLYN AVENUE, LOS ANGELES, CALIFORNIA.

THE MEETING IS PART OF A COMPREHENSIVE STUDY AUTHORIZED BY THE COMMISSION ON JANUARY 18, 1983, TO ASCERTAIN THE REASONS WHY HISPANICS FILE FEWER CHARGES IN PROPORTION TO THEIR REPRESENTATION IN THE POPULATION THAN OTHER GROUPS AND WHY THE PERCENTAGE OF CHARGES FILED BY HISPANICS HAS DECREASED IN THE LAST TWO FISCAL YEARS.

TESTIMONY FROM PARTICIPANTS REPRESENTING HISPANIC ORGANIZATIONS SUCH AS THE MEXICAN AMERICAN OPPORTUNITY FOUNDATION, HISPANIC WOMEN'S COUNCIL, THE ASSOCIATION OF MEXICAN AMERICAN EDUCATORS, THE GI FORUM, AND THE HISPANIC BUSINESS COMMUNITY, AS WELL AS FROM THOSE HISPANICS WISHING TO TESTIFY ON THEIR OWN BEHALF, WILL BE RECORDED.

THE COMMISSION STUDY IS INTENDED TO DETERMINE EEOC'S RESPONSIVENESS TO THE EMPLOYMENT DISCRIMINATION NEEDS OF HISPANICS THROUGH THE ANALYSIS OF THE NUMBER AND TYPES OF EMPLOYMENT DISCRIMINATION CHARGES FILED BY HISPANICS.

ALL PERSONS INTERESTED IN PRESENTING TESTIMONY MAY DO SO ORALLY OR IN WRITING. PERSONS WISHING TO TESTIFY IN PERSON SHOULD CONTACT THE OFFICE OF COMMISSIONER TONY E. GALLEGOS, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 2401 E STREET, N.W., ROOM 5214, WASHINGTON, D.C. 20506. (202) 634-6720. COPIES OF PREPARED STATEMENTS SHOULD BE SUBMITTED TO THE SAME OFFICE.

EEOC IS RESPONSIBLE FOR ENFORCING TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN; THE AGE DISCRIMINATION IN EMPLOYMENT ACT, AS AMENDED; THE EQUAL PAY ACT, AS AMENDED; AND IN THE FEDERAL SECTOR ONLY, SECTION 501 OF THE REHABILITATION ACT OF 1973, AS AMENDED, WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BECAUSE OF PHYSICAL OR MENTAL DISABILITY.

(00)

EEOC HISPANIC CHARGE STUDY TESTIMONY FORMAT

(PLEASE FOCUS YOUR COMMENTS, RECOMMENDATIONS AND OBSERVATIONS, BOTH ORAL AND WRITTEN, ON THESE QUESTIONS.)

[1] HAVE YOU AS A HISPANIC EXPERIENCED EMPLOYMENT DISCRIMINATION?

[2] WHAT ACTION DID YOU TAKE REGARDING THIS DISCRIMINATION?

[3] HAVE YOU EVER FILED A CHARGE WITH EEOC?

[4] IF SO, WHAT WAS YOUR EXPERIENCE?

[1] AS A HISPANIC EMPLOYER, WHAT HAS BEEN YOUR EXPERIENCE WITH EMPLOYMENT DISCRIMINATION CHARGES FILED WITH EEOC?

[2] AS AN EMPLOYER OF HISPANICS, WHAT HAS BEEN YOUR EXPERIENCE WITH EMPLOYMENT DISCRIMINATION CHARGES FILED BY YOUR HISPANIC EMPLOYEES WITH EEOC?

[3] WHAT IS YOUR PERCEPTION OF THE ROLE OF THE FEDERAL GOVERNMENT AND EEOC PARTICULAR IN ASSISTING HISPANICS IN EMPLOYMENT DISCRIMINATION?

GA EL FAVOR DE DIRIGIR SUS COMENTARIOS, RECOMENDACIONES Y OBSERVACIONES, TANTO EN ESCRITO COMO ORAL, A LAS SIGUIENTES PREGUNTAS.)

- [1] ¿COMO HISPANO, HA SUERIDO USTED DISCRIMINACION EN EL EMPLEO?
 - [2] ¿QUE ACCION HA TOMADO USTED CON RESPECTO A ESTA DISCRIMINACION?
 - [3] ¿HA USTED ALGUNA VEZ FORMULADO CARGOS CON LA COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO DE LOS ESTADOS UNIDOS (EEOC)?
-
- [1] ¿COMO PATRONO HISPANO, CUAL HA SIDO SU EXPERIENCIA SOBRE LOS CARGOS DE DISCRIMINACION EN EL EMPLEO HECHOS CON LA COMISION (EEOC)?
 - [2] ¿COMO PATRONO DE HISPANOS, CUAL HA SIDO SU EXPERIENCIA CON LOS CARGOS SOBRE DISCRIMINACION EN EL EMPLEO HECHOS POR SUS EMPLEADOS HISPANOS EN LA COMISION (EEOC)?
 - [3] ¿CUAL ES SU OPINION EN CUANTO AL PAPEL DEL GOBIERNO FEDERAL Y LA COMISION (EEOC) EN PARTICULAR, ASISTIENDO A LOS HISPANOS EN CASOS DE DISCRIMINACION EN EL EMPLEO?

HISPANIC CHARGE STUDY FACT SHEET

There are 14.6 million Hispanics living in this country. 3.2 million Hispanics live in Puerto Rico. Hispanics comprise 6.5% of our mainland population. Two-thirds of all Hispanics live in California, New York, Texas and Florida, yet only one-third of the general population lives in these states. Mexican-Americans make up sixty percent of the Hispanic population, (90% of Mexican-Americans live in southern California, Texas, Arizona, New Mexico and Colorado), fourteen percent are Puerto Rican, six percent Cuban-American, eight percent are South or Central Americans and twelve percent classify themselves as "other Spanish."

American Hispanics have some unique characteristics due to the proximity of other Hispanic populations. For example, twenty-five percent of all Hispanics are foreign born, compared to five percent of the population in general. Many Hispanics are bilingual. Fourteen percent of Hispanics 21 years or older speak only Spanish, thirty percent consider Spanish their primary language. And an additional twenty-nine percent normally use Spanish.

Hispanics are a young population. Half of our population is under 24 years old and almost one-third are under 15 years old. This compares to a Caucasian population median of 31 years old. Estimates suggest that within the next 10 years, Hispanics will comprise ten percent of all 15-19 year olds.

Because of our proficiency in Spanish and our cultural values being reinforced by immigrants approximately seventy percent of Hispanic children 5-14 years old have limited English proficiency. This is approximately 1.7 million children.

Although being bilingual is usually valued as a scholastic achievement, Spanish-speaking children have not been given bilingual education. Not until 1974, when the United States Supreme Court ruled in Lau v. Nichols that bilingual education is a right did bilingual education become somewhat accepted. In the Lau case, the U.S. Supreme Court ruled that students whose first language is not English are discriminated against if they are educated without regard to their language difficulties. But, even with this case ruling and the 1968 Bilingual Education Act, Hispanic youth are still caught between two languages and diverse cultures. This is reflected in the fact that the school drop-out rate for Hispanics is almost three times that of the population in general. In 1978, 42% of Mexican-American and 52% of mainland Puerto Ricans aged 20-24 were not high school graduates. This compares to an average population education level of 13 years.

As to the stereotype that we are a migrant population, let me point out that over ninety percent of the Puerto Rican and Cuban population live in metropolitan areas. Eighty percent of Mexican-Americans live in metropolitan areas with about half of this group inside central cities.

In the labor force, in general, Hispanics earn less per hour than any other group. In 1975, Caucasian males averaged \$6.00 per hour, Blacks \$4.65 and Mexican-American males earned \$4.30 per hour. Even though less was earned per hour, Mexican-American males had a higher annual income than Black males. At the same time, Mexican-American women also earned the lowest median annual income of all groups, \$3,400.

The low educational level and the low wage earnings produce poverty conditions. Fifty-three percent of the households headed by Hispanic women are below the poverty level. Twelve percent of the households headed by Hispanic men live in poverty.

In 1980, almost one-third of Hispanic males were over-qualified for their jobs. At the same time, 18.9% of Hispanic males were underpaid when compared to other males performing the same functions.

Since some people ^{are} federal employees, you may be interested in the federal Hispanic workforce statistics. A study conducted by the Mexican-American Legal Defense and Education Fund (MALDEF) in 1981 illustrates the under utilization of Hispanics in the federal government. The employment study surveyed the twelve largest federal agencies.

The study found that:

1. Hispanics represent about 4.8% of the national labor force, (blacks represent 10.1%);
2. Hispanics represent an average of 3.2% of the large agency workforce (this compares to 14.4% for Blacks); [It is interesting to note that during the legislative debate of the 1964 Civil Rights Act, 1972 amendments, Mr. Hawkins, of the Committee on Education and Labor, submitted a report which stated that in 1970 Spanish-surnamed employees represented 2.9% of the federal employees and 15% were Black.]
3. In only one agency is the Hispanic labor force equal to or greater than the national percentage, the Justice Department; but, 52% of the Hispanics in Justice are in the Immigration and Naturalization Service;
4. In seven agencies, Black employees are well in excess of their national labor force;
5. Hispanics are not even close to being represented in the upper GS levels commensurate with their percentage in the labor force.

The MALDEF findings restate the fact that even though equality in promotions should be stressed, this cannot be in lieu of a valid hiring program. To benefit from a promotions program, a class or group must be adequately represented in the workforce. This is why EEOC's federal sector guidance, reinforcing affirmative hiring practices, is so important.

Turning now to an agency we have some control over, EEOC, one finds that Hispanics have not fared much better here. My concern as Commissioner is to insure that all protected groups were receiving equal protection and EEOC resources.

3

After a cursory review, I found that no Hispanic has ever had any policy authority in the General Counsel's office until recently. This means there has been little Hispanic involvement in setting forth priorities or strategies. Without a mixture of individuals in decision making positions, there is bound to be a failure to adequately assist all groups protected by Title VII. The result, in the General Counsel's Office, is a lack of any enforcement effort on behalf of Hispanics.

In 1982, 34,145 charges of discrimination were received by EEOC and 38,255 charges were received by state and local anti-discrimination agencies. EEOC benefitted 51,886 persons with approximately \$101,194,000 in administrative settlements. Approximately 32% of all charges received by EEOC in 1982 were settled administratively.

In 1982, 4.9% of all EEOC charges were from Hispanics alleging national origin discrimination. This represents 4,330 Hispanic charges. Using the EEOC administrative case settlement average of 32%, we find that of the 4,330 discrimination charges received, 1443 would be settled administratively. The average settlement rate per case was \$4,800. Therefore, the Hispanic administrative settlements totaled, approximately, \$1,212,120.80. This means EEOC administrative recoveries on behalf of Hispanics totaled 1.19% in 1982.

Of the total Hispanic charge number, approximately 4%, 173 cases, will be reviewed by the legal units for litigation recommendation. The remaining 2714 charges will either be dismissed or disposed of through other administrative methods.

Reviewing litigation during fiscal years 80, 81 and 82, one finds that of 935 cases placed in litigation, 27 were national origin, Hispanic. This is 2.9% of the litigation over the three year period. As of April 6, 1983, the General Counsel's Office had 536 cases in litigation. Of this total, approximately 44% were sex discrimination complaints, 20% were age discrimination complaints, 24% were race discrimination complaints and 2.4% were national origin, Hispanic, complaints.

The General Counsel's Office momentarily recovered \$31,120,953 in 1982. If we assume that Hispanics recovered in proportion to their litigation representation, 2.4%, Hispanics recovered \$746,903 or 2% of the General Counsel's total monetary recoveries. Compare this with \$20,149,840 that was recovered on behalf of victims of age discrimination.

If we total the monetary recoveries of both administrative and litigation, \$132,314,953.00, Hispanics received \$1,959,023 or 1.48% of EEOC's total monetary recoveries in 1982. One purpose of Title VII, 1964 Civil Rights Act, is to alleviate the economic loss sustained by minorities and women due to discrimination. Hispanics are benefitting little in this area as you can see.

I believe that the above information validates the Commission's collective opinion that there is a problem. The task force has collected internal data which shows a historical neglect of this area. The fact that this Commission is willing

to clean its own house speaks highly of this Commission's desire to serve all segments of society. It is clear that this problem is one that has existed, practically, from the EEOC's inception and we inherited the problem.

The Hispanic task force has gathered enough statistics and facts to determine that a service problem does exist. The next step is to determine if the problem is internal, external or both. If the problem is that Hispanics won't file charges with EEOC based on past performance and/or treatment, then we need a solution different than if the problem is strictly internal. The only way to determine the root of the problem is to ask Hispanics why they either don't file charges in proportion to other protected groups and/or if EEOC can do anything to be of service to the Community. The fact finding hearings are just one part of this process.

In 1984, 4.9% of all EEOC charges were filed on the basis of discrimination. This represents 4,300 charges.

Hispanics are a young population. 40% of our population is under 18 years of age and 25% is under 13 years old. This compares to a national average of 31 years old. Estimates suggest that within the next 10 years, the Hispanic population will increase to 15-18 million.

Of the total Hispanic child population, approximately 1.7 million children are of school age. Approximately 10% of Hispanic children 5-14 years old have some form of proficiency in Spanish and our cultural values being taught at home. This is approximately 1.7 million children.

The Supreme Court has ruled that states cannot require that children speak English in school. In 1974, the Supreme Court ruled in *Lau v. Nichols* that the Equal Education Opportunity Act requires that states provide equal educational opportunities to all children. In 1980, the Supreme Court ruled that states cannot require that children speak English in school if they are educated without regard to their language difficulties. This case ruled that the 1954 Bilingual Education Act, which provides for equal educational opportunities for bilingual children, is reflected in the fact that the school district for Hispanics is almost three times that of the population in general. In 1980, 21% of Mexican-American and 22% of Puerto Rican students had completed high school. This compares to an average graduation rate of 12%.

The statistics also show that a significant population, located primarily in the Puerto Rican and Cuban population live in metropolitan areas. Eighty percent of Mexican-Americans live in metropolitan areas with about 50% of this group in the central cities.

In the labor force, in general, Hispanics earn less than other groups. In 1977, Caucasians earned an average \$9.23 per hour, Blacks \$6.65 and Mexican-Americans earned \$4.30 per hour. Even though less was earned per hour, Mexican-Americans had a higher annual income than Blacks. At the same time, Mexican-Americans also earned the lowest median annual income of all groups, \$3,400.

Hector B. Romea
21173 Socorro Ct.
San Diego Ca. 92129
619-4856013

To Mike Wandell:

This is to confirm of my complaint I
made on 6-24-83 in referend to
Frank Lewis remarks.

My total interest in this matter is
what disciplinary action is to be taken
against Mr. Frank Lewis driver number
one on unit 316459th in regards to his
discriminatory remarks made against myself
Hector B. Romea driver number two.

Yours,
Hector B. Romea
counsel by C.C.R. 6-29-83

EMPLOYEE IMPROVEMENT ACTION REPORT

HECTOR ROMERO

Name of Employee

6-30-83

Date

The above named employee was helped to understand the following problem and agreed to correct this or was disciplined as indicated:

- 1. () Excessive or unexcused absence or tardiness.
- 2. () Bad housekeeping, neglect of cleanliness.
- 3. () Excessive garnishments.
- 4. () Violation or neglect of safety rules.
- 5. () Loafing, sleeping on job or unacceptable performance.
- 6. () Carelessness or negligence.
- 7. Conduct creating disharmony, irritation or friction.
- 8. () Use, possession or under influence of alcohol or illegal drugs at work.
- 9. () Fighting, horseplay, gambling, threatening others, abusive language and similar improper conduct.
- 10. () Insubordination or willful refusal to work as directed.
- 11. () Dishonesty in any form.
- 12. () Destruction of property belonging to others.
- 13. () Unauthorized removal or use of property of another.
- 14. () Violation of other commonly accepted or published rules of conduct.

DETAILS: (Explain facts in detail and describe reaction of employee.)

HECTOR HAS BEEN WARNED THAT WALKING OFF THE JOB DUE TO A PERSONAL
 OPINION DISAGREEMENT IS NOT ACCEPTABLE AND WILL NOT BE TOLERATED.
 FURTHERMORE HE HAS BEEN ADVISED THAT HE SHOULD REFRAIN FROM SUCH TOPICS THAT
 WILL CAUSE FRICTION BETWEEN HIM AND HIS CO-WORKERS AND THAT ANY
 FURTHER INCIDENTS MAY RESULT IN TERMINATION. A 90 DAY
 PROBATIONARY PERIOD WILL BE IMPOSED.

RESPONSE OF THE EMPLOYEE: I have read and accept the report and agree to make the following improvements.

- I accept suspension or discharge as described above. ()
- I am not willing to make any improvement. ()
- I do not accept the report. ()

Signature of Supervisor

Signature of Employee

Note: This report is made a part of the employee personnel file. Failure to accomplish

JUN 16 1983

BURRELLE'S

Discrimination case is settled by wire service

NEW YORK — The Associated Press agreed yesterday to pay \$2 million and begin an extensive affirmative-action program to settle a decade-old suit accusing the wire service of discriminating against blacks and women.

The proposed settlement was contained in a consent decree submitted to the U.S. District Court in New York by the AP, seven former female employees, the Wire Service Guild and the federal Equal Employment Opportunity Commission.

