

City and County of San Francisco



Human Rights Commission

Office of Minority/Women Business Enterprise

Office of Contract Compliance

Office of Dispute Resolution

February 2, 1987

Dear Representative:

On behalf of the Human Rights Commission, I am pleased to submit to you the Sexual Orientation Complaint Report - FY 1985-86, prepared by our Lesbian/Gay Liaison Unit. We hope that the collected and analyzed information will help you to better focus efforts toward the eventual amelioration of anti-Lesbian/Gay bias.

As you can see through the report findings, there is a dramatic increase in the sexual orientation and AIDS/ARC related discrimination in San Francisco. A 20% rise in cases overall is shown, with AIDS/ARC related formal complaint investigations increasing over 300%, from the 20 reported in the previous year to 65. This does not reflect the more than 300 reported complaints received which are handled by staff through referral or technically assistance solely.

Because the HRC is one of the few administrative agencies nationwide mandated by law to address sexual orientation and AIDS/ARC discrimination, the documentation of the variety and number of bias related claims, affecting a large local Lesbian/Gay population is surely significant. It is most clear that, due to a number of factors, including political and religious bigotry, disappointing court decisions on the use of AIDS to justify homophobia, discrimination against Lesbian/Gay persons is increasing in severity. This is proven through the number of complaints, the narratives provided by Complainants about their cases, and the defenses raised by Respondents, which are often obviously irrational and blatantly biased.

We urge you to actively promote and support strong legislation protecting civil liberties of Lesbian/Gay citizens and in turn, offer our assistance to help speed your work. Please feel free to contact Lesbian/Gay Liaison Staff, Eileen Gillis, Jackie Winnow or AIDS Specialist Norm Nickens for further information.

Sincerely,

Esta G. Soler (EGS)

Esta G. Soler
Chair

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**REPORT ON SEXUAL ORIENTATION DISCRIMINATION
FY '85-86**

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

Prepared by: Eileen Gillis
Lesbian/Gay Community Representative

The Human Rights Commission of San Francisco is empowered to investigate and resolve sexual orientation discrimination complaints in the areas of employment, housing and public accommodations. Additionally, the HRC is authorized to investigate complaints of AIDS/ARC based discrimination.

Statistics are analyzed on a regular basis to show a profile of the complainant population and the type of problems reported. This annual study helps spotlight discrimination related issues disaffecting the local Lesbian/Gay community, thereby assisting the Commission to improve the quality and availability of services provided to San Francisco citizens.

SUMMARY

In FY '85-86, 137 complaints of sexual orientation and/or AIDS/ARC based discrimination were investigated by the Lesbian/Gay Unit of the HRC. This figure does not reflect the total number of cases received by the Unit, assisted through referral or other means of technical help available from staff. Instead, it highlights only those investigated through to completion. When taking into account all complaints reported, the actual figure of cases received by the Unit is closer to 300. Additionally, 20 cases of AIDS based and 17 sexual orientation housing discrimination cases were investigated by HRC's Fair Housing unit.

The number of complaints investigated in FY '85-86 increased 20% over the previous years case load. This continues a trend of yearly increase seen in previous reports. In FY '84-85, 114 cases were investigated, 123 complaints were recorded in FY '83-84. In FY '82-83, 87 cases were reported and 62 were shown in FY '81-82. Prior to this time, statistics were recorded by calendar year and 53 complaints were filed in 1981 and 47 in 1980.

The unit shows a good success rate in resolving complaints. In total, \$20,500 was awarded to aggrieved complainants this year in settlement negotiations, as opposed to \$16,500 gained by complainants in FY '84-85 and \$6,000 in FY '83-84. In addition, many other remedies were reached to compensate complainants, such as job transfer, promotional upgrade and improvement of workplace nondiscrimination policy.

The increase noted in previous reports of discrimination on the basis of AIDS/ARC progressed alarmingly in FY '85-86. Last year, twenty reports of AIDS based bias were investigated. This year the number increased to 65. For comparison purposes, it can be noted that in FY '83-84 and '82-83, 8 and 2 cases were investigated respectively.

