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BEFORE THE SOUTH DAKOTA ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL RIGHTS

* * * * *

Briefing Forum on Women's Employment * PUBLIC HEARING
Issues in South Dakota. *

* * * * *

BEFORE: Ms. Cleota Rae Burnette
Sioux Falls, South Dakota

Ms. Charlotte Black Elk
Manderson, South Dakota

Doctor Dorothy M. Butler
Brookings, South Dakota

Mr. Marc S. Feinstein
Aberdeen, South Dakota

Ms. Bang Ja Kim
Brookings, South Dakota

Mr. Jonathan K. Van Patten
Vermillion, South Dakota

Mr. Frank R. Pommersheim
Vermillion, South Dakota

Mr. James G. Popovich
Rapid City, South Dakota

Mr. William E. Walsh
Deadwood, South Dakota

Mrs. Kitty Werthmann
Pierre, South Dakota

ALSO PRESENT: Mr. William F. Muldrow
Regional Director, Denver, Colorado

Ms. Malee V. Craft
Civil Rights Analyst, Denver, Colorado

PROCEEDINGS: The above-entitled matter came on for hearing
on the 17th day of September, 1993, commencing
at the hour of 9:00 a.m. at the Holiday Inn
City Centre, Sioux Falls, South Dakota.

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1 MS. BURNETTE: If I could have your attention,
2 please. The meeting of the South Dakota Advisory Committee
3 to the U.S. Commission on Civil Rights shall come to
4 order. For the benefit of those in our audience, I shall
5 introduce myself and my colleagues. My name is Rae
6 Burnette, and I am the chairperson of this advisory
7 committee. Members -- others members of the committee are,
8 and if you would like to introduce yourself, please, where
9 you are from.

10 MR. POPOVICH: Jim Popovich, chief of visitor services,
11 Mt. Rushmore National Memorial in Rapid City.

12 MR. WALSH: Bill Walsh, business person from Deadwood,
13 South Dakota.

14 MS. KIM: B. J. Kim from Brookings.

15 MR. VAN PATTEN: Jon Van Patten, professor of law at the
16 USD Law School.

17 MR. MULDROW: I am Bill Muldrow from the regional office
18 of the commission in Denver.

19 DOCTOR BUTLER: Dorothy Butler, Brookings.

20 MRS. WERTHMANN: Kitty Werthmann from Pierre.

21 MS. CRAFT: Malee Craft, regional office staff in
22 Denver.

23 MS. BURNETTE: We are here today to conduct -- to
24 conduct a fact finding meeting for the purpose of gathering
25 information on issues affecting the employment of women in

1 South Dakota. Participation in this forum will provide
2 information, observations, and recommendations on this
3 topic.

4 The jurisdiction of the commission includes
5 discrimination or denial of equal protection of the laws
6 because of race, color, religion, sex, age, handicap, or
7 national origin, or in the administration of justice. The
8 proceedings of this forum, which are being reported by a
9 public stenographer, will be used, along with other
10 information collected through interviews and correspondence
11 with individuals, agencies, and organizations in the
12 development of a written report with findings and
13 recommendations from the committee which will be released
14 and distributed to the public.

15 At the onset, I want to remind everyone present of the
16 ground rules. This is a public meeting open to the media
17 and the general public. But we have a very full schedule
18 of participants to fit within the limited time frame we
19 have available. The time allotted for each session must be
20 strictly adhered to. Twenty-five minutes have been
21 allocated for remarks from each presenter which should
22 include ten minutes for dialogue with the committee.

23 To accomodate persons who have not been invited to make
24 a presentation but wish to make statements, we have
25 scheduled an open period on our agenda from 7:00 o'clock

1 p.m. to 8:00 o'clock p.m. this evening. Anyone wishing to
2 make a statement during that period should contact a staff
3 member for scheduling. Written statements may be submitted
4 to committee members or staff here today, or by mail to the
5 U.S. Commission on Civil Rights, 1700 Broadway, Suite 710,
6 Denver, Colorado 80290. The record of this meeting will
7 close on October 1st, 1993.

8 Though some of the information provided here may be
9 controversial, we want to ensure that all invited guests do
10 not unfairly or illegal defame or degrade any person or
11 organization. In order to ensure that all aspects of the
12 issues are represented, knowledgeable persons with a wide
13 variety of experience and viewpoints have been invited to
14 share information with us. Any person or any organization
15 that feels defamed or degraded by statements made in these
16 proceedings should contact our staff during the meeting so
17 that we can provide a chance for public response.
18 Alternately, such persons or organizations can file written
19 statements for inclusion in the proceedings. I urge all
20 persons participating to be judicious and factual in what
21 they say.

22 The advisory committee appreciates the willingness of
23 those who have agreed to participate and share information
24 with us.

25 Now Mr. Muldrow will share some remarks with you.

1 MR. MULDROW: Good morning. I would just like to add to
2 what Rae has said; to emphasize that this is not a legal
3 proceeding or an adversarial proceeding. The purpose is to
4 provide information to our advisory committee on issues
5 relating to the employment of women in South Dakota. All
6 of the participants have agreed to participate voluntarily,
7 and we do welcome and appreciate their participation, as
8 well as those who will be interested in proceedings
9 throughout the day.

10 This is part of a larger research project of the
11 committee on this issue involving two phases. The first
12 phase was the development of a legislative handbook
13 summarizing state, federal and local legislation bearing
14 upon the rights of women in employment. That handbook has
15 been published. In fact, we just received it in our office
16 yesterday. It has been mailed out to a long mailing list
17 throughout the state here in South Dakota, and we have
18 extra copies available in the back of the room for those of
19 you who would like to take one or several.

20 We will have another fact finding meeting similar to
21 this in Rapid City on October the 29th. And between the
22 two fact finding meetings and the research and statistical
23 gathering that we have done, we hope to come up with a very
24 substantial report on this issue. And then the committee
25 will formulate in connection with that, of course, the

1 recommendations to either support positive things which are
2 being done or hopefully to mitigate problems which may be
3 identified. The report then will be distributed free of
4 charge to anybody who might find it useful, and will go to
5 our Commissioners in Washington to use in their work and in
6 their own report to the President and Congress.

7 I would like to emphasize that the South Dakota Advisory
8 Committee is a bipartisan committee. By law, no more than
9 half of the committee can be from any one political party,
10 so we have quite a diversity of persons representative of
11 the population here in South Dakota. This project is their
12 project, and the report which is eventually published with
13 recommendations will be their report.

14 Rae has mentioned that we have an open session. We have
15 invited quite a number of participants who have
16 responsibilities or information on this issue. We've tried
17 to include quite a wide variety of perspectives. In the
18 open session, we will have some time allotted for persons
19 who have not been specifically contacted or who were not
20 specifically invited to participate, who will be able to
21 make a statement to the Commission if they wish. Those
22 persons who wish to do so should schedule themselves by
23 signing the sheet at the back of the room there, and then
24 one of the staff or committee members will talk to them
25 briefly before that time to explain the purpose and the

1 ground rules for the forum.

2 So, again, I would like to welcome each of you, and we
3 look forward to a very profitable day. I'm sure we will
4 have quite a variety of people coming and going here
5 through the day.

6 The court reporter is taking down all of the
7 proceedings, and those of you who make presentations will
8 receive a draft copy of your remarks for correction and
9 verification before it's used in the report. Thank you
10 very much.

11 MS. BURNETTE: Our first presenter today is Loila G.
12 Hunking of the Sioux Falls School Board. We would ask all
13 of the presenters that are scheduled to introduce
14 themselves and give us a brief history about you personally
15 and professionally, and share your information with us.

16 MS. HUNKING: Thank you. I have hurt my foot and have a
17 difficult time standing. I'm wondering if I could sit and
18 borrow this mike. I don't need to borrow this mike either.
19 For a good share of my professional career, I was used to
20 addressing a classroom full of sometimes rowdy juniors and
21 seniors in high school, so I don't know as I would have any
22 difficulty reaching you, but we will try.

23 For some of you who don't know me, I want to make clear
24 that although I'm described here as a member of the Sioux
25 Falls School Board, my statements don't represent board

1 position in any way.

2 During the middle '70s I served in the South Dakota
3 State Legislature from 1973 through '76. Also served on
4 the South Dakota Commission on the Status of Women from
5 1973 through 1980. I was the first women to chair the
6 South Dakota Democratic Party, and the first women elected
7 to the Sioux Falls City Commission where I served from 1983
8 through 1986. And was, in June of this year, elected to
9 the Sioux Falls School Board.

10 I would have to say that a large part of my concern and
11 impetus for public service has been concern for equal
12 rights, and particularly for the avenue of education as a
13 means to influence and certainly move forward that
14 idea. And, Rae, since I'm not sure my watch is working, if
15 you would keep me on target, I would appreciate it.

16 I do not have my remarks typed, but I will do so and
17 present it to you. I brought a number of materials that I
18 would like to have returned, but will give to you. . . .

19 I think I am here today at the beginning of your program
20 as probably the oldest living feminist historian in South
21 Dakota. And so if you will bear with me, I'm speaking to
22 you out of my experience as an educator, a mother, a wife,
23 a state legislator, a member of the South Dakota Commission
24 on the Status of Women, and all of those other activities
25 in which I have been involved.

1 In 1972, after a decade of national citizen activism on
2 behalf of minority and women's rights, and in the midst of
3 the bitter and divisive debate on the Vietnam War, South
4 Dakota underwent a quiet behavioral change. Richard Nixon
5 and George McGovern were pitted in a presidential race that
6 embodied all of these issues. And the McGovern candidacy
7 was a partial catalyst in energizing South Dakota Democrats
8 to political action, particularly younger people. Despite
9 McGovern's loss, Democrats gained control over both houses
10 of South Dakota's legislature and maintained control of the
11 governor's office.

12 In that atmosphere, both political and social,
13 throughout the state and the country, the legislative class
14 of 1973 came to Pierre with a heightened awareness of civil
15 rights, women's rights, environmental concerns and
16 education. The largest number of women to serve to date in
17 the South Dakota legislature were among that group.

18 Among other things, the 1973 legislature passed the
19 Equal Rights Amendment, repealed the anti-abortion law,
20 revised antiquated labor laws and created in statute the
21 South Dakota Commission on Women. I came home enlightened,
22 and joined the only subversive feminist organization then
23 in existence, the National Organization for Women.

24 That session, that legislative session, began a decade
25 of crusade on behalf of women that started with a bang and

1 ended with a whimper. Mary Lynn Myers became the first
2 director of the newly created Office of Human Rights, with
3 a budget and a directive to assess the status of human
4 rights, civil rights in South Dakota. She was to research,
5 advocate and educate, which is what she did with energy and
6 effectiveness.

7 And at the time the Commission on the Status of Women
8 was given enough budget to staff and run a one-woman
9 office, and a special one-time grant of 50,000 dollars to
10 research and develop materials regarding the status of
11 women in South Dakota. Efforts focused on employment,
12 credit, education, and child care. We found that women
13 were being short-changed and cheated on all fronts, even in
14 state government.

15 Routinely women were being denied credit based on their
16 sex and marital status. They couldn't buy cars or get bank
17 loans without a husband's signature. They were prevented
18 by South Dakota laws from holding a job that required them
19 to lift more than 40 pounds. Many of us were lifting
20 children of that weight. They couldn't work jobs between
21 10:00 p.m. and 6:00 a.m., they couldn't compete in state
22 basketball tournaments, and they couldn't find child care
23 if they did find a job.

24 Widows and divorcees had no rights to their jointly
25 acquired pension assets. If they got desperate or mouthy

1 in family disputes, they could be committed to a mental
2 institution without a hearing or due process. And
3 according to several state legislators, no one was a victim
4 of family violence.

5 The Commission on the Status of Women actively compiled
6 research, held public forums, published action guides, and
7 advocated changes in the law from 1973 to 1980. And I
8 brought with me some materials illustrative of those
9 efforts. This pamphlet had to do with the rights of women
10 who were divorced or widowed in terms of credit,
11 employment, and listing resources. For schools, we
12 compiled a bibliography -- it should be reprinted and
13 redistributed -- of the history of South Dakota women and
14 frontier women that is invaluable and has some wonderful
15 pictures in it.

16 Results on another front -- or action on another front
17 resulted in an issue that really is as old as it looks from
18 the State Department of Education in response to efforts
19 for equality there. In 1981, Governor Janklow issued
20 an executive order regarding sexual harassment. Probably
21 needs to be reread by a lot of people. Women receive
22 credit where credit was due; an outline to women about how
23 to gain credit; a report by the South Dakota Division of
24 Human Rights on the status of women and minorities in state
25 government, abysmal; a report on spouse abuse in South

1 Dakota which, when presented to a state legislative
2 committee, resulted in one legislator walking out of the
3 room and coming back shortly to report he had called his
4 family doctor, and that doctor in 20 years of practice in
5 middle South Dakota had never treated a case of spouse
6 abuse; and an affirmative action plan for the State of
7 South Dakota. Those kinds of things. And that certainly
8 wasn't all that were the kinds of materials and activities
9 pursued by the Commission on the Status of Women.

10 In 1974, I took the South Dakota High School Activities
11 Association to task regarding their rules and
12 expenditures. Mary Lynn Myers provided a crash course on
13 Title IX, and research showed that the SDHSAA spent 84
14 percent of their funds on boys' athletics, and had rules
15 prohibiting girls' competition.

16 Legislative efforts to disband the activities
17 association and withhold federal funds to those schools not
18 in compliance got their attention, and by mid year the
19 association had revised their bylaws and hired a woman to
20 oversee girls' athletics. Though far from perfect, South
21 Dakota girls now had available to them one avenue to adult
22 employment success previously open only to males. The way
23 to the board room is through the locker room.

24 In the years from 1973 to '79, the CSW was the focal
25 point that led the charge to improve the status of women on

1 all fronts. We took on schools, banks, employers, pension
2 systems, outmoded laws, and Neanderthal legislators, and
3 made some progress. We couldn't, however, escape the
4 influence of the change in leadership at the top.

5 Following the Carter presidency and the Janklow
6 governorship was a reaction nationwide and in South Dakota
7 that troublesome women were a headache and should be
8 silenced. In South Dakota the funding for the Commission
9 on the Rights of Women was cut, the Equal Rights Amendment
10 ratification was rescinded, and the Commission on the
11 Status of Women was reprimanded for advocating for women in
12 the halls of the legislature.

13 After questionable appointments were made to the
14 Commission in 1979, those of us who had been advocates and
15 activists knew that the effectiveness of the CSW was at an
16 end. In October, 1979, several leaders resigned, and as
17 an avenue for continued advocacy, founded the National
18 Women's Political Caucus to carry on the fight for women's
19 rights.

20 The Office of Human Rights was also effectively silenced
21 by appointment of caretakers as directors. The message
22 definitely was don't make waves. South Dakota trends were
23 paralleled with the national level from 1980 to 1982 where
24 efforts in funding -- efforts and funding to change the
25 status quo were both mooted and neutralized. Though

1 changes were made in practices and laws that were overtly
2 discriminatory, discrimination still persists in subtle and
3 covert ways.

4 For instance, last fall many South Dakota women
5 legislators, activists on behalf of their sex, were
6 defeated in the 1992 elections. I would cite those as Mary
7 Edelen, Dorothy Kellogg, Carol Maicki, Judy Olson, and
8 others. There are in Sioux Falls no women on the city
9 commission, and only one on the county commission.

10 That bastion of business networking, the Chamber of
11 Commerce, elects five new board members to its board of 15
12 every year. Only three board members are women. You can
13 figure that out. Every year they have a token woman
14 nomination. There are no women bank presidents. Only one
15 woman has chaired the Chamber. U.S. West Company
16 periodically does its equalitarian best to demonstrate that
17 women, too, can be executives and top managers.

18 All of these situations are outward manifestations of
19 unspoken and sometimes unrealized biases that present
20 barriers to women in employment. Actions speak louder than
21 words. Unless we can control our physical and reproductive
22 destiny, how can we control any other aspect of our
23 lives? At the national and state level, health care,
24 social service system, pension plans, insurance and family
25 leave policies are only beginning to acknowledge the

1 special and unique nature of women's lives.

2 Where there have been some gains in law and practice,
3 women still today disproportionately shoulder the burdens
4 of child care, home maintenance, community service, and the
5 double squeeze of the sandwich generation, caring for aging
6 parents and at home adult children, perhaps even
7 grandchildren, while holding down full-time jobs for
8 part-time pay. 71 percent of South Dakota women with
9 children under the age of six are in the work force, the
10 highest in the nation.

11 The problems and challenges to women's health, sanity,
12 emotional well-being and economic stability are pervasive
13 and extensive, and deserving of your attention. Thank
14 you.

15 I don't see the clock, but if you have questions within
16 the time frame, I would be happy to answer them.

17 MR. VAN PATTEN: Let me ask if you've -- you've traced a
18 pattern of legislative reform that has changed in some ways
19 the conditions that confront women not only in the work
20 place but in other areas. But I take it you are highly
21 dissatisfied with --

22 MS. HUNKING: The status quo.

23 MR. VAN PATTEN: -- the status quo. What's -- what, in
24 your view, is the connection of any -- of anything between
25 these past efforts and where we are today? Has it produced

1 anything or --

2 MS. HUNKING: Oh, yes. To say that nothing had changed
3 would not be accurate. For one thing, a lot of the laws
4 have changed. And there is no question, for example, that
5 domestic violence is recognized as a problem, and dealt
6 with legislatively. I was in education as a teacher at
7 Brandon Valley High School for 20 years. Some of those
8 things have changed. For example, the opportunities open
9 to young women in athletics which I think is a -- is a
10 major change in how those young women function in the work
11 world.

12 But what I think is going on now is more subtle and
13 pervasive, that it is -- and I think, you know -- when I
14 started to put this together, I thought how can you address
15 in 20 minutes 20 years of activities. And I left out a
16 whole lot, of course. But, yeah, there have been good
17 changes. What I see, though, is the need to deal with --
18 strongly with the legislation that is on the books, and
19 then a widespread education effort.

20 There have been within the last couple of years studies
21 undertaken by the AAUW, and you are probably going to hear
22 from them today. Two of them. One of them that showed
23 that in education the performance of girls was equal to
24 boys up until about age 9. And then between 9 and 13,
25 there was a change in their performance, their interest in

1 science and math, almost a sort of acknowledgement, even
2 though perhaps not even consciously, that it was better to
3 be not smart, that sort of thing. We have to deal with
4 that.

5 Another thing that is happening, and some of this has
6 emerged on the front pages of the "Minneapolis Tribune" and
7 other Minnesota papers goes to -- or is addressed in
8 another study just released from the AAUW called "Hostile
9 Hallways." It has to do with sexual harassment in the
10 school system. And I think all of us, if we think back on
11 our school days, recognize that it happened. We now know
12 that it isn't just part of boys will be boys.

13 So as the problems exist on all fronts and within all
14 institutions from the church to education, to the school
15 systems, I think it has to be addressed holistically. And
16 it is a challenge since many of the practitioners in all of
17 those institutions are themselves practicing subtle
18 discrimination in sending messages.