It provides for back pay, training, and promotion goals and bonuses in news, editorial and photo positions.

Women employed between Nov. 29, 1972, and June 30, 1983, will share nearly \$1 million, the Guild said.

Blacks will share nearly \$500,000. Most of that will be spent to bring black reporters and editors to the AP. In 1973, less than 1 percent of the AP domestic staff was black; today black employment is 1.4 percent of the 1,091 staff members.

Blacks employed between 1973 and June 30, 1983, will share \$100,000 in back pay.

LOS ANGELES, CALIF.
DAILY JOURNAL
D. 19,890

JUN 16 1983

TUESDAY PAGE ONE
THE ASSOCIATED PRESS agreed to pay \$2 million and launch an extensive affirmative action program to settle suits charging the wire service discriminated against blacks, Hispanics, and women.

The proposed settlement was contained in two consent decrees submitted on Wednesday to the U.S. District Court in New York. The decrees, which must be approved by Judge Pierre Leval, were aimed at settling two suits — one brought 10 years ago by the Wire Service Guild, several former AP female employees, and the U.S. Equal Employment Opportunity Commission on behalf of blacks and women, and a second filed by the EEOC on behalf of Hispanics.

The settlement provided for back pay, training, promotion goals, and bonuses for women and blacks in news, editorial, and news photo positions. Hispanics will benefit from the affirmative action program, but will not share in any money because there was no indication of wage discrimination.

JUN 16 1983

BURRELLE'S

AP in \$2 million bias settlement

NEW YORK (UPI) — The Associated Press agreed yesterday to pay \$2 million and to launch an extensive affirmative action program to settle suits charging the wire service discriminated against blacks, Hispanics and women.

The proposed settlement was contained in two consent decrees submitted to the U.S. District Court in New York. The decrees, which must be approved by Judge Pierre Leval, were aimed at settling two suits.

In the first action, brought 10 years ago and involving blacks and women, the plaintiffs were the Wire Service Guild, seven former AP female employees and the U.S. Equal Employment Opportunity Commission. The second action was brought by the EEOC on behalf of Hispanics.

The settlement provided for back pay, training, promotion goals and bonuses for women and blacks in news, editorial and news photo positions. Hispanics will benefit from the affirmative action program, but will not share in any money because there was no indication of wage discrimination.

EEOC Chairman Clarence Thomas said, "We regard this action to be significant in that it opens up for women, blacks and Hispanics many professional-level journalistic positions in the print media."

The AP's president and general manager, Keith Fuller, said, "We have maintained from the day this litigation began — and continue to

state today — The Associated Press does not discriminate against anyone or any group."

Saying the AP is the world's largest news organization, Fuller said, "We have more employees of varied races and ethnic backgrounds on our staff than anyone in the news industry."

"Traditionally, AP management has been a white, male bastion. It is to the credit of the current management that it is willing to change without a protracted trial."

Women who worked for the AP during the period from Nov. 29, 1972, to June 30, 1983, will share nearly \$1 million, the Guild said. Most of the money is for back pay based on length of service with the company. In 1973, when the complaint was filed by the union, AP's news staff was about 7 percent female. It is currently about 22 percent women.

The seven women directly involved in the case will share \$83,120.

The consent decree sets a goal of 37 percent women for filling entry-level reporting and editing jobs — as well as goals for promotion of women.

Blacks will share in nearly \$500,000, with most of the money earmarked for an affirmative action program specifically designed to bring black reporters and editors to the AP. Black reporters, editors and photographers now account for 1.4 percent of the 1,091 people on the AP's domestic news staff.

The Boston Globe
BOSTON, MASS.
D. 504,492 SUN. 740,720

JUN 16 1983

BURRELLE'S

AP settles discrimination suit

NEW YORK — The Associated Press yesterday agreed to pay \$2 million and launch an extensive affirmative action program to settle a decade-old suit charging the wire service discriminated against blacks and women. The proposed settlement was contained in a consent decree submitted to the US District Court in New York by the AP, seven former female employees, the Wire Service Guild and the federal Equal Employment Opportunity Commission. (UPI)

JUN 17 1983
BURRELLE'S

Associated Press OKs settlement of 10-year-old, job-bias lawsuit

NEW YORK — (AP) — The Associated Press has reached a settlement in a 10-year-old case in which the AP was accused of sex and race discrimination.

The tentative agreement is subject to approval by the U.S. District Court here and would be made final by a court-issued consent decree.

Under the agreement, the AP will establish affirmative action plans for women, blacks and Hispanics

effective July 1.

The classes represented in the litigation are women and blacks employed between Nov. 29, 1972, and June 30, 1983, in news or photo positions. In addition, the U.S. Equal Employment Opportunity Commission represented Hispanics in those classifications.

The news cooperative agreed to payments totaling \$998,000 to the women. The AP also agreed to pay

\$100,000 to black class members.

Under the five-year affirmative action program, the AP agreed to use its good faith efforts to achieve specified hiring goals for women, blacks and Hispanics. The program also sets promotion goals for women.

The settlement ends litigation that began in September 1973, when the Wire Service Guild filed a complaint with the EEOC alleging sex and race discrimination.

Later, seven women staffers sued the AP in federal court and the EEOC joined that action.

The AP has consistently denied the charges, and no findings of liability have been made during the proceedings. The tentative agreement says the settlement was negotiated "in order to avoid the burden, expense and disruption of further protracted litigation."

Keith Fuller, AP president and general manager, said, "We have maintained from the day this litigation began — and continue to state today — that The Associated Press does not discriminate...."

Thomas F. Pendergast, vice president of personnel and labor relations, said the AP looks forward to the affirmative action program embodied in the decree because it renews our commitment to quality, fairness and integrity, the hallmarks of the AP staff.

"Every AP man and woman — and the organization — will benefit from this program," he said.

William Morrissey, president of the union local, said, "The Wire Service Guild has fought this battle for 10 years and we are pleased. This settlement will change the makeup of the AP's staff and its management to more realistically reflect the diversity of American society."

Morrissey added, "Traditionally, AP management has been a white, male bastion. It is to the credit of the AP that it is willing to change without a protracted trial."

Janice Goodman, an attorney for the plaintiffs, told a news conference that the settlement will mean that women employed by the AP during the 10½-year period will receive back pay of \$500 to \$600 per year of service since 1972. She said blacks will receive about the same amount for each year of service.

Michael A. Middleton, EEOC associate general counsel, said he hoped the agreement would have a "ripple effect" on other organizations and said the EEOC viewed the provisions for the recruitment and training of blacks and Hispanics as

The Washington Post
WASHINGTON, D. C.
D. 730,000 SUN. 952,540

JUN 16 1983

BURRELLE'S

Wire Service Agrees to Pay \$1 Million in Bias Settlement

By Charles Fishman
Washington Post Staff Writer

The Associated Press settled a 10-year-old sex and race discrimination case yesterday, agreeing to pay more than \$1 million to about 670 current and former employees, and to establish a five-year affirmative action hiring program for women, blacks and Hispanics.

Under terms of the settlement, which must be approved by a U.S. District Court in New York, the AP will pay \$998,000 to women and \$100,000 to blacks employed at the news service between Nov. 29, 1972, and June 30, 1983.

"There is no larger settlement that we know about" involving a news organization, said Anna Padia of The Newspaper Guild, a local of which filed the suit in 1973.

The hiring plan calls for women to receive 37 percent of the first 100 vacancies and one-third of the rest for the next five years, beginning July 1. Also, 5 percent of all entry-level openings would go to blacks and 5 percent to Hispanics.

Currently, 22 percent of the AP's domestic news staff is female and 1.4 percent is black.

The settlement also sets goals for the promotion of women and estab-

blacks. The news service agreed to hire a consultant to work on increasing the number of black employees, to appoint an ombudsman to address the job problems of blacks at the AP and to employ a black journalism professor and a number of black journalism students each summer.

The settlement ends litigation begun when the Wire Service Guild filed a complaint with the Equal Employment Opportunity Commission on behalf of seven female AP employees. The complaint later became a class action suit against the AP on behalf of all black and female employees.

The EEOC joined the suit in 1978 after suspecting discrimination in hiring and promotion.

The affirmative-action program for Hispanics is part of a second consent decree signed by the AP as the result of a case filed by the EEOC.

The AP has consistently denied the charges of discrimination. Yesterday's settlement includes no finding of liability.

Keith Fuller, AP president and general manager of the AP, said, "We have maintained from the day this litigation began — and continue to state today — that the Associated Press does not discriminate against anyone or any group."

AP to pay 2M in bias suits

Also approves an affirmative action program

By United Press International

The Associated Press agreed yesterday to pay \$2 million and launch an extensive affirmative action program to settle suits charging the wire service discriminated against blacks, Hispanics and women.

The proposed settlement was contained in two consent decrees submitted to the U.S. District Court in New York. The decrees, which must be approved by Judge Pierre Leval, were aimed at settling two suits.

In the first action, brought 10 years ago and involving blacks and women, the plaintiffs were the Wire Service Guild, seven former AP female employees, and the U.S. Equal Employment Opportunity Commission. The second action was brought by the EEOC on behalf of Hispanics.

The settlement provided for back pay, training, promotion goals and bonuses for women and blacks in reporting, editing and news photo positions. Hispanics will benefit from the affirmative action program, but will not share in any money because there was no indication of wage discrimination.

WOMEN WHO WORKED for the AP between Nov. 29, 1972 and June 30, 1983 will share nearly \$1 million, the Guild said. Most of the money is for back pay based on length of service with the company. In 1973, when the complaint was filed by the union, AP's news staff was about 7% female. It is currently about 22%.

The seven women directly involved

in the case will share \$83,120.

The consent decree sets a goal of 37% women for entry-level reporting and editing jobs—as well as goals for promotion of women to higher positions.

Blacks will share in nearly \$500,000 with most of the money earmarked for an affirmative action program. In 1973, less than 1% of the AP staff was Black. Today blacks account for 14% of the 4,001 people on the AP's domestic news staff.

Blacks who worked for the AP between 1973 and June 30, 1983, will share \$100,000 in back pay.

The affirmative action plan calls for 3% of all entry-level openings to go to blacks and 5% to Hispanics. The company also will be required to conduct an extensive recruitment program for minorities.

THE AP's president and general manager, Keith Fuller, said, "We have maintained from the day this litigation began—and continue to state today—The Associated Press does not discriminate against anyone or any group."

William Morrissey, the union's president, said, "Traditionally, AP management has been a white, male bastion. It is to the credit of the current management that it is willing to change without a protracted trial."

Among the former AP employees who brought the original suit were Shirley Christian, Pulitzer Prize-winning Latin American correspondent for the Miami Herald; Rachel Cohen,

editorial page editor for the Miami Herald; Percy Simpson, economic correspondent for the Hearst News Service; and Frances L. Lowin, sea editor for Cable News Network.

6/11/82

Discrimination Against Women, Blacks Charged

Associated Press to Settle Bias Suit for \$2 Million

The Associated Press agreed yesterday in Federal court to pay \$2 million and start affirmative-action programs to settle a lawsuit claiming the news service had discriminated against women and blacks.

The proposed settlement was submitted to Judge Pierre N. Leval in U.S. District Court for the Southern District of New York by the AP, seven former female employees, the Wire Service Guild and the U.S. Equal Employment Opportunity Commission.

The EEOC also is handling a suit charging AP with showing bias toward Hispanics.

Proposed Terms

The proposed terms filed yesterday provide for back pay, training, promotion goals and bonuses for women and blacks in the news, editorial and news-photo departments.

The seven women directly involved in the case will share a total of \$83,120.

Women who worked for AP

between Nov. 29, 1972, and June 30, 1983, will share nearly \$1 million. Most of the money is for back pay based on length of the service. In 1973, the AP news staff was about 7 percent female. It currently is about 22 percent women.

A goal of 37 percent is set for filling entry-level reporting and editing jobs with women, as well as goals for promotion of women to positions such as correspondent, foreign correspondent, assistant bureau chief and chief of a bureau.

A sum of \$50,000 will be made available to train women for advanced jobs. Women who receive promotions will get bonuses of \$1,250.

Settlement With Blacks

Under the proposed settlement, blacks will share in almost \$500,000, with most of the funds for an affirmative-action program to bring more black reporters and editors to the AP. In 1973, less than 1 percent of the AP staff was black. Today, black reporters, editors and photographers

Continued on page 14, column 5

Bias Suit

Continued from page 1, column 3

account for 1.4 percent of the 1,081 people on the AP's domestic news staff.

Blacks who worked for the news service between 1973 and June 30, 1983, will share \$100,000 in back pay.

A goal of 3 percent of all entry level positions for blacks was established, with the AP agreeing to conduct an extensive recruitment program for blacks.

The news service also agreed to pay more than \$500,000 in legal costs and other expenses for the EEOC, the Wire Service Guild and the individual plaintiffs.

A.P. Agrees to Settling Suit Filed by Minorities

The Associated Press agreed yesterday to spend up to \$2 million to employ more women, blacks and Hispanic people, to advance more of them into managerial jobs and to compensate minority employees who had been denied raises and promotions.

The five-year affirmative action program, defined in a consent decree submitted to the United States District Court in New York for approval, sets goals for hiring and promotion at the news service. It provides, for example, that 37 percent of entry-level jobs for reporters and editors will go to women, 10 percent to blacks and 5 percent to Hispanic people.

The consent decree was negotiated to settle a suit on behalf of women working at the news service, the world's largest.

The suit was filed in 1973 by the Writers Service Guild, the union representing most Associated Press employees. The Federal Equal Employment Opportunity Commission joined the action in 1975 on behalf of blacks and Hispanics.

More than 600 women at The Associated Press will share nearly \$1 million in back pay and promotion bonuses. About \$500,000 is earmarked to recruit and train black and Hispanic journalists, who now make up about 1.5 percent of the total staff of 1,500. Another \$500,000 is set aside for promotional bonuses and legal costs.

The Associated Press said that it has settled the case to avoid expensive litigation and that it had not discriminated against any group. The Federal commission, the union and seven individual plaintiffs said the settlement was preferable to extended litigation with what they described as traditionally "white, male bastion."

GIVE TO THE FRESH AIR FUND

NY Times
6/16/83

Wall St Journal 6/16/83
**AP Agrees to Settle
Job-Bias Suit, Pay
\$2 Million of Awards**

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON — The Associated Press agreed to pay about \$2 million and to establish an affirmative action plan to settle charges that it discriminated in hiring and promotion against women, blacks and hispanics.

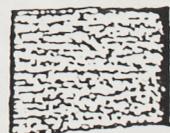
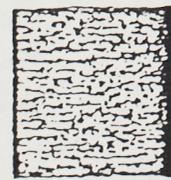
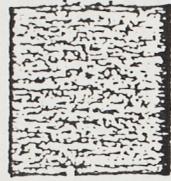
The settlement resolves a complaint brought in 1973 by certain employees of the AP, the nation's largest news wire service and the Wire Service Guild of the Newspaper Guild, an AFL-CIO union. The individuals and the union filed suit in 1978, and the suit was joined in 1979 by the Equal Employment Opportunity Commission. The settlement is subject to approval by a federal judge in New York City.

Under the settlement, women who worked for the AP between Nov. 29, 1972 and June 30, 1983, will share nearly \$1 million, mostly in back pay, and blacks will share about \$500,000. The hispanics weren't awarded back pay because it was found that they hadn't been underpaid by the AP. They were included in the settlement, however, because hispanics were found to be underrepresented at the company based on their availability in the workplace.

The affirmative action plan is to include training, promotion and hiring goals and bonuses for members of the groups that brought the suit. The company also agreed to pay certain legal expenses incurred by the union, the individual plaintiffs and the commission.

The Wire Service Guild, in a statement, said: "This settlement will change the makeup of the AP's staff and its management to more realistically reflect the diversity of American society."

Thomas P. Pendergast, AP vice president in charge of personnel and labor relations, said: "We're pleased with the settlement. It will make us stronger in personnel areas and staff."



Hector

U.S. ELEVATOR

A member of the Cubic Corporation family of companies

MEMORANDUM

July 1, 1983

TO: All Employees
FROM: Wini James, Personnel Director

As stated in the past and as a matter of company policy, no ethnic or racial slurs of any kind will be tolerated. Offenses of this nature may result in immediate termination.

WVJ/dl

Received this letter on ~~Aug.~~ 27, 83
July

Names making news this week: **Catalina Villalpando** moves into the White House Hispanic liaison spot vacated May 1 by fellow Texan **Henry Zuniga**.

Zuniga, now doing some private consulting in Washington, may take another post with the Administration. . . **Eugenio Martínez**, arrested inside Democratic Party National HQ 11 years ago, becomes the second Watergate participant to receive a Presidential pardon. . . His comes from **Ronald Reagan** this month. . . No. 1, of course, **Richard Nixon** by **Gerald Ford**. . . Ex-U.S. Chief of Protocol **Abelardo Valdez**, partner in the Washington, D.C. law firm of Finley, Kumble & Wagner, and **Roberto Goizueta**, Coca-Cola Co. Chairman of the Board, are elected to the Board of Directors of the U.S. Chamber of Commerce. . . The National Congress for Puerto Rican Rights elects **Diana Caballero-Pérez** of New York to lead that growing advocacy group and National Image elects **Annabelle Jaramillo**, of Corvallis, Ore., its new president. . . Texas' House of Representatives passes a resolution honoring FBI agent **Raul Salinas**, now based in Washington, D.C., for his successful recruiting efforts to bring Hispanics into the Bureau. (Now they're 3.4% of the FBI's 7,484-member force). . . In his recent re-election, San Antonio Mayor **Henry Cisneros** polls 94% of the vote. . . **Dr. Sarah Meléndez** of University of Hartford is named associate director of the office of Minority Concerns at the American Council on Education. . . **Larry Gonzales** polls 67% to gain a seat on the Los Angeles Board of Education to become the first Hispano board member since **Julian Nava** quit in 1976. . . Chicanos Por la Causa President **Tommy Espinoza** gets Arizona State University's Distinguished Achievement Award . . .