As a result of these numbers, the HRC and the Board of Supervisors jointly worked to design and pass Article 38, an amendment to the Administrative Code, which bars discrimination, on the basis of AIDS/ARC, in employment, housing, public accommodations, business establishments, educational institutions, city facilities and services, and provides for increased protections insuring confidentiality of individual AIDS-virus testing results. The penalties for violating this ordinance are strong, and the HRC is mandated directly as the Administrative Agency responsible for investigation of AIDS related complaints.

The HRC was additionally successful, with the help of the Board of Supervisors, Mayor's office and the Department of Health, in adding on a third Lesbian/Gay Liaison Unit staff-person, designated solely as an AIDS/ARC specialist. His assigned duties include processing the increasing complaint load related to AIDS/ARC bias, performing public education, and operating as a liaison with local, State, Federal agencies and private groups concerned with AIDS/ARC.

ANALYSIS OF CURRENT STATUS

1. Remedies

The unit uses statistics and other indicators to evaluate the level of success shown in processing the case load and these continued to show improvement in FY '85-86. Again, the amount of monetary reward for settled claims increased 24% over last years figure and, as with previous yearly caseload's, complainants reported a 90% subjective satisfaction level with the quality and quantity of services received.

Numerous case resolutions included establishment or review of sexual orientation or AIDS related workplace policies, to ensure that unbiased principles are actually actively applied in the worksite. This often involved on-site education seminars. Other remedies included workplace transfers; monitoring of fair job application opportunity; extention of insurance benefits to individuals choosing to terminate employment (which is especially crucial in AIDS/ARC discrimination cases); and, giving a non-employment related example, extension of Ad-hoc status to a environmental rights group attempting to establish a Lesbian/Gay Chapter. Technical assistance is often provided to attorneys and other legal workers involved in ongoing cases. Two HRC sexual orientation discrimination cases were determined to have sufficient evidence to warrant referral for enforcement actions through the District Attorney's office, after staff investigation. The outcome of these two cases are pending, but will hopefully more clearly establish the avenue of formal prosecution available to the community through partnership of the HRC and the District Attorney's office.

The Fair Housing Unit of the Human Rights Commission addressed 20 complaints of AIDS/ARC discrimination. In these cases, the HRC was able to prevent 7 evictions, facilitate housing for 6 complainants and assured 1 complainant ultimately received housing, for which he applied but was discriminatorily turned down.

These following illustrative examples showing achieved remedies from this year's caseload are not meant to be exhaustive but merely illustrative:

- A Lesbian was harassed and prevented from promotion in her job as a Distributions Clerk Supervisor, because of her sexual orientation. The employer, a major City contractor, began a hypervigilant monitoring of her work performance, evaluating her negatively and leading her to fear eventual termination. She acted preventatively by filing an official complaint with the HRC asking for investigation. Staff research uncovered evidence substantiating her allegations of discrimination. Staff then proceeded to mediate a resolution agreement with the company, thereby pre-empting a negative final HRC determination upholding the allegation of discrimination. If such a finding were to be made, it would have resulted in cancellation of all city contracts and fines, as well as lend weight to a civil proceeding. In this case, because the complainant decided to leave the company for more satisfactory employment, HRC negotiated a settlement of \$7,100 severance payment plus \$500 for estimated benefits accrued, and a clearing of all negative evaluations within her employee file. In exchange the complainant agreed to drop all pending and future discrimination and/or employment related charges.
- In an AIDS-bias complaint, reported before passage of the San Francisco AIDS/ARC discrimination law, a City-contracting printer had refused to provide reasonable accommodation to the needs of a Gay man diagnosed with ARC. The individual was abruptly fired for job abandonment, (when he went home sick one afternoon), and tardiness, although the employer had promised and was easily able to cover the employee's needed at-work absences and doctor's appointments, by moving other workers on-site. A mediation was held with the HRC, the complainant, the respondent and his attorney, and a staff attorney from the Employment Law Center representing the complainant. An agreement was made between the attorneys and HRC staff to a monetary settlement given to the complainant to resolve this dispute.
- A major phone company refused to extend credit to a Gay man who, after the sudden death of his lover from AIDS, tried to change billing records to reflect his own name. Although the couple had shared the phone for many years, a new, extremely large security deposit was being required of the surviving partner before the phone company would continue service. This is not the practice in the case of a name change for a married couple upon the death of a spouse. The HRC intervened and was able to encourage the company to drop the security deposit in this case, although no official change in company policy, across-the-board for Lesbian/Gay domestic partners was able to be achieved.