19 MS. BURNETTE: Bill.

20 MR. WALSH: Address child care a little bit. 71 percent
21 are working. What are our challenges with regard to child
22 care?

23 MS. HUNKING: Well, it's interesting that even the
24 "Argus Leader" has discovered it as newsworthy this
25 week. It isn't available. Parents are worried a great

1 deal about quality. As the work patterns of the American
2 family change, we find women not working just from 8:00 to
3 5:00, but night shifts and around the clock. And that kind
4 of child care is difficult to find. Particularly it is
5 difficult to find child care for infants.

6 Back in the mid '70s when there was -- when there were
7 on the books a number of special mill levies that cities
8 and counties could levy, there was one that was allowed for
9 senior citizens' services, and I drew and we had passed a
10 bill that allowed cities to levy for the same amount, levy
11 two mills for child care for -- supportive of nonprofit
12 child care. I think the only place that ever was effected
13 was in Rapid City and Pennington County. And shortly
14 thereafter all of those special mill levies were repealed
15 and they were all rolled into the one lump sum.

16 So I think there are a number of things. Incentives,
17 for example, for onsite child care. Perhaps property tax
18 breaks, whatever. Also at a state level, something that I
19 don't think would cost a whole lot of money but put our
20 money where our mouth is, and that is, again, commissions
21 that address the concerns of families, which are child care
22 and employment and aging parents and children, adult
23 children at home, all of those things.

24 The barriers to employment are not just laws. They are
25 far more subtle than that. And it is contained in our role

1 still -- byt "our" I mean women's role -- still as the
2 primary nurturer and care giver within the family. And
3 until there are policies that address that, women are going
4 to be prohibited if not by law, certainly by circumstance,
5 from full participation in the work force.

6 MR. WALSH: Thank you.

7 DOCTOR BUTLER: No questions; just a resounding thank
8 you.

9 MR. MULDROW: Statistics show that of the ten
10 municipalities above I think 10,000 population in South
11 Dakota, Sioux Falls is the only city that does not have a
12 woman on the city commission or council. How do you
13 account for that in an area which you would think would be
14 one of the more progressive in terms of women leadership?

15 MS. HUNKING: I think there were several reasons. There
16 were at one point, I think for two years, two women on the
17 commission. Their disappearance from that body had to do I
18 think somewhat with their own political styles -- I was one
19 of them -- somewhat with simple attitudes about change in
20 city hall, and I think somewhat also to do with a double
21 standard that is applied to women any time they appear in
22 non-traditional roles. What would be called assertive and
23 activist on the part of men is called aggressive and
24 annoying if those same behaviors are demonstrated by
25 women.

1 I think also one of the situations that existed when I
2 was the first woman on the commission, there were all kinds
3 of -- there was all kinds of scrutiny given, and perhaps a
4 great deal more press than was deserved, but as a result of
5 that, and what seemed to be to a lot of people a lot of
6 abuse and a double standard in judgment, during my time I
7 think has discouraged women from running. A lot of women
8 that I talk to say I wouldn't put up with that abuse.

9 It also has to do with women who are in the political
10 pipeline I think choosing other avenues. It has somewhat
11 to do with the nature of the commission as well as the
12 nature of how women in public service are treated. That is
13 a full-time job. Many women in a career path now will not
14 give up their careers to take perhaps a pay cut or to serve
15 the public and take the heat that goes with that public
16 service. They would rather spend their efforts in other
17 ways.

18 It's a combination of a number of factors. I think it's
19 extremely unfortunate that is the case because it's
20 certainly a message, particularly to young women, about
21 what's possible for them.

22 MS. BURNETTE: Kitty, did you have any comment?

23 MRS. WERTHMANN: No comment.

24 MR. MULDROW: Could I follow up?

25 MS. BURNETTE: Sure.

1 MR. MULDROW: What -- the former South Dakota Commission
2 on Women is defunct as you have explained. Do you see a
3 need for that now? And what would be the function of such
4 a commission if it was reinstated, and what are the
5 prospects for getting a commission reinstated?

6 MS. HUNKING: The pros -- let me go back. The prospects
7 for reinstating it are probably slim and none. It still
8 exists on the books. It's just not funded. Yes, there
9 would be a role. I guess I would see it expanded in terms
10 of perhaps women and the family. I do believe that women
11 and men, even today, lead somewhat different lives in their
12 relationship to their roles in the family and also in the
13 work world. I think that in many ways those circumstances
14 are prohibitive and inhibiting, and need to be addressed.

15 I don't know exactly how, frankly, a government-funded
16 commission in a state like South Dakota could be as
17 effective as it should be because there are a variety of
18 perspectives across this state on women's place-in-society,
19 and any time a stand was taken that offended some segment
20 of the population, that means the -- that commission
21 probably would not be effective there.

22 But I do think there is a role, and I think the fact
23 that it is -- the commission is unfunded and it's not
24 functioning now is indicative of how perhaps the state
25 feels they have addressed the issues, or at least the most

1 obvious ones, and moved on. And also, frankly, I think a
2 reflection of priorities in the state. Perhaps in the same
3 way that we address funding for education. We get a lot --
4 we give in this country a tremendous amount of lip service
5 to the value of children and the family. But we don't have
6 any policies or funding that follows that concern.

7 MR. WALSH: Are there any other agencies in the state
8 that we need to once again look at and strengthen that may
9 have been diminished in the last 20 years?

10 MS. HUNKING: Well, I do believe that the State Division
11 of Human Rights, although still funded and operative, has
12 been effectively neutered because perhaps of a more limited
13 role being expected of them. There was a tremendous amount
14 of education that came out of that audit -- of that office
15 at that time. I haven't seen that happen since then.

16 In 1979 I filed a sex discrimination suit with the state
17 office based on employment discrimination, and wound up,
18 because I knew the law probably better than those who were
19 supposed to administer it, wound up going to Pierre and
20 virtually walking myself through the legal process. I won
21 that claim. I think it's probably the first and last claim
22 that was settled in that way. I won monetary damages.

23 But I don't see either the education or advocacy role in
24 that office, and I think that is too bad. Commission -- at
25 one time I was on the Commission of Indian Affairs, which

1 was both an educational and advocacy role. Then that
2 commission was diminished, reinstated. And I am not sure;
3 I couldn't make any judgments on its effectiveness or even
4 its role at this time.

5 I will say one thing relative to the Commission on the
6 Status of Women. At the time that the funding was in
7 doubt, we had established I think a tremendous relationship
8 with the Native American community, particularly its women.
9 And when that funding was in doubt, there were a number of
10 Native American women who came to Pierre to testify before
11 the appropriations committee. And one of them, Tillie
12 Black Bear, who I think some of you know, stated to that
13 group that it was the only agency in the state government
14 that the Native American at least trusted. And I think
15 that's too bad because we have lost that avenue of
16 dialogue. There were two or three Native American women on
17 that commission most of the time, and it was an invaluable
18 area for learning and dialogue.

19 MR. WALSH: Overall don't you think that we have made
20 tremendous gains, maybe not as big as you would or I would
21 desire, but since you served in the legislature or there
22 were -- 3 percent of the legislators were women. Now it's
23 25, even though -- 25 percent even though two years ago it
24 was -- it was 32 percent of the legislators were
25 women. Isn't that quite significant in -- isn't that

1 really where the changes take place?

2 MS. HUNKING: A good deal of it. I guess I didn't
3 realize that the percentages were that high. Are you --
4 you are certain of that? Okay. It ebbs and flows with a
5 lot of things that have nothing to do with gender, but a
6 lot of it does take place there. And until legis -- the
7 legislative body recognizes the needs and acts upon them,
8 they aren't going to be addressed legally, so that's, you
9 know, that is a problem.

10 But when there -- there is now a -- in existence a South
11 Dakota Advocacy Network for Women, which is a coalition, a
12 loose coalition of groups which deal with women's issues,
13 and they serve that advocacy role. But it's difficult
14 because it's an all volunteer -- there is no staff to
15 research. The complications of women's lives limits their
16 ability to get there and influence legislation.

17 But, yeah, the legislative area is one. The other place
18 I think that changes have to be made is in the education
19 field.

20 MS. BURNETTE: I have one question, and we will let you
21 go, Loila. In providing your history today of the
22 legislation and where women are at in employment, you also
23 coined the barriers of women, that women have had to
24 overcome, as subtle and pervasive. And in describing women
25 in public office and the biased treatment, if you will, or

1 the over-zealous treatment of the public to focus on the
2 women in public office, don't you think -- or what -- do
3 you think any strides that you have made or that women have
4 made in South Dakota have to be equally subtle and
5 pervasive to make a difference as opposed to what
6 traditionally would be acceptable behavior in advocating
7 for women's rights?

8 MS. HUNKING: It's interesting because in some ways I
9 think you are talking about style. I have always abhorred
10 women who seek to make their changes by manipulative
11 behavior. I have always been very straightforward and head
12 on, which, of course, has gotten me into trouble from time
13 to time. But I think that there are all kinds of ways of
14 making change. Let me point to the Sioux Falls school
15 system, if you will.

16 I did my master's thesis paper on women in education
17 administration. At that time there was only one female
18 superintendent in the South Dakota schools. And most of
19 the other women in administrative positions were directors
20 and coordinators as opposed to being decision makers.

21 When I went on the board and looked at the handbook of
22 the people who are administrators throughout the Sioux
23 Falls school system, there has been a tremendous change in
24 the last ten years. Tremendous. One of the things that --
25 observation that I made that may not be totally correct is

1 that of the school administrators in the elementary
2 schools. I would say that at least slightly more than half
3 of them who are women had doctor in front of their name as
4 opposed to the men administrators.

5 And if I can leave you with a quote that I had on my
6 desk for a long time, it probably explains why I
7 occasionally get into trouble. Women have to be twice as
8 good to get half as far. Fortunately that is not
9 difficult.

10 MS. BURNETTE: Perhaps we will take just a moment until
11 Ms. Hanson comes back in.

12 (Brief pause.)

13 MS. BURNETTE: Our next presenter is Candy Hanson of
14 Sioux Falls. And we are asking, Candy, that you introduce
15 yourself and tell us a little bit about yourself before you
16 make your presentation.

17 MS. HANSON: Okay. Thank you, Madam Chair and members
18 of the South Dakota Advisory Committee to the United States
19 Commission on Civil Rights. I'm happy to be here this
20 morning. My name is Candy Hanson. Rae asked that I tell
21 you a little bit about myself. I suspect that you are
22 probably more interested in the nature of my involvement
23 with women's issues in South Dakota, so that I will use
24 that as a focus.

25 I moved to South Dakota in 1970, and have lived here

1 ever since, in the mid '70s, I became active in a number of
2 women's issues, notably; working in the area of battered
3 women and domestic violence, served in various leadership
4 capacities for a number of organizations, and when the
5 ~~United States -- or the South Dakota Commission on Civil~~
6 ~~Rights --~~ on the Status of Women was not funded in the
7 early '80s, provided part of the leadership to get together
8 what is now known as the South Dakota Advocacy Network for
9 Women, and the offshoot of that ~~is~~ ^{is} which is the
10 organization I chair, the South Dakota Women's Network
11 Foundation. So I have been around women's issues in South
12 Dakota for a number of years, and probably will rely on
13 that experience today in giving you my impression of where
14 women are at with employment in South Dakota.

15 I would like to clarify again for you, a little bit more
16 in detail, the distinction between the Advocacy Network for
17 Women and the foundation itself. Both of them -- they're
18 sister organizations, ~~both~~ both of them are seeking to fill
19 information and communication gaps on women's issues that
20 were left when the state ~~no longer~~ decided to no longer fund
21 the Commission on the Status of Women. ^P The advocacy
22 network was founded first, in 1984. It unites 25
23 organizations, state and local organizations, in South
24 Dakota, and individual members to monitor and influence
25 public policy related to the 26 planks of the 1977 National

1 Plan of Action that was adopted during IWY, International
2 Women's Year. So the advocacy network is an activist
3 group.

4 The foundation that I chair is an educational and
5 charitable group that enjoys strictly a charitable status
6 with the Internal Revenue Service. We are responsible for
7 doing research and education on women's issues. That's our
8 mission. It's non-partisan, and strictly research and
9 education oriented.

10 To those ends, what we established as our board came
11 together were a number of goals. Some of those public
12 education goals we fulfilled by helping to sponsor the
13 National Women's Conference Committee annual meeting in
14 Sioux Falls a couple of years ago. And then, again, our
15 own research and publication efforts.

16 We hope to publish in this format "Issues Digest"
17 quarterly in South Dakota. It is not primary research.
18 It's secondary research. We like to think that we can
19 become a central clearinghouse for information on women's
20 issues, as you are doing here, explore a specific policy
21 issue, collect the data that is already in existence, and
22 publish it in a form that can be used by citizens and
23 policy makers during public debate and deliberations.
24 Ultimately we would like to get to the place of being able
25 to fund and sponsor primary research on issues affecting

1 women and their families in South Dakota. We haven't met
2 that goal yet.

3 Interestingly enough our second edition of "Issues
4 Digest" -- the first edition that was published is on South
5 Dakota women and their children. -- The next edition, the one
6 that is currently being researched and written, is on
7 women, jobs, and economic equity. I wish I had that to
8 share with you today. I wouldn't have to rely on what now
9 are only my impressions of how I see women in employment
10 and the trends playing out here in Sioux Falls and across
11 our state. But unfortunately you will have to rely on my
12 anecdotal input this morning.

13 I want to talk about three groups of women, and how I
14 perceive they are advancing in employment in South
15 Dakota. It's true I think in, you know -- as I look back
16 historically, certainly within the 20th century --
17 "extraordinary" women, women of extraordinary wealth or
18 extraordinary social influence or extraordinary
19 intelligence or extraordinary skills, have been able to
20 succeed in our society. I think in the '60s and the '70s
21 when I picked up with the women's movement, and certainly
22 in the '80s, what we saw were that "exceptional" women with
23 exceptional skills, intelligence, and more or less better
24 than average means, were able to succeed.

25 In fact, in the 20 years I have been involved in the

1 women's movement, it's hard now to look at South Dakota and
2 say, "well, what's the 'first' that I should go after," because
3 we've -- aside from the first governor, the first
4 congressional delegate, we have succeeded in becoming a lot
5 of "firsts" in South Dakota. We are now into the second and
6 third generation of legislators and county commissioners
7 and city commissioners, and people in public leadership
8 capacities in almost all of our communities. We are also
9 even, in some of the more progressive industries, into the
10 second generations of female CEOs, notably U.S. West, and
11 the publishers of the largest newspaper in the State of
12 South Dakota, the "Argus Leader" is the second women to be
13 in that position.

14 Now, I don't take that as evidence that the glass
15 ceiling has been broken and that it's going to be easy for
16 women to achieve those positions. Certainly we have. What
17 I do see, however, is that based on what I see in the
18 marketplace, I can assume that that glass ceiling may have -- --
19 cracked, but it's not been broken, because despite those
20 notable successes, these women now of modest means, but
21 considerable talent and energy, are following a different
22 track toward advancement. They are mimicking a pattern
23 that was set by immigrant families who moved here with
24 their talents and energies, and were blocked by "they don't
25 look like us, " they don't sound like us. And rather than

1 try and continue to challenge the system, learn^{ed} to invest
2 in themselves in small family enterprises. And I think as
3 you look, especially in the community of Sioux Falls, you
4 can see that pattern being repeated.

5 Women who have found that they were restricted in
6 established public and private enterprises have now begun
7 to invest in themselves. Our main street -- or our main
8 business area is three blocks long. It's Phillips Avenue.
9 If you go down Phillips Avenue, you will see over and over
10 again the small businesses coming in are businesses being
11 founded and run by women. And it is actually an explosion
12 I think that won't be hidden very much longer. I think
13 people are going to be able to catch onto that.

14 It's following another trend that we see economically in
15 our country, and^{that is} that job creation tends to be in the
16 service industry and it tends to be in small
17 businesses. And, again, these are women of modest means,
18 but considerable energy and talent who have taken the
19 opportunity to invest in themselves.

20 I see it again in legal practice. Extraordinary women
21 have been able to hang out shingles and open their offices
22 for years. Now we have two firms in South Dakota that are
23 small, but they are particularly talented, viable firms,
24 and they ~~are~~ consisted~~d~~ of women in partnership with each
25 other.

1 Another thing that you see happening in Sioux Falls that
 2 indicates this, ^{is that} ~~but~~ due to down-sizing in larger industries
 3 or because women are getting to positions within
 4 established businesses where they are topping out and they
 5 are not being able to go farther, you are seeing them turn
 6 and look at their own ^{self} resources and develop consultancies.
 7 And it's not unusual because I consult, and have for the
 8 last ten years with my own practice, it's not unusual for
 9 me to get calls. In fact, I had two within the last month;
 10 one person who's trying to move ^{up} ~~out~~-and-out and has topped
 11 out in her field, another who is the -- was a ^λ-victim of
 12 down-sizing in a large business ^λ-in her company ^λ-wanting
 13 information on ^{||} how do you do this, [?] how do I invest in
 14 myself and get out there. [?] ^{||}

15 So if the battle for that kind of woman in the 1970s
 16 when I entered the women's movement was over getting a
 17 credit card and a credit history in ^{her} ~~my~~ own name, the battle
 18 for these women in the 1990s will be for venture capital,
 19 construction loans, and credit lines in their own names.

20 The second group of women that I would like to talk
 21 about is the ^{||} statistically average ^{||} women. From the
 22 beginnings of our movement, one of the things we talked
 23 about when we talked about women in employment is that we
 24 wanted to see the day when the statistically average woman
 25 could be treated as equitably in employment as the

1 statistically average man; that it wasn't good enough to
2 let extraordinary --^{to} open the door for extraordinary or
3 exceptional women, but for the statistically average
4 women.

5 For those women who are remaining in established
6 businesses and public enterprises, the 1990s I believe will
7 see a renewed interest in the issue of pay equity,
8 an extension of the concept of equal pay for equal work. I
9 can't say or point to any progress necessarily that has
10 been made that I am aware of in South Dakota on that
11 issue. But I do[^] and I do think that women have reached
12 the point where they are beginning to understand how they
13 are being statistically segregated in jobs that do not pay
14 comparably to other jobs where males are traditionally
15 segregated. And so I see in the 1990s a renewed interest
16 in the issue of comparable ^{worth} ~~work~~ and pay equity.

17 There is a third group of women that I would like to
18 talk to you about this morning. And they -- this group of
19 women I think[^] are probably the ones who are most likely to
20 challenge discriminatory practices or be victimized by
21 discriminatory practices and have the least ability to work
22 toward changing the situations they find themselves
23 in. Both of the other groups that I have talked to you
24 about are women of some means. When we face these issues,
25 we have alternatives. We can invest in ourselves. We can

1 change jobs.

2 The trend in the last decade in South Dakota, at least
3 as we reported it and as we found the statistics when this
4 paper was published, was that ^{9/11} female-headed households, the
5 percentage of those households living in poverty grew over
6 the last decade. I think it's fairly clear just by doing
7 business downtown and visiting our city that the person who
8 waits on you at the coffee shop, the person that you drop
9 off your dry cleaning to, the person who checks out your
10 groceries at the grocery store is probably going to be a
11 woman. I mean, I'd bet money on that.