Sample Issue

HISPANIC LINK WEEKLY REPORT

June 27, 1983

Congress Rejects Hispanics as Staffers

Of 15,000 persons employed on the staffs and committees of Senators and Representatives in the United States Congress, only 140 are Hispanics. That's less than 1% in a nation with more than 8.6% Latino population.

A Hispanic Link News Service survey completed this month shows further:

1. Most Hispanics on Capitol Hill occupy low-level positions with little or no impact on their bosses' decision-making process. They hold clerical positions or work in the home regions, far from where the legislative action is.

2. Four Republican and 12 Democratic members of the House – with between 20%-33%

Hispanic population in their home districts – don't have a single Hispanic on their staffs.

3. The 4 Senators who are declared Presidential candidates – including Alan Cranston and Gary Hart from heavily Hispanic California and Colorado – have only 3 Hispanics out of 174 employees on their combined staffs. (See inset.)

4. Out of 18 Senate committees surveyed, with 1,000 employees, only 3 Hispanics were found. There were none on such key committees as Rules (with 30 staff members), Budget (79), Appropriations (80), Labor & Human Resources (120), and Foreign Relations (140).

5. Out of 19 House committees surveyed,

with 1,300 employees, just 13 Hispanics were reported. The committee with the best record, Agriculture, is chaired by E. (Kika) de la Garza (D-Tex.). It has 3 Hispanics out of a staff of 65.

6. The 9 Hispanic voting members of the House (there are no Hispanic Senators) employ 45 Hispanics on staffs totaling 115. That's 39% – in districts ranging from 37%-72% Latino population. The office of non-voting Representative Baltasar Corrada of Puerto Rico

Hispanics on Senate Staffs of Presidential Candidates

<i>Alan Cranston</i>	<i>1 out of 64</i>
<i>Gary Hart</i>	<i>1 out of 40</i>
<i>Ernest Hollings</i>	<i>1 out of 30</i>
<i>John Glenn</i>	<i>0 out of 40</i>

BEN'S RUNNING

California economist Ben Fernández becomes the first declared candidate for the 1984 Republican nomination for the Presidency this week. He announces at a National Press Club news conference in D.C. on Wednesday.

Fernández, 59, expects to qualify for matching federal funds by Aug. 1, raising the FEC-required \$5,000 minimum in 20 states by then. It's his second Presidential try. In 1980, he appeared on the ballot in 18 states.

80% DROPOUTS

Eighty percent of New York City's Hispanic public school students don't complete high school, says a report just released by ASPIRA of New York. ASPIRA Executive Director Angelo González and Puerto Rican Policy Institute Director Angelo Falcón will discuss the study with NYC's new school chancellor, Anthony Alvarado.

DROWNINGS

California Rural Legal Assistance, a public interest law firm, is asking Amnesty International and the Organization of American States to investigate U.S. Border Patrol raids along California rivers. Six Mexican nationals, including 3 teenagers, have drowned during such raids in the past 2 years, the CRLA reports.

E.E.O.C. CHALLENGED

Federal EEOC Commissioners Tony Gallegos and Armando Rodríguez will meet with Senate Labor & Human Resources Committee Chair Orrin Hatch (R-Utah) in early July to talk about their public hearings held in Chicago, Los Angeles, New York City, Miami, San Antonio and Denver, June 9-27, on EEOC's failure to serve Hispanics.

The hearings were prompted by research of EEOC Deputy General Counsel Michael Martínez which revealed: only 2.9% of the lawsuits filed by the Commission in the past 3 years were in behalf of Hispanics; of EEOC's \$123 million monetary recoveries in 1982 (both administrative and through litigation), only \$1.9 million (1.4%) went to Hispanics. Most litigated awards went to white males in age discrimination actions; just 2.4% of the cases EEOC took to court related to national origin.

PEÑA WINS

Attorney Federico Peña, 36, became Denver's first Hispanic mayor June 21, outpolling ex-District Attorney Dale Tooley, 79,453-75,043 (51.4% - 48.6%). Born and raised in Texas, Peña came to Colorado 11 years ago. A Democrat, he served from 1978-82 in the state legislature, the last two years as House minority leader. The Rocky Mountain News supported his bid for mayor; the Denver Post backed his foe. Denver is 18.8% Hispanic.

has 16 Hispanics out of 22 employees. Together, the 10 Latino Representatives employ far more Hispanics than the remaining 425 Representatives combined.

The lack of Hispanics working for Congress is explained by some of those few working there: (a) the "old boy" network is very much alive – jobs are filled on the basis of who you know, and even as new representatives are elected, "experienced" Hill employees are recycled like losing baseball managers; (b) newcomers are frequently picked from volunteers and interns – rich men's children who can afford to work for little or nothing for extended periods of time; (c) Congress has exempted itself from all affirmative action laws, allowing racism to flourish.

The lack of Latinos on the Hill hurts not only 20 million U.S. Hispanics, but all U.S. residents, says Congressional Hispanic Caucus chair Robert Garcia (D-N.Y.). "The nation needs the input of all groups," he explains. "Without it, legislation tends to come out favoring special interests with the greatest access." Hispanic representation on committees – "where the real policy is made" – is particularly important, he adds.

—Julio Barreto Jr.

(House of Representatives figures, p. 3 Editorial cartoon, p.4.)

Sin pelos en la lengua:

CASTING CALL: With the 50%-lame-duck U.S. Civil Rights Commission exposing the abysmal appointments record of *la Casa Blanca*, the Administration has sent out a new call for Republican women of Hispanic descent (in that order) to improve its pre-election-year profile. When *El Presidente* fired the remaining Hispanic Commissioner, **Blandina Cárdenas Ramírez** (who didn't show up to that many meetings, anyway) and named a white male (still awaiting Senate confirmation) to replace her, he designed a 6-member body which will be without an Hispano member for the first time since November 1968, when LBJ picked American GI Forum founder **Héctor P. García** to serve... Reagan's choice for USCCR staff director to replace **Louis Núñez**, one **Linda Chávez Gersten**, may encounter some opposition from our own *gente* when she comes up for confirmation...

AY CHIHUAHUA: In their stirring *Cinco de Mayo* tributes as recorded officially in the Congressional Record this year, Chicano Congressmen **Henry B. González** (D-Tex.) and **William Richardson** (D-N.M.) praise the 1862 bravery of Mexico's soldiers for giving *golpes* to the French invaders at *Pueblo*. That's in *Colorado*, *hombres*. *Puebla* is where it happened.

SPORTS COUP: Not only is soccer becoming a major *norteamericano* spectator sport, but *hispanos* are gaining more and more

dominance in other U.S. professional sports. One recent June Sunday sports section showed: Astride the first five finishers in the prestigious Belmont Stakes were **Laffit Pincay** (Panamá), **Angel Cordero** (Puerto Rico - recently elected to the Jockey Hall of Fame), **Fernando Toro** (Chile), **Rubén Hernández** and **Jorge Velásquez** (both Panamá). Same day, leading all American and National League pitchers were **Aurelio López** (Mexico), Detroit Tigers, 1.46 earned run average, and **Jesse Orosco** (Chicano), New York Mets, 1.34 e.r.a. As usual, **Rod Carew** (Panamá) topped the majors in batting, with a phenominal .418 average. And Spain's **Seve Ballesteros** was winning the \$450,000 Westchester, N.Y., golf classic. (We didn't bother checking the agate boxing results, and fortunately, basketball season was over)...

EXTRA EXTRA: *Newsweek's* June 6 cover screams "**Central America: The First Casualty**" following the killing of U.S. military advisor Lt. Cmdr. **Albert Schaufelberger III** in El Salvador. Don't 3 nuns and 30,000 *hispanos* count? ... Then *Time* magazine - not to be outdone - packages its historic mania against funny-colored and funny-talking immigrants with a June 13 cover story ("**Los Angeles - America's Uneasy New Melting Pot**") that ends with a convoluted essay offering us *gente manchada* such role models as **S.I. (Dormilón) Hayakawa** and **Rich-heard Road-ree-guess**...

WHO'S WET?: **Jack Richardson**, chief Border Patrol agent in Del Rio, Tex., still can't resist calling undocumented workers "wets" in newspaper interviews. *Por favor, señor*...

-Kay Bárbaro

S.I.N. PROBE

After a three-year probe of Mexico's SIN Spanish National Television Network and its relationship with Spanish International Communications Corporation - a U.S. firm that owns five of the stations on the SIN network - the Federal Communications Commission has ordered a full investigation of allegations of improper control of U.S. television stations. It is against federal law for a foreign interest to own broadcast stations in this country.

CHAVEZ FLAP

"What Cesar Chávez Means to Me."

That student poetry contest theme caused the Bakersfield, CA., school board to call the grammar school competition - sponsored by Mexican American community groups here - "highly controversial and political" and forbid display of contest posters at public schools. Students and parents have now reacted with a \$120 million lawsuit charging the district with discrimination against Mexican Americans.

EXPORT HELP

The U.S. Commerce Department, responding to a recently enacted law, has established the Office of Export Trading Company Affairs to promote formation of export trading companies and associations. The Export Trading Company Act of 1982 was designed to aid small and medium-sized firms compete in world trade.

CONSTRUCTION

After 2 years of organizing, the National Hispanic Association of Construction Enterprises has opened its headquarters at 1625 "Eye" St. N.W., Suite 206A, Washington, D.C. 20005. Joe Garcia is executive director.

68% LOAN RATES

Some Illinois merchants have been charging interest rates as high as 68% on autos and furniture in Hispanic and Black neighborhoods, and freshman State Rep. Joseph Berrios (D-Chicago) is holding hearings on the exploitive practice this summer.

Illinois interest rates have been rising since 1979 when the State eliminated the usury law to help the struggling housing industry. Berrios, Illinois' first Latino legislator, had introduced a bill to restore interest limits, but the banking lobby sent it to interim study, delaying action until next year's legislative session.

\$500,000 PLEDGE

The Milwaukee-based Miller Brewer Co. pledged this month \$500,000 to promote business development in Chicago's Hispanic community. The new Chicago Hispanic Economic Development Organization will help administer the funds.

G.O.P CHANGES

The National Republican Heritage Groups (Nationalities) Council accredited 2 new Hispanic GOP organizations at its annual convention in Meadowlands, N.J., this month: The National Federation of Hispanic Heritage Republicans (Chair: Fernando C. De Baca) and the National Federation of Cuban-American Republican Women (Chair: Dr. Graciela Beecher). They may join in program efforts with the long-established Cuban-American National Republican Committee, chaired by Oswaldo Gonzalez

The new groups and alliances, which include Mexican Americans, Puerto Ricans, and Cubans in key roles, were formed as a reaction to the alleged "takeover" of the Republican National Hispanic Assembly by conservative Cubans at its Dallas convention this past winter.

BORDER CAUCUS

U.S. Representatives Solomón Ortiz (D-Texas) and Bill Richardson (D-N.M.) have joined 9 other congressmen from California, Arizona, New Mexico and Texas to form the Congressional Border Caucus. Unlike most caucuses which advocate social causes or political philosophies, the bipartisan body has geography as its rallying point.

The caucus will address the unique economic, political, and social problems of the U.S.-Mexico border. Democrat Ronald Coleman of El Paso is acting chairperson.

POLICE ABUSE

Two National City, Calif., police officers are the subjects of abuse complaints filed this month by nine Hispanics. The Chicano Federation reported that one alleged victim was a 24-year-old pregnant woman and that one officer was named in three incidents.

A police spokesperson said the department had received no complaints. A Federation spokesperson responded that 6 of the individuals who said they were hit, kicked or clubbed by police were denied forms when they attempted to file their complaints.

PHOENIX ELECTION

José Ronstadt withdrew from the Phoenix, Ariz., city council race this month to allow a black incumbent councilman, Calvin Goode, to run unopposed in a predominantly Hispanic district. Ronstadt said he did so to diffuse media predictions of black/brown confrontations.

His withdrawal leaves Mary Rose Wilcox as the lone Hispanic seeking one of the eight newly created council district seats. The November election marks the first time in 70 years that Phoenix will not have at-large elections for city council.

CORPORATE CLASSIFIED COMING

Beginning with its inaugural issue on Sept. 5, 1983, Hispanic Link Weekly Report will bring together top Hispanic professionals with the agencies and corporations which need them, through its *Corporate Classified* column on the "Good News Page."

For details on placing listings, contact: Hector Mendoza Ericksen, general manager, (202) 234-0737.

THE GOOD NEWS

The \$1 million agreement reached June 15 in a discrimination suit vs. Associated Press includes 13-week AP summer internships (\$326 a wk.) for Latinos in Jr. & Sr. college years, plus a \$1,500 "signing bonus" if they do OK and want a job after graduation. Beginning July 1, 5% of AP's hires will be Hispanic. Opportunities for Hispanic journalism pros, too. Check with AP or EEOC...

NEW AWARD: *The Natl. Assn. of Spanish-Speaking Librarians, REFORMA*, presents its first annual \$1,000 scholarship for graduate study in library or information studies at the American Library Assn. conference in Los Angeles this week...

FREE FACTS: For brochures from Overseas Private Investment Corp. covering its basic and special programs, call OPIC in D.C., (202) 653-2800... For a directory of 64 Hispanic groups in California, contact Calif. Coalition of Hispanic Organizations, (415) 235-4779 (include \$1 for handling)... For the report, "Police Relations in Small Colorado Communities," Colorado Advisory Committee, U.S. Civil Rights Commission, Denver (303) 837-2211...

GOOD GRANTS: This year's first deadline for the National Endowment for the Humanities Media Programs Grants (planning, script writing and production) is July 25. Call NEH, (202) 786-0278...

Five-year grants to establish Alcohol Research Centers are available from the Natl. Inst. on Alcohol Abuse and Alcoholism, (301) 443-4223... Annual training grants, Corp. for Public Broadcasting, deadline, Sept. 1, (202) 293-6160...

NICE JOBS: EEOC has several in the \$29-48K range. Analysts, managers, attorneys, equal opportunity specialists; check Roberto Baldivia, Hispanic Employment Program, (202) 634-6994... The Washington Center (1705 DeSales St. N.W., Wash. D.C. 20036) wants internship div. director, \$26.5-30K...

WINNERS: Last year 596 students (out of 3,320 applicants) shared in \$350,000 awarded by National Hispanic Scholarship Fund... Sylvia Morales, coordinating producer for the Latino Consortium (L.A.) is among the three selected for the American Film Inst.'s Directing Workshop for Women... Dr. Luis M. Proenza and Dr. Dagmar Guardiola are among the scholars selected for the American Council on Education's Academic Administration Fellowship...

U.S. HOUSE OF REPRESENTATIVES - STAFFING

(With Districts 20% Hispanic or Greater)

Party & State	HISPANIC MEMBERS	EMPLOYEES * Total v Hispanic	PERCENTAGE OF HISPANICS In Dist. v On Staff
D-Tex	E. (Kika) de la Garza	12 - 3	71.7% - 25.0%
D-Cal	Edward Roybal	14 - 7	63.4% - 50.0%
D-Tex	Henry González	15 - 7	61.7% - 46.7%
D-Tex	Solomón Ortiz	17 - 6	61.5% - 35.3%
D-Cal	Matthew Martínez	12 - 2	54.2% - 16.7%
D-N.Y.	Robert Garcia	14 - 8	51.3% - 57.1%
D-Cal	Esteban Torres	12 - 6	47.6% - 50.0%
D-N.M.	William Richardson	11 - 4	39.0% - 36.4%
R-N.M.	Manuel Luján	8 - 2	37.4% - 25.0%
NON-HISPANIC MEMBERS			
D-Tex	Ronald Coleman	11 - 3	60.2% - 27.3%
D-Tex	Abraham Kazen, Jr.	12 - 3	53.1% - 25.0%
D-Fla	Claude Pepper	17 - 1	50.7% - 5.9%
D-N.Y.	Edolphus Towns	13 - 3	38.0% - 23.1%
D-N.Y.	Charles Rangel	12 - 2	37.9% - 16.7%
D-N.Y.	Ted Weiss	19 - 1	35.7% - 5.3%
D-Ariz	Morris Udall	18 - 1	35.5% - 5.5%
R-N.M.	Joe Skeen	14 - 0	33.6% - 0.0%
D-Cal	Augustus Hawkins	14 - 1	32.3% - 7.1%
D-Ill	Dan Rostenkowski	11 - 0	31.6% - 0.0%
D-Tex	Mickey Leland	14 - 3	31.2% - 21.4%
R-Cal	Bobbi Fiedler	15 - 2	29.9% - 13.3%
D-Cal	Julian Dixon	14 - 0	29.6% - 0.0%
D-Ill	Cardiss Collins	11 - 0	29.2% - 0.0%
D-Cal	Don Edwards	14 - 2	27.9% - 14.3%
D-Cal	Tony Coelho	19 - 0	26.9% - 0.0%
D-N.J.	Frank Guarini	18 - 2	26.6% - 11.1%
D-Cal	Henry Waxman	9 - 0	26.4% - 0.0%
D-Cal	Jerry Patterson	15 - 1	26.2% - 6.7%
D-Cal	Jim Bates	20 - 2	26.1% - 10.0%
R-Cal	Robert Badham	14 - 0	26.0% - 0.0%
D-Ill	William Lipinski	16 - 0	26.0% - 0.0%
D-Cal	Mel Levine	9 - 1	25.3% - 11.1%
R-Cal	Robert Lagomarsino	15 - 0	25.2% - 0.0%
D-Cal	Mervyn Dymally	16 - 3	25.1% - 18.8%
D-Tex	Kent Hance	16 - 0	25.0% - 0.0%
D-Fla	William Lehman	16 - 0	24.7% - 0.0%
D-Cal	Richard Lehman	10 - 0	24.3% - 0.0%
D-Cal	George Brown, Jr.	17 - 2	23.2% - 11.8%
D-Cal	Glenn Anderson	20 - 1	22.4% - 5.0%
R-Tex	Tom Loeffler	15 - 0	22.2% - 0.0%
D-Cal	Leon Panetta	12 - 0	21.9% - 0.0%
D-Fla	Dante Fascell	12 - 0	21.8% - 0.0%
D-Fla	Lawrence Smith	17 - 1	21.0% - 5.9%
R-Cal	Charles Pashayan, Jr.	16 - 0	20.3% - 0.0%
D-Tex	Bill Patman	12 - 3	20.1% - 25.0%

(* - Staffing figures based on telephone interviews with individual congressional offices.)