- A Gay male, working 2½ years for a local corporation performing supervisory data control work was labeled "insubordinate" and a "trouble-maker" by his employer because he pursued an internal discrimination complaint against the company manager for blocking the hire of a Gay man applying for a job. Retaliation practices had formed a pattern and the complainant was watched, in an obvious hypervigilant manner, for performance errors and subsequently received a negative review, (the first poor evaluation ever given him at work). Statements were then made to him, by this manager, saying that "this is as far as you (the complainant) can go up the corporate ladder because of the way you let things get to you." Other evidence of a newly developed negative corporate attitude toward him was clearly shown and, although the complainant tried to address this problem through the company personnel department, he was told they were powerless to intervene.

The complainant appealed to the HRC for mediative assistance, after being pressured to sign a negative and untrue performance appraisal. He felt this was the preliminary step taken to terminate him for "documented" reasons and felt discouraged and was additionally close to quitting the job without pursuing a discrimination claim. Instead, the complainant was encouraged by HRC staff to start his claim by clarifying the results he would want from a mediation. He said he felt angry and betrayed by the company and did not desire to stay in their employ, but he did want remedy for job loss and emotional distress and wished to pursue a claim and as a by product influence and pressure the company to change their discriminating work policies. The HRC proceeded to structure a mediation between all parties, during which staff informed the company clearly of all potential liabilities faced regarding discrimination and other employment claim related issues. This encouraged the reaching of a settlement which included severance payment of \$3,550.00, carryover of complainants insurance through August 1986, a good letter of reference and expungement of employee files and non-contest of unemployment. In return, the complainant agreed to drop all pending and future claims against the company.

- HRC was contacted by a church that was denied cleaning services by a San Francisco based company. The church provides spiritual and other counseling services for people with AIDS/ARC. The cleaning service informed the church that they would not be able to work at the site because of employee fears of contracting AIDS. The cleaning service was contacted by HRC staff and notified that failure to provide services would constitute a probable violation of the City's AIDS/ARC Discrimination Ordinance. The cleaning service was also provided educational materials on AIDS in the workplace. The company agreed to provide services within 3 days, and the church reports that the matter has been successfully resolved.

- Due to repeated reports of poor AIDS-related services at a local hospital, ongoing meetings were instituted between members of hospital

administration and medical staff, Lesbian/Gay community representatives and City department liaisons, including HRC. Each problematic area was addressed, over time, and the eventual outcome included improved service delivery; development of a permanent community/hospital AIDS taskforce; study and planning aimed towards opening an AIDS ward in Fall, 1986 to upgrade and centralize services; and development of staff trainings, for credit, on homophobia and AIDS discrimination. HRC staff will continue involvement as a member of the AIDS taskforce.

2. Demographics and Statistics

As was recognized in previous years, the Lesbian/Gay Unit has met with mixed success in its desire to expand representation of women and ethnic minority population, relative to majority populations, in the complaint load. Although a strong increase is noted in the Hispanic category, from 4% in FY '84-85 to 13% in this year's analysis, black representation in the complaint load decreased from 10% to 7%. Similarly, the American Indian population statistics decreased from 8% to 0. All other populations remained constant at 1% Asian representation and 0% Filipino and Pacific Islander.

Clearly, continued special outreach to underserved population must be prioritized in the upcoming year. This is especially important in the face of the AIDS epidemic which, if the experience of the East Coast can be used as a guide, will involve disproportionately more persons of third world/minority backgrounds, and locally many more women will be affected than previously seen in the first wave of the illness in San Francisco.

Women represented only 15% of this year's complainant population, a drop of 8% from last year's statistics. This severe discrepancy obviously needs continued concerted outreach to remedy, as it is inconceivable that fewer Lesbians are discriminated against than Gay men. It is more likely that, as a doubly or triply stigmatized population, women do not file complaints because of a number of reasons. Primarily, women likely tend to file cases under federally or state protected categories such as race or sex. Also the effort of repeatedly fighting discrimination on a number of fronts eventually diminishes energy to take on long battles such as litigation or Administrative complaints. Although, it is believed that some of this wide gender division is due to the increase in the complaint load of AIDS related complaints; the illness presently primarily disaffects a male population in San Francisco.