12 Because of the economy in South Dakota, they may
13 actually, as far as minimum wage, be doing a little bit
14 better than folks living in other parts of the
15 country. Minimum wage is at about ~~4~~^{\$}4.25. But for
16 an unskilled person coming to work in Sioux Falls, male or
17 female, the entry level pay is about 5 dollars an
18 hour. And I say that based on personal experience with
19 businesses that I work with and have an interest in.

20 That ~~10~~^{\$}10,000 -- average 10,000 dollars worth of income ^{is}
21 still not enough to reach the 12,000 dollar market basket
22 living allowance that was -- that the University of South
23 Dakota reported out a couple of years ago as being
24 necessary to minimally support a family of four in South
25 Dakota. So women in what -- I see trends with women in

1 this kind of category.

2 If they are single women and not heads of households,
3 what I do see is a trend that they work two jobs. They
4 work a full-time job to pay the rent and pay for their
5 basic needs, and they work a part-time job to have
6 something to set aside or have something to -- to enjoy
7 life with, to improve the quality of their life.^{TP} Those
8 women who are heads of households have obviously a greater
9 struggle because -- largely because of the issue of child
10 care and needing to find and pay for that. They don't have
11 that kind of opportunity to invest in themselves by working
12 more hours. And this group of women I think are -- is
13 obviously the most vulnerable.

14 I think the civil rights issues that they will -- civil
15 rights problems that they will experience will have to do
16 with two -- two situations in which I think they are
17 particularly vulnerable. The first is that they are
18 vulnerable to having to stay in jobs where they tolerate
19 disrespectful working conditions. It's an obviously hot
20 issue in our country, sexual harassment, but when you are
21 dependent on that income, and you do not have resources and
22 the only thing you may be able to turn to is the
23 benevolence of family and friends, you are likely to find
24 yourself trapped without alternatives, and to put up with a
25 lot in the way of disrespectful working conditions on the

1 job. I think it's a big concern.

2 The other area I think where this group of women is most
3 likely vulnerable is in the issue of housing. And this is
4 something that has come up in our community^λ and within the
5 last year, there has been a lot of activism on. And it
6 didn't even occur to me until we were several months into
7 the issue of housing -- problems related to housing^λ -- how
8 much a women's issue this is because ~~there~~^{the} women in this
9 kind of employment situation are typically renting homes,
10 and they are renting at the low end, and issues over the
11 safety of the condition of their home, and what they
12 tolerate again with disrespect perhaps in relationships
13 between themselves and landlords is a great concern. If
14 you do not have the resources to pick up and move, you
15 tolerate.

16 If you complain -- in South Dakota there is no provision
17 against retaliation^λ -- so that if you complain about unsafe
18 living conditions or the landlord who wants to come over
19 and check your electric lights at 11:30 in the evening, you
20 have nowhere to turn. You have to face the prospect that
21 you may indeed be evicted.

22 So those are the two -- the most vulnerable group I
23 see. Those women who are -- are taking up many of those
24 part-time and full-time low end paid positions, and are
25 extremely constrained when it comes to meeting basic human

1 needs. They are very much at risk, and I see that risk
2 playing on those two areas of their lives. Thank you.

3 MS. BURNETTE: Thank you, Candy. We will entertain
4 questions.

5 MR. POPOVICH: I have -- I guess when you talked a
6 little bit at the beginning, you spoke to the feeling of
7 harassment and battered women. You didn't comment much on
8 that, but do you feel that there is a feeling in the work
9 place that if these women complain, that they will be
10 released as well? And have you -- have you seen that
11 yourself?

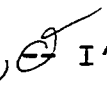
12 MS. HANSON: I will separate out those two issues; the
13 issue of domestic violence and the issue of sexual
14 harassment.

15 On the issue of domestic violence, I happen to be a
16 consultant in group process, and one of the things that I
17 will do for companies is to come in and do focus groups.
18 And I don't think the agency that I work with would mind my
19 sharing some information from one of those.

20 Earlier this year we got together a bunch of -- a group
21 of [^]employers in Sioux Falls, and we asked them -- we were
22 trying to figure out what their job training and employment
23 needs were. During the process of discussing things with
24 them, we found out that their major concern was not over
25 job training and employment issues. They said, ^{!!}give us

1 somebody who is basically literate and who has some social
2 skills, we will train them for these jobs. What we are
3 concerned about are family relationships that affect work
4 performance. // And that issue is highly rated. We tried in
5 the -- that was based on the survey.

6 We tried in the focus group to get them to tell us what
7 they thought was going on as evidence of that kind of
8 situation in a family. They point to repeated phone calls
9 from children or spouses, spouses showing up at work. It
10 gives them as employers some indication that there is
11 dysfunction, and in some cases some reason to expect the
12 situation may be abusive. Yes, domestic violence does, I
13 believe, have an impact on women and their ability to hold
14 down jobs. I can't tell you much more than that.

15 On the issue of sexual harassment, I am truly not,  I'm
16 truly not, sure how that will play out. I suspect based on
17 my experience in the '60s with the issue of child abuse and
18 in the '70s with the issue of spouse abuse, that just as
19 our society finally admitted that those were problems, we
20 saw an explosion in the statistic of reporting. And I
21 suspect that based on the fact that our society is now
22 recognizing and admitting to something that has been
23 covered up for years, that you will see that same growth in
24 the statistic of people willing to report. And I am not
25 sure, to tell you, whether that means there is more of it

1 or there is just more being reported.

2 MR. POPOVICH: The human services shows that there isn't
3 a large percentage of people reported. But yet do you feel
4 that maybe there is more, or historically do you feel the
5 legislature has done a better job of recognizing it, or are
6 they still on the fence? I guess I'm asking you from a
7 historic perspective as well.

8 MS. HANSON: You know, I -- it's been a long time since
9 I have looked at laws like that. I actually, in one of the
10 jobs I held a few years ago, was involved with a case like
11 that, and ended up knowing a lot about the victims, and
12 knowing a lot about what the victims thought, and how they
13 handled the behavior that they were concerned about prior
14 to the time that they reported. And I know in that case, I
15 think we had counted and gone back and found at least ten
16 other incidents involving ten other women who just simply
17 thought it was easier not to report it, ^{and} or two women said,
18 // huh-uh, this has gone on long enough, we are going to.

19 // So, I mean, that may give you some indication of the
20 level. I think I would stick by that; that we could find,
21 ~~or~~ when we finally became aware of it, we could find ten
22 instances where we could say, // that was definitely
23 inappropriate, // and only two then who were willing to say,
24 // and I'll report it. // At that time I didn't think that there
25 was necessarily anything that I would change about the

1 laws.

2 I have a philosophical problem. I mean, I agree that I
3 would like to protect victims of rape, of sexual
4 harassment. On the other hand, because a lot of those
5 procedures, especially sexual harrassment charges, are
6 closed to the public, the outcomes are hidden, okay? And
7 in some ways it makes it harder to convince the next victim
8 to come forward because there isn't a public exposure, and
9 we don't know who's brought to justice, you know, and what
10 the outcomes are. So I think that that will continue to be
11 a stumbling block, more so than legislation. It's that
12 reluctance to expose one's self to public scrutiny. And I
13 understand that ^{and} would be very protective of the victim in
14 that sense, and on the other hand, it doesn't serve public
15 understanding or public policy very well that settlements
16 are done in private and we don't know the outcome.

17 MS. BURNETTE: The question of lack of public
18 consequence for complaints filed is something that we hope
19 to look at, but given the time, thank you for your
20 presentation. And if you would like to stay until break
21 time and give the other panelists an opportunity to thank
22 you themselves, that would be great.

23 MS. HANSON: Thank you very much.

24 MS. BURNETTE: Our next presenter is RoAnn Redlin,
25 lobbyist, South Dakota Advocacy Network for Women. And,

1 RoAnn, welcome. If you would introduce yourself and tell
2 us a little bit about who you are and --

3 MS. REDLIN: Morning, Madam Chairman, members of the
4 committee. My name is RoAnn Redlin. I am a lobbyist for
5 the South Dakota Coalition Against Domestic Violence and
6 Sexual Assault. I am representing over 21 domestic abuse
7 shelters across the state, so I was very interested to hear
8 your question on that subject. I do have some statistics
9 with me today from the Department of Commerce. I'm also
10 the lobbyist for the South Dakota Advocacy Network for
11 Women who you have just heard from also. That is a
12 professional organization, including -- women who work in
13 the home, lawyers, doctors, nurses, and teachers are all
14 members of that organization.

15 My own position as a lobbyist in a male oriented
16 legislature gives me a unique position to comment on the
17 status of women across the state as I work in Pierre and as
18 I talk to the many women that come to tell their stories in
19 Pierre.

20 Just for my own information, I called the Secretary of
21 State's Office one day to find out how many lobbyists were
22 male and how many lobbyists were female. We do have 575
23 registered lobbyists in the state, one of the most lobbied
24 legislatures in the nation I found out. Less than 14
25 percent of those positions are held by women. And of the

1 14 percent, I am the only woman^a that works full-time
2 lobbying on women's and children's issues. So that was a
3 real eye-opener to me when I found that out.

4 Some of the remarks I would like to address to you today
5 concern domestic violence, sexual harassment, particularly
6 in our schools. I think that is a real problem. I think
7 probably today you are going to hear a lot about the glass
8 ceiling. I would like to go to the very other end of the
9 spectrum and talk about the sticky floor, or the fact that
10 most women do not get into the work place at all.

11 As I mentioned, I represent 21 shelters across the
12 state. They are full every night. Most of them are
13 full. Children's Inn in Sioux Falls, every bed is full
14 every night of the year. I talk to Marlene Weires, their
15 director. I used to compile statistics across the state
16 for the shelters. And she told me that her statistics
17 can't get any higher because every bed is full every night
18 of the year. Aberdeen, same situation. Sometimes they
19 even take extra women, double up in rooms and whatnot. The
20 Rapid City shelter is in practically the same situation.
21 Every bed is full every night. So we are talking about a
22 large percentage of our population that are not in the work
23 force whatsoever. They are in our shelters.

24 I also called the Department of Commerce this morning to
25 find out how many women have contacted shelters in the past

1 year. They ^agive me a figure of 11,650 women and
2 children. That is a large part of our population that is
3 being sheltered, that's not getting to the work place, that
4 is not -- are not even applying for jobs. So I think we
5 really need to consider those women as well when we have
6 our discussion today.

7 I myself work with a Vermillion shelter for abused women
8 and children. A large part of my job is referring these
9 women to job training. Once we get the family stabilized
10 and get the children back in school, our very first
11 priority is to get the woman back to work to be able to
12 take care of her family by herself, because obviously she
13 has left the financial support of her abusive ^{Spouse} ~~support~~.

14 I refer many women to GED classes to get their high
15 school diploma so they can at least apply for an entry
16 level job. Most recently, just to give you a case study, I
17 sent a 61 year old women who had survived a 42 year
18 marriage of abuse to Green Thumb. Green Thumb immediately
19 placed her in computer training. She is learning computer
20 skills. My concern is when she is finished with this
21 program, what are her chances of getting a job. Will she
22 be discriminated against for being an older worker?

23 So I have to be real honest with myself when I refer
24 these women to what kind of chances we are giving them when
25 we do send them back out in the work force if they are not

1 adequately prepared to meet today's high techs -- technical
2 demands.

3 Our campuses are growing larger and larger, too, with
4 non-traditional students. Many women are starting
5 over. They are either getting divorced, leaving abusive
6 situations.

7 The very nature of domestic violence holds a pattern of
8 isolation. The abuser will isolate the woman. Either she
9 is home raising the children for many, many years -- some
10 of our rural women are really in tough situations. When
11 these women start over, they have no marketable job skills.
12 And it's very, very tough. I think that is one of our
13 segments of the population we really need to support, get
14 them some training so that they at least have a fighting
15 chance when they get back in the work place.

16 I work with another woman who escaped a violent
17 marriage. She is much younger. She has three young
18 children. What she is doing right now, we placed her with
19 Sesdac (sp) which has a program for developmentally
20 disabled clients. Because of the situation of her divorce,
21 she has no vehicle. Every morning she rides a bicycle with
22 a contraption attached and she puts her three children in a
23 wagon that is hooked to the bike. She pedals off the road,
24 she drops her three kids at the baby sitter, and then
25 continues on to work. I don't know how much longer she is

1 going to have that get-up-and-go to get up every morning
2 and go through this procedure just to get to work. Where
3 is the incentive for that woman to show up at work on time,
4 to compete, to advance herself in the work place?

5 The court decision that came down in that divorce did
6 mandate the abuser to provide her with a reliable vehicle
7 by 5:00 o'clock the same day as the court hearing. Sure
8 enough, at 5:00 o'clock an old broken-down Fleetwood showed
9 up at the door with the muffler in the trunk. And the car
10 was registered in the abuser's girlfriend's name. So this
11 woman does not have reliable transportation to this date.

12 And I think we need to hold our court people accountable
13 for these kind of decisions in divorce cases. I think
14 judges need to give equitable distribution of property
15 settlements. I think they need to realize that most of
16 these women are going back to work after many, many years
17 of being home. I think we need to hold those people
18 accountable to realize each and every situation is
19 different; that women deserve a fighting chance to get back
20 in the work place after being home for many years.

21 I am not blaming all the judges, but I would like them
22 to educate themselves on these specific incidents of
23 domestic violence, of the patterns of -- the dynamics of
24 domestic violence, the dynamics of a divorce. I think we
25 all know the statistics that a woman in America that gets

1 divorced reduces her salary at least by 50 percent, and a
2 man will usually slightly increase his salary after a
3 divorce. You know, those are the facts. And I think we
4 need to take this high risk population of women and really
5 put some work and energy into promoting them back into the
6 work place. So, again, I'm talking about people that
7 aren't even into the work place, that we are just grouping,
8 getting ready to go back into the work force.

9 Because I am a lobbyist, I tend to look for enforcement
10 of current laws and the creation of new laws. I have been
11 lobbying for about five years now. In my first year of
12 lobbying I thought if we just change the laws, then this
13 will take care of everything. And the longer I lobbied,
14 the quicker I realized that we have the laws on the books
15 that we need. We just need to enforce them.

16 I sat in on a summer study committee on domestic
17 violence and sexual assault this summer, and there was some
18 excellent testimony, particularly by Jeff Bloomberg,
19 state's attorney in Deadwood, who said that we have 90
20 percent of the domestic violence laws that are considered
21 ideal in this nation. We have 90 percent of them in this
22 state. And I credit some of the women that lobbied before
23 me on the mandatory arrest, for example. I credit those
24 women with those changes. At the same time, I think
25 enforcement of those laws is extremely, extremely

1 important.

2 I think you will hear a lot about affordable day care
3 today. I would like to add my two cents. I think that is
4 a priority. I myself have two small children. It costs me
5 1 dollar 50 cents per child per hour for day care. That
6 means I have to have a job that pays me at least 3 dollars
7 an hour for me to walk out the front door in the
8 morning. That is not including my transportation, my
9 lunch, my wardrobe and whatnot. I do have an education. I
10 have a few more -- a few more advances than some women that
11 aren't in this situation. So I can't imagine what it's
12 like for a woman with no education ^{who} ~~that~~ has three or four
13 children. If she is paying anywhere near the same price as
14 -- I assume she is -- I am for day care, that is a real
15 deterrent to walking out the front door in the morning. So
16 I think you will hear a lot about day care today. I would
17 like to just say that I support that idea.

18 I think that is one of the real necessary components of
19 this whole study, is affordable day care and, again,
20 affordable housing, as Miss Hanson told you. We have got
21 to get these basics before women are going to want to join
22 the work force. We have got to put a roof over their head,
23 ~~you know,~~ food on the table, and a place, safe place for
24 their children to go. So I think those are real
25 priorities. I think you will probably hear quite a bit

1 about that today.

2 When I was researching my remarks for today, one of the
3 biggest problems I think with the work I do is sexual
4 harassment, not in the work place, but in the schools. I
5 get calls every week from concerned parents. I work on a
6 hotline, so I get some kind of idea of what is out there.

7 The number one cause and complaint I'm getting on the
8 hotline ~~are~~^{is} sexual harassment with our young women in
9 schools. Parents are calling me, and they are absolutely
10 frantic about this situation. I had no idea how big it
11 was, how pervasive it was, until I started going into the
12 schools.

13 I teach date rape prevention and dating violence
14 prevention in the middle schools and high schools. And
15 when I go into those schools, I hear from the students,
16 from the teachers, and I witnessed myself levels of sexual
17 harassment that are frightening. And I don't know -- I
18 think education and prevention is the key to this, and
19 that's what I try to do when I go in the schools.

20 I taught 200 Girl Scouts dating violence prevention last
21 spring in Sioux Falls. When I was done with my remarks, a
22 woman came up to me and she was almost in tears, and she
23 said my daughter is afraid to go to school every day. And
24 this is in Sioux Falls. I said what's the situation? She
25 says -- and her young daughter was with her, and her young

1 daughter did indeed have tears in her eyes. She said the
2 boys have tag teams, and they run up-and-down the halls and
3 they pinch breasts and buttocks, and they get points. And
4 I am scared to go to school, to be in the halls when I'm
5 not in class.

6 I said, "this is outrageous. We have mandated sexual
7 harrassment policies in South Dakota. All you need to do
8 is talk to your administrators." She said, "I have over and
9 over." I said, "what about the other parents? Can you get
10 them together, can you organize, can you go to your school
11 administration." She says, "we have tried to do that." I
12 said, "well, there is federal funding that is affected by
13 this. Schools can lose federal funding if they don't
14 address sexual harassment. Did you know that?" She said,
15 "yes, we have talked to them about that."

16 So I am submitting to you that our administrators are
17 not acting responsibly to sexual harassment charges. I
18 think they need to educate themselves. I think they need
19 to take those charges very, very seriously. It must be
20 virtually impossible to excel in learning when you're
21 facing those kinds of peer pressures every day.

22 And, of course this behavior is going to spill over into
23 the work place if we don't address it in the early grades,
24 in the middle school grades. These young men are going to
25 carry these attitudes into the work place. It's very hard

1 to unlearn attitudes. In the most recent studies, you are
2 probably familiar with some of them-- one specifically by
3 Carol Gilligan, the AAUW study "Short-Changing Girls,
4 Short-Changing America," shows how with young adolescents
5 in school, as young women approach the sixth grade, they
6 lose their self-confidence and self-esteem; whereas young
7 boys improve in that area.

8 There are a lot of factors involved with that. Teachers
9 calling on young boys more often, validating their answers
10 more often. A lot of personality traits in women; that we
11 are self-sacrificing, that we tend to be peace-makers, that
12 we are not taught to self-promote. And all of those
13 factors go into some of these studies.