Calendar

COMING SOON

National groups, annual conferences:

LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC), Detroit (Western Hotel) June 29-July 4 Rogelio Landin (313) 842-1896

NATIONAL COUNCIL OF LA RAZA (NCLR), Chicago (Sheraton O'Hare) July 19-21. Roger Rivera (202) 628-9600

AMERICAN GI FORUM, EL Paso (Holiday Inn) Aug. 9-13 Ed Bernaldez (915) 772-1442

Hispanic Link Weekly Report

U.S. HISPANIC CHAMBER OF COMMERCE Tampa (Hyatt Regency) Aug. 10-13 Marcos Rincón (816) 842-2228

MEXICAN AMERICAN WOMEN'S NATIONAL ASSOCIATION (MANA), Anaheim (Grand Hotel) Aug. 18-21 Helen Rueda (714) 871-3370

CONFERENCE SPOTLIGHT

Supreme Court Justice Sandra Day O'Connor will keynote this year's National Hispanic Bar Association conference. It's set for Washington, D.C., Oct. 13-16. Its focus, "Progress Through Justice," will be on Hispanic attorneys' involvement in white-collar legal practice. Contact Gilda González (202) 462-0027.

PICADILLO

Commerce, politics, school, church or state - the conventions and meetings are coming by the dozens. Most major Cuban and Puerto

Rican groups will meet this fall. Most popular locale as election year approaches: Washington, D.C. The Congressional Hispanic Caucus dinner will centerpiece Hispanic Heritage Week there on Sept 15. United Nations Secretary General Javier de Cuellar has been invited to speak...

Then there's the Hispanic World's Fair, New York City, July 15-17... *Las Reglas del Juego en la Vida Fronteriza*, Tijuana, Oct. 24-25, by invitation, but observers welcome. Sponsor: UC MEXUS & CEFNOMEX...

Congressman Estaban Torres invites small business persons to "Business Expo '83" to make contacts and learn about new opportunities in the marketplace. No fee. At Rio Hondo Community College, Whittier, CA. July 7, 9 am-12 noon. Seminars include: federal procurement, working with corporations, marketing overseas...

Don't forget: Democratic National Committee, Detroit, July 13-15; National Women's Political Caucus, San Antonio, July 7-10...

Arts & Entertainment

BRAVISIMO, a monthly television variety hour featuring Hispanic talent, premieres this week in Phoenix, Fresno, Atlanta and Laredo. Oro Production's first offering, with an initial Arbitron rating of 3.0 (1.5 million viewers – not bad for a Sunday afternoon) in Los Angeles, has already aired in Miami, Corpus Christi, San Diego, Sacramento, Salinas, Dallas and Harlingen, TX. "Bravisimo," in its English-language format, has been sold in 25 markets, mostly to network affiliates. Spanish language versions are being offered to SIN.

SOAP OPERAS may be the next to be "simulcast" if the results of ABC/20th Century Fox's three-week bilingual broadcasting experiment are as positive as expected. This month Spanish soundtracks for "The Fall Guy" and a Saturday morning cartoon show were simultaneously broadcast over participating radio stations in New York, Chicago, Miami, Los Angeles and San Antonio.

THE BOX OFFICE SUCCESS OF "The Ballad of Gregorio Cortez," premiering in New York Sept. 15, will influence the future of Hispanics in Hollywood. The Moctesuma Esparza/Michael Hausman

film, produced in association with the National Council of La Raza, was funded in part by the National Endowment for the Humanities.

"If a picture like this can become successful," says the film's star Eddie Olmos, "then more will be made."

Free screenings of the film are scheduled in Guadalajara (as part of the Chicano Festival of Ariztlan there, June 28-July 5), Philadelphia (July 9), Washington, D.C. (July 10), Minneapolis (July 20-21), Detroit (July 22-23) and Houston (July 29-30).

Gregorio Cortez will open in 10 cities on Sept. 30, and it should be playing in 40 cities by November.

WAR AND TURMOIL IN CENTRAL AMERICA – How will it impact on U.S. Hispanics? The L.A. Times' Mercedes de Uriarte, fresh from a year's Alicia Patterson fellowship, will explore the subject in an upcoming book. Publishers are becoming more interested in Hispanic themes and authors. Some recent releases: Ariel Dorfman's **Widows**, about South America's "desaparecidos;" Laurence González's **El Vago**, a novel set in the Mexican revolution; and Arturo Morales Carrion's **Puerto Rico: A Political and Cultural History**. Doing well are Rich-heard Road-ree-guess' sad autobiography **Hunger of Memory** and Nobel laureate Gabriel García Márquez's **Chronicle of a Death Foretold**, still on some bestseller lists.

–Antonio Mejías-Rentas

Media Report

The **National Hispanic Reporter** edited by **La Luz Magazine** co-founder Felipe de Ortego, was launched this week as a monthly English-language tabloid, with plans to become weekly and use some Spanish later . . . The long-awaited **Los Angeles Times** series on Latinos in Southern California should start July 3 and continue every other day for 3 weeks. All 18 persons working on the project – reporters, editors (George Ramos and Frank Sotomayor headed the team), and graphic artist – are Hispano. . . The **Washington Post**, which published the 5-part **MexAmerica** series in March '78, plans to look at U.S. Hispanics again this fall. . .

The steering committee for the April 11-15 '84 **National Hispanic News Media Conference** (Capital Hilton Hotel, Washington, D.C.) meets again in New York Aug. 20-

21 and Miami Nov. 20-21. It'll have a new member from Puerto Rico, plus Jay Rodríguez, **NBC-TV, Burbank**, and Gustavo Godoy, **SIN, Miami**. They join those who met at the **American Society of Newspaper Editors'** conference in Denver last month: Norma Sosa, **Chicago Sun-Times**; Maggie Rivas, **WFAA-TV, DALLAS**; Sam Quiñones, **NYC's El Diario-La Prensa**; Henry Mendoza (chair), **KABC-TV, Los Angeles**; Paula Maes, **KOB-TV, Albuquerque**; Guillermo Martínez, **El Miami Herald**; Juan González, **Philadelphia Daily News**; Charlie Ericksen, **Hispanic Link News Service, Washington, D.C.**; Bob Alaniz, **CBS-TV, Hollywood**; Edith Auslander, **University of Arizona, Tucson**; and Frank Gómez, **Foreign Press Center, Washington, D.C.** . . .

Cristóbal Berry-Cabán of Reston, Va., has been named editor of **PetroCurrents**, a elegant energy quarterly set for publication in September. . . Henry Mestre, former executive director of the Spanish-Speaking Unity Council, named by new **Oakland Tribune** owner/publisher Robert Maynard to that paper's 7-member advisory board,

along with Alex Haley and Shirley Temple Black. . .

LatinWorld, Ambassador Julián Nava's weekly newspaper supplement, is projected to start appearing in the **Los Angeles Herald-Examiner** in mid-August. . . The **Her-Ex** is also planning to underwrite a Hispanic community paper for Greater L.A. – probably all Spanish – kicking off with 50,000 copies in September and building to 300,000. It'll start as a monthly. . .

The **California Chicano News Media Association** expects to have its computerized national job bank for Latino journalists operating in August. Without a computer or full-time coordinator (available now through **CBS** and **Gannett Foundation** gifts), it handles 500 names. By early '84, it anticipates storing as many as 2,000. . . **Caminos** magazine publisher Kirk Whisler reports 80 members already aboard the Hispanic newspaper and magazine publishers' group he's spearheading; hopes for 250 by the end of the year. Whisler says 40-50 Hispanic publications were born in the last 2 years. . .

–Steve Padilla

HISPANIC LINK WEEKLY REPORT

A national publication of:
Hispanic Link News Service, Inc.
1420 'N' Street, N.W.
Washington, D.C. 20005
Tel.: (202) 234-0280/(202) 234-0737

General Manager: Héctor Mendoza Ericksen

Editors & Writers: Julio Barreto, Charlie Ericksen, Antonio Guernica, Antonio Mejías-Rentas, Cecilio Morales, Steve Padilla, Elaine Rivera, Charles Rivera.

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Annual subscription rate (52 issues): \$96.00.

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D. C. 20506

OFFICE OF THE
COMMISSIONER

July 7, 1983

Dear Friend:

I have now returned to my office after very rewarding fact-finding hearings. The hearings could not have gone any better regardless of any additional time or money spent. The witnesses were excellent, well prepared and informative. Clearly, none of this would have been possible without your support and the support of many organizations and individuals in the Hispanic community that assisted our efforts.

I am enclosing a short Preliminary Report on what our fact-finding hearings discovered. A detailed analysis will be completed by the end of July. The enclosed as well as the forthcoming reports will be submitted to the EEOC Commissioners and Chairman of the Senate Labor and Human Resources Committee who has the authority and the duty to oversee our budget and its proper implementation in reaching the needs of the EEOC constituency. Once our fact-finding study is complete, rest assured that I will vigorously strive for solutions which will be most beneficial to our community as a whole.

If you have any further recommendations, please call or drop a note to me or my Executive Assistant, Roy Padilla.

Sinceramente,

A handwritten signature in dark ink, appearing to read "Tony E. Gallegos". The signature is stylized and written in a cursive-like font.

Tony E. Gallegos
Commissioner



July 7, 1983

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*Served in Vietnam

Affiliations noted for
purposes of identification only.

Commissioner Tony E. Gallegos
Equal Employment Opportunity Commission
Washington, DC 20506

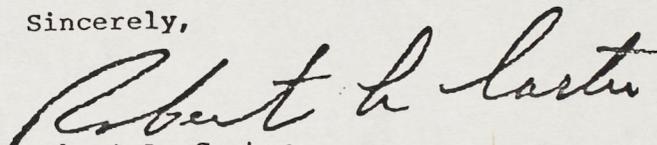
Dear Commissioner Gallegos:

Thanks for your letter of June 30, 1983 concerning the
sculpture to be placed at the site of the Vietnam Veterans
Memorial.

The sculptor, Frederick Hart, is now more than 50 per
cent complete on the life size sculpture and is just
beginning to work the facial details. This is to confirm
that one of the three figures will be representative of
Hispanics.

Thank you for your interest and support of the Vietnam
Veterans Memorial. I am confident we can work this problem
to the mutual satisfaction of all Americans.

Sincerely,


Robert A. Carter
Executive Vice President

cc: Frederick Hart

RAC/caj

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1110 Vermont Avenue, N.W., Suite 308, Washington, D.C. 20005 (202) 659-2490

(PLEASE PRINT OR TYPE)

APPROVED BY OMB
3046-0013
Expires 12/31/83

CHARGE OF DISCRIMINATION

IMPORTANT: This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing it.

CHARGE NUMBER(S) (AGENCY USE ONLY)

STATE/LOCAL AGENCY

EEOC

Calif. Dept. of Fair Employment & Housing

and Equal Employment Opportunity Commission

(State or Local Agency)

NAME (Indicate Mr., Ms. or Mrs.)

REYNOLDS, HECTOR R. JR.

HOME TELEPHONE NUMBER (Include area code)

STREET ADDRESS

11171 Reserre Court

619-457-6853

CITY, STATE, AND ZIP CODE

San Diego, CA 92129

COUNTY

San Diego

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME. (If more than one list below). (300)

NAME

U. S. ELEVATOR

(42)

TELEPHONE NUMBER (Include area code)

619-460-1000

STREET ADDRESS

14728 U. S. Elevator Road

CITY, STATE, AND ZIP CODE

Spring Valley, CA 92078

NAME

TELEPHONE NUMBER (Include area code)

STREET ADDRESS

CITY, STATE, AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON MY (Check appropriate box(es))

- RACE COLOR SEX RELIGION NATIONAL ORIGIN OTHER (Specify)

Mexico

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, and year)

06/30/83

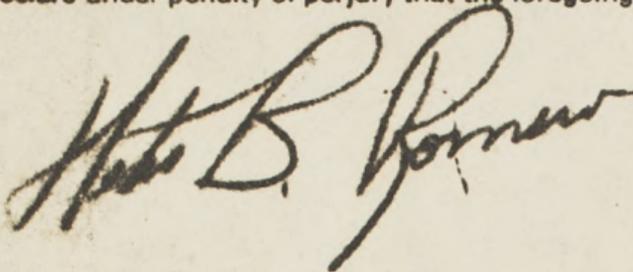
THE PARTICULARS ARE

- I. I have been employed as a Truck Driver II since June 24, 1981. My wage rate is \$10.00 per hour. On June 30, 1983, I was given an unwarranted ninety-day discipline.
- II. I was told by my supervisor, Michael R. Wandell (Caucasian), that I was being given this discipline for allegedly creating disharmony with a co-worker.
- III. I believe I have been discriminated against by being given an unwarranted discipline because of my national origin (Mexico). I hold this belief for the following reasons:
 1. I am a cross-country truck driver. My co-driver is Frank Lewis (Caucasian), Truck Driver I. On June 23, 1983, while we were working together, Frank Lewis made racist remarks about me, about persons of Mexican ancestry, and about racial minorities, as a whole. His remarks were demeaning and humiliating.
 2. I reported his remarks to my supervisor, Michael R. Wandell (Caucasian). As a result, I was issued an Employee Improvement Action Report and placed on a ninety-day disciplinary probation for "conduct creating disharmony, irritation or friction."
 3. I appealed the discipline to Winnie (last name unknown) (Caucasian) Personnel Officer, who stated that I had taken Frank's opinion too seriously, and when I indicated that I was going to appeal the matter further, she warned me that I should think about my bread and butter.
 4. I believe I have been discriminated against by being subjected to the racist remarks of a co-worker, and by being disciplined when I reported the matter to company representa-

I also want this charge filed with the EEOC.

I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.



DATE:

8-1-83

CHARGING PARTY (Signature)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

NOTARY — (When necessary to meet State and Local Requirements)

SD:PC:FC

FILED DATE: 8/1/83

9-21-83

Dick + Mike:

This is a written complaint regarding the driver
I position; I feel the choice that was made
was totally wrong. I feel I'm better qualified to
do the job. The reasons that were given to
me by Dick Chadwick were mistakenly wrong. This
complaint also extends to the matter of log-books.
I think there's other reasons why I'm being
put aside.

Harold B. Jensen
Council of C.C.R.

9-26-83

U.S. ELEVATOR:

This is to confirm that I'm not
turning in a personal resignation. The
conversation I had with Mike Wendel
over the phone; he told me that I
personally resigned from U.S. ELEV. Well
I'm not resigning my employment with
U.S. ELEV. or any other such thing.

John B. Rowen
9-27-83

Phone conversation took
place 9-26-83



54974-3219

EMPLOYEE STATUS MEMORANDUM

Name HECTOR ROMERO Employee # 48495 Div/CC 22 No. _____

Effective Date 9-26-83 CC No. _____

- New Hire-Rate of Pay _____
Classification _____
- Re-Hire- Rate of Pay _____
Classification _____
- Lay Off
- Voluntary Quit
- Discharge
- Warning
- Pay Advance Amount \$ _____
- Vacation From _____ Thru _____

- Leave of Absence: From _____ To _____
Check One: MEDICAL MATERNITY
 PERSONAL MILITARY
- Sick Leave _____
- Transfer From CC _____ To CC _____
- Reclassif. From _____ To _____
- Rate Change From _____ To _____
- G&A Construction Service
- Industry Start Date _____
- Local # _____

Specify in detail all information and reasons for action HECTOR REFUSED TO ACCEPT HIS

ASSIGNMENT FOR SAT 9-24-83, I ADVISED HIM IN MON. 9-26-83 THAT HIS REFUSAL WAS
EXCEPTED AS A VOLUNTARY QUIT. HE SAID OK, AND HE WOULD BE IN THE 9-27-83 FOR HIS CHECKS.