The percentage of AIDS related complaints relative to the year's caseload rose from 17% in FY '84-85 to 47% in FY '85-86. It is expected that this trend will continue in the near future as it is estimated that the number of local citizens expected to develop the illness will triple by June 1988, to an expected high of 6,400 persons diagnosed with AIDS in S.F. and ten times this number exhibiting symptoms of ARC.

The average age of reporting complainants stayed approximately the same this year as compared to last year, but the number of disabled complainant's filing has risen from 9% to 20%, reflecting the addition of AIDS/ARC bias complaints to the caseload. Approximately 75% of all cases regarded employment, 6% housing and 23% public accommodations. The average number of days taken to close cases this year increased from 21.6 to 53.4, when compared with the previous year. This problematic increase was due to the rapidly escalated burden of problems and complaints associated with AIDS/ARC bias. It has been estimated that over 50% of staff time became devoted to AIDS/ARC related issues in FY '85-86, thus slowing down expedient addressing of all complaints. This is especially of concern in the case of AIDS/ARC complainants, as this population needs to receive timely assistance. The addition of a third staffperson, in the fourth quarter, assigned to address AIDS/ARC complaints and issues, resulted in a marked quickening of unit response time in both sexual orientation and AIDS/ARC complaints work. The April-June '86 or fourth quarter statistics show that the average number of days to resolve sexual orientation and AIDS/ARC bias cases reduced to 16.6 and 16.0 respectively.

The strategy of outreach advertising services to underserved and AIDS/ARC affected populations brought in many new cases and was designed towards efforts to gain media coverage, distribute new brochures on AIDS/ARC bias and sexual orientation discrimination, holding in February 1986, public hearings on AIDS/ARC bias, participation in public speaking engagements, and assistance in planning seminars and conferences.

A major master outreach mailing list will soon be finalized utilizing newly HRC acquired computers. This will go far to make the outreach process more efficient and assist in targeting third world/minority and women clients.

3. The Projected Goals of FY '84-85 Met in FY '85-86.

In FY '84-85, a number of goals were advanced for the upcoming year. Most of these were met successfully.

A major planned project of development and passage of local protective legislation guarding against discrimination on the basis of AIDS/ARC was completed. The HRC worked successfully with Supervisor Britt's office and attorney Matt Coles to achieve this goal. Staff provided technical assistance during the writing of the ordinance and helped gain its passage through City Attorney review, and with endorsement by the HRC, this legislation was approved after public hearing held by the Board of Supervisors. The ordinance, Article 38, an Amendment to the Municipal (Police) code, bars AIDS-bias in the areas of employment, housing, public accommodations, business establishments, educational institutions and city facilities and services. It protects those with AIDS/ARC, as well as those only perceived as having the illness and provides protections against disclosure of HIV antibody testing results and retaliation against persons filing complaints. Penalties for violation of Article 38 are stringent and include injunctive remedies, award of, up to three times actual damages, but in no case less than \$1,000, costs and attorney's fees, as well as punitive damages. The HRC is mandated as the investigative/mediative agency and enforcement powers are extended to the City Attorney and District Attorney. A private cause of action is also available. Unit staff has successfully passed Rules of Procedure related to Article 38 complaints through City Attorney and commission review and approval.

As a result of recognized increased need, efforts by staff and Supervisors Harry Britt and Nancy Walker, resulted in the hiring of an HRC AIDS/ARC specialist, funded through the Department of Public Health. Norm Nickens, former Assistant Dean at New College Law School has been hired at the HRC as the AIDS/ARC discrimination Representative. Mr. Nickens will investigate and resolve complaints filed under Article 38, the AIDS-bias ordinance, perform public education and technical assistance in the area of AIDS discrimination and will operate as the Commissions liaison with agencies and private groups concerned with AIDS.

Another AIDS/ARC related goal was addressed by the Lesbian/Gay Unit staff through efforts aimed towards coordinating communication between local legal and advocative agencies responsible to address complaints of AIDS/ARC bias. Organized meetings helped strengthen links and establish available services, thus avoiding overlap or gaps in service coverage. The HRC also developed and widely distributed a handout, for use by the AIDS affected community, listing all AIDS/ARC anti-discrimination resources.