14 But I think it needs to be explored even more because
15 when you take these young women, and you take away their
16 self-confidence in the learning situation in our public
17 schools, that is going to follow them out into the work
18 force, too. These women are going to be afraid to
19 self-promote again. They are going to be afraid to apply
20 for that advanced position. They are going to be afraid to
21 compete for the real advanced jobs. So I think we need to
22 really do some early intervention in the schools, some
23 early education and prevention.

24 As I said, I do believe we have some of the best laws on
25 the books now, although I always think we can improve. And

1 I did notice, I just wanted to end with this, that there is
2 some legislation being introduced on the federal level
3 which lists a string of concerns from elementary schools
4 who call on boys more than girls, to high school
5 environments which discourage girls from taking math,
6 science and computer classes, to sexual harassment, to
7 inequities in sports. It is a four-part bill that is just
8 being introduced now, but I'm really glad to see that some
9 of these issues are being addressed.

10 Thank you for this opportunity. I would be happy to
11 answer any questions from the committee.

12 DOCTOR BUTLER: Could you tell a little bit more but how
13 you began your program in the schools.

14 MS. REDLIN: Yes, I would like to address that. It
15 wasn't a question of me taking my program to the
16 schools. It was a question of them having incidents
17 happening that forced them to call me for advice. All of
18 the shelters across the state do have educational programs,
19 and we all go into the schools. And it's a matter of being
20 asked to go into the schools. And usually it takes
21 an incident, and then they will call us.

22 MR. VAN PATTEN: I would like to ask, your comment about
23 the laws in connection with the domestic dissolution, the
24 divorce, those laws you perceived as being adequate, but
25 not fully enforced, why aren't they enforced? What's the

1 problem? Is it economic -- they can't afford a lawyer --
2 or what is the problem?

3 MS. REDLIN: Basically part of the time that is what it
4 is. The woman can't afford good representation. Many men
5 tend to do a little better in hiring good counsel. They
6 just tend to have better resources, and they tend to seek
7 out better counsel. A lot of my cases are women that can't
8 -- my own attorney right now is taking on five pro bono
9 divorce cases for women.

10 I do think the laws as far as divorce can be improved
11 upon. I do think the domestic violence and sexual assault
12 laws we have are very good, and they need to be enforced.
13 We do have a couple bills coming out out of the summer
14 study for this legislative session that include a
15 rebuttable presumption that awarding custody to the
16 batterer is not in the best interests of the child. So
17 legislation like that. But I think basically it's
18 an economic issue.

19 MS. KIM: I have a question. And I am just delighted to
20 see this women's organization working for the betterment of
21 women's status. But for most women this information is not
22 really disseminated. Are you listed in any telephone
23 directory or --

24 MS. REDLIN: Yes.

25 MS. KIM: -- state agency directory?

1 MS. REDLIN: Yes. I think we are getting the word out
2 more and more. I think the attorney general, who has had a
3 lot to do with the victim compensation program, ^{is helping} his strong
4 pro-victim stances, ^{ex.} all of the shelters are required by
5 their funders to be listed in the telephone book. We are
6 also required to have a 24-hour hotline that is listed in
7 the newspaper. And Children's Inn, you are very lucky to
8 have that organization in Sioux Falls. I think they have a
9 high profile, and they do a really good job with that.
10 But we are required to list our services in the newspaper
11 and in the phone book. Of course in rural areas, it could
12 be a problem, you are right.

13 MR. POPOVICH: You mentioned that South Dakota has some
14 of the best laws in the nation as far as domestic violence.

15 MS. REDLIN: Yes.

16 MR. POPOVICH: But yet they are not being enforced.
17 Where do you see that changing? How do you see that
18 changing?

19 MS. REDLIN: I think mandatory education for law
20 enforcement officers, which is another bill we are
21 introducing this session, is vital to that. State's
22 attorneys are included in that bill, and to their credit,
23 because of separation of powers, the judges and state's
24 attorneys removed themselves from that bill, and the
25 state's attorneys have asked to be included, re-included in

1 the bill. The judges, however, did not because of the
2 separation of branches. But I think mandatory training
3 coming out of DCI, coming out of the AG's office, is vital
4 to that, to enforcement of those laws.

5 MS. BURNETTE: Thank you very much. We will now take a
6 short break until 11:50, and we will start promptly at
7 11:15 -- 10:50. I would like it to be 11:50. Thank you.
8 (Recess at 10:30 a.m.)

9 DOCTOR BUTLER: Your Honor, ladies and gentlemen, it's
10 now my pleasure to present our esteemed chairperson, Rae
11 Burnette, director, Sioux Falls American Indian
12 Service. And I would ask you if you could give us a little
13 personal background.

14 MS. BURNETTE: Certainly. My name is Rae Burnette. I
15 am a member of the Rosebud Sioux Tribe. I was born and
16 raised on the Rosebud Indian Reservation. I have lived in
17 the Sioux Falls community since 1979, and will be providing
18 as a Native American woman my perceptions on Native
19 American women in the work place here in the urban area
20 specifically.

21 I am a single mother, and prior to moving to Sioux
22 Falls, I resided in Rapid City where I became friends with
23 the west river folks here. So I have experiences of
24 working with the Native American community in Rapid City as
25 well. So I come to you with just my knowledge of who I am

1 as a tribal person and my experience in those environments.

2 And I would preface my remarks today by asking that
3 Madam Chairman keep me on task. I don't have anything as
4 formally prepared as the predecessor speakers did. And
5 they did a wonderful job. I will leave it up to my Native
6 American sisters who will follow me to give you the details
7 of their perceptions from their tribal communities and what
8 they have seen as to support. And I will be glad to submit
9 something in writing to bring my scattered thoughts
10 together for you.

11 In trying to do a little bit of research and amongst a
12 variety of activities that I am involved in, I thought it
13 was important to note, even though you have the data in
14 front of you, but for the benefit of the participating
15 public today, that out of the approximate 700,000 people in
16 the State of South Dakota, we do have a little over 50,000
17 Native American people according to the 1990 U.S.
18 census. In Sioux Falls itself specifically, not the SMSA
19 or Minnehaha County -- we have approximately 96,245 people
20 in Sioux Falls proper, and out of that, according to the
21 U.S. census, approximately 1500 of those are Native
22 American people residing in this community.

23 And my work in American Indian Services uses data
24 collected from service providers in this city, and through
25 our own community needs assessment that was last conducted

1 in 1982, and we need to -- no, it couldn't have been '82.
2 I wasn't here yet. 1988. I can tell you that we estimate
3 at American Indian Services using data from the school
4 district counts, the service providers in this community,
5 that we have an average of 2,000 to 3,000 people throughout
6 different seasonal time frames, if you will, that reside in
7 this city.

8 I was reading a Chamber of Commerce journal that is
9 submitted to -- to other industries outside the State of
10 South Dakota, if you will, in their quest to get people to
11 move to our city, that there are -- there was cited from
12 the Chamber of Commerce journal that there were 10,000 --
13 excuse me, that in the past three years, 6,200 jobs were
14 created in this community. Then they go on to cite, out of
15 the same journal, that every day nearly seven new jobs are
16 created. I don't know which one of these are true because
17 they don't necessarily add up. But we heard this morning
18 from three different presenters, one in particular, about
19 job classifications in this community in particular. And
20 we indeed in Sioux Falls are becoming a highly service-
21 orientated industry in terms of jobs that are made
22 available to the people in this community.

23 I had my staff do a short survey of five of the major
24 employers in this community. And I might preface my
25 remarks by saying all their personnel offices were very

1 amenable to giving me the kind of information that I wanted
2 which was -- which was -- they were not as amenable, the
3 office themselves, not necessarily the people in those
4 offices today, were not as amenable seven years ago when I
5 asked for similar information.

6 But out of the seven major employers or seven of the
7 largest employers in the city, there was approximately
8 10,000 jobs that we were looking at. Those -- those six
9 people that we called have 10,000 jobs in their pool. Out
10 -- which included both full-time and part-time
11 positions. Out of those 10,000 jobs, 5,900 of them were
12 held by women. A little over half of those 10,000 jobs
13 were held by women by six of our major employers in this
14 city. Out of those 5,900 women, 27 are Native American
15 women.

16 Now, I suspect that employers will tell you that those
17 27 Native American women meet their affirmative action
18 requirements that they are required to meet under Title VII
19 which requires us to have 15 or more employees over more
20 than 20 weeks, if that is correct. They will tell you that
21 they are meeting their affirmative action requirements with
22 their 27 Native American women. And I would submit that
23 part of the difficulty in looking at women, and
24 particularly Native American women, is that other minority
25 groups can be included in their EEO-4 reports in meeting

1 their requirements. So that the necessity to actively
2 recruit and to hire Native American women are not -- is not
3 necessarily true because of the 1.5 percent that the U.S.
4 Census -- that employers use to create affirmative action
5 plans, that 1.5 percent that -- they meet that easily. So
6 the effort to hire and the intent to hire Native American
7 women is -- is not necessarily an important factor in
8 recruitment or hiring per se.

9 I found it interesting this morning listening to Miss
10 Redlin when she said she really wanted to talk about the
11 sticky floor as opposed to the glass ceiling because
12 certainly the typical profile for the Native American woman
13 from my experience, and my Native American sisters may
14 dispel that, but my personal experience is that the typical
15 Native American woman who resides in this community in
16 particular is a single mother, little to no education or
17 training, has more than three children, and is living below
18 the poverty standard. That is in my opinion what the
19 majority of Native American -- the status of the majority
20 of Native American women in this community, which if you
21 take that typical profile of the women in this community,
22 the Native American women in this community, and you
23 compare that to what I spoke of earlier about this
24 community in particular becoming a highly -- more of a
25 service-orientated industry with the average hourly wage of

1 five dollars an hour, which requires little or no
2 experience with the training component included in that, I
3 would submit that the status or profile would fit -- would
4 indeed fit the demand for those service industry jobs that
5 are available out there.

6 You know, we have heard this morning about other
7 barriers of women to employment that deal with child care,
8 that have dealt with transportation. You know, those are
9 the two that I can think of. And I would submit that you
10 add to the transportation barriers, the child care
11 barriers, you add to that the cultural barriers that Native
12 American women may bring to the work place as an added
13 hinderance. So generally tribal women can get to the door,
14 and they can get their foot in the door, but tribal women
15 cannot get through the door. We are generally waiting in
16 line. And I think it's important for me to give you much
17 -- my opinion, if you will, and I would leave it up to this
18 commission to decide -- to do your research and find out
19 whether it's true or not.

20 Employers generally -- when you go in and fill out
21 an application, you are asked voluntarily to tell them
22 whether or not you are a minority, you consider yourself a
23 minority or not. Employers use that to justify and to
24 report into EEO-4 saying they are meeting their
25 requirements as set by Equal Employment Opportunity, and

1 their requirements. So it's -- for a tribal person, that's
2 -- my perception, that is a catch 22.

3 We are used to -- we are used by the employers so that
4 they can demonstrate to the federal agencies that they are
5 indeed meeting the requirements, and they don't need to be
6 looked at, but in reality, they are not hiring them. They
7 can say that they got so many applications, they can say
8 that they screened them, they can say that they interviewed
9 them, but the bottom line is race is the criteria. You
10 take a non-Indian woman with the same profile and an Indian
11 woman, and nine times out of ten, if not a hundred percent
12 of the time, the non-Indian woman will get the job.

13 Now, you take the non -- the male and a tribal woman,
14 and it's definitely a hundred percent of the time that the
15 white male will get the job with the same profile. And
16 that -- that presumption I will leave to the committee as
17 well to prove.

18 I might say, though, that there is some progress in this
19 community, not necessarily geared toward women, but an
20 effort by just two in particular private corporations that
21 are beginning to take a real serious look at diversity in
22 the work place.

23 Since the new -- the new political administration has
24 come to fruition and reality in this country, I was always
25 quite humored, if you will, by the plea that his work place

1 should reflect America. I always say that is high gloss
2 stuff and, you know, it sounds good, but the reality of it
3 will not be realized, I fear. And for South Dakota, that
4 is going to be a long time coming. And with respect to our
5 late Governor George Mickelson and the verbal effort and
6 blessing from our now Governor Miller in asking South
7 Dakotans to join with the tribal people of this state to
8 reconcile, to understand, to work together, cultural
9 diversity has become a perk word if anything. Cultural
10 diversity, multi-culturalism, understanding, pluralism.

11 I mean it's all -- they are all really nice words, and
12 corporations like to talk about them in their mission, but
13 the reality of those missions are something else. And I
14 find today in my experience in this community that very few
15 people walk what they talk, and it is up to the protected
16 classes to work, as Miss Hunking stated earlier in her
17 presentation that I found interesting -- that as a tribal
18 woman working in this community and living in this
19 community, I find my progress and the progress of the
20 Native American community to be more effective while I work
21 subtly and not openly because people don't like to be
22 reminded of their behaviors that are not positive, and that
23 that can be applied to women as well. So the sticky floor
24 concept indeed is -- is the most prevalent issue facing the
25 Native American woman as far as getting us through the door

1 in the work place.

2 The other factor that I find real interesting is not
3 necessarily the sticky floor, but when we -- for tribal
4 women who are educated, who can get up and articulate their
5 message, their issue, their jobs, their opinions, what we
6 often find -- who have become through years of acclimation
7 and performing along with their white sisters may be not --
8 not just a hundred percent, but I find that Native American
9 women in all communities, including tribal communities,
10 have to perform at 150 percent to maintain the same
11 acceptance level as their non-tribal peers in the work
12 place. And I -- I find that discriminating in the sense
13 that the expectation that as minority women, that we have
14 to work harder to prove ourselves to be given the same nod
15 of encouragement and acceptance is to me very
16 disarming. And that I find very resentful. But, again,
17 subtly and internally, I have worked through those issues
18 as a reality that I can't make go away; that collectively
19 tribal women and tribal people who are essentially
20 powerless in this state and in this community, that's the
21 truth, and we have to do the best that we can.

22 So for educated tribal women working off the
23 reservation, our access to middle management jobs, our
24 ability to be promoted in private corporations or public
25 corporations, public -- public -- the public sector are

1 less. It seems as though society and organizations
2 collectively become not necessarily -- to use the old
3 Clarence Pendleton phrase -- color blind, but it seems as
4 though once a person, a minority person or a minority woman
5 is able to maintain their status and their -- their work --
6 their -- their work status and their personal status in the
7 community, that after a while that person is no longer, by
8 dominant society, viewed as a minority person. And they
9 strip the identity willfully, and without the -- without
10 the permission of that minority person who has been forced
11 to, you know -- who has worked very hard to acclimate
12 themselves to that community.

13 And that is another disturbing factor that tribal women
14 perhaps have -- or women of all color have -- have to face
15 working in a community. And it's more so prevalent for
16 Native American women in this state than anything. And
17 that's discouraging, but, again, it's a reality. And
18 perhaps that's a reason why more Native American women who
19 are educated and who would contribute fully to the
20 well-being of a community do not move off the reservation
21 to a community.

22 So if I have any time left, I will entertain questions.

23 DOCTOR BUTLER: Would any of the committee members have
24 questions of Rae at this time, staff persons?

25 MR. MULDROW: Rae, you mentioned that Native American

1 women who do get a job have to work a 150 percent of
2 capacity to stay at that position or to acquire a position.
3 More and more Native American women are acquiring skills
4 and education in the tribal college system and other
5 places. Are they able to find jobs commensurate with their
6 education when they apply for them? And those who are
7 hired, are they hired at a level that recognizes their
8 skills and education?

9 MS. BURNETTE: I will focus my response to the tribal
10 college premise that you -- that you have raised. Tribal
11 colleges through Congress -- Congress recognized the need
12 for tribal colleges to start because I would believe -- I
13 don't know, I think I was too young when that bill passed,
14 but the difficulties for tribal people who have been born
15 and raised on the reservation to leave their environment,
16 to go off the reservation to college, the barriers and the
17 difficulties were tremendous. And to educate and to
18 provide higher education opportunities for tribal people
19 within their cultural environment that they were familiar
20 with was one of the goals I believe of the tribal colleges.
21 And I hope that we will have some presentations by
22 representatives from tribal colleges later.

23 But what -- that goal for tribal colleges was to educate
24 tribal people on -- within their home environment, and to
25 place them in the work force. And to my knowledge, that is

1 happening. And I believe tribal colleges are educating
2 more women, you know. More tribal women are earning
3 degrees than men on reservations through the tribal
4 colleges, and they are being picked up within by the
5 institutions on the reservation which was -- one of their
6 goals were. So I would suggest that the tribal colleges
7 are meeting their goals, and fulfilling their goals by
8 providing tribal people with higher education opportunities
9 without having to suffer the culture shock, you know, adapt
10 to mainstream norms.

11 MR. MULDROW: Some of them undoubtedly make an effort to,
12 you know, get jobs off the reservations. Are they more
13 employable because they can come this direction? What is
14 the --

15 MS. BURNETTE: In my experience in this community, I
16 have not had one request for employment where the grad --
17 where the woman was a graduate from a tribal college. And
18 I would suspect that the women do not leave the reservation
19 to look for employment opportunities off the reservation.

20 MR. MULDROW: Because of what you have indicated,
21 problems that are entailed in breaking into industry, is
22 that the reason, or is it because --

23 MS. BURNETTE: I think it's cultural, Bill. I think
24 it's cultural as opposed to leaving, you know, a home
25 place, meaning the reservation as a whole and your extended

1 family. I think there is a lot of cultural attributes and
2 aspects that are taken into consideration. And, you know,
3 certainly I think any tribal person or woman in particular
4 that has been born and raised on the reservation,
5 regardless of whether they leave or not for a short period,
6 eventually do return because their cultural identity is so
7 positive.

8 MR. MULDROW: You are something of an exception to that?

9 MS. BURNETTE: No, I'm not.

10 MR. VAN PATTEN: Rae, can you just expand on that a
11 little more. Can you just tell me, what do you mean when
12 you say that the culture presents a barrier? What does
13 that mean?

14 MS. BURNETTE: The best way I can explain it is by
15 telling you this little situation that was just so
16 enlightening to me, and it just made -- it made sense, what
17 I was trying to explain for so long. Speaking to public
18 groups and school -- classrooms and church groups, people
19 would always ask me, how is it that you turned out okay.
20 Assuming that -- everybody on the reservation is not okay
21 is the presumption.

22 And in speaking to groups about my struggles in this
23 community, my personal struggles as a woman and as a
24 mother, let alone as a professional, it occurred to me, and
25 it was pointed out to me, and I can't take credit for this,

1 but I -- and I can't tell you the name of the person that
2 so gently did it because he was able to sum-up what I had
3 never been able to articulate.

4 In growing up on the reservation as a tribal person, as
5 a member of that tribe, as a member of that tribal
6 community, I grew up in a dominant culture. I was part of
7 dominant society growing up on the reservation. I wasn't a
8 minority growing up on the reservation. Moving off the
9 reservation after I turned 18 years old, I then became a
10 minority. And not having experienced, because of my life
11 on the reservation as a tribal person, as a person of that
12 tribal community, that acclimation from the reservation
13 life as a member of dominant society to becoming a member
14 of a minority group and being looked at differently because
15 society dictated, that was the biggest barrier of all in my
16 success. So that's the easiest way that I can explain
17 that.