Employee _____ Supervisor [Signature] Department Head/ Branch Manager [Signature] Accepting Dept. Head (For Transfer Only) _____

Approved: _____ Date _____ EEO Officer _____ Date _____ Personnel [Signature] Date 9/26/83

ALL COPIES TO PERSONNEL

USE-54E

9-27-83

Unemployment Dept. :

This is to inform you contrary to the 9-26-83 employee status memo that I did not voluntarily quit.

On 9-19-83 I was on my way back from Minneapolis Mn., when I was told by Ken Werrels (Senior Driver) that when we got back to San Diego that Dick Chadwick (foreman) had informed him that we wouldn't have a load going out for that weekend.

We got in San Diego on Wednesday 9-21-83 around the morning hours, when I got home around 1:00 P.M. and ask me if I would be interested in taking a load to L.A. and San Francisco by myself, the load had to be in L.A. by Monday 9-26-83. I agreed. This load was arranged by Dick Chadwick (foreman). So I proceeded to make plans with my family, my brothers to have a family get together in Ensenada Mexico with my parents, who live down there.

On 9-22-83 I called in to re-confirm my departure Monday, Phil Huntley (Secretary) told me that the L.A. run was cancelled and that I would be leaving Friday to Chicago.

On Friday morning 9-23-83 I went in person to the plant to explain to Dick Chadwick that I had been informed and ordered to report on Monday 9-26-83 and based on that information I had made

other commitments that I could not break.

Dick informed me that he had to check with Mike Wandell (Supervisor) of their decision. In a few minutes he came out and took me to his office and told me I had to leave on that trip. I told him that I could not now break that commitment and that I would use that time off as my vacation. I filled a vacation notice stating that I would take vacation from 9-26- to 9-30 with the option that I would be available for work during that time. I told Dick that I wouldn't make the trip. I left and went home, later that day Dick call + told me that I would be severely reprimanded if I didn't go; I told him the same thing that I wasn't going. Dick informed me to call in Monday 26th.

On 9-26-83 I called in as order to go to work. Mike Wandell (Supervisor) told me that by me not going on that trip that I had personally resign; and that he would have the papers work finish in 4 hours and to turn in my keys + credit cards. I told him I couldn't make it, and that I would come in on the 27th. I never agree to none of his terms.

On the 27th Mike + Dick took me

3

to their office were I turn in my keys + credit cards. Mike then gave me this envelope with a check.

I then gave Mike a copy of my letter telling him that I didn't resign or quit and that I never agree to any of his terms over the phone. When I left I opened the envelope and inside, very carefully hidden inside the check I found a Employee Status Memorandum stating that I voluntary quit and that I agree to this; this is all false.

I feel that this action was taken against me for retaliation reason concerning the charge and complaints of discrimination with the California Department of Fair Employment + housing.

Thank You

John B. Pomeroy



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

3255 WILSHIRE BLVD., 9TH FLOOR
LOS ANGELES, CALIFORNIA 90010

IN REPLY REFER TO:
Charge Number 092827594

Phillip A. Alcala
229 S. Kenton Avenue
National City, CA 92050

and

Chief Executive Officer
U.S. Elevator
10728 U.S. Elevator Road
Spring Valley, CA 92078

This is to advise you that the Determination and Notice of Right to Sue,
dated 1/20/84, were erroneously issued.

Those documents are hereby rescinded.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Estrada-Melendez", written over a horizontal line.

Jesus Estrada-Melendez, Director
Los Angeles District Office

1/27/84
Date

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

110 WEST C STREET, SAN DIEGO, CA 92101

(714) 237-7405



September 14, 1983

Mr. Phillip A. Alcala
229 South Kenton Avenue
National City, CA 92050

Re: FEP82-83-D9-0088e ALCALA/U.S. Elevator

Dear Mr. Alcala:

After investigation of your complaint, we find that your allegation of discrimination cannot be sustained because we have been unable to find sufficient evidence to prove a violation of the law enforced by this agency.

Please read the "Basis for Closure Recommendation" below and contact me immediately if you have additional information that should have been considered. If I do not hear from you within fourteen (14) days from the date of this letter, your case will be submitted to the District Administrator for formal closure.

Basis for Closure Recommendation

A. Evidence shows you were terminated because of a cumulative record of company violations. Although your final written reprimand contained several errors, evidence shows you were in violation of the highway safety regulations on your last trip and that you had previously received warnings regarding this type of violation.

B. Respondent's treatment of similarly situated Anglo drivers does not indicate bias. Other drivers have received reprimands for safety violations, however, no other driver has a disciplinary record comparable to your record.

C. Although Respondent's relevant statistics show a higher rate of termination for Mexican American drivers (50%) other evidence gathered in the investigation does not show bias in your termination.

Sincerely,

A handwritten signature in cursive script that reads "Myronia Gibbs".

Myronia Gibbs
Consultant

MG:YT



EEOC

UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

3255 WILSHIRE BLVD., 9TH FLOOR
LOS ANGELES, CALIFORNIA 90010

Phillip Andrew Alcalá
229 South Kenton Avenue
National City, CA 92050

IN REPLY REFER TO:

092827594

Charging Party

and

Chief Executive Officer
U.S. Elevator
10728 U.S. Elevator Road
Spring Valley, CA 92078

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue, on behalf of the Commission, the following determination as to the merits of the subject charge.

Respondent is an employer within the meaning of Title VII and the timeliness, deferral and all other jurisdictional requirements have been met.

Having accorded substantial weight to the findings of the California Department of Fair Employment and Housing, which you have previously received, I conclude that there is not reasonable cause to believe that the charge is true.

This determination concludes the Commission's processing of the subject charge. Should the Charging Party wish to pursue this matter further, (he/she) may do so by filing a private action in Federal District Court within 90 days of (his/her) receipt of this letter and by taking the other procedural steps set out in the enclosed Notice of Right to Sue. Within one year after the date of this letter, I intend to destroy the case file in accordance with the Commission's records disposition instructions.

On behalf of the Commission

1-20-84

Date..

Jesus Estrada-Melendez, Director
Los Angeles District Office

Encl. Notice of Right to Sue

JEM/YAG/ca

HISPANIC CHARGE STUDY PRELIMINARY REPORT

The Hispanic Charge Study was undertaken by Commissioners Tony E. Gallegos and Armando M. Rodriguez and Michael N. Martinez, Deputy General Counsel, of the Equal Employment Opportunity Commission after concurrence by the full Commission.

There was a number of factors which led to the two Commissioners to propose the study. First was the fact that each had been told for many years by various community leaders that the Equal Employment Opportunity Commission was not viewed as a responsive agency by persons in the Hispanic community. Secondly, statistics on percentages of charges filed by Hispanics and on Commission litigation of Hispanic charges suggested that the level of service of the Commission to Hispanics was not the same as that received by other communities. The study was designed to determine why Hispanics file so few charges in comparison to their proportion of the workforce and why the Commission filed so little Hispanic litigation.

One hypothesis could be that Hispanics are not often the victims of discrimination. This hypothesis, however, has clearly been refuted by the United States Commission on Civil Rights in its study entitled, "Unemployment and Underemployment Among Blacks, Hispanics, and Women" and by the National Commission for Employment Policy in its study, "Hispanics and Jobs: Barriers to Progress." Both studies make it clear that discrimination is a strong factor in the employment marketplace for Hispanics.

The Hispanic charge study is proceeding in two areas -- one is a statistical analysis of what happens in the agency charge processing system to charges alleging discrimination based on National Origin (Hispanic) as compared to other charges. The second area is an external study consisting of fact-finding hearings during which community based and national Hispanic organizations familiar with the Hispanic community have testified as to perceptions and problems leading to the low charge filing rate by Hispanics.

At the present, the fact-finding stage of the study is complete. One hundred twenty-one witnesses testified at six fact-finding hearings held in Chicago, Los Angeles, New York, Miami, San Antonio, and Denver. All of the hearings were recorded and permission was secured to use both oral and written testimony. A brief preliminary summary and analysis of that testimony appears below.

The following is a sample of organizations which provided testimony at the hearings. Groups such as:

- o The American G.I. Forum
- o Mexican-American Legal Defense and Education Fund
- o IMAGE
- o League of United Latin American Citizens (LULAC)
- o Mexican American Opportunity Foundation
- o Hispanic American Professional and Management Association
- o National Puerto Rican Forum
- o Hispanic National Bar Association
- o American Federation of Government Employees Local 1617
- o Congresso Para Pueblo Unido
- o Los Angeles County Chicano Employees Association
- o Latin American Research and Service Agency (LARASA)
- o Legal Assistance Foundation
- o Latino Institute
- o Puerto Rican Bar
- o Florida Commission on Hispanic Affairs

and other individuals and leaders in the Hispanic community provided testimony.

An early analysis of the statements by witnesses indicates the following perceptions:

- o Lack of any successful litigation dealing with Hispanic issues and especially of national origin has bred a lack of confidence in the EEOC by Hispanics.
- o A serious lack of knowledge of the EEOC and the laws the Commission was created to enforce.

- o Voluntary assistance programs have been directed at employer groups only.
- o Lack of Equal Opportunity Specialist (Investigators) state of the art training has left Hispanic charging parties intimidated at the employers' advantage. Investigators are interested in production over quality.
- o Lack of protection from reprisals once a charge is filed. The Commission has authority to issue temporary restraining orders but has not used this tool to protect Hispanic charging parties.
- o Length of time to process and resolve charges discourages Hispanic charging parties.
- o Difficulties in communicating with EEOC staff to determine information on status of pending charges.
- o It is perceived that Title VII law and the EEOC is for Blacks only.
- o Lack of Hispanics in policy-making positions.
- o Lack of Bi-lingual Services.
- o The location of EEOC field offices frequently is not easily accessible to the Hispanic community.
- o Federal sector employees should have the same accessibility to the EEOC as do private sector employees.

The statistical study is near completion. Some important information has been obtained and is summarized below.

Reviewing litigation during fiscal years 1980, 81 and 82, one finds that of 935 cases placed in litigation, 27 were national origin, Hispanic. This is 2.9% of the litigation over the three year period. Our research indicates that from May 1982 to the present, only one national origin (Hispanic) based charge has been referred to the Commission for litigation. As of April 6, 1983, the General Counsel's office had 536 cases in litigation. Of this total, approximately 44% were sex discrimination complaints, 20% were age discrimination complaints, 24% were race discrimination complaints and 2.4% were national origin (Hispanic) complaints.

In order to find out why there is a low number of Hispanic litigation filed, we looked at several factors which could contribute to the lack of Hispanic-based cases for litigation. The first factor was the number of charges filed.

In 1982, 4.9% of all EEOC charges were from Hispanics alleging national origin discrimination. This represents 4,330 Hispanic charges. This percentage is less than the 5.7% Hispanic representation in the national labor force.* Even given the small number and percentage of cases filed, one would expect that these same number and percentage of cases would be proportionately represented in litigation recommendations. As our figures above indicate, such is not the case and litigation is significantly less than what we would expect -- 4.9% of the charges were Hispanic-based while 2.4% of the litigation was Hispanic-based.

The statistical analysis was in part designed to determine what happens between charge filing and litigation recommendation. One possibility was that Hispanic charges were settled more frequently than other charges without addressing the merits of the charge. The only statistics made available for this analysis were the number and percentage of cases successfully conciliated by the Commission. The successful conciliation classification does not include all settlements, so these figures are not an accurate representation of all settlements. Statistics on settlements not negotiated by the Commission are not presently available to the study team. Even with these figures, we were able to establish, for instance, that 1.65% of closures on all charges in 1980 ended in successful conciliation whereas only 0.96% of closures on Hispanic-based charges were successfully conciliated. Thus, the successful conciliation rate for Hispanic charges is approximately 50% less than the rate of all charges.

In fiscal years 1980, 1981, and 1982, there were 5,162 charges selected for early litigation identification (ELI). 241 or 4.6% of these charges were based on national origin (Hispanic). When compared to the 2,934 or 56.8% of the charges selected based on sex (female) and the 4,924 or 95.3% of the charges which were non-Hispanic, it is quite obvious that there is a drastically low number of charges selected for litigation on the basis of national origin (Hispanic).

*1980 Census.

There were other questions we intend to address. These questions include, but are not limited to:

- o Percentage of Hispanic charges settled compared to all charges.
- o Average amount of monetary settlement on Hispanic charges compared to all charges, etc...

The internal study, as indicated earlier, is near completion. The conclusion from that study will be submitted to the Commission around August 1, 1983. An analysis of all testimony given at the fact-finding hearings should be completed at approximately the same time.

Farm workers plan 500-mile march to demand a contract

This July, the Farm Labor Organizing Committee (FLOC) is marching to Camden, New Jersey to bring farm workers demands for a contract to the headquarters of Campbell Soups. Another purpose of the 530 mile march is to publicize farm worker demands along the route. The march is scheduled to leave Toledo on the 7th of July and will arrive in Camden on August 7.

Since August of 1978, over 2,000 farm workers under the leadership of the Farm Labor Organizing Committee (FLOC), have been on strike in the tomato fields of northwest Ohio. These workers, whose back breaking work

helps feed America, have suffered the worst conditions of any occupation in America - low wages, inadequate housing, child labor and constant exposure to pesticides. FLOC seeks a contract with the growers and canneries which would provide fair wages and the dignity of working men and women. The workers have met with poverty, violence, legal attacks and strikebreakers, yet they have vowed to remain on strike until Campbell officials agree to negotiate.

Baldemar Velasquez, President of FLOC, urges all supporters of the farmworkers struggle to begin or end the

march with FLOC. Cesar Chavez, President of the California based UFW has agreed to march in Philadelphia with the group. If you or anyone you know wishes to march or support the marchers by sponsoring individuals per mile on the march, collecting food for walkers or providing publicity for the march call anyone of the following telephones: in Detroit: 313-476-8000 or 313-88-0187, Sister Elizabeth LaForest; in Grand Rapids call Phyllis Gifford at 616-457-9525; and in Lansing call the Michigan Farmworkers Migrant Coalition at 517-484-7559



¿Por qué no ayuda a los Hispanos la Comisión de Igualdad en las Oportunidades de Empleo?

Por Tony E. Gallegos, Comisionado

Comisión Estadounidense para la igualdad en las Oportunidades de Empleo.

Desde luego que Ud. contribuyó en la oficina.

Desde luego que Ud. se tomó solamente dos cervezas.

Desde luego que el cheque está en el correo.

Y, desde luego, la Comisión Estadounidense para la igualdad en las Oportunidades de Empleo ayuda a los hispanos.

Los tres primeros refranes son del dominio público. Pero el último, hasta ahora, se ha visto confinado a los pasillos de las oficinas de la Comisión para la Igualdad en las Oportunidades de Empleo - en Washington y los demás lugares. Ha sido repetido durante años por empleados hispanos de nivel bajo, desilusionados, que trataban de dar significado a los estatutos promulgados por el Congreso hace 18 años.

El Congreso y una caravana de Presidentes han afinado la autoridad y las responsabilidades de la Comisión para la igualdad en las Oportunidades de Empleo desde entonces, pero el beneficio para los 20 millones de hispanos de la nación, de algún modo no se ha materializado aun.

Hoy, la Comisión, que tiene 22 oficinas regionales y una fuerza de trabajo de 3,200 personas, gasta cerca de 140 millones de dólares anualmente para proteger a los trabajadores de la nación de una diversidad de prácticas discriminatorias. Alrededor del 11 por ciento de esa fuerza de trabajo - que todavía es primordialmente de bajo nivel hispana.

Over 2000 expected at LULAC Convention

The League of United Latin American Citizens (LULAC) will be holding its annual convention at the Westin Hotel in Detroit from June 30 to July 3, 1983. More than 2,000 persons are expected to participate in this event.

Founded in 1929, LULAC is the nation's oldest Hispanic organization working for the progress and advancement of Hispanic Americans.

Employment and training programs are conducted along with research in post-secondary education. During the convention, LULAC will recognize outstanding accomplishments in both the private and public sectors for the benefit of Hispanics, procurement with Hispanic firms, and advertising in Hispanic markets. Internships and scholarships will also be awarded to Hispanic students.

LULAC is expected to join forces with black leaders in a show of their political strength.

Según los indicadores nacionales más evidentes, los hispanos necesitan y deberían estar aprovechándose de la ayuda y los remedios que ofrece la Comisión para la igualdad en las Oportunidades de Empleo. Pero eso no está ocurriendo.

Sólo el 2.9 por ciento de las demandas judiciales presentadas por la Comisión durante los tres años últimos lo fueron a nombre de hispanos.

En 1982, la oficina de nuestro Asesor Legal obtuvo indemnizaciones por valor de 31 millones de dólares para las víctimas de la discriminación. Una revisión que yo solicité, efectuada por el Asesor Legal Adjunto, Michael Martínez, muestra que esas indemnizaciones correspondieron primordialmente a hombres de raza blanca en plazas de administración de nivel medio. Sólo \$746,000 - equivalentes al 2.4 por ciento - correspondieron a hispanos.

El importe de las indemnizaciones obtenidas por la Comisión, tanto administrativamente como por medio de demandas judiciales, fue de 132 millones de dólares en 1982. De esa suma, calculamos que \$1,900,000 - menos del 1.5 por ciento - correspondió a los hispanos.