Last year's report extended the goal of holding public hearings to ascertain the extent and focus of AIDS/ARC discrimination, in order to determine needs and develop amelioration remedies. Hearings were held over two evenings in early February. The areas of testimony included employment, housing, public accommodations, underserved populations, corrections, insurance, medical and social services, research, education and children's rights, blood testing and confidentiality. A great deal of information was gathered pointing to extensive problems regarding lack of available housing for people with AIDS/ARC, lack of services and outreach to third world/minority, women, and I.V. drug using populations, extensive employment discrimination and other gaps in services. The hearings helped also to heighten public concern and illuminate problem areas through local media. Upon completion of the hearings, an Ad-hoc committee of staff, commissioner's and committee members, community representatives and volunteers reviewed testimony transcripts and developed findings and recommendations. The hearing report is in production and when released, the long process of HRC community intervention will begin, aimed towards encouraging government agencies, service providers and community groups to implement the recommendations, ultimately resolving perceived discrimination related problems.

It is important to note that much of the work undertaken by the unit flows from the efforts of the Lesbian/Gay Advisory Committee, which gives advisory direction and person-hours to accomplish projects such as the public hearings. L/GAC, co-chaired by Commissioners Phyllis Lyon and Sal Rosselli, is mandated to address discrimination as it affects the Lesbian/Gay population. It is composed of membership broadly representative of the community at large, bringing issues of concern from the diversity of San Francisco citizenry to the Commission. The L/GAC assisted greatly in efforts to meet last years goal of lobbying against restrictive legislation undermining privacy rights and civil liberties of Lesbian/Gay persons, on the basis of AIDS/ARC. The HRC went on record opposing such

legislation and, through staff and committee efforts, testifying at committee hearings, submitting evidence, organizing letter writing, and educating the community-at-large, the threat of poor legislation was addressed more fully on a local level and support was given to secure passage of positive bills.

Finally, the goal of maintaining services at present level was surpassed. Although staffing is limited to three full-time paid positions, additional help provided by MSW interns, Sue Steiner and Dan Turner, and legal interns Caren Callahan and Larry Jarvis, to supplement the work of Liaison's, Jackie Winnow and Eileen Gillis and AIDS specialist Norm Nickens, was invaluable in assisting the unit in achieving almost all goals outlined in the FY '84-85 report for FY '85-86.

4. Problem Areas Defined

Beyond those areas previously mentioned, such as increase of minority outreach and continual need to educate the community regarding local protections against discrimination, a number of recent developments point out increased threat to the civil liberties of Lesbian and Gay men.

Many of these problems concern the backlash of increased discrimination due to AIDS/ARC. The refusal of the State and Federal Government to grant handicapped status to people with AIDS/ARC or those perceived as having AIDS/ARC means that local nondiscrimination protections become increasingly important. Because restrictive Governmental policy encourages discrimination, it decreases the ability of health educators to provide preventive education to counter irrational public fear of casual transmission of the disease. It also gives permission to individuals to express homophobia through a smokescreen, using "AIDS" as the excuse. We will see increased evidence of discrimination in all areas against Gay/Lesbian persons or those affected by AIDS. Clearly, the HRC must increase outreach to educate the public about local anti-discrimination laws in the face of these decisions, so as to discourage interpretations that poor State and Federal policy decisions apply to San Francisco.

The present administration's attempts to cut back many other affirmative action and equal opportunity precedents ultimately does affect Lesbian and Gay people, as the overall restriction of rights sets a tone regarding treatment of all minority group, and therefore results of double or triple stigmatization of many in the social citizenry. Therefore, the Lesbian/Gay Unit must be ever vigilant to continue supporting efforts to protect employment and other rights of all persons affected by discrimination.

6. Future Plans

As a result of noted problems in this year's complaint report, a number of goals are projected for the upcoming year. The most obvious need is increased staffing to handle the anticipated increase in number of AIDS-bias complaints. As statistics regarding number of diagnosis mount and as State and Federal protections are restricted, the local law becomes one of the few avenues protection for San Francisco citizens. An AIDS/ARC affected population is also often an economically stressed group in need of legal assistance that does not economically stress them more and provides for immediate emotional and technical support. Increasingly, it is expected that people with AIDS/ARC will turn to the HRC for assistance, thus impacting the Unit workload.