18 DOCTOR BUTLER: Rae, I want to thank you for touching
19 heart and soul here and now. I have questions, but I can
20 wait.

21 MS. BURNETTE: Thank you.

22 DOCTOR BUTLER: I thank you very much.

23 Charon Asetoyer, would you come forward, please. I
24 would like to introduce Charon Asetoyer, executive
25 director, Native American Women's Health Education and

1 Resource Center. And I hope I have the name pronounced
2 correctly.

3 MS. ASETOYER: Very, very good.

4 DOCTOR BUTLER: Merci.

5 MS. ASETOYER: Well, good afternoon -- or I should say
6 good morning to each and every one of you. And I would
7 like to extend a warm greeting to you -- for those of you
8 who are not from South Dakota, and for those of you who are
9 from, thank you for thinking of me down in rural Lake
10 Andes.

11 I live, work and raise my family on the Yankton Sioux
12 Reservation in South Dakota. It's right along the Missouri
13 River where the river dips down and makes the boundary
14 between South Dakota and Nebraska. I am originally from
15 Oklahoma and raised up in California. I am Na-Numa. I am
16 of the Comanche, as you know it, the white way, the
17 Comanche Tribe of Oklahoma. I am of the clan of the eagle,
18 the eagle clan. And that is important for you to know
19 because that is who I am. And that is what we do when we
20 introduce ourselves, is we tell you who we are.

21 I came to South Dakota in 1975 -- yeah, '75, '76, the
22 winter there, to attend the University of South Dakota,
23 with all intentions of going home, when I was done with my
24 education, to Oklahoma. Didn't work that way. I ended up
25 marrying a Yankton Sioux, so here I am.

1 But one of the things that I noticed immediately in
2 South Dakota is the status of women, of Native
3 Americans. I am not a minority. I am an indigenous woman.
4 I am a first woman. I have always been, will -- and always
5 will be an indigenous person, a first nation's person. And
6 that is very important. I do not appreciate being referred
7 to as a minority because I am not. The international
8 scene, we are fourth world people. Indigenous people who
9 live within third world communities, developing
10 communities.

11 The status of women is at its worse it could possibly be
12 in South Dakota for native women. In our community, you
13 will not see, within our school system, the -- there is an
14 all Indian school, and there are schools in the mixed
15 communities, but they are within the exterior boundaries of
16 the reservation, meaning inside that boundary, and there is
17 approximately -- it varies from year to year, 48, 52, 49,
18 50, you know, 51, 50, 50, in terms of student population,
19 meaning native and non-native.

20 The whole status of women starts in the womb as we all
21 know that. And as we enter school, the preparation for
22 pushing native women out begins. When schools do not
23 recognize or validate within their curriculums our culture,
24 when they base the children who will get special attention
25 -- and I mean promoting them academically, that kind of

1 special attention -- on who knows their nursery rhymes,
2 Mary Had a Little Lamb, Itsy Bitsy Spider, Little Tea Pot,
3 okay, how to count to 100, their numbers, their
4 colors. They never once ask our children to sing Indian,
5 they never once ask our children iktomi stories, do they
6 know them. Do they know our cultural mores and our
7 values?

8 They pay no attention to the fact that our children are
9 bilingual, the white children are not. Our children are
10 probably far superior in their learning because of what our
11 culture is, but they pay no attention to that.

12 So in our community we have an extraordinarily
13 exceptional computer program within the Lake Andes School
14 District for a rural community. I'm sure you would all be
15 impressed. And they measure how much time a student gets
16 on how academically they have excelled. So from
17 kindergarten they start those children. Our children
18 complain that they only got five minutes a week on the
19 computer; whereas the non-native children, you know, got
20 15, 20, half an hour.

21 So we instituted a child development program to deal
22 with that because the principal came over and talked to me,
23 and he said these children doesn't know how to count. They
24 don't -- in English. They don't know their colors or their
25 numbers, they don't know nursery rhymes. And I say did you

1 ever ask them about iktomi stories? Did you ever ask them
2 about how to sing in Indian? Did you ever talk to them in
3 Indian? Can you? So these are things that are really
4 important.

5 The Denver Developmental test does not apply to native
6 children, and should never be used and never has been used
7 as a tool to measure our children's abilities because our
8 children are brought up in a different cultural
9 context. And that is very important. So from that point,
10 you may have 30 children who start out in kindergarten that
11 year, and by the time that they are a sophomore, you are
12 lucky if there are five left. And, you know, to see two or
13 three native children graduate, we are doing real
14 good. That is where the employment problem starts, if you
15 want to be real about the issue.

16 And you have got to deal with health. And you have got
17 to look at women's choices and who tries to control those
18 choices. The dominant society; people who know nothing
19 about our culture, and how that may impact on us. And it
20 usually impacts us in a negative way, a very negative way,
21 when you deny us our cultural rights to practice in our
22 cultural and spiritual ceremonies because you think they
23 are wrong or you think they should be done the way you
24 think they should be.

25 You have got to remember that education -- the whole

1 basis of boarding school, you know -- I heard you talking
2 about the colleges. Well, let's back up here. We have got
3 to look at Carlisle and their history. And we have got to
4 look at the Lawrence Haskell Institute. The schools that
5 were originally developed to -- to educate natives, yes, if
6 you want a degree in agriculture, if you want a degree in
7 -- not exactly sure what they called it then, but to be
8 maids and servants of the white class, that is what those
9 colleges did to us. That was what the dominant society
10 felt our capabilities were. So of course there is going to
11 be reason for bringing the college systems to -- onto the
12 reservations.

13 You know, we don't have choices when it comes to
14 education if we don't have a college on our reservation.
15 Every other child in this country can usually go to
16 community colleges if they choose. They can go to Harvard
17 if they cut the mustard there. They can go to Harvard or
18 Stanford or wherever. But they have options. They can
19 stay home in their community and go to school. This is
20 something new to us. And it's something new in terms of
21 preparing our youth for the work force. Yes, we prepare
22 them for the work force, a work force that rejects them.

23 South Dakota, Lake Andes, South Dakota, with this high
24 population of native children in the school system, has no
25 native principal, no native administrators, no native

1 teachers, and usually no native person on the school board
2 until recently. And then the programs that are developed,
3 federal programs that are developed to ensure that there is
4 some educate -- curriculum that represents our way of life
5 does not happen because there is a word in there that says
6 "recommendation."

7 You look at the impact aid money that goes into it. For
8 those of you who don't know about impact aid money, it's
9 almost 2,000 dollars per native child that lives on the
10 reservation that is educated in the school system where
11 there is a tax base. And because federal land does not
12 have a tax base, then the government comes up with this,
13 you know, formula so that money can be generated into the
14 school system. And it says that the parents have a right
15 to be able to have input into -- into the way that money is
16 spent.

17 Well, the word is "recommendation" which means it can be
18 interpreted, and usually is, as we don't take any of the
19 recommendations usually. The lawyer would say some of them
20 you take, and some of them you don't. But they interpret
21 it as never. So in terms of native curriculum, we don't
22 have it. It doesn't exist.

23 And you tell us all our life that everything we do is
24 wrong or bad, and our self-esteem is challenged. So you
25 have to have a very good support system at home. And your

1 spirituality has to be intact in order for you to be able
2 to have the self-esteem that is necessary to meet the
3 challenges and the demands of the dominant culture.

4 We have a post office that doesn't recruit native people
5 right there in our community and a county system that does
6 not recruit. It's interesting how the sheriff's wife ends
7 up being the dispatch, and then how the police officer's --
8 another police officer's wife ends up being the dispatch,
9 and we never saw a job description being circulated, being
10 advertised.

11 And the school system doesn't circulate and recruit --
12 try to recruit native women for jobs, teaching jobs,
13 counseling jobs, administrative jobs, in the "Lakota Times"
14 or contact the Native Counseling Association that exists
15 within the state. They recruit in Sioux Falls or the paper
16 in Omaha, you know. So we really have to look at the
17 recruitment.

18 We have to look at the status of women. Status of --
19 health. We have to look at housing. And we also have to
20 look at day care that doesn't exist very widely in this --
21 in this state.

22 You know, if a woman is going to work these days, most
23 women have children. So what are we going to do with
24 children when you are looking at a job entry level that is
25 minimum wage for the masses or, you know, slightly above

1 for even middle management. Now, how is a woman going to
2 commute to work, go long distances, and day care exist the
3 way it does? There is no day care. There are no -- very
4 few employers that are doing anything to help solve that.

5 Our project has taken on when a woman has a child, then
6 they are allowed to bring the child to work so that she can
7 nurse her child until that child is three months or rolls
8 over, whichever comes first. And, you know, we promote
9 that. I would like to see some of the employers do that.

10 I would like to see some of the employers look at
11 training programs that would specifically fit the needs of
12 native women. We have a lot to offer.

13 But I think the federal government has to do their
14 part. They have to be accountable for the laws and rules
15 and affirmative action that they have set up, those
16 policies, and ensure that they are being met. They are
17 not. They overlook them a lot in rural communities. They
18 overlook them in urban areas. But little states like South
19 Dakota where there isn't even a million population, you can
20 definitely assure that there is not parity among Native
21 Americans. Almost seven percent of the state is Native
22 American. But you will not find that parity in any -- any
23 employer unless they are owned, operated Native
24 American. So that presents a lot of problems.

25 When a women's option is to drop out of school, well,

1 actually to be pushed out of school to have a child and
2 look at the welfare rolls or go to school and probably have
3 to leave her community in order to get a job that will --
4 will equal her education level in terms of income, that is
5 not a choice. That means you have to go back to your
6 communities and be willing to work for less money than what
7 you know you could get somewhere else if you could get the
8 job in the first place.

9 So I think that, you know, you need to hear these kinds
10 of things, but you also need to know that we are looking at
11 you for accountability in terms of -- in terms of the
12 policies and the laws that you all have helped to establish
13 and administer over. They need to be followed. They need
14 to be enforced. And they are not.

15 We can look at the community right down the road which
16 is another community that is mixed within the -- within the
17 exterior boundary of the reservation, and the same
18 identical situation exists there. I think we have one or
19 two native teachers, you know. I'm tired of hearing the
20 excuse that we can't find a native counselor, a qualified
21 native person. Well, if you -- if you searched in the
22 appropriate places, people would know that the position is
23 open. But they are not doing it because nobody is looking
24 over them saying these rules, these laws, these policies,
25 are the law of the land and they have to be enforced. So

1 what do you want from us? It's what we want from
2 you. It's what we expect from you.

3 Now, if a woman can find employment, she is met with a
4 whole lot of other challenges. She is the primary head of
5 the household. Does she have the day care
6 responsibilities? Does day care exist? What about housing
7 in this transition from, well, say, you know, leaving
8 college -- the majority of the women, native women that go
9 to college, have children, okay. And that is something
10 that really needs to be examined. What kind of preparatory
11 programs exist within the college that -- that -- yes,
12 there are programs that recruit native students and recruit
13 women -- no, that recruit native students to go to college
14 within this state, but specifically native women that
15 specifically are developed to meet the needs of our women
16 while we are going to school? No. And once we are there,
17 what programs within our university system actually recruit
18 native women to go into law school or to go into medical
19 school, go into the upper division career levels? They
20 don't exist.

21 How many native women do you see running the halls of
22 Pierre besides myself and a few core group doing education?
23 We don't have any Native American women that are making the
24 decisions. A few Native American men, but no Native
25 American women.

1 I think this whole issue of -- this bill that just lost
2 over gaming is a very good example when the head of the --
3 person that was, you know, organizing this whole thing in
4 the first place, in two different times the media quoted
5 that she didn't want gaming to -- betting limits to go up
6 because the only people that was going to benefit are
7 Native American.

8 I find that extremely racist to base a -- to base a
9 campaign where people are going to have a referendum vote
10 on racism because that is what it was. And that is how --
11 the vote obviously showed that. Gaming is here whether we
12 like it or not. But, you know, if people are saying the
13 only ones that are going to benefit are native people, it
14 -- that's senseless. So we have to look at the mentality
15 of people that are in control here.

16 And, of course, they don't recruit us into the kinds of
17 positions where our input would make a difference in terms
18 of policy. We have to fight for every little chip of the
19 rock that we make in terms of impacting policy. We will
20 not find native women other than a handful in this state
21 who are welcome to participate in that process, and usually
22 we are really not welcome, but we are there. Okay. We are
23 usually not invited, but we are present because we do have
24 a right to participate, but that right is usually not
25 extended to us. We take it.

1 And there is a difference between people that have
2 choices and people that don't have choices, what they do
3 and how they go about it in order to get what it is they
4 need. And that goes into the crime rate. We need to look
5 at the status of women and how many women go to prison in
6 this state because there are no services that adequately
7 serve her and her needs. And that has a direct correlation
8 with the way native women are treated in employment.

9 I mean I could go on and on and on, but I think you have
10 got the picture, the message that I'm trying to get across
11 to you. We have got to look at the status of women, we
12 have got to look at the status of native women, and
13 reinstitute that bureau or office within the halls of
14 Pierre because it no longer exists. That's a step
15 backwards for all women, including native women. Thank
16 you.

17 DOCTOR BUTLER: Thank you, Miss Asetoyer. I would like
18 to ask a question -- I see that Jim has a question.

19 MR. POPOVICH: I'm curious, we heard Rae, too, say that
20 there are qualified women, Native American women, out there
21 for jobs. But it seems as though the recruitment process
22 -- I think we need to get back to that a little bit. It
23 seems like the recruitment process is not there, whether it
24 be from corporations or any kind of group in your exterior
25 communities that you called, or within the tribal

1 governments themselves. I'm wondering if there is some
2 sort of a system or channel in place to provide that
3 because it seems to me that that is also where we need
4 help.

5 MS. ASETOYER: Within the tribal systems here, it pretty
6 much depends on who happens to be in office in terms of
7 your tribal government as to how many women are in key
8 positions, okay. And that -- that changes as often as
9 an administration changes, which for us is every two
10 years. But I think you have to also look at the federal
11 systems that exist because they are the major employers;
12 the BIA, Bureau of Indian Affairs, and which is under the
13 Department of Interior, and the Indian Health Service which
14 is under Health and Human Services, Public Health
15 Service. When you look at how many native women are in key
16 positions versus how many men, you real really have to
17 examine that, that you really have to look at
18 them. Okay.

19 And once again, I have to refer to the lawyers and
20 policies that are in place that need to be administered at
21 the federal level to ensure that there are more native
22 women in those positions because they are decision-making
23 positions. Also within our communities, no, we do not have
24 -- we don't even have Indian men sitting on a lot of the
25 county and city boards that do the hiring and make the

1 decisions, okay. So that whole piece needs to be
2 examined.

3 They are not going to recruit if they are not made to
4 recruit and do affirmative action. If affirmative --
5 affirmative action does not exist within some of our
6 community -- rural communities, reservation communities,
7 where there -- we have state jurisdiction townships. It
8 doesn't exist. It never got there. It's never -- it
9 hasn't arrived yet. And you all need to be really aware of
10 that. It doesn't exist because it never arrived. It
11 wasn't like we are seeing now the trend of the general
12 population where it arrived, and then because of certain --
13 because of the past administration, depleted. No. It
14 never existed. It never arrived.

15 So you have to visit that piece in terms of, you know,
16 it's doesn't stop in the rural area -- I mean in the urban
17 areas. I mean you have to ensure that these kind of
18 policies and laws, affirmative action ends up in your rural
19 communities. So it needs to be developed.

20 DOCTOR BUTLER: Question.

21 MRS. WERTHMANN: Referring to what you said about Native
22 American women being in prison, now, in order, what I
23 understand, to get to prison you have to break the
24 law. Now, do you base that on discrimination?

25 MS. ASETOYER: I'm glad you asked me that

1 question. When you have people who -- native men who are
2 doing an enormous amount of time for stealing rings of
3 baloney in the prison, when you have native people who have
4 died in this prison up here on the hill because we chose to
5 pray and practice spirituality in our way -- remember, it
6 wasn't legal until the late '70s -- there is a problem.

7 When you have juveniles -- and it starts there, okay.
8 Usually the process starts there where -- in fact, there is
9 going to be a study, folks, and you'll get it eventually
10 when it's done. And you look at the non-Indian children
11 and you look at the Indian children, and how the informal
12 process -- how often was the informal process extended to
13 those native children for the very same type of lawbreaking
14 that it was extended to the non-native children. How many
15 times has a native mother received the summons that her --
16 that the state's attorney is going to, on a first offense,
17 terminate her parental rights, and for the similar offense
18 a white mother doesn't receive that. Her child goes
19 through the informal process two, three, four, five times
20 before he even gets to court. That doesn't happen in the
21 native -- among natives.

22 I know that because my child was involved in apple
23 throwing, and a window was broken. First time. This is a
24 gifted and talented child in school. This is a child who's
25 very good, but he did what kids do; picked up apples and

1 threw them. Window got broken. The state's attorney tried
2 to terminate my parental rights. First time this child --
3 that is why we end up in prison so much. That happens over
4 and over and over again.

5 And you have to examine that whole piece. And if we
6 take the time to do that, and make sure that there is
7 equity, that there is equality in administering justice,
8 you are going to find a whole lot of things about your
9 community that you don't want to. Very important.

10 DOCTOR BUTLER: It's the very hardest thing for me to do
11 this at this time. There is another speaker. Will you be
12 here during the noon hour?

13 MS. ASETOYER: I can probably stay during the noon hour,
14 but then after that I must go.

15 DOCTOR BUTLER: Well, if I may, then I can ask my
16 question at that time about some testing in elementary
17 school. It would take only about five minutes.

18 MS. ASETOYER: Sure.

19 DOCTOR BUTLER: I thank you very much.

20 MS. ASETOYER: You are very welcome.

21 DOCTOR BUTLER: At this time I would like to introduce
22 Patty Wells, assistant director, Indians Into Medicine.

23 MS. WELLS: Members of the panel, Mr. Muldrow, nice to
24 meet you. I am short, so this is going to be difficult.
25 I'm just going to hold it here.

1 DOCTOR BUTLER: Would you be more comfortable if you
2 were seated?

3 MS. WELLS: If I do -- if I am, if I feel like sitting,
4 I will go ahead and sit down.

5 DOCTOR BUTLER: Okay.

6 MS. WELLS: I am going to be very informal because this
7 is who I am as a person. I am going to come to you from
8 the feminine aspect of being very subjective, and very
9 experiential, based on my personal experience. I know you
10 have access to statistics and numbers, and I do have some
11 of those also that I pulled from documents that we have in
12 working with addressing the under-represented minority
13 issue in trying to get American Indians into health
14 professions. And that's my job. That's what I do.

15 But I think what you would -- I would like to bring a
16 human testimony to this whole process, if I may, and I
17 would like to also ask that please ask questions as I speak
18 about my experiences, and the experiences of other Native
19 American women that I have worked with.