En abril de este año, la oficina de nuestro Asesor Legal tenía 536 casos pendientes en lo judicial. De ese total, el 44 por ciento acusaba por discriminación basada en el sexo; el 24 por ciento por discriminación racial y el 20 por ciento por discriminación basada en la edad. A pesar del dictamen de un estudio reciente, efectuado por la Comisión Nacional de Cursos de Acción en Materia de Empleo, en el sentido de que una parte considerable de la diferencia entre la remuneración obtenida por los anglo-americanos blancos y los hispanos se debía a la discriminación, sólo el 2.4 por ciento de las quejas que la Comisión llevó a los tribunales se relacionaban con el origen nacional.

¿Está la Comisión efectuando el trabajo que debiera en lo referente a los hispanos?

Basándonos en estas cifras, la respuesta es evidente. No lo está haciendo.

La próxima pregunta es: ¿por qué no?

Tengo mis sospechas, muchas de ellas. Pero no puedo decir con certidumbre.

Algunas que se han planteado:

*La Comisión para la igualdad en las Oportunidades de Empleo, como todas las entidades políticas, responde a los grupos que hacen presión con mayor influencia y acceso. En este caso, los cabilderos de Washington en favor de los negros, las mujeres y las personas de edad avanzada, han desplazado a los hispanos.

*Los hispanos no se aprovechan, tradicionalmente, de los canales formales para procurarse remedios.

*A través de la ignorancia, la Comisión ha efectuado una labor defectuosa en su asesoría a los hispanos en cuanto a la responsabilidad que le incumbe. Y a través de la inercia, no

se ha mantenido al tanto de los cambios y el crecimiento de la población en los últimos años.

Actualmente, dos de los cinco miembros de la Comisión son hispanos. Yo ingresé a la Comisión nombrado por el Presidente Reagan, en mayo del año pasado. También presta servicios, aunque su término vencerá el mes próximo, Armando Rodríguez, nombrado por el Presidente Carter en octubre de 1978. Antes de su nombramiento, solamente dos del total de 23 designados eran hispanos - Vicente Jiménez y Raymond Teiles.

Ni Rodríguez ni yo llegamos a la Comisión en calidad de inocentes desprevenidos. En 1966, él había ayudado a efectuar una "salida de Albuquerque" ampliamente diseminada, por parte de 50 dirigentes hispanos, en una reunión convocada por Franklin D. Roosevelt, Jr., entonces presidente de la Comisión para la igualdad en las Oportunidades de Empleo. Después de citar para la reunión, el propio Roosevelt dejó de concurrir. Unos pocos años después, yo llevé un cartel de piquete en contra de la Comisión.

En este mes, Rodríguez y yo estamos uniéndonos para efectuar audiencias de investigación en seis regiones con altas concentraciones de población hispana, en todos los

Sigue a la pág. 5

¿Por qué no ayuda a los Hispanos la Comisión de Igualdad en las Oportunidades de Empleo?

Viene de la página 1

Estados Unidos. Entre el 9 y el 27 de junio, celebraremos sesiones de un día de duración - recibiendo testimonios de los patronos y los miembros de las comunidades por igual - en Chicago, Los Angeles, New York, Miami, San Antonio y Denver. Nos proponemos determinar qué parte del problema histórico es interno y cuál otra es externa. Inmediatamente después, llevaremos nuestra determinaciones al Congreso, a invitación del Senador Orrin Hatch (republicano por Utah), presidente del Comité del Senado sobre Trabajo y Recursos Humanos.

Aunque apovamos el trabajo fundamental bueno que la Comisión efectúa para otros grupos protegidos, nos estremece personalmente su fracaso histórico para comprender adecuadamente a los hispanos entre aquellos a quienes tiene la obligación de prestar sus servicios. En el futuro, nos proponemos ver que lo haga.

(Tony E. Gallegos, miembro de la Comisión para la Igualdad en las Oportunidades de Empleo, oriundo de Montrose, Colorado, reside en Piño Rivera, California.)

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EVCO

HISPANIC LINK

Frustration with panel

by Tony E. Gallegos

Of course, you gave at the office.

Of course, you only had two beers.

Of course, the check is in the mail.

And of course, the U.S. Equal Employment Opportunity Commission (EEOC) helps Hispanics.

The first three refrains are public domain. But the last one, until now, has been confined to the corridors of EEOC's offices — in Washington and elsewhere. It has been repeated for years by frustrated low-level Hispanic EEOC employees who tried to give meaning to the statutes enacted by Congress 18 years ago.

The Congress and a succession of Presidents have fine-tuned EEOC's authority and responsibilities since then, but the benefit to the nation's 28 million Hispanics somehow still hasn't been realized.

Today, the EEOC, with 22 regional offices and a work force of 3,200, spends about \$140 million annually to protect the nation's workers from a variety of discriminatory practices. Some 11 percent of that work force — still mainly low-level — is Hispanic.

By the most covetous managers, Hispanics have need for and should be availing themselves to the relief and remedies offered by EEOC. But it's not happening.

Only 2.9 percent of the lawsuits filed by the EEOC in the past three years were in behalf of Hispanics.

In 1982, our general counsel's office recovered \$31 million for victims of discriminatory employment practices. A review I requested, conducted by Deputy General Counsel Michael Martinez, shows those awards went mostly to white males in middle-management positions. Only \$748,000 — just 2.4 percent — went to Hispanics.

EEOC's total monetary recoveries, both administrative and through litigation, were \$133 million in 1982. Out of that pot, we calculate that \$1.9 million — less than 1.5 percent — went to Hispanics.

As of this April, our general counsel's office had 538 cases in litigation. Of that total, 44 percent were charging sex discrimination, 24 percent charging racial discrimination and 20 percent charging age discrimination. In spite of the finding of a recent study by the National Commission for Employment Policy that a significant part of the difference between wages received by white Anglos and Hispanics was due to discrimination, just 2.4 percent of the complaints EEOC took to court related to national origin.

Is EEOC doing the job it should be doing for Hispanics?

Based on these figures, the answer is apparent. It isn't.

Next question: Why not?

I have suspicions, many of them. But for certain, I cannot say.

Some that have been raised:

- EEOC, like all political entities, responds to pressure groups with the greatest clout and access. In this case, Washington lobbies for blacks, women and the aged have crowded out Hispanics.

- Hispanics traditionally don't take advantage of formal channels to seek redress.

- Through ignorance, EEOC has done a poor job of advising the Hispanic community of the responsibility it carries. And through inertia, it has not kept up with population changes and growth in recent years.

Presently, two of EEOC's five commissioners are Hispanic. I joined the body as an appointee of President Reagan in May of last year. Also serving, although his term expires next month, is Armando Rodriguez, appointed by President Carter in October 1973. Prior to his appointment, only two of the total 23 appointees were Hispanic — Vicenta Jimenez and Raymond Teiles.

Neither Rodriguez nor I came aboard as innocents unaware. In 1968, he had helped lead a highly publicized "Albuquerque walkout" of 50 Hispanic leaders at a meeting called by Franklin D. Roosevelt, Jr., the EEOC chairman at that time. After calling the meeting, Roosevelt himself failed to appear. A few years later, I carried a picket sign against EEOC.

This month, Rodriguez and I are teaming to conduct fact-finding hearings in six regions of high Hispanic population through the U.S. We intend to determine how much of the historical problem is internal and how much is external. Immediately thereafter, we will be taking our findings to Congress, at the invitation of Sen. Orrin Hatch (R-Utah), chairman of the Senate Labor and Human Resources Committee.

While we support the essential good work EEOC accomplishes for other protected groups, we are personally stung by its historical failure to adequately include Hispanics among those it is mandated to serve. In the future, we intend to see that it does.

EEOC member Tony E. Gallegos is a resident of Pico Rivera.

EEOC HOLDS HEARINGS IN EAST LOS ANGELES

The Equal Employment Opportunity Commission (EEOC) held a public hearing in East Los Angeles, on Monday, June 13.

EEOC Commission approved an Hispanic Charge Study, which was to look into the steady decrease in complaints by Hispanics to the EEOC.

Statistics have confirmed that there are problems in the Hispanic community with the EEOC's ability to answer complaints. All too often Hispanics are unaware that the EEOC even exists.

While the full commission was invited to participate in the hearings, citing budgetary constraints only the two Hispanic commissioners Tony E. Gallegos and Armando Rodriguez presided at the hearings, the

chairman did not attend, though his attendance is usually customary.

The hearing was an historic occasion since this was the first time in the commission's 18 year existence that hearings were held in the Hispanic Community.

Close to 150 persons attended the hearings and several persons representing community groups testified. Among them: Dionicio Morales for the Mexican American Opportunity Foundation (MAOF) and Samuel R. Garcia, President of Hispanic American Professional and Management Association (HAPMA).

Among testimony presented HAPMA charged that there appears to be a lack of sensitivity by the EEOC towards the Hispanic community. HAPMA received complaints regarding EEOC representatives exhibiting frustration at a complainant's lack of English speaking ability.

HAPMA also charged that there is a lack of community involvement by EEOC representatives.

Dionicio Morales of MAOF put forward a five point plan to help address the problems of lack of Hispanic responsiveness to the EEOC. One was that the EEOC develop a National Campaign to dramatize its mission. That local EEOC offices develop linkages with community based organizations.

Thursday, June 23, 1983 WYVERNWOOD CHRONICLE • EASTSIDE SUN • CITY TERRACE COMET • MEXICAN AMERICAN

California Hispanic Affairs Council announces Series of Economic and Political Forums

The California Hispanic Affairs Council has announced the launching of a series of statewide economic and political forums designed to promote dialogue between Hispanic and corporate leaders. The series is made possible by a \$50,000 grant from Anheuser-Busch Companies.

At a reception announcing the grant, Joey Sanchez, Jr., executive officer of the Council stated that, "Hispanics will become the major economic force in the state of California within

the next twenty years. Along with that economic contribution will come a stronger political presence. Anheuser-Busch has recognized that the face of California is changing, it is our hope that other major corporations will follow suit."

"Anheuser-Busch looks forward to a fruitful partnership with the California Hispanic Affairs Council," added Jesse Aguirre, director of corporate affairs for Anheuser-Busch Companies. "It is our hope that those participating in the series

of economic and political forums will walk away with a better understanding of the state's economic foundation and the contribution that Hispanics have made, are making, and will continue to make, to the growth and progress of this great state."

The forum series, to be conducted by the Council, has the following objectives:

- providing Hispanics with information on the economic foundation of California,
- establishing local committees of Hispanic leaders to increase their awareness and participation in the economic and political concerns of their area, and
- introducing corporate principals to local Hispanic leaders and establishing mutual access.

Created to promote the full participation of Hispanics in the economic and political life of California, the California Hispanic Affairs Council is a non-partisan membership organization.

ARE HISPANICS A PRIORITY TO THE EEOC?

The Equal Employment Opportunity Commission (EEOC) came to East Los Angeles, Monday, June 13, to hold a public hearing.

The event was an historic occasion, since in its eighteen year existence, this is the first time the EEOC has ventured into the Hispanic Community.

In January of this year, the full commission approved a Hispanic Charge Study. The study was to try and determine the cause for a steady decline in complaints filed with EEOC. Readers should keep in mind that the number of complaints from Hispanics to the EEOC was never very large to begin with.

We commend the two Hispanics on the commission for their leadership in trying to bring more awareness in our community on the duties and services the EEOC provides persons with complaints on discrimination in the work place.

Commissioners Tony Gallegos and Armando Rodriguez are to be congratulated for seeing to it that the EEOC gives their Hispanic Charge more than just lip service. We say this because we have become aware that both Gallegos and Rodriguez had to use their own department budget to pay for the hearings held here in Los Angeles, which will make both of their offices short budgeted for the rest of the year, which in turn means that the needs of Hispanics will be short changed again.

It was a big surprise to us that the Chairman of the EEOC Clarence Thomas, was not present at the hearings. Hispanics can hardly be blamed if they don't get too excited about the EEOC, since the Hispanic Charge Study does not appear to be one of the priorities of the commission, except to the two Hispanic commissioners.

We understand the EEOC will be opening an area office on 1st St. and Sunol in East Los Angeles on July 7, 1983. That is a welcome change in the Commission's lack of presence in this community, even if the office will only be open on a part-time basis.

We congratulate the Hispanic Women's Council, The Mexican American Opportunity Foundation and all the other community organizations for their assistance in providing services, facilities and staff to enable the public hearing to be held.

One thing is again very apparent to us and the rest of this community, if we don't do it for ourselves, or make a concentrated effort to make sure that we receive the services we are entitled to, no one else will, not even the Equal Employment Opportunity Commission.

Catalina Villalpando Special Assistant to President

The President has announced the appointment of Catalina Villalpando to be Special Assistant to the President in the Office of Public Liaison with responsibility for relations with the Hispanic community.

Ms. Villalpando recently served as the Voter Groups Coordinator for the Texas Republican Party. Previously, she was a consultant to the ACTION Agency and served in the Office of Presidential Personnel at the White House. Ms. Villalpando was an active volunteer in the Reagan-Bush campaign in 1980. Before these activities, she operated her own consulting business in Texas and was employed by the Minority Business Development Agency in the Department of Commerce in the late 1970s.

Ms. Villalpando is a board member of the Southwestern Voter Registration Education Project, Texas Federation of Republican Women, LULAC and the GI Forum. She also serves on the Texas Advisory Committee for the United States Commission on Civil Rights and the Secretary's Advisory Committee on Small and Disadvantaged Business Utilization in the Department of Transportation.

Ms. Villalpando attended Southwest Texas State University. She was born April 1, 1940, in San Marcos, Texas.

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EAST LOS ANGELES TRIBUNEPICO RIVERA NEWSMONTEREY PARK PROGRESSSANTA FE SPRINGS NEWSCOMMERCE TRIBUNESAN GABRIEL

Commission work

I would like to commend the Equal Employment Opportunity Commission (EEOC), specifically Commissioners Armando Rodriguez and Tony E. Gallegos, regarding the recent Equal Employment Opportunity Commission Factfinding Meeting held at Casa Maravilla in East Los Angeles. Their efforts in reaching out to the Hispanic community were commendable and, as usual, right on target.

A special thanks to Rogelio Padilla, special assistant to the commission and an outstanding member of the American G.I. Forum. Padilla was instrumental in organizing the factfinding meetings in Los Angeles and throughout the U.S.

The Quiet Cannon Restaurant will host a luncheon in honor of the EEOC Commission. It is our understanding that Commission Chairman Clarence Thomas will be a speaker. It will be interesting to learn of Commissioner Thomas' views towards the Hispanic community.

We certainly hope that Commissioners Gallegos and Rodriguez will speak at the luncheon and will be available to answer questions regarding their factfinding meetings.

Art Olguin
Chairman Montebello Chapter
American G.I. Forum

Hispanics Call EEOC Insensitive

Complaints Lower Than Anticipated

By **JOHN TOOHEY**
Denver Post Staff Writer

Critics say the U.S. Equal Employment Opportunity Commission — the agency charged with enforcing federal civil rights and equal pay laws — itself is partly responsible for the lower than expected rate of complaints being filed by Hispanics.

All five members of the EEOC were in Denver on Monday to listen to such charges during an all-day hearing at the GI Forum Hall, 158 S. Federal Blvd. Monday's session was the last of several meetings the commission had arranged to determine possible causes for the low rate of Hispanic discrimination complaints.

"It's pretty much the same here as what we've heard in the other five cities," Tony E. Gallegos, EEOC commissioner, said.

Most federal and state agencies "lack sensitivity toward Hispanics," according to the charges listed by a number of speakers, he said. The EEOC and the rest of the state and federal system "just haven't done their job," he said.

Speakers from nearly every Hispanic organization in Colorado spoke before the commission and charged that the EEOC and other federal and state agencies aren't pushing Hispanic discrimination complaints. There are few class-action civil rights complaints and scarcely any in the area of pay discrimination against Hispanic women and older people in general, witnesses said.

As a result, people have lost confidence in such agencies because they realize the job isn't being done for them, Gallegos said.

Official: assistance knowledge lacking

Many Hispanics are unaware of equal employment assistance available to them or are afraid to request it for fear of being fired, an Equal Employment Opportunity Commission spokeswoman said Thursday.

"We are concerned there is not that much litigation in this area," said Harriet Joan Ehrlich, district director of the EEOC. "Through our hearings we hope to learn what we can do to help."

Ehrlich and EEOC Commissioners Tony E. Gallegos and Armando M. Rodriguez were in San Antonio for one of six fact-finding hearings scheduled throughout the nation.

Others held

In addition San Antonio, other hearings have been held in Chicago, New York City, Los Angeles, and Miami. The final hearing is scheduled to be held in Denver next month.

Findings from the hearings will be used to determine national EEOC policy guidelines, she said.

However, Ehrlich added she would use the information presented during the hearing for immediate action in the Houston office.

Eighteen people presented testimony during the hearing, and about 200 people attended the day-long event.

Speakers

Speakers included Councilwoman Maria Berriozabal and representatives of the Mexican American Legal Defense and Educational Fund, the American Federation of Government Employees, the League of United Latin American Citizens, American GI Forum and other groups.

"Most of the comments have concerned making Hispanics more aware of our operation," Ehrlich said. "Others have said Hispanics need more protection from their employers if they file complaints."

She said the 33 employees of the San Antonio EEOC office are expected to handle about 2,000 charges this fiscal year.

IUE's new name was approved by a membership vote of 85,506 to 4,395, as 138 locals voted in favor of the change and nine voted against. Some 346 mostly small locals did not participate in the vote; under the IUE constitution, all 71,691 members of these locals are recorded as voting in favor, making the final tally 157,197 to 4,395.