The future goal is to maintain existing levels of provision of services. This means processing over 300 yearly complaints of AIDS/ARC and sexual orientation discrimination, 120 of which will proceed through full investigation. All other outreach, technical assistance and issues oriented services will be continued by the Unit, one which has consistently shown a high record of productivity in previous years.

Revision of Article 33 has also been pursued jointly with Supervisor Britt and it is expected that once changes are reviewed by the City Attorney, the Board of Supervisors will be approached for passage.

The battle to gain State and Federal protections for people with AIDS/ARC is not lost. The Commission is expected to request the City to join, through an amicus brief, an ongoing case, Chadbourne v. Ratheon, which is pending before the Fair Employment and Housing Commission, and will define handicap status as it applies to people with AIDS/ARC. In this case, the Human Rights Commission can provide local perspective, giving information and statistics to support the case put forward by the plaintiff.

The implementation effort of the AIDS/ARC-bias Public Hearing recommendations and findings will involve a great deal of effort in the upcoming year, but will go far towards addressing the root causes of AIDS/ARC and sexual orientation discrimination. In addition, the development of an ad-hoc AIDS/ARC committee drawn from all HRC committees will be organized this year to focus on coordinating all HRC AIDS/ARC related Committee and Commission work. AIDS/ARC discrimination is a top priority of focus as mandated by the Commission, at the present time.

Discrimination against women in employment is an issue that affects the Lesbian community. In addition, Lesbians are broadly represented in areas that classically hold discriminative policies, for example, the trades or underpaid clerical worksites. Therefore, the Unit's participation in ongoing organizing efforts in affirmative action in contract compliance, or efforts addressing women in City employment and comparable worth is a unit priority for the upcoming year. The goal is to lessen

discrimination overall. The focus of Unit participation will be raising the special issues confronted by Lesbians in all these areas of employment.

Throughout the AIDS/ARC crisis, and at a time when our energy is divided, it is increasingly important that the focus on reducing sexual orientation discrimination not be forgotten. The unit will strive, in the upcoming year to keep this mandate in the forefront of all of our efforts towards non-discrimination and the Lesbian/Gay community.

Report on Sexual Orientation
Discrimination FY '85-86

Appendix I

Complaints received: 137

of these:

AIDS/ARC related:	65	(47%)
Sexual Orientation:	72	(53%)

Services provided:

Investigation:	59	(43%)
Technical Assistance	78	(57%)

Of those investigated:

Informal:	115	(84%)
Formal:	20	(15%)
Official:	2	(1%)

Categories:

Employment:	103	(75%)
Housing:	8	(6%)
Public Accommodations:	23	(17%)
Other:	3	(2%)

Jurisdiction regarding sexual orientation complaints (which include a number of AIDS related complaints previous to passage of Article 38, otherwise known as the AIDS discrimination ordinance): [# of complaints (before passage of Art. 38): 108.]

Article 33:	82	(76%)
12A:	9	(7%)
12B:	16	(12%)
12C:	1	(5%)

of complaints (after passage of Art. 38): 29.

Article 38:	22	(76%)
Article 38 and 33:	7	(24%)

Report on Sexual Orientation
Discrimination FY' 85-86

Appendix I (Cont'd)

Demographics:

Race:

Caucasian:	103	(75%)
Black:	10	(7%)
American Indian:	0	(0%)
Asian:	1	(1%)
Hispanic:	17	(13%)
Filipino:	0	(0%)
Pacific Islander:	0	(0%)
Unknown:	6	(4%)

Sex:

Male:	115	(84%)
Female:	21	(15%)
Not Applicable:	1	(1%)

Age:

18-24:	9	(7%)
25-29:	24	(17%)
30-34:	32	(23%)
35-39:	34	(25%)
40-44:	15	(11%)
45-54:	5	(4%)
55-64:	3	(2%)
Unknown:	15	(11%)

Physical Ability:

Ablebodied:	110	(80%)
Disabled:	27	(20%)

(All complainants with AIDS/ARC diagnosis were disabled)

Sexual Orientation:

Gay man:	113	(82%)
Lesbian:	10	(8%)
Bi-sexual:	3	(2%)
Heterosexual:	11	(8%)

Appendix I (Cont'd)

Processing:

Average days to close all those cases which were opened and closed in each separate quarter solely: 24.06

Average days to close all cases in year (including those carried over from 1984-85): 53.04

Number of cases closed in year: 104

HRC Fair Housing Unit AIDS/ARC complaints:

Complaints received: 20

Racial demographics: 15 Caucasian
4 Hispanic
1 Black

Sex: 20 Male
0 Female

Appendix II

Definition of Terms

- Technical Assistance (T/A)

The L/G Unit defines technical assistance (T/A), as a separate category, in order to encompass complaints requiring immediate advice and limited assistance. An extensive technical assistance advisory and referral service has been developed to help individuals analyze each complaint and construct a strong and well documented position from which to negotiate a desired remedy. Staff efforts at T/A also empower the complainant to pursue aspects of their own cases and all complaints in this category remain informal, although ongoing limited contact with the respondent may be required.

- Informal

Informal complaints are reported complaints that do not reach a level requiring filing and notification of the respondent, but do require pursued assistance, without the more formalized aspects of investigation.

Report on Sexual Orientation
Discrimination FY '85-86

- Formal

A formal complaint involves the filing of a signed complaint outlining the allegations brought by the complainant. The respondent is then notified of the allegations and given 21 days to reply to the HRC. Staff then proceeds to impartially investigate both sides of the issue by collecting information, documenting evidence and interviewing all parties and available witnesses, if it is needed. A recommendation for or against sustaining the allegation of discrimination is submitted to the Director of the HRC who then issues a final opinion. Remedies to end the discrimination include the levying of an injunction by the City Attorney or District Attorney to eliminate the inequitable treatment, or recourse through Civil litigation. The HRC acts only as an investigative, conciliative and mediative party. Formal complaints relate only to non-contracting parties and are filed under Article 33 or 38 of the Municipal Code or Chapter 12A of the Administrative Code.

- Official

Official complaints refer to Sections 12B and 12C of the Administrative Code and are filed in a manner similar to formal but refer only to businesses which hold City and County contracts or leases. Increased enforcement powers are brought to bear with official complaints, as available sanctions include cancellation of the contract, the levying of a fine against the contractor, suspension of monies owed and prohibitions against active bidding on a contract for a period of two years. A finding is appealable through the Commission in a hearing process before a hearing officer.

- Article 33 of the S.F. Municipal (Police) code

Article 33 prohibits discrimination in San Francisco on the basis of sexual orientation in employment, housing and public accommodations. It is informally known as the "Gay-rights Ordinance." Civil sanctions under this legislation provide for special and general damages, attorneys fees and a fine of no less than \$200 and not more than \$400. The Human Rights Commission is the administrative agency that enforces this ordinance and forwards its recommendation to the City Attorney or the District Attorney for direct action if necessary.

- Article 38 of the S.F. Municipal Code

Article 38 prohibits discrimination in San Francisco on the basis of AID/ARC or the perception that an individual has or is at risk to have AIDS/ARC. Areas covered are employment, housing public accommodations, business establishments, educational institutions, city facilities and services. Retaliation protections and confidentiality assurances are included. The Ordinance allows for a private right of action and provides for remedies of up to three times actual damages, costs, punitive damages, and attorney's fees. The HRC is mandated to provide for administrative remedy.

Report on Sexual Orientation
Discrimination FY '85-86

Appendix II (Cont'd)

- Chapter 12A of the S.F. Administrative Code

This sets out the policy of the City, which is to discourage discriminatory activities that act to disaffect the well-being of the community. It mandates the HRC as the agency through which community wide problems are mediated and conciliated. The HRC subpoena powers are contained in this ordinance and it also mandates the existence of the Lesbian/Gay Advisory Committee (L/GAC).

- Chapter 12B of the S.F. Administrative Code

Chapter 12B prohibits discrimination by employers in city contracts, providing extensive sanctions. Complaints filed under Chapter 12 B are also known as official complaints. There are 11 protected categories named in 12B and sexual orientation is included among them.

- Chapter 12C of the S.F. Administrative Code

Chapter 12C is similar to 12B, except it refers to rental of property and contracts associated with leasing.

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