20 I am an enrolled Rosebud Sioux. My family has lived on
21 the Crow Creek Reservation. I was married, teenage
22 pregnancy, married at 16. I have eight children, and I
23 have six grandchildren. During that time period I never,
24 ever contemplated the idea that I would be standing here
25 today certainly, and have the opportunity to be a

1 professional. And I would say that that is the experience
2 of most Indian women today. And so that is how I help and
3 work with the issues that we -- we deal with regarding
4 Native Americans as a population, and particularly women.

5 It wasn't until I got to the University of South Dakota
6 and began my undergraduate program that I began to
7 understand who I was as a Native American, a Lakota
8 woman. That began to validate who I am. So that again
9 relate -- reflect to the -- the education system that we
10 have that does not validate people of diversity, people of
11 color, and that whole educational issue. So it took me
12 until I was 30 years old to become self-actualized, is
13 that the psychological term that we use, you know. And I
14 am very grateful for that. But along the way, it was very
15 difficult.

16 In order for me to -- to become a professional, to
17 attend college, to get the degree that I have, to be able
18 to contribute to addressing the University of South Dakota
19 School of Medicine's issues regarding minority recruitment,
20 I had to leave my family, leave my children. And so that
21 was a very great and grave sacrifice. Through the whole
22 process, through the court systems, be they -- they were
23 tribal court systems, there was never an opportunity for me
24 to have a fair hearing in terms of custody, in terms of my
25 ability to provide for my children, and so I had to make

1 choices.

2 What else can I tell you? As I came through the
3 University of South Dakota, I had many opportunities open
4 up to me because of who I was in terms of being a Native
5 American and a woman. Consequently, I was able to be
6 employed as soon as I got my degree. The university asked
7 me to go to work in a -- the Trio programs which is for
8 disadvantaged students. I was also then able to move onto
9 the Native American financial aid counselor at the
10 institution, and work with all the Native American students
11 that came to the university.

12 And then this position at the University of South Dakota
13 School of Medicine developed, the position I'm currently
14 in. I had the higher education skills, and the
15 relationships with the Native American community that I was
16 able to access that. That wasn't until after very many
17 years of sacrifice. And I guess that's the point I want
18 you to know.

19 What else can I tell you? As I became knowledgeable in
20 understanding and was able to articulate who I was, a
21 Lakota person, I began to understand how much I did not
22 know about who I was. And as I work with institutions and
23 work with federal programs, I realize how much more that
24 the mainstream does not know about who we are as Native
25 Americans.

1 I guess at this point, you know, I have some statistics
2 and things here that I pulled out of a proposal that we
3 developed last year for the health careers opportunity
4 programs in the Department of Health and Human
5 Services. And you know these statistics I think, but I'm
6 going to cite them, and then I would like you to be
7 thinking about questions that maybe I can respond to
8 because I am not a real good formal presenter, but I like
9 to really talk very informally to people, and I would like
10 to respond to questions based on my experiences.

11 DOCTOR BUTLER: Well, I would like to assure you that
12 you are an impressive speaker. And if the others have
13 questions, would you prefer that we ask our questions as
14 they come up or wait until you have finished your
15 presentation?

16 MS. WELLS: I would prefer as they come up because then
17 I can respond and give a better presentation I believe.

18 DOCTOR BUTLER: Bill has a question.

19 MR. WALSH: Tell us more about sacrifice.

20 MS. WELLS: The sacrifice. When my marriage began to
21 fall apart -- we were both very young. We were both
22 16. Indian teenagers. No opportunity. When -- we were
23 married about ten years. When the marriage began to fall
24 apart, we had seven children. And he was a very
25 influential man, tribal council person, had a -- had

1 control of the networks that were available. And that was
2 part of the reason why I was never able to get a fair
3 hearing in terms of custody of my children.

4 Consequently, I made the choice to take care of myself,
5 to find a way where I could take care of myself. Worked
6 toward the time when I could and would have a home,
7 employment, a job, that could take care of my family.

8 What else would you like to know?

9 DOCTOR BUTLER: I would like to know then, you are still
10 with the University of South Dakota?

11 MS. WELLS: Yes.

12 DOCTOR BUTLER: Are your children now in Vermillion
13 schools?

14 MS. WELLS: The majority of them -- well, my youngest is
15 14 and my oldest is 27. She has a degree from the
16 university, and works for the Northern Plains Health, which
17 is contracted by the Aberdeen Area Tribal Health
18 Board. It's a federal project. I have two other children
19 -- the next two children are married, and my youngest ones
20 are in the public school system.

21 MR. MULDROW: How many Native Americans in North and
22 South Dakota have gone into a medical career, say, in the
23 last ten years, and how many of these were women? Just I
24 mean off the top of your head figure.

25 MS. WELLS: Well, we have one Native American physician

1 graduate of the University of South Dakota School of
2 Medicine who is currently practicing at -- on the Rosebud
3 Reservation in the Indian Health Hospital there. She
4 graduated probably about six years ago now. Prior -- along
5 with her, and maybe a year later, there was one Native
6 American man who was a graduate, became a physician, and he
7 works in -- at the Kansas -- University of Kansas Medical
8 Center at this point. We don't have him serving our Native
9 American people at this point.

10 MR. MULDROW: So there are two graduates that you can
11 think of that have graduated --

12 MS. WELLS: In South Dakota.

13 MR. MULDROW: -- forever?

14 MS. WELLS: There may be others who graduated from other
15 institutions, but they are very few and far between. The
16 Indians Into Medicine program is a program that was
17 developed at the University of North Dakota, and it was to
18 address that need for health -- for physicians and health
19 professionals for Native American communities. They have
20 graduated a significant number of physicians over the past
21 20 years. But according to AAMC, Association of American
22 Medical Colleges, the under-represented minority is not at
23 parity with with the medical graduates coming out of our
24 medical schools in the nation.

25 DOCTOR BUTLER: Could you tell me, please, whether this

1 is an active recruitment program and out-reach program.
2 And if it is, could you describe some of the recruitment
3 efforts, please.

4 MS. WELLS: It is an active recruitment program. The --
5 the INMED program has a board of directors that has a
6 tribal representative from the -- all the tribes in five
7 states; Wyoming, Montana, North Dakota, South Dakota and
8 Nebraska. They -- they are an advisory -- in an advisory
9 capacity to give direction to the program.

10 The program's focus is to recruit from those tribes in
11 that five state area. They have a high school academic
12 enrichment program that pulls in 90 students every summer
13 for an eight week summer academic enrichment program from
14 those tribes and throughout the nation. And then
15 consequently the support systems are there, and the
16 majority of them go on. They may not go on to North Dakota
17 or South Dakota institutions, but they do go on to college.
18 So it's a progressive support system.

19 MS. KIM: Are you aware that SDSU has an offsite nursing
20 program?

21 MS. WELLS: Yes.

22 MS. KIM: Does it ever affect your effort to recruit
23 more Native Americans into nursing, or would you expand, if
24 you know the background or the resource of that program?

25 MS. WELLS: Well, the reason why the nursing -- nursing

1 programs are -- the recruitment efforts in the development
2 of nursing programs for American Indians is because of the
3 lack of nurses in the Indian Health Care Service
4 system. The need for nurses in there. The Indian Health
5 Service consistently has a, excuse the term, manpower
6 shortage, which is what they use, of their health
7 professionals throughout the Aberdeen area. Consequently,
8 there is a consistent need for health professionals.

9 Not -- interestingly enough, and I don't know the
10 percentages or statistics, but I do know that through --
11 through the INMED program, the majority of the participants
12 are female. Also I do know that in our tribal colleges,
13 the female student population ratio to males is about two
14 to one. And this is because this is where the opportunity
15 is, and in addition to that, just knowing that that is what
16 we have to do in order to change our situation.

17 DOCTOR BUTLER: One last thing please. Would you please
18 speak to tribal philosophy, your own tribal philosophy,
19 please.

20 MS. WELLS: The -- well, actually I do have a handout
21 here. The American Indian philosophy, and particularly the
22 Lakota/Dakota philosophy, is based on -- on the four
23 aspects of human health, or who we are as human beings,
24 and that it has to be in balance. Those four aspects being
25 the mental, which in Lakota is the woksape. That means

1 wisdom, the value of our culture. The physical, we have to
2 have our physical being in order, which is woohitika. That
3 means courage. That addresses the courage value of our
4 philosophy. The other aspects is the spiritual which is
5 wo cante ognaka, which is generosity, the giving, the --
6 the sharing that is necessary for us to survive as a
7 community, and the emotional which is wo wacin tanka, which
8 means respect. The essence of it is that our relationship
9 to each other and to everything that is has always got to
10 be in balance. I have a little chart here that could
11 explain that a little bit.

12 We also keep in mind that the American philosophical
13 premise is that the ultimate development of an individual
14 must equally encompass those four components for balance
15 and well-being. And the philosophy integrates these four
16 components of development to include the unborn future,
17 families, communities, nation, and the natural environment,
18 how we relate to the other nations, the plant nation, the
19 wind, the four-legged, and who are separate and distinct
20 and have just as much value in our universe as we do. Very
21 equitably based philosophy, not based on hierarchy, but
22 based on the circle and equality.

23 MS. KIM: Is there any sex discrimination in Indian
24 tribal philosophy or culture?

25 MS. WELLS: Oh, of course. Discrimination in what

1 terms? Discrimination meaning unequal, maybe, maybe not.

2 MS. KIM: Unequal.

3 MS. WELLS: Discrimination meaning there are very
4 separate and distinct roles of individuals that have just
5 as much value as the other one.

6 MS. KIM: So that value, they would be changing or would
7 it be pretty much stable?

8 MS. WELLS: No. There has been -- there has been a lot
9 of change in the -- in the -- in the values of our
10 communities and our people with -- with the transition of
11 time. Contemporary individuals fall on a continuum of --
12 of knowledge and experience about who they are as Lakota,
13 whether they are practicing their spiritual ceremonies or
14 they are practicing Christian ceremonies, whether they
15 speak the language, whether they don't speak the
16 language. And go across that. So not all Native Americans
17 -- particularly in South Dakota, we all function at
18 different levels on this continuum. Very much a lot of
19 influence and breakdown of understanding of those values
20 with contemporary time.

21 And often when I speak to students and groups, two
22 points. One is that be very aware that there is a
23 difference between our culture and the contemporary poverty
24 culture that exists, and do not equate the two. We have a
25 very rich and beautiful culture with very equitable values,

1 but as a result of European contact and the system's
2 oppression, most people have lost much of that.

3 DOCTOR BUTLER: If there are no other questions, then I
4 would like to thank you, Miss Wells, for your wisdom,
5 courage, generosity, and want to assure you that the
6 respect is mutual. Thank you very much.

7 Madam Chairman, do I have your permission to adjourn
8 this meeting?

9 MR. WALSH: Madam Secondary Chairman, could I have one
10 last question of Charon because, you know, 17 years ago we
11 did a study on Charles Mix County and the whole
12 jurisdiction thing, and that was right after the pork plant
13 incident. And at that time we realized there was a
14 tremendous amount of racial tension down there, and a lot
15 of inequities in the -- in the judicial process, et
16 cetera. And I just wonder what the climate is today, and
17 what role has now the Royal River Casino --

18 MS. ASETOYER: Ft. Randall.

19 MR. WALSH: Ft. Randall Casino, how that -- has that
20 affected choices, self-esteem, accountability, things that
21 you have talked about?

22 MS. ASETOYER: The racial tension -- well, if you
23 remember almost three years ago when the state's attorney
24 -- when a group of Native Americans were trying to go
25 forward with building a shelter for abused women and

1 children to protect them for safety reasons, the state's
2 attorney, when this group went up in front of the zoning
3 commission because they needed a zoning variance because of
4 the location of the home that was to be bought to be used
5 as the shelter, this state's attorney referred to native
6 people as Godless, lawless, jobless, and hopeless, a
7 culture that is mongrelized, living wholly on the outskirts
8 of western civilization. And it went on and on and on and
9 on. That is our group. Okay. We are the Godless,
10 lawless, jobless, and mongrelized culture that he was
11 referring to.

12 We now have a shelter, and it's been open for two years.
13 It was quite a struggle. That should tell you when women
14 and children are fighting for their safety, their physical
15 safety, that there are barriers that we have to be
16 confronted with, and that they are based around racism,
17 okay, and control. Because that is what racism is; it's
18 all about control. Okay. Now, the -- and it's pretty much
19 the same way.

20 Now, the -- one of the largest employers in the state,
21 which just came into creation, which is the Ft. Randall
22 Casino which is owned and operated by the Yankton Sioux
23 Tribe opens up. And we are not invited or even made aware
24 of or recruited to work within these systems that are run
25 by the non-native population. There are quite a few. The

1 percentage is very high. It's over a third of non-
2 native.

3 We encourage the community, because everybody is a
4 member, to sign up for a job. So there are both native and
5 non-native working together side by side at the Ft. Randall
6 Casino. It isn't because that is owned by the
7 non-Indian. It's because it's owned by the Indian, by the
8 tribe, and operated that because it is not in our nature to
9 discriminate against our brothers and our sisters merely
10 because of the color of their skin. So it took the native
11 people of this land to create some cross-cultural work
12 environments in the State of South Dakota. And you are
13 seeing that in the casinos on all of the reservations.
14 It's the only place where you are going to see so many
15 native and non-native people working together very well.

16 It has done a number of things. There is still a lot of
17 tension because the -- in those communities. Millions of
18 dollars are now under the control of the tribes. And, of
19 course, money is power in this country, and that in itself
20 generates a lot of resentment when people -- when the whole
21 paradigm shift occurs, and that's what happened, okay. So
22 there is a lot of tension around that issue.

23 However, among the working class, there is a lot more
24 harmony than you would find anywhere else in terms of
25 neighbor to neighbor working together. So it is some --

1 it's doing some good in the community in terms of race
2 relations.

3 But there are a lot of -- there is a horrendous group
4 out there who really resents the fact that now the money is
5 in our hands, and we hold the power to hire and fire. And
6 that has caught a lot of non-Indian people shaking about --
7 worrying about whether they are going to keep their job
8 because a Native American walks in here qualified, knows
9 the boss and all this, because that is the same situation
10 we have had to live under. So the paradigm is shifting in
11 those communities where there are casinos. But like I
12 said, it is moving towards the right direction in terms of
13 parity and in terms of equal opportunity.

14 MR. WALSH: Is there parity and equal opportunity with
15 Indian women in this situation?

16 MS. ASETOYER: Well, the good old boys still run the
17 show. I don't care what color you are. Let's be real
18 here, folks. Okay. I think that's enough said on that.

19 DOCTOR BUTLER: Right. After everybody is adjourned,
20 please, I just have my five minutes.

21 MR. MULDROW: We will meet again right at 1:00 o'clock.
22 We have a scheduled speaker at that time. I will ask
23 everybody to be back at that time.

24 (Recess at 12:10 p.m.)

25 MS. BURNETTE: I would like to bring the afternoon

1 session of the South Dakota Advisory Committee to the U.S.
2 Civil -- to the U.S. Commission on Civil Rights, the
3 briefing forum, back into the afternoon session, please,
4 the briefing forum being on women's employment issues in
5 South Dakota.

6 Here with us this afternoon to begin our afternoon
7 session is Lois Ann Rose. And, Lois, we are asking our
8 participants, our presenters, to tell us a little bit about
9 yourself first, and then proceed with your presentation.

10 MS. ROSE: Good, because that is what I had planned to
11 do anyway. So that's great. My name is Lois Rose. I am
12 an attorney. I have been practicing here in Sioux Falls
13 for about 14 and a half years since my graduation from law
14 school at USD.

15 I think it's helpful when presenting like this to maybe
16 know a little bit about from whereof I speak, and how did I
17 get involved in women employment issues. I graduated from
18 college in 1970, and went out into the job market, and
19 discovered that despite this wonderfully talented person
20 that I was, that nobody wanted to hire me except to be a
21 secretary. And my goodness, I had a college degree. I
22 couldn't imagine this. And thus began my interest in
23 women's employment issues. We -- struggled along with
24 that.

25 And I was very fortunate a couple years later to be in

1 Pierre, and began work for Governor Kneip in the transition
2 in 1972 towards a career civil service system for the State
3 of South Dakota. It's kind of hard to imagine only 20
4 years ago that virtually every state job in South Dakota
5 except I think highway patrolman at the time was a
6 political appointment. And the governor was bound and
7 determined to change that.

8 When I went to work for him, the 1972 South Dakota Human
9 Rights Act had just been enacted, and the state government
10 was beginning to gear up to enforce that law. And one of
11 the -- one of my duties was to begin work as the first
12 South Dakota affirmative action officer. And when they
13 told me that is what I was going to do, I said, oh, oh,
14 what is that. And so commenced my, again, involvement from
15 more of a working standpoint with women and minority
16 employment issues as they at that time affected state
17 government.

18 And during those early years, I worked pretty closely
19 with Mary Lynn Myers who was the first director of our
20 state human rights agency, and kind of put into place some
21 of the very first things that were done in South Dakota.

22 After I left Pierre, I continued to have the same types
23 of employment problems that I had faced when I first
24 graduated from college. Again, you know, talented woman,
25 you know, female looking for work. You can be a secretary

1 if you aren't a nurse or a teacher, and that was about
2 it. So I determined that I would go to law school, and if
3 nothing else, I could be self-employed.

4 So I went to law school, graduated in 1979, and went out
5 into the world, and discovered that things were finally
6 beginning to change, and was very fortunate. I was the
7 first women hired by a major law firm in the State of South
8 Dakota. I mean, you know, that is only 14 years ago. It's
9 kind of hard to imagine, but things have changed.

10 The reason for the background perhaps is that my
11 situation, I don't know but what it's very different from
12 what a lot of women of my age probably have experienced in
13 terms of their own employment situations, about their
14 awareness and involvement in employment issues.

15 Because I was one of the early women lawyers in South
16 Dakota, it just sort of naturally fell on you that when a
17 women's employment issue from a legal standpoint would come
18 up, that you would become involved in those sorts of
19 things. And while primarily I was a business lawyer,
20 employment law has continued to grow as a part of my
21 practice. And I would say now that it's probably about 50
22 percent of my law firm practice.

23 I am, I suppose, internally grateful to Clarence Thomas
24 and Anita Hill for the growth in my practice. I think
25 probably more so than any single issue or public

1 controversy that I can think of in my years of law practice
2 did they have a very direct and immediate impact on what I
3 saw in terms of the phone calls to my office, the people
4 that came to see me, and the kinds of cases and volume of
5 cases that I see. And I think that other people similarly
6 employed in that end of the legal industry would probably
7 confirm that. I mean it was a very distinct and seminal
8 point that I can identify.

9 When I had talked to Bill prior to presenting here
10 today, he and I talked about a number of issues, and what I
11 indicated to him, and I think as I can point to my own
12 example, my own employment history, is that, you know, we
13 have come a long way in terms of the ability for women to
14 find employment, and satisfactory employment, in the State
15 of South Dakota. Some of the real fundamental employment
16 issues in this state I think are issues that affect not
17 only men, but all -- and women; minorities and non-
18 minorities.

19 And the key factor that I think is a significant
20 difficult employment issue in this state, but it has
21 probably a more disparate impact on women and minorities,
22 is our low wages. Low wage jobs, you know, present all
23 kinds of difficulties for people in employment
24 circumstances. And it's kind of not really difficult, but
25 if I look at a typical example of a person that I see in my

1 work who's got a problem of discrimination, another type of
2 difficulty in employment, typically not always, but
3 typically that person is female, typically that person is a
4 single mother with two or more children earning a wage that
5 she simply cannot raise children on in the State of South
6 Dakota. She may or may not be getting some child support
7 money. There are a tremendous number of people in these
8 types of jobs who also do not have health insurance
9 benefits and are, you know, really caught in a terrible
10 squeeze.

11 It's also my assessment or experience based on cases
12 that I have looked at that, you know, a lot of these
13 situations where a woman finds herself in a situation of
14 sexual harassment on the job, she is so job-dependent or
15 perhaps health care dependent, if there is a health care
16 benefit, that speaking out and doing something about it is
17 simply not a viable alternative. So it becomes very
18 difficult to know how those situations get addressed.

19 The next thing is probably the fact that a lot of the
20 employers in South Dakota are relatively small
21 employers. As you all probably are aware, the federal
22 Civil Rights Act does not apply to employers with 15 or
23 fewer employees. Well, that leaves the only coverage that
24 is available for discrimination on the job are state law,
25 or in the case of one of the towns that has a city

1 ordinance as we do here in Sioux Falls, a city ordinance
2 that may cover it.

3 In South Dakota the state law does cover the smaller
4 employers. The difficulty is that the remedies that are
5 provided under state law are not anywhere near equivalent
6 those remedies that are supplied under the federal
7 law. And the biggest difficulty is that there isn't a
8 provision for payment of attorney fees. So if you have a
9 discrimination case, might be a good case, but under the
10 law your damages, that is, i.e., the dollar amount that can
11 be won by successfully taking the case to court, if there
12 is no provision for payment of attorney fees in the law by
13 the employer if the employer loses, you effectively don't
14 have a remedy because there is just very, very few of the
15 people that are caught in these situations that have the
16 financial resources to be able to hire an attorney. And I
17 cannot, nor can any other lawyer, run my office without
18 fees to pay my secretary and my pay rent and pay my phone
19 bills and whatnot. So what happens is that if the employer
20 is not covered under the federal law, i.e, the really small
21 employers, you know, there's pretty big opportunity to
22 avoid enforcement.

23 Another difficulty I perceive is that the federal Equal
24 Pay Act is really locally inadequate. Basically the way
25 the pay act works in reality, I don't care what it says,

1 but in reality is that -- and I don't know that the way the
2 law works in reality is being abused in South Dakota. I
3 have never found a case in my years where it has
4 been. But, for example, it's not a violation of the law
5 unless you have a male and a female in exactly equal jobs,
6 jobs which require the same level of experience or
7 training, have the same title, and exactly the same duties.
8 And then if you pay them differently, you will have a
9 violation of the Equal Pay Act.

10 Well, I submit to you that in most small businesses, you
11 don't find any two jobs that are identical. And the
12 Department of Labor's position is unless the job is
13 identical, you know, the employer can probably justify a
14 difference in pay. And that's their approach.

15 The Equal Pay Act, unlike the discrimination law, is
16 enforced by the U.S. Department of Labor, not the Equal
17 Employment Opportunity Commission. They don't do
18 anything. They don't have anybody here. They don't follow
19 up. They are not around. So if in fact there are pay
20 issues or equity in pay issues, my perception is, based on,
21 again, my experience, is they are not being addressed.

22 I guess we started late. Do you want me to go a little
23 bit longer?

24 Okay. I handle a lot of cases of sexual
25 harassment. It's kind of the in thing or the current topic

1 or whatever. Sexual harassment cases, like other forms of
2 discrimination cases, you know, have really
3 mushroomed. The case backlogs, and I'm sure that Mr. Burke
4 who I see is here and is going to be talking to you today
5 can testify to, you know, the level of -- in increased
6 number of cases. You know, it's added dramatically to the
7 case load.

8 South Dakota, as I have said, since 1972, we have had a
9 law against discrimination. It's questionable, I think, as
10 to how much state government has chosen to enforce that
11 law. The agency charged with enforcement of the law and
12 investigation of the complaints that are made to it has
13 been woefully under-funded since 1972. It has never in its
14 21 and a half year history had adequate staff or adequate
15 funding. Since Thomas/Hill and the increased case load,
16 this has become, you know, an even bigger problem.

17 I don't know how far behind the state agency is. I know
18 that I have cases that have sat up there for two and a half
19 years without even having a letter written on them. I mean
20 they haven't even gotten to them yet. So I mean it's a
21 severe problem. And for many, many cases, there is no
22 other alternative.

23 When you file a case even with the federal agency, let's
24 say it's a larger employer, there is 15 or more employees,
25 it's not in Sioux Falls so that I can file it with Mr.

1 Burke and have it taken care of promptly, and it's a larger
2 employer, so I file it with Denver. The EEOC then has a
3 referral policy to the state agency. The EEOC sticks it in
4 the mail and it goes to Pierre. Pierre logs it in, and
5 says, well, we will add it to the pile.

6 And, you know, this creates a severe problem, not only
7 for the person who's the subject of discrimination, but
8 also for employers that have been charged with this
9 because, you know, employers -- there are a lot of
10 different questionnaires and other kinds of things that you
11 have to fill out; have you ever been charged with, you
12 know. And you have got this case, and it doesn't go
13 away. It doesn't go -- one reason it doesn't go away is
14 because nobody ever gets to it. So for three years running
15 when the annual questionnaire comes up or when the -- when
16 the company auditor writes to the lawyer for the audit
17 opinion letter and says what pending litigation is there or
18 what pending claims are there, you know, the attorney has
19 to say, well, we have got this thing, and it's sitting
20 there, and nothing is happening on it.

21 So what it means is that, you know, effective ways to
22 remedy problems that are encountered are really not there
23 simply because our state agency is so under-funded and has
24 so inadequate of staff that they simply can't get to the
25 backlog. And I don't know how many cases the backlog is

1 right now, but I perceive that to be a severe problem.

2 I could probably go on and on and on, but I will take
3 questions.

4 MS. BURNETTE: Lois, is there anything in the rest of
5 your presentation that's -- that you can summarize that you
6 feel is important that you haven't touched on yet before we
7 go to questions?

8 MS. ROSE: No, I think that's the key points.

9 MS. BURNETTE: Are there any questions of Miss Rose?

10 MR. VAN PATTEN: Sure. Lois, let me add -- just ask you
11 then, are you saying then that you turn down cases, say,
12 involving sexual harassment, primarily because of the
13 inadequacy of state remedies? As a claim, you think it --
14 it's a good claim, but you turn the case down because of
15 the non-existence of state remedies, including attorney
16 fees?

17 MS. ROSE: Yes, lots of them. I also turn a lot of them
18 down because I think maybe there is a problem, but it isn't
19 so severe that if there were better, say, communication,
20 you know, that it couldn't be resolved. But, yes, I would
21 say I turn down a tremendous number of cases simply because
22 you can't -- there is nothing there in terms of remedy with
23 which to get paid.

24 MS. CRAFT: I have a question. When you work -- before
25 you went into private practice, did you yourself experience

1 any pay inequity concerns personally as far as when you
2 went in and the pay you were receiving versus male -- your
3 male counterparts?

4 MS. ROSE: Yes, but that would have been back in the
5 '70s.

6 MS. CRAFT: In the '70s, okay. At that time were you --
7 you were actually in a pay inequity situation because I
8 think a lot of women -- you may have experienced certain
9 things back then that we weren't really aware of.

10 MS. ROSE: I'm not sure I was. And right off the top of
11 my head, I don't even remember when the Equal Pay Act was
12 passed. It was passed quite a bit after the civil rights.

13 MR. VAN PATTEN: I believe it was '68 is my
14 recollection.

15 MS. ROSE: '68, okay. I don't know that I was
16 aware. And, you know, there is -- corporate culture is
17 such that, you know, we are not supposed to talk with our
18 fellow employees about payroll, you know. You sort of
19 wonder where that all comes from. But it also effectively
20 means that if there is pay inequity, you don't know about
21 it. And that -- that type of corporate culture is still
22 around, very much so.

23 I worked for an extremely large national insurance
24 company, and I was their first female underwriter. You
25 know, somehow or another that was a male job and, you know,

1 they never quite knew what to do with me. And, you know, I
2 know I was underpaid. You know, I know the men made more
3 than I did. I made enough friends among men to find out
4 what they were paid. But on the other hand, I was also
5 newer than they were, you know, so some of it might have
6 been attributed to years of experience or whatever. And at
7 that point in time I was more interested in keeping a good
8 job.

9 MS. BURNETTE: Bill, did you have a question?

10 MR. MULDROW: Lois, would you address the impact of the
11 so-called state policy on -- fire at will policy, what
12 effect that has on women coming forward to complain about
13 abuse or inequities or to file complaints or to come to you
14 with their cases.

15 MS. ROSE: I'm not sure exactly, you know, how it inter-
16 acts. What Bill is referring to is that we do not have --
17 or our case law has not developed, nor do we have a statute
18 in South Dakota that would allow you to bring a case for
19 what is called in most places unjust dismissal or, you
20 know, basically just sort of unfair treatment basically.
21 In South Dakota most employers are considered at will
22 employment situations, meaning you can quit at will, but
23 you can also be terminated at will. And in South Dakota we
24 also have no provisions regarding severance pay, nor other
25 types of protections in the event of termination.

1 Sometimes I think it significantly adds to the -- the, I
2 don't know, how do I want to say this, the fact that some
3 cases which really might not be discrimination where people
4 who are terminated attempt to make a discrimination case
5 out of it simply because they have no other remedy, okay.

6 But conversly, it also casts, you know, what I call the
7 chilling effect in legal terms or sort of the gray cloud or
8 whatever over employees who might otherwise complain about
9 what is going on in the work place. There is a tremendous
10 number of people who have been terminated from positions
11 where an employer gets away with it simply because of that
12 policy, and because perhaps it's a little bit of a thin
13 case in terms of discrimination, or even let's say it's a
14 good case, but it's not one, for example, where you can
15 afford to prosecute it.

16 MS. BURNETTE: Mr. Van Patten has a short question for a
17 short answer, I'm sure.

18 MR. VAN PATTEN: How do you get into pay equity issues
19 at a time when the national administration wants to reduce
20 regulations and reduce the number of federal employees,
21 maybe even consolidate the agencies? How do you get into
22 pay equity without --

23 MS. ROSE: -- creating a nightmare. I don't know. Jon,
24 I think that is a problem. But I think that pay equity is
25 a much less significant problem than probably work place

1 harassment right now. But I think it would be -- you know,
2 I have thought about that. I think it would be very, very
3 difficult to write a law that addressed what we really know
4 is out there, but it's kind of hard to prove.

5 MR. VAN PATTEN: Thank you.

6 MS. BURNETTE: Thank you very much --

7 MS. ROSE: Thank you.

8 MS. BURNETTE: -- for sharing with us today. Our next
9 presenter is Fern Chamberlain from Sioux Falls. Fern, do
10 you need help with your --

11 We would like you to tell us a little bit about
12 yourself, Fern.

13 MS. CHAMBERLAIN: Well, I am Fern Chamberlain, and I am
14 here as an individual. My personal experience with
15 employment has been good. I have a master's degree, and my
16 job was appropriate. My salary was also commensurate with
17 that of my male colleagues, and that is before 1968. I was
18 included in policy sessions on an equal basis. I am fully
19 aware that I have been very fortunate. So I will not be
20 talking about particular incidents, but in more general
21 terms.

22 Progress has been made in opening up non-traditional
23 occupations to women which has enabled the women going into
24 these jobs to materially increase their income. We talk
25 about the income of women in relation to the income of men,

1 and it's much closer now than it used to be, but
2 unfortunately, that is probably as much because men's
3 income has come down as women's income has gone up. In
4 fact, I think men's income has come down farther than
5 women's has gone up. And that's not what we had in mind
6 when we were talking about getting them closer.

7 But not all women want to move into these non-
8 traditional jobs. And what would we do if they did? One
9 writer who was speaking on behalf of the plight of cleaning
10 women said one way, of course, to get them more income was
11 to train them all as computer operators. But then who
12 would clean the toilets?

13 Believe it or not, there are women who like to care for
14 children, who like to teach, who like to nurse the sick,
15 who like to cook, and even some who like to clean. Many of
16 these women have a special talent for what they are
17 doing. Women should not be forced out of these occupations
18 in order to get higher pay. What is needed is a second
19 look at the value of these services, which are commonly
20 considered to be women's work.

21 Children are our future, and caring for them and
22 teaching them are vital activities. And yet child care
23 workers are some of the lowest paid of any professional
24 job. Compensation for these services should be brought
25 into line with comparable male dominated occupations. The

1 notion that men must be higher paid because they must
2 support dependents is outmoded. Today many women provide
3 the sole support for dependents, or contribute to their
4 support. And that contribution is necessary. Women
5 without dependents must plan for their retirement when they
6 will be their own sole support.

7 South Dakota law, as (S.D.C.L. 60-12-15) states ^{no}
8 employer shall discriminate against employees on the basis
9 of sex by paying wages to any employee in any occupation in
10 this state at a rate less than the rate at which he pays
11 any employee of the opposite sex for comparable work on
12 jobs which have comparable requirements relating to skill,
13 effort and responsibility, but not to physical
14 strength. ^H And that sounds to me like pay equity, and not
15 just equal pay.

16 So far as I know, no action has ever been taken to
17 enforce the comparable worth provision of this law. No law
18 can by itself change the perception of women's work, but
19 maybe steps could be taken in this direction based on the
20 authority of this law.

21 This discrepancy in wage levels has many, many
22 repercussions. The low wages paid to women affect any
23 benefit which is determined by a person's past earnings.
24 Social security payments are an example. A friend of mine
25 was employed in maintenance in an institution. Her boss

1 was a man whose salary was significantly higher than
2 hers. Her perception was that his main activity was
3 telling her what to do, (which she could have figured out
4 for herself) while she did the heavy physical labor now
5 that they are retired, his social security gives him a
6 comfortable living; while with hers, she is barely scraping
7 by.

8 Unemployment insurance is another wage-based
9 benefit. The amount of a worker's earnings determine
10 initial eligibilty, the amount of the weekly benefit, and
11 the overall total that the claimant can receive. Here we
12 have as of December, 1922, the number of unemployed males,
13 the number of unemployed females, those covered by
14 unemployment benefits for the males, and those for the
15 females. And I think that illustrates --

16 Incidentally, South Dakota has the distinction of being
17 the state that has the smallest portion of their unemployed
18 that receive unemployment benefits. This happens to be
19 1990. But here we have South Dakota. Here are our
20 neighboring states clear up to Alaska which is the top one
21 there. This is the United States average. South Dakota,
22 while the numbers have gone up, and these have shifted a
23 little bit, the pattern is pretty much the same still. And
24 so what has happened on this, in the United States we went
25 from 42 percent to 3 -- almost 37 percent, while in South

1 Dakota we went from ³⁰ ~~27~~ percent of the unemployed getting
2 benefits down to 17 percent.

3 The people who did the study that this comes from said
4 in comparing states, they thought the rules were not so
5 much different, but they found administrative practices
6 were different.

7 It's not that we don't have money. Here is the trust
8 fund reserve for unemployment. 43 million in 1990. By
9 1991 it was up to almost 47 million. It's well over 47
10 million now. The ideal reserve is a 30 million
11 reserve. We spend about 10 million dollars a year on
12 benefits. This 1.6 was the highest month at that time.

13 DOCTOR BUTLER: Excuse me. Perhaps Bill could turn that
14 around to the audience.

15 MR. MULDROW: Could we maybe stand over here, Fern,
16 while you are explaining that.

17 MS. CHAMBERLAIN: It isn't that we haven't tried to hold
18 this reserve down. Here is the rate at which the -- how
19 you measure what employers have to put in is by the rate,
20 the initial employer, the first year that they are running
21 a business, the rate they have to go by. The usual rate
22 is 5.4. Back here in 1984 we had a 3.5 rate. And here,
23 it's been going down, going down. It's now down to
24 1.2. And, of course, this is one of our big arguments for
25 bringing people into the state, the low cost of

1 unemployment insurance.

2 As I reviewed the regulations regarding unemployment
3 insurance, it seems evident that women are more negatively
4 affected by this. A person who voluntarily quits a job is
5 not eligible for benefits until that person has again been
6 employed for six weeks, and has earned wages not less than
7 claimant's benefit amount in each of those six
8 weeks. Voluntary quits include leave^{ing} a job because of
9 moving with the family to a new location, because of
10 illness or pregnancy, because of problems with child care
11 arrangements or other family demands. And these most
12 often, of course, fall on women.

13 To receive benefits, a claimant must be available for
14 employment. If pregnant, the claimant must provide a
15 medical statement that she is able to work. If the
16 claimant is responsible for child care, she must provide
17 the name and address of a baby sitter who would care -- who
18 will care for the child or children if she takes a job.

19 Another problem for women is the definition of work to
20 include only employment for which the worker receives
21 pay. Caring for one's own children or cleaning one's own
22 house calls for as much expenditure of time and energy as
23 if it were done for hire. Recently I saw a proposal that
24 the unpaid work done by women should be included in the
25 gross domestic product.

1 Representative Barbara-Rose Collins, Democrat of
2 Michigan, has introduced the Unremunerated Work Act of 1993
3 which would require the Bureau of Labor statistics to
4 calculate the value of unpaid labor that mothers do and
5 include it in the gross domestic product. Sounds like
6 an excellent idea. Maybe if this were done, women who
7 provide these unpaid services would be recognized as
8 productive, and credit given them towards later
9 benefits. I realize practically there are an awful lot of
10 problems in trying to do something like that.

11 To summarize, the concept of comparable work should be
12 employed in determining pay scales for jobs predominantly
13 held by women. I think we should push as hard for getting
14 those wages up for those kinds of jobs as we do for opening
15 up the more non-traditional jobs.

16 Unemployment insurance rules should be revised to
17 recognize response to family demands as good cause for
18 quitting a job, and reinstate eligibility for benefits as
19 soon as the claimant is ready to return to employment, but
20 has no job.

21 The contribution women make through unpaid work should
22 be recognized as a value, whether we can actually give it a
23 value towards, you know, earning benefits, but it certainly
24 would -- would help in this -- if it was recognized that
25 caring for children, even if they are your own children in

1 Your own home, you are being productive.

2 MS. BURNETTE: Thank you, Fern. Entertain questions
3 from the committee, please. Frank.

4 MR. POMMERSHEIM: No.

5 MR. WALSH: Fern, have you -- once again, excellent
6 testimony for the last 25 years or more. Have you ever
7 given much thought to, you know, the women in the home and
8 how we would compensate financially? I mean whose
9 responsibility is that?

10 MS. CHAMBERLAIN: There is talk today of somehow
11 crediting social security where there is one earner and the
12 other one is at home doing the duties there, of somehow
13 crediting that one earner's earnings to both of them. It's
14 just talk I think at this point.

15 MS. KIM: Would it be whether the family has children or
16 not, the women would be equal?

17 MS. CHAMBERLAIN: I think so. I think whether there are
18 children or not. But maintaining a home would be
19 considered a contribution.

20 DOCTOR BUTLER: I really appreciate your visual aids.

21 MS. BURNETTE: Kitty, have any questions?

22 MRS. WERTHMANN: Would you advocate that the husbands
23 pay the wives' wages?

24 MS. CHAMBERLAIN: Oh, well, I think they do now in a
25 way.

1 MR. MULDROW: What are the implications of that chart
2 you show where the insurance -- insurance reserve is way up
3 and the payments are way down? Why doesn't the state pay
4 more?

5 MS. CHAMBERLAIN: Well, we like to attract new
6 businesses by offering very low unemployment charges to
7 them, plus we don't like to pay out money.

8 MR. MULDROW: Isn't there -- I mean aren't they legally
9 bound to pay it out? How can they not pay it out?

10 MS. CHAMBERLAIN: Well, they have restrictive
11 regulations. Beyond that, I think what those people were
12 saying is that administrative practices can make a
13 difference, too.

14 MR. MULDROW: So the state says to new companies who
15 want to come in, if you come in, you won't have to pay much
16 insurance, is that what you are saying?

17 MS. CHAMBERLAIN: Uh-huh.

18 MS. BURNETTE: Thank you very much for a well-documented --
19 and concise presentation.

20 MR. WALSH: Can I go back to the previous presenter for
21 a question?

22 MS. BURNETTE: Sure. You have three minutes.

23 MR. WALSH: Lois, in the case of someone that's been
24 released and then comes back to the employer and says you
25 discriminated against me, and you either pay me now or you

1 are going to pay an attorney, what recourse does the
2 employer have?

3 MS. ROSE: When you say pay me like --

4 MR. WALSH: Give me money under the table, you know, I
5 will drop the discrimination charge, or you can pay your
6 attorney to fight this case.

7 MS. ROSE: My experience is that is no threat at all to
8 the average employer. None at all. I might just comment
9 on Fern's testimony. This whole thing with administrative
10 practice, you know, where there is a will, there is a way.
11 South Dakota has a huge bureaucracy to enforce this
12 unemployment law, and I mean they go after every tiny,
13 little possible nuance in the regulations to avoid
14 payment. But when it comes to enforcement of the Civil
15 Rights Act, you know, we have two employees; one
16 investigator and one secretary. That's it. Two.

17 DOCTOR BUTLER: I wanted to ask earlier when you talked
18 about the huge backlog of cases, do you ever expect to see
19 resolution in any of those cases that have waited two years
20 to even be acknowledged?

21 MS. ROSE: No. No. Some of them do just kind of grind
22 to a -- sort of an insipid little ending, and there is some
23 resolution. Some of them just die on the vine. People
24 leave the state. They, you know, go elsewhere. I mean it
25 -- I don't know. I don't see the statistics, you know, how

1 many they really close. I suppose they do somehow or
2 another, but I would be real surprised if the numbers are
3 very high on the really old ones. And right now the
4 backlog is the worst it has ever been in all the years I
5 have been in practice. It's terrible right now.

6 I wrote several letters to Governor Mickelson while he
7 was in office asking for additional funding. I talked to
8 him a couple of times about it. And this last year during
9 the session -- we had three employees for a while. We now
10 have two. So that was the end result of that.

11 MS. BURNETTE: When you spoke earlier, Lois, regarding
12 the number of clients that you turn away that come to you
13 for some legal help, do you refer them to like legal
14 services?

15 MS. ROSE: Well, I just about always, if somebody -- if
16 I think they have a valid claim, I make certain that they
17 at least file, you know. I may not assist them further in
18 the prosecution of their case, but I may send them to Mr.
19 Burke's office, I will give them the phone number in
20 Pierre. In some cases I will actually do the paperwork to
21 make sure that the case gets filed. But in terms of, you
22 know, active pursuit of the case beyond that, no.

23 MR. VAN PATTEN: Does East River handle those?

24 MS. ROSE: I don't know.

25 MR. VAN PATTEN: Were they prohibited or could they if

1 they --

2 MS. ROSE: I don't know.

3 MS. BURNETTE: If you will bear with us, since you can
4 help fill in a little time here since I don't see Mr. Lyons
5 in the audience. Is he here?

6 MR. POPOVICH: No. I have a question.

7 MS. BURNETTE: In previous testimony that was given this
8 morning, we talked about the lack -- there was one
9 presenter particularly that addressed the lack of public
10 consequence, the cases that were filed and settled. What's
11 your feeling or experience with that as far as your
12 complaints filed with local, state or other agencies and
13 the disposition of those cases which, to go one step
14 further, the -- there is a lack of motivation or incentive
15 on the part of the victim, if you will, to file a case and
16 employers themselves are not fearful of cases because there
17 is no public consequences for what is filed?

18 MS. ROSE: I'm not sure. I -- that's a very mixed
19 question. And the -- any time I have actively worked on a
20 case, it's a very difficult issue. And I represent not
21 only employees in these cases, in some instances, you know,
22 for different clients, I work for the employer. And so I
23 have had an opportunity to think of it, you know, from both
24 perspectives.

25 I will tell you, you know, from -- let's take it first

1 from the employer's perspective. Whether or not the case
2 is publicized by the parties, i.e., the employee making the
3 complaint or the employer, is entirely their own
4 discretion. If one of them want to talk to the media and
5 splash it all over, there is absolutely nothing to stop
6 it. Once a complaint is filed, the complaint process
7 itself is kind confidential, so that if a reporter calls
8 the South Dakota Division of Human Rights and says is there
9 a complaint and if so, what have you found, they are not
10 allowed to comment on it. So it's private in the sense
11 that the agency itself can do nothing. There is nothing to
12 prevent the parties from publicizing the case.

13 Now, so let's take, for example, one where perhaps the
14 complaining employee chooses to publicize. My experience
15 with those are, you know, they get very heavy play, lots of
16 times splashed on the front page of the "Argus" or front
17 page of the "Rapid City Journal," whatever. It's pretty
18 sensational for a while. -And interestingly enough, at time
19 of resolution or even sometimes at dismissal in a court
20 where the employer is vindicated, you know, there is
21 absolutely no play of that outcome, you know, of the
22 ultimate vindication of the person.

23 So, you know, it's kind of a sad story. And that's not
24 untypical either, I suppose, of a criminal case, you know,
25 where you are charged and whatnot, and, boom, you are

1 acquitted. The damage has been done, so to speak.

2 On the other hand, when I am in advising an employee who
3 thinks they can embarrass the employer and wants to splash
4 it all over, you know, you always have to caution a person
5 who is thinking along those lines that, look, if you want
6 to live in this community, seek other employment in this
7 community, face the people you go to church with, the
8 people you will see in the grocery store, think about how
9 people will react to this. You may feel victimized. A lot
10 of those people may not agree with their perception of
11 this. And so it cuts both ways I think, from whoever's
12 side you are on. And I'm not sure that lack of publicity
13 or consequence is necessarily a bad thing.

14 MS. BURNETTE: I may have miscommunicated, but -- or a
15 misunderstanding, Lois. My -- what I'm interested in is
16 those cases where you know perhaps there wasn't any
17 publicity by either party prior to --

18 MS. ROSE: But ultimately the employer is found --

19 MS. BURNETTE: But ultimately the employer is found, you
20 know, to have violated --

21 MS. ROSE: The law.

22 MS. BURNETTE: -- the law, and there is no public
23 consequence. I mean that's -- I'm more interested in, you
24 know, the media's inattention, if you will, to the
25 employers who have historically or are consistently found

1 to violate the law and discriminate against women, or
2 whether it's housing -- or I mean for this particular forum
3 we are talking about women, but from women we have heard
4 this morning, there are more -- they are less likely to go
5 and file a complaint because there isn't any public
6 documentation that there is a just resolution.

7 MS. ROSE: Or that this may be a bad employer.

8 MS. BURNETTE: That's right.

9 MS. ROSE: That you could sort of be on the lookout
10 for. I think in that instance you are exactly right,
11 that --

12 MS. BURNETTE: But you don't know to what --

13 MS. ROSE: I don't have a feel for it, no.

14 MS. BURNETTE: One more question.

15 MR. POPOVICH: Lois, you apparently had to work very
16 hard to get to the position you are in, and you must have
17 seen a lot of problems as you were reaching that level. I
18 just wonder if you would speak to us about your feelings of
19 the glass ceiling, and where you have seen some areas of
20 access for women trying to reach higher levels. We have a
21 lot of statistics related to politicians or municipalities
22 and legislation, but very little in the -- in the regular
23 work force, corporations and that. Can you speak to some
24 of those positions, and have you had a feeling from other
25 women what the problems are there?

1 MS. ROSE: Not very well. You know, Sioux Falls is kind
2 of an interesting environment in the sense that, you know,
3 we don't have a lot of large corporations, you know, with
4 the traditional kinds of corporate environments here. I
5 have a number of friends who, say, work at Citibank which
6 would be a large corporate employer, where my impression
7 from things I have heard from them is that that's a pretty
8 open environment for women, you know, in terms of
9 advancement.

10 You know, some of our larger employers are -- is the
11 medical industry here in Sioux Falls; particularly the, you
12 know, the two larger hospitals. I think that is a
13 different environment. When you look at the fact that a
14 lot of the people that work in hospitals are female, and
15 look at the corporate power structure, it's mostly
16 male. And so, you know, you might ask some questions about
17 that.

18 I think another huge employer in the city is our school
19 district. And women have traditionally been involved in
20 the teaching profession for many years, and my impression
21 is that that -- what had been I think a barrier in terms of
22 moving into jobs as a principal or into administration has
23 softened somewhat.

24 You know, I can speak, I suppose, most intimately with
25 respect to the professions, you know; law and medicine,

1 accounting, whatever. And I think it's still real tough
2 for a female. I don't think there are real obvious
3 barriers. I mean I was with the largest law firm in the
4 State of South Dakota for six years, and I have spent the
5 last eight and a half years self-employed. And, you know,
6 it's -- I had a good experience in that other environment,
7 but on the other hand, I perceived there were some
8 problems, and a lot of them related to the fact that, I
9 thought, I was female. And I, you know, chose to be my own
10 boss because of that.

11 And I think, you know -- I mean I am aware of the number
12 of women accountants, women physicians and whatnot in town;
13 that I think in the medical profession there is perhaps
14 less of the barrier. We are still in a posture that there
15 is a lot of need for women physicians, and a lot of them in
16 fact can kind of write their own ticket. In the accounting
17 profession, I think that there are more barriers than in
18 the legal profession still.

19 MR. WALSH: How about brokerage?

20 MS. ROSE: I know a number of women brokers, but I have
21 never heard them talk much about their work environment, so
22 I don't have a lot of good feel for that.

23 MS. BURNETTE: Well, thank you very much, Lois, for --

24 MS. ROSE: Now I'm really going to get out of here.

25 MS. BURNETTE: Thank you for taking some time. I do not

1 see a male in the audience, so if on behalf of the
2 committee, if I could beg Frances Jefferson from -- who is
3 the equal opportunity specialist for the Women's Bureau
4 from the U.S. Department of Labor, Denver, who has been
5 with us all morning, I know you don't mind coming forward
6 fast.

7 MS. JEFERSON: No, I don't.

8 MS. BURNETTE: Thank you very much.

9 MS. JEFFERSON: I am Frances Jefferson. I am the equal
10 opportunity specialist and assistant to ^{Oleta Crain} ~~Oletha Crane~~, the
11 regional ^{Administrator} ~~assistant~~ for the Women's Bureau, U.S. Department
12 of Labor, Region VIII, located in Colorado.

13 I guess before I proceed, I want to say I have written
14 my statement because I am representing my boss in case she
15 asked ^S ~~me~~ what I had to say.

16 The Women's Bureau, one of the oldest agencies in the
17 U.S. Department of Labor, was created by Congress on June
18 5th, 1920 and given a mandate to formulate standards and
19 policies which ^{shall} ~~help~~ promote the welfare of wage earning
20 women, improve their working conditions, increase their
21 efficiency, and advance their opportunities for profitable
22 employment.

23 In the 1940s after World War II began, the Bureau helped
24 the nation meet its need for industrial workers. While men
25 served in the military, women were encouraged to enter the

1 labor force, while the Bureau worked with industry leaders
2 to develop training programs for these newcomers. The
3 Bureau also encouraged the development of child care
4 centers.

5 Throughout the '50s and '60s the Bureau addressed a wide
6 array of issues ranging from career oriented training and
7 education to passage of the Equal Pay Act. The Bureau was
8 instrumental in the creation of the President's Commission
9 on the Status of Women in 1961. During the '70s, women
10 joined the work force, ~~and~~ in increasing numbers. The
11 Bureau worked for women's greatest^R access to employment and
12 training, as well as careers of their choice. Another
13 emphasis was the recruitment of women to non-traditional
14 jobs in the trades, professional specialties, and the upper
15 levels of corporate management.

16 In the 1980s the multiple earner family became the
17 norm. There was also a rapid increase in the number of
18 families maintained by single adults, mainly women, and
19 mothers with preschool children entered the labor force in
20 rapid numbers. New issues emerged around the limited
21 amount of time available for family care needs, and the
22 Bureau advocated policies and practices to help make work
23 and family needs compatible.

24 As the Bureau proceeds in the 1990s, we ~~are~~^{enter our} ~~in the~~ eighth
25 decade of service to women. Our ^{ti} initiatives continue to be

1 balancing work and family, health and safety,
2 non-traditional, glass ceiling, work place innovation, and
3 a minority college initiative.

4 We might ask have we made a difference to the women in
5 South Dakota. The 1990 census showed interesting
6 information about the employment distribution between men
7 and women in South Dakota. Are women making inroads into
8 the better paying professional level jobs traditionally
9 occupied by men? In occupations which had total employment
10 of at least 100 in 1990, females accounted for 43
11 percent. Women were only 12 percent of the physicians, the
12 highest paying occupations.

13 Among some of the other better paying professional level
14 occupations in the state, women comprised 70 percent of
15 medical and health service managers, 40 percent of public
16 administrators and officials, 38 percent of pharmacists, 33
17 percent of marketing, advertising and public relations
18 managers, 32 percent of securities, financial services,
19 sales representatives, 30 percent of optometrists, 27
20 percent of general managers, 18 percent of lawyers, 7
21 percent of dentists, and 5 percent of electrical and
22 electronic engineers. The percentage of jobs held by women
23 in these occupations increased from 1980 to 1990 with the
24 exception of general managers, where there was a slight
25 decline.

1 The Women's Bureau does not take credit for the distance
2 women have come. However, with the limited funds available
3 for the six Rocky Mountain states, we have tried to make
4 our presence known.

5 Let me say it's unfortunate that the Commission on the
6 Status of Women was defunded for they were the catalyst
7 that allowed the Women's Bureau to provide funding for
8 programs that covered a broad spectrum on women's issues.

9 Just to mention some of the programs that we have done
10 in South Dakota over the years; in April of 1990, worked
11 with Judy Richards, Department of Education and Cultural
12 Affairs. We provided a workshop on strengthening South
13 Dakota families. This workshop addressed balancing work
14 and family issues.

15 In August of the same year, working with the Aberdeen
16 Resource Center for Women, we held a conference with
17 American Indian women on reservations. The areas included
18 training them as group leaders or advocates.

19 In 1990, working with the Resource Center for Women,
20 there were three two-hour workshops on issues related to
21 American ~~women~~, Indian women, and domestic violence. They
22 called that Balancing the Family Circle in Contemporary
23 Society.

24 In 1991 we worked with the South Dakota Coaliton Against
25 Domestic Violence and Sexual Assault. The objective was

1 ending domestic violence. It was a two-day conference.
2 First day was for nonprofit organizations, and the second
3 day was for the battered women and victims.

4 In September, 1992, we worked with the Sioux Falls
5 Business and Professional Women, and we assisted them in
6 funding a resource guide for women in South Dakota that
7 provided information on finances, employment, credit,
8 social security, and legal rights.

9 In September of that same year, we also assisted the
10 Resource Center for Women in a workshop Facing the Future,
11 Family Survival. This focused on the obstacles of the
12 family.

13 In 1990, and for every year since then, we sponsored
14 with Equal Education Opportunity Expanding Your Horizons
15 conferences. This was emphasizing the math and science
16 careers targeted for girls and Indian students for junior
17 high and high school. Their attendance was 200. This last
18 year they had 600 students.

19 Upcoming in September, next week, we are working with
20 the Brookings Area Learning Center funding a conference on
21 the glass ceiling, and a non-traditional employment
22 workshop. The regional administrator will be one of the
23 keynote speakers there. In addition, we have provided
24 funds to the learning center for ongoing programs and to
25 disseminate information on the new Family Medical Leave

1 Act.

2 Now and in the future the Women's Bureau will remain not
3 only a strong voice that advocates policy, but also a
4 helping hand that advocates programs to assist working
5 women and potential workers, thus to carry out our
6 congressional mandate of 1920.

7 I would like to thank you for the opportunity to provide
8 this testimony, and if we can be of assistance to the women
9 in South Dakota, we are there for them. Our phone number
10 is in the publication on the back tables.

11 Are there any questions? Thank you.

12 MR. VAN PATTEN: One thing that may affect actually the
13 Civil Rights Commission, and so that's why I started
14 thinking about it, and then it occurs to me in light of the
15 fact you're an agency or group within the Department of
16 Labor, is this recent initiative to reinvent government to
17 make it streamline, to cut out the jobs that are being
18 duplicated. I'm wondering just if you have a feeling about
19 -- I notice -- for example, I noticed when I first looked
20 at your -- at your title, I thought this is EEOC, but no,
21 it's not EEOC. It's Equal Opportunities within the
22 Department of Labor, so it's a different deal. But what
23 would happen to your efforts if, say, everything was
24 consolidated into EEOC?

25 MS. JEFFERSON: Okay. I don't believe that my title

1 equal opportunity specialist ^{is good} they're kind of dealing
 2 with that, you know, why we even have that title, equal
 3 opportunity specialist. I am on the Women's Bureau ^{Reinvent} team,
 4 but the Women's Bureau is not an enforcement agency. We
 5 are a resource, and we not only provide resources and
 6 direction on equal opportunity, but any issue that impacts
 7 women as they try to balance their work and family, and
 8 just survive in the world of work. And with women,
 9 according to the Hudson Institute, becoming 63 percent of
 10 the new entrants into the work force by the year 2000, I
 11 think there would be a stronger emphasis toward the Women's
 12 Bureau. Presently there is no duplication for the job that
 13 we do.

14 MR. VAN PATTEN: Okay. I guess my larger question or
 15 question that is -- just go at it again. Do you think
 16 there is any danger in consolidation that your unique role
 17 is not recognized by some person who is doing the
 18 consolidating and cutting here and --

19 MS. JEFFERSON