- 0 -

OFCCP'S REFUSAL TO PURSUE HANDICAP CLAIM WAS NOT 'ABUSE OF DISCRETION,' COURT FINDS

The Department of Labor's Office of Federal Contract Compliance Programs did not abuse its discretion by refusing to bring enforcement proceedings against a federal contractor for discharging a handicapped employee, the U.S. District Court for Northern Georgia rules.

The agency's decision not to pursue the employee's complaint against his employer was not "arbitrary and capricious," and, therefore, OFCCP did not violate its own regulations by failing to initiate enforcement, Judge Horace Ward determines, dismissing the action.

Howard Moon was manager of the Griffin, Ga., Roadway Express terminal in 1974 when he sustained a handicap in an auto accident. He returned to his job in June 1975 and was terminated in February 1977. In April 1977 Moon filed a complaint against Roadway alleging he was fired because of his handicap.

OFCCP investigated the complaint and in May 1978 determined that Roadway had violated its affirmative action obligations under Section 503 of the 1973 Rehabilitation Act by firing Moon. Conciliation failed. OFCCP referred the case to the Solicitor of Labor, who determined that there was not sufficient evidence to conclude that Moon had been fired because of his handicap and closed the case. OFCCP concurred with the Solicitor's opinion and notified Moon it would not pursue further legal action.

Moon subsequently brought suit to compel the Secretary of Labor to bring enforcement proceedings against Roadway, arguing that OFCCP failed to follow its own regulation which requires the OFCCP director, not the Solicitor of Labor, to determine if there has been a violation of Section 503.

Upholding the department's action, Judge Ward finds agencies have "wide discretion" in administering regulations. The Solicitor has the authority to investigate a complaint on behalf of OFCCP and discretion in determining if a case is suitable for litigation, he determines.

"This court may not substitute its judgment for that of the Secretary, and its review must be confined to an examination of the reasons why the [Secretary of Labor] refused to commence enforcement proceedings, and whether such decision is so irrational as to constitute an arbitrary and capricious decision," he states.

Based on the evidence, the court "is unable to conclude that the Secretary's decision was arbitrary and capricious," and finds that he "did not abuse his discretion in refusing to initiate enforcement proceedings."

Beverly Bates of the Atlanta firm of Bates, Baum, Landy and Slotin, attorney for Moon, said an appeal will be filed.

(Moon v. Donovan; USDC NGa, No. C81-1861A, June 6, 1983.)

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~~EEOC TO OPEN EAST LOS ANGELES OFFICE TO IMPROVE SERVICE ACCESS TO HISPANICS~~

EEOC Chairman Clarence Thomas next week will officially open a satellite Commission office in East Los Angeles aimed at improving service to the large Hispanic community in that city.

The new office is part of the field reorganization plan developed by the agency last year, aimed at improving access of EEOC services to the public.

The office, located in the East Los Angeles Community Service Center, 133 North Sunol Drive, will be open on Tuesdays and Thursdays from 8:30 to 5 p.m. and will be operated by a bilingual staff. Prior to opening the office July 7, Thomas is scheduled to meet with a group of representatives from various Hispanic organizations in Los Angeles, including the Personnel Management Association of Aztlan, the Mexican American Legal Defense and Educational Fund, and the American G.I. Forum.

EEOC has been criticized in the past for its failure to meet the needs of the Hispanic community, and the Commission currently has a task force considering ways to address the problem.

In a letter to the Commission last month, Deputy General Counsel Mike Martinez expressed concern over "the lack of any serious enforcement of the civil rights laws on behalf of Hispanics" at the Commission. As of April 1983, Martinez said, of the 536 cases in litigation, 44 percent were sex discrimination complaints, 24 percent were race discrimination, 20 percent were age, and 2.4 percent were Hispanic, national origin cases.

"To summarize the administrative and litigation efforts on behalf of Hispanics by EEOC, the word "dismal" makes matters sound better than they actually are," Martinez said. The task force, of which he is a member, must next determine "if the problem is internal, external, or both," he said.

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SENATE LABOR COMMITTEE APPROVES FORD, O'DONNELL TO LABOR DEPARTMENT POSTS

The Senate Labor and Human Resources Committee approves by a poll of its members the nominations of Ford B. Ford and John J. O'Donnell to Labor Department posts.

The committee held confirmation hearings on the two nominees June 16 (1983 DLR 117: A-6). Ford, who currently is assistant secretary of labor for mine safety and health, has been nominated by President Reagan to be under secretary of labor. O'Donnell, a former president of the Air Line Pilots Association and a vice president of the AFL-CIO Executive Council, was nominated to be assistant secretary for legislative affairs.

Polling of committee members was completed and the nomination reported to the Senate floor June 29. Virtually no opposition has been raised to either nominee's appointment.

The nominations will now be placed on the Senate's Executive Calendar, and can be called up for vote at the discretion of the majority leader. The Senate will return July 11 from its holiday recess.

- 0 -

VOLUME OF HELP-WANTED ADS SURGED IN MAY, CONFERENCE BOARD REPORTS

Newspaper help-wanted advertising surged in May, presaging substantial gains in employment in coming months, according to the Conference Board.

The Conference Board's help-wanted advertising index jumped seven points, or 8.6 percent, in May, the largest monthly gain in more than three years, reaching 88 percent of its 1967 base. The May index was one point higher than its level in May 1982.

Help-wanted advertising gained in eight of the country's nine regions. Only the East South Central region reported a decline, dropping 2.6 percent.

Advertising volume was up 27.4 percent in the Mountain region, 12.1 percent in the West North Central region, 8.9 percent in the South Atlantic region, 8.0 percent in both the Pacific

UPCOMING EVENTS - 1983

<u>ORGANIZATION</u>	<u>LOCATION</u>	<u>DATE</u>	<u>CONTACT</u>
Opening of East Los Angeles Outreach Office	133 No. Sunol Drive Los Angeles, CA.	July 6	Jesus Melendez (213) 688-3400
National Council of La Raza	Chicago, Illinois	July 19-21	Roger Rivera 1725 Eye St., N.W. Washington, D.C. (202) 293-4680
Mexican American Women's National Association (MANA)	Anaheim, CA. Grand Hotel	August 18-21 inclusive	Helen Rueda 816 Arroues Dr. Fullerton, CA. (714) 529-3640
American GI Forum	El Paso, Texas	August 9-13 inclusive	Ed Bernaldez (915) 772-1442
National Congress of American Indians (NCAI)	Grennbay, WI.	Oct. 9-14	Roanne Robison (202) 546-1168
Hispanic National Bar Association	Washington, D.C.	Oct. 13-16	Convention Comm. 1411 K St., N.W. Suite 300 Washington, D.C.
Mexican American Opportunity Foundation	Los Angeles, CA. Century Plaza	Oct. 21	Maria Lizarraga 670 Monterey Pass Monterey Park, CA. (213) 289-2000 Ext. 11

¿Por qué no ayuda a los hispanos la Comisión de Igualdad en las oportunidades de empleo?

Por Tony E. Gallegos
Comisionado para la Igualdad en las Oportunidades de Empleo.

Desde luego que Ud. contribuyó en la oficina.
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Según los indicadores nacionales más evidentes, los hispanos necesitan y deberían estar aprovechándose de la ayuda y los remedios que ofrece la Comisión para la Igualdad en las Oportunidades de Empleo. Pero eso no está ocurriendo.

Sólo el 2.9% de las demandas judiciales presentadas por la Comisión durante los tres años últimos lo fueron a nombre de hispanos.

En 1982, la oficina de nuestro Asesor Legal obtuvo indemnizaciones por valor de 31 millones de dólares para las víctimas de la discriminación. Una revisión que yo solicité, efectuada por el Asesor Legal Adjunto, Michael Martínez, muestra que esas indemnizaciones correspondieron primordialmente a hombres de raza blanca en plazas de administración de nivel medio. Sólo \$746,000 —equivalentes al 2.4%— correspondieron a hispanos.

El importe de las indemnizaciones obtenidas por la Comisión, tanto administrativamente como por medio de demandas judiciales, fue de 132 millones de dólares en 1982. De esa suma, calculamos que \$1,900,000 —menos del 1.5%— correspondió a los hispanos.

En Abril de este año, la oficina de nuestro Asesor Legal tenía 536 casos pendientes en lo judicial. De ese total, el 44% acusaba por discriminación basada en el sexo; el 24% por discriminación racial y el 20% por discriminación basada en la edad. A pesar del dictamen de un estudio reciente, efectuado por la Comisión Nacional de Cursos de Acción en Materia de Empleo, en el sentido de que una parte considerable de la diferencia entre la remuneración obtenida por los anglo-americanos blancos y los hispanos se debía a la discriminación, sólo el 2.4% de las quejas que la Comisión llevó a los tribunales se relacionaban con el origen nacional.

¿Está la Comisión efectuando el trabajo que debiera en lo referente a los Hispanos?

Basándose en estas cifras, la respuesta es evidente. No lo está haciendo.



La próxima pregunta es: ¿Por qué no?

Tengo mis sospechas, muchas de ellas. Pero no puedo decir con certidumbre.

Algunas que se han planteado:

La Comisión para la Igualdad en las Oportunidades de Empleo, como todas las entidades políticas, responde a los grupos que hacen presión con mayor influencia y acceso. En este caso, los cabilderos de Washington en favor de los negros, las mujeres y las personas de edad avanzada, han desplazado a los hispanos.

Los hispanos no se aprovechan, tradicionalmente, de los canales formales para procurarse remedios.

“Sólo el 2.9% de las demandas judiciales presentadas por la Comisión durante los tres años últimos lo fueron a nombre de hispanos”.

A través de la ignorancia, la Comisión ha efectuado una labor defectuosa en su asesoría a los hispanos en cuanto a la responsabilidad que le incumbe. Y a través de la inercia, no se ha mantenido al tanto de los cambios y el crecimiento de la población en los últimos años.

Actualmente, dos de los cinco miembros de la Comisión son hispanos. Yo ingresé a la Comisión nombrado por el Presidente Reagan, en mayo del año pasado. También presta servicios, aunque su término vencerá el mes próximo, Armando Rodríguez, nombrado por el Presidente Carter en octubre de 1978. Antes de su nombramiento, solamente dos del total de 23 designados eran

hispanos - Vicente Ximenes y Raymond Telles.

Ni Rodríguez ni yo llegamos a la Comisión en calidad de inocentes desprevenidos. En 1966, él había ayudado a efectuar una “salida de Albuquerque” ampliamente diseñada, por parte de 50 dirigentes hispanos, en una reunión por Franklin D. Roosevelt, Jr., entonces presidente de la Comisión para la Igualdad en las Oportunidades de Empleo. Después de citar para la reunión, el propio Roosevelt no asistió. Unos pocos años después, yo llevé un cartel de piquete en contra de la Comisión.

En este mes, Rodríguez y yo estamos uniéndonos para efectuar audiencias de investigación en seis regiones con altas concentraciones de población hispana, en todos los Estados Unidos. Entre el 9 y el 27 de junio, celebraremos sesiones de un día de duración —recibiendo testimonios de los patronos y los miembros de las comunidades por igual— en Chicago, Los Angeles, New York, Miami, San Antonio y Denver. Nos proponemos determinar que parte del problema histórico es interno y cuál otra es externa. Inmediatamente después, llevaremos nuestras determinaciones al Congreso, a invitación del Senador Orrin Hatch (republicano por Utah), presidente del Comité del Senado sobre Trabajo y Recursos Humanos.

Aunque apoyamos el trabajo fundamental bueno que la Comisión efectúa para otros grupos protegidos, nos estremece personalmente su fracaso histórico para comprender adecuadamente a los hispanos entre aquellos que tienen la obligación de prestarles sus servicios.

En el futuro, nos proponemos ver lo que haga.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D. C. 20506

MAY 25, 1983

OFFICE OF THE
COMMISSIONER

DEAR FRIEND:

COMMISSIONER ARMANDO RODRIGUEZ AND I WILL BE IN LOS ANGELES, CALIFORNIA, ON JUNE 13, 1983. WE WILL BE CONDUCTING A ONE DAY FACT-FINDING MEETING IN THE MULTI-PURPOSE ROOM OF THE CASA MARAVILLA LOCATED AT 4716 BROOKLYN AVENUE, LOS ANGELES, CA 90023, FROM 9:00 A.M. TO 6:00 P.M. THE PURPOSE OF THE MEETING WILL BE TO DETERMINE WHY THERE APPEARS TO BE AN UNDER USE OF THE SERVICES OF THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION BY HISPANICS WITH EMPLOYMENT DISCRIMINATION PROBLEMS.

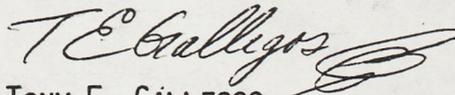
THE COMMISSION IS RESPONSIBLE FOR THE ENFORCEMENT OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BECAUSE OF SEX, COLOR, RACE, RELIGION AND NATIONAL ORIGIN. THE COMMISSION ALSO ENFORCES THE AGE DISCRIMINATION IN EMPLOYMENT ACT AND THE EQUAL PAY ACT.

I HOPE YOUR ORGANIZATION WILL ASSIST US IN THIS FACT-FINDING PROJECT BY SENDING A REPRESENTATIVE TO APPEAR AND SPEAK AT THE MEETING. ALSO, IF YOU KNOW OF PERSONS WHOSE EMPLOYMENT DISCRIMINATION EXPERIENCES WE NEED TO HEAR ABOUT, YOU SHOULD TELL THEM ABOUT THE MEETING. WE ARE REQUESTING THAT PARTICIPANTS FOCUS THEIR COMMENTS ON ONE OR MORE OF THE ITEMS ON THE ATTACHED SHEET. WE ARE LIMITING SPEAKERS TO 15 MINUTES AND WE ARE ALSO SEEKING WRITTEN STATEMENTS RELATED TO THE ITEMS ON THE ATTACHED SHEET.

IF YOUR ORGANIZATION WILL BE APPEARING OR IF YOU KNOW OF A PERSON WHO WANTS TO TESTIFY, PLEASE SEND THE NAME, ADDRESS AND PHONE NUMBER SO WE CAN CONTACT THEM TO SET UP A GENERAL TIME FOR THEM TO SPEAK.

MR. ROGELIO PADILLA AND MS. SUSAN SALISBURY IN MY OFFICE WILL BE HANDLING THE ARRANGEMENTS FOR THIS MEETING. THEY CAN BE REACHED BY PHONE AT (202) 634-6720 AND BY MAIL AT THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 2401 E STREET, NW, ROOM 5214, WASHINGTON, D.C. 20506.

SINCERAMENTE,


TONY E. GALLEGOS
COMMISSIONER



Committee on Chicano Rights, Inc

February 26, 1984

Tony E. Gallegos, Commissioner
Office of the Commissioner
Equal Employment Opportunity Commission
Washington D.C. 20506

Re: Discrimination Complaint #092827594

Dear Mr. Gallegos,

The Committee On Chicano Rights is deeply concerned over the treatment Mr. Phillip A. Alcala has received from the Department of Fair Employment and Housing Agency and the Equal Employment Opportunity Commission regarding his employment discrimination complaint.

Phillip A. Alcala filed a formal complaint with FEH on August 26, 1982. (See attached copy), He was informed by that agency that a field investigation of his complaint would be made and was assured that a response would be forthcoming within a few months. It was in fact, nine months later and after a telephone call by Mr. Alcala that the investigation by FEH was started. During the investigation, FEH interviewed several U.S. Elevator personnel, but failed to interview Mr. Alcala. In addition, because of the long delay by FEH, relevant documentation (i.e. Log Books, change of personnel etc.) were not available and further damaged Mr. Alcala's case. On September 14, 1983, the FEH notified Mr. Alcala of their decision to close the case. (see letter of 9/14/83) He called the local office of EEOC and was informed that "nothing could be done" regarding his complaint. He then called the Los Angeles office of EEOC and was informed that his complaint would be reviewed.

On January 24, 1984, the EEOC determined that the complaint filed by Mr. Alcala had no basis to continue and that his case was being terminated. (See Mr. Melendez letter of 1/24/84) After a telephone call to the EEOC by Mr. Alcala complaining about the decision, he received a notice from EEOC rescinding the prior Determination and Notice of Right to Sue. (See letter of 1/27/84-Melendez)

Based on Mr. Alcalá's complaint, the Committee On Chicano Rights is requesting your assistance and to initiate an investigation into this matter. We are further requesting that you investigate the following:

1. An immediate investigation into the delay in processing of Mr. Alcalá's complaint by FEH.
2. The nine month delay , lack of investigation and the ultimate damaging of plaintiff's case.
3. A independent investigation by E.E.O.C. of Mr. Alcalá's discrimination complaint.
4. Failure of the San Diego Office to initiate any action on Mr. Alcalá's behalf.

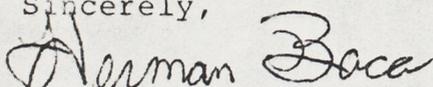
Finally, an investigation of the treatment and the unprofessional manner in which Mr. Alcalá was treated by personnel from both the EEOC and FEH.

We feel that both agencies have failed in representing Mr. Alcalá in his effort to bring a complaint of discrimination against him and other persons of mexican american descent by U.S. Elevator.

We are therefore, requesting that your agency initiate an immediate investigation of the above listed reasons.

Thank you very much for your attention in this matter and we await your prompt written reply.

Sincerely,


Norman Baca, Chairman



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON, D. C. 20506

June 6, 1984

OFFICE OF THE
COMMISSIONER

Mr. Phillip A. Alcala
229 South Kenton Avenue
National City, California 92050

Ref: Charge No. 092827594

Dear Mr. Alcala:

This is in response to an inquiry filed on your behalf by Herman Baca of the Chicano Federation of San Diego County. Since Section 709(e) of Title VII precludes us from releasing any information on a charge to third parties, I am responding directly to you.

As you are aware, a Letter of Determination adopting the State's findings was issued by the Los Angeles District Office on January 20, 1984. That Letter was subsequently rescinded. Subsequent to that rescission, the investigative file compiled by the California Department of Fair Employment and Housing was reviewed. Based on that review, the supervisor of the EEOC's state and local unit has recommended that the DFEH's findings be approved.

I have been informed that a predetermination interview was conducted with you on May 21, 1984 and that a Letter of Determination will be issued in the very near future. Upon receipt of the Letter of Determination from the Los Angeles District Office, you will have 90 days to initiate an action in an appropriate court, if you so desire.

This letter does not constitute a Letter of Determination as described in 29 C.F.R. 1601.21.

Please let me know if you have any questions.

Sinceramente,

Tony E. Gallegos by *J. Manning*

Tony E. Gallegos
Commissioner



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

3255 WILSHIRE BLVD., 9TH FLOOR
LOS ANGELES, CALIFORNIA 90010

IN REPLY REFER TO:

Charge No.: 092827594

Phillip A. Alcala
229 S. Kenton Avenue
National City, CA 92050

Charging Party

and

Chief Executive Officer
U.S. Elevator
10728 U.S. Elevator Road
Spring Valley, CA 92078

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue, on behalf of the Commission, the following determination as to the merits of the subject charge.

Respondent is an employer within the meaning of Title VII and the timeliness, deferral and all other jurisdictional requirements have been met.

Having accorded substantial weight to the findings of the California Department of Fair Employment and Housing, which you have previously received, I conclude that there is not reasonable cause to believe that the charge is true.

This determination concludes the Commission's processing of the subject charge. Should the Charging Party wish to pursue this matter further, he/she may do so by filing a private action in Federal District Court within 90 days of his/her receipt of this letter and by taking the other procedural steps set out in the enclosed Notice of Right to Sue. Within one year after the date of this letter, I intend to destroy the case file in accordance with the Commission's records disposition instructions.

On Behalf of the Commission


Date


Jesus Estrada-Melendez, Director
Los Angeles District Office

Enclosure:

Notice of Right to Sue

JEM/ED/ca

NOTICE OF RIGHT TO SUE

(Dismissal)

TO:
 Phillip A. Alcalá
 229 S. Kenton Avenue
 National City, CA 92050

On behalf of a person aggrieved whose identity is CONFIDENTIAL (29 C.F.R. 1601.7(a)).

FROM:
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 3255 Wilshire Blvd., 9th Floor
 Los Angeles, California 90010

CHARGE NUMBER 092827594	EEOC REPRESENTATIVE Legal Officer of the Day	TELEPHONE NUMBER (213) 688-3780
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(See Section 706 (f) (1) and (f) (3) of the Civil Rights Act of 1964 and the additional information on reverse of this form.)

TO THE PERSON AGGRIEVED: This is your NOTICE OF RIGHT TO SUE. It is issued because the Commission has dismissed your charge. Your charge was dismissed for the following reason:

- No jurisdiction for the following reason, and therefore the Commission has no authority to process your charge further.
- Your charge was untimely filed with the Commission, i.e., you waited too long from the date of the action(s) of which you complained to file your charge and it was therefore outside the time prescribed by law. Therefore, the Commission cannot investigate the allegation(s) contained in your charge.
- The Commission has determined that you did not allege or otherwise demonstrate that you were directly affected by the practice described or effectively deterred from acting because of the practice.
- Respondent employs less than 15 employees.
- Other (briefly state) _____
- No reasonable cause was found to believe that the allegations made in your charge are true, as indicated in the attached determination.
- You failed to provide requested necessary information, failed or refused to appear or be available for necessary interviews/ conferences or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your charge. You have had more than 30 days in which to respond to our final written request.
- The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to your last known address.
- The respondent has made a written settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received actual notice of this settlement offer.

The issuance of this NOTICE OF RIGHT TO SUE terminates the Commission's processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in United States District Court. IF YOU DECIDE TO SUE, YOU MUST DO SO WITHIN 90 DAYS FROM THE RECEIPT OF THIS NOTICE OF RIGHT TO SUE: OTHERWISE YOUR RIGHT TO SUE IS LOST.

On behalf of the Commission:

4/26/74
 (DATE)

[Signature]
 TYPED NAME AND TITLE OF COMMISSION OFFICIAL
 JESUS ESTRADA MELENDEZ, Director
 Los Angeles District Office

cc: U.S. Elevator
 10728 U.S. Elevator Road
 Spring Valley, CA 92078

JEM/YAG/ca

Section 706(f) (1) and (f)(3) of the Civil Rights Act of 1964, as amended, states:

(f) (1) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission may bring a civil action against any respondent not a governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, if the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision. If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has not filed a civil action under this section or the Attorney General has not filed a civil action in a case involving a government, governmental agency, or political subdivision, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (A) by the person claiming to be aggrieved, or (B) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant or may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, to intervene in such civil action upon certification that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (c) or (d) of this section or further efforts of the Commission to obtain voluntary compliance.

(f) (3) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

An information copy of this Notice of Right to Sue has been sent to the respondent(s) shown.

ATTORNEY REPRESENTATION:

If you cannot afford or have been unable to obtain a lawyer to represent you, you should be aware that the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f) (1) provides that the U.S. District Court having jurisdiction in your case may, at its discretion, assist you in obtaining a lawyer to represent you. If you plan to request appointment of a lawyer to represent you, you must make this request of the U.S. District Court in the form and manner it requires. Your request to the U.S. District Court should be made well in advance of the end of the 90-day period mentioned above.

You may contact the EEOC representative named if you have any questions about your legal rights including advice on which U.S. District Court has jurisdiction to hear your case or if you need to inspect and copy information contained in the Commission's case file.

DESTRUCTION OF FILE:

Generally, EEOC's rules call for your charge file to be destroyed after 1 year from the date of this Notice for a determination of no cause (and six months for other types of dismissals listed herein) unless you have notified us that you have filed suit in Federal District Court. If the Commission has been notified that you have filed suit, your file will be preserved for use in your litigation, which could be important to your suit.

If you file suit, you or your attorney should forward a copy of this form and your court complaint to this office within 10 days after you file suit. Receipt of this evidence that you have filed suit will cause your file to be preserved and allow the Commission to consider your suit when taking other actions.

IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS RESOLVED.

APPROVED BY OMB
3046 0013
Expires 12/31/83

CHARGE OF DISCRIMINATION

IMPORTANT: This form is affected by the Privacy Act of 1974;
see Privacy Act Statement on reverse before completing it.

CHARGE NUMBER(S) (AGENCY USE ONLY)

STATE/LOCAL AGENCY
FP82-83-D9-0088e

EEOC
092827594

Calif. Dept. Fair Employment & Housing and Equal Employment Opportunity Commission
(State or Local Agency)

NAME (Indicate Mr., Ms. or Mrs.)
(Mr.) Alcalá, Phillip Andrew

HOME TELEPHONE NUMBER (Include area code)
(714) 267-8938

STREET ADDRESS
229 South Kenton Avenue

CITY, STATE, AND ZIP CODE
National City, CA 92050

COUNTY
San Diego

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME. (If more than one list below). **(300)**

NAME
U.S. Elevator (39)

TELEPHONE NUMBER (Include area code)
(714) 460-1000

STREET ADDRESS
10728 U.S. Elevator Road

CITY, STATE, AND ZIP CODE
Spring Valley, CA 92078

NAME
U.S. Elevator (39)

TELEPHONE NUMBER (Include area code)
(714) 460-1000

STREET ADDRESS
10728 U.S. Elevator Road

CITY, STATE, AND ZIP CODE
Spring Valley, CA 92078

CAUSE OF DISCRIMINATION BASED ON MY (Check appropriate box(es))
 RACE COLOR SEX RELIGION NATIONAL ORIGIN OTHER (Specify)
ancestry

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, and year)
07/28/82

THE PARTICULARS ARE:

I. I was hired 2/5/81 as a Truck Driver. I was terminated 7/28/82.

II. My termination notice dated 7/28/82 states violation or neglect of safety rules.

III. I believe I was discriminated against when terminated because of my ancestry, Mexican-American. I believe this because:

A. I was terminated because I allegedly exceeded the maximum 10 hours of driving time per day permitted by the Federal Motor Carrier Safety Regulations. Anglo Drivers who have violated the same regulation have not been terminated.

COPY

I also want this charge filed with the EEOC.

I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

DATE **8-21-82** *Phillip A. Alcalá*
CHARGING PARTY (Signature)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

NOTARY — (When necessary to meet State and Local Requirements)

SD:MS:YT **filed 08/26/82**

CHARGE OF DISCRIMINATION

IMPORTANT: This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing it.

CHARGE NUMBER(S) (AGENCY USE ONLY)

STATE/LOCAL AGENCY
EEOC 82-33-D9-0088e

EEOC
092827594

Calif. Dept. Fair Employment & Housing and Equal Employment Opportunity Commission
(State or Local Agency)

NAME (Indicate Mr., Ms. or Mrs.) HOME TELEPHONE NUMBER (Include area code)

(Mr.) Alcala, Phillip Andrew

(714) 267-8938

STREET ADDRESS

229 South Kenton Avenue

CITY, STATE, AND ZIP CODE

National City, CA 92050

COUNTY

San Diego

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME. (If more than one list below). (300)

NAME TELEPHONE NUMBER (Include area code)

U.S. Elevator (39)

(714) 460-1000

STREET ADDRESS

10728 U.S. Elevator Road

CITY, STATE, AND ZIP CODE

Spring Valley, CA 92078

NAME

TELEPHONE NUMBER (Include area code)

STREET ADDRESS

CITY, STATE, AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON MY (Check appropriate box(es))

- RACE
- COLOR
- SEX
- RELIGION
- NATIONAL ORIGIN
- OTHER (Specify)
ancestry

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK

PLACE (Month, day, and year)

07/28/82

THE PARTICULARS ARE:

- I. I was hired 2/5/81 as a Truck Driver. I was terminated 7/28/82.
- II. My termination notice dated 7/28/82 states violation or neglect of safety rules.
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AUG 27 1 54 PM '82
 EEOC
 REGIONAL
 OFFICE
 LOS ANGELES
 DIVISION
 90010

I also want this charge filed with the EEOC.

I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

NOTARY — (When necessary to meet State and Local Requirements)

SD:MG:YT filed 08/26/82

Phillip A. Alcala
CHARGING PARTY (Signature)



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE

(Dismissal)

TO:

Phillip Andres Alcala
229 South Kenton Avenue
National City, CA 92050

FROM:

Equal Employment Opportunity Commission
Los Angeles District Office
3255 Wilshire Boulevard, 9th Floor
Los Angeles, California 90010

CHARGE NUMBER

092837594

EEOC REPRESENTATIVE

Legal Officer of the Day

TELEPHONE NUMBER

(213) 688-3780

(See Section 706(f)(1) and (f)(3) of the Civil Rights Act of 1964 on reverse of this form.)

This is your NOTICE OF RIGHT TO SUE. It is issued because the Commission has dismissed your charge. Your charge was dismissed for the following reason:

- No jurisdiction, therefore the Commission has no authority to process your charge further.
- No reasonable cause was found to believe that the allegations made in your charge are true, as indicated in the attached determination.
- You failed to provide requested necessary information, failed or refused to appear or be available for necessary interviews, conferences or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your charge. You have had more than 30 days in which to respond to our final written request.
- The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to your last known address.
- The respondent has made a written settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received actual notice of this settlement offer.

The issuance of this NOTICE OF RIGHT TO SUE terminates the Commission's processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in United States District Court. IF YOU DECIDE TO SUE, YOU MUST DO SO WITHIN NINETY (90) DAYS FROM THE RECEIPT OF THIS NOTICE OF RIGHT TO SUE; OTHERWISE YOUR RIGHT TO SUE IS LOST.

If you cannot afford or have been unable to obtain a lawyer to represent you, you should be aware that the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f)(1) permits the U. S. District Court having jurisdiction in your case to appoint a lawyer to represent you. If you plan to request appointment of a lawyer to represent you, you must make this request of the U. S. District Court in the form and manner it requires. Your request to the U. S. District Court should be made well in advance of the end of the 90-day period mentioned above.

You may contact the EEOC representative named above if you have any questions about your legal rights including advice on which U. S. District Court has jurisdiction to hear your case or if you need to inspect and copy information contained in the Commission's case file.

An information copy of this Notice of Right to Sue has been sent to the respondent(s) shown below.

On Behalf of the Commission

(Typed Name and Title of EEOC Official)

Jesus Estrada-Melendez, Director
Los Angeles District Office

1-20-84

(Date)

U.S. Elevator

cc:

Section 706(f) (1) and (f) (3) of the Civil Rights Act of 1964, as amended, states:

(f) (1) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission may bring a civil action against any respondent not a government, governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, if the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision. If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has not filed a civil action under this section or the Attorney General has not filed a civil action in a case involving a government, governmental agency, or political subdivision, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (A) by the person claiming to be aggrieved, or (B) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, to intervene in such civil action upon certification that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsections (c) or (d) of this section or further efforts of the Commission to obtain voluntary compliance.

(f) (3) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

APPROVED BY OMB
3046-0013
Expires 12/31/83

CHARGE OF DISCRIMINATION

IMPORTANT: This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing it.

CHARGE NUMBER(S) (AGENCY USE ONLY)

STATE/LOCAL AGENCY
FEP82-83-D9-0088e

EEOC
092827594

Calif. Dept. Fair Employment & Housing

and Equal Employment Opportunity Commission

(State or Local Agency)

NAME (Indicate Mr., Ms. or Mrs.)

(Mr.) Alcala, Phillip Andrew

HOME TELEPHONE NUMBER (Include area code)

(714) 267-8938

STREET ADDRESS

229 South Kenton Avenue

CITY, STATE, AND ZIP CODE

National City, CA 92050

COUNTY

San Diego

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME. (If more than one list below). **(300)**

NAME

U.S. Elevator (39)

TELEPHONE NUMBER (Include area code)

(714) 460-1000

STREET ADDRESS

10728 U.S. Elevator Road

CITY, STATE, AND ZIP CODE

Spring Valley, CA 92078

NAME

TELEPHONE NUMBER (Include area code)

STREET ADDRESS

CITY, STATE, AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON MY (Check appropriate box(es))

- RACE
- COLOR
- SEX
- RELIGION
- NATIONAL ORIGIN
- OTHER (Specify)
ancestry

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK

PLACE (Month, day, and year)

07/28/82

THE PARTICULARS ARE:

- I. I was hired 2/5/81 as a Truck Driver. I was terminated 7/28/82.
- II. My termination notice dated 7/28/82 states violation or neglect of safety rules.
- III. I believe I was discriminated against when terminated because of my ancestry, Mexican-American. I believe this because:
 - A. I was terminated because I allegedly exceeded the maximum 10 hours of driving time per day permitted by the Federal Motor Carrier Safety Regulations. Anglo Drivers who have violated the same regulation have not been terminated.

AUG 27 1 51 PM '82
 EQUAL OPPORTUNITY COMMISSION
 LOS ANGELES OFFICE

I also want this charge filed with the EEOC.

I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

NOTARY — (When necessary to meet State and Local Requirements)

SD:MG:YT filed 08/26/82

Phillip A. Alcala
CHARGING PARTY (Signature)



JANITORS FAST FOR JUSTICE *RESPECT IS THE WORD -- NOW IS THE TIME!*

It is really very simple. We work hard to keep San Diego clean, attractive, and comfortable. Our work has helped to produce record profits, though we have yet to share them. We do not expect the moon and the stars. What we do expect is to be treated as if our work, our lives, and our families have worth.

Unfortunately, our employers don't appear to see it that way. We've had to file over 10 charges with the Federal Government for intimidation, interrogation, and other violations of our rights to speak for ourselves. This being America, we don't need their permission to try to pass onto our children a better life.

They say an annual .50/hour raise (up from about \$7/hour) and health insurance is an impossible dream—*unfair to them!* They propose to keep us in poverty by “offering” us .55/hour *spread over 3 years*, cutting our benefits, and having you subsidize our sub-poverty level wages through public assistance--and our health insurance when we end up in the emergency room. This was an offer we could refuse. We've been on strike since April 9.

In the spirit of the season, a number of us will fast for 10 days, and hundreds more will join us for one day, to reach out to our community, and our employers. The simple truth is that working people are used to making sacrifices everyday. But this should not include having to choose between food and rent, the light bill or a doctor visit.

We appreciate the support of so many of you in San Diego—and around the country who agree we deserve better. If you would like to help:

- *Donate non-perishable food or a check to our Local 2028 strike Fund*
- *Join the fast or our picket lines. Call 858-268-7053 for more info.*
- *If you're among the many having trouble getting your office cleaned, give us a call at ext.249 and we'll get word to the right people.*

service employees international union local 2028 4004 kearny mesa rd. san diego 92111
(phone) 858-560-0151 (fax) 858-560-1299 (e-mail) seiul2028@aol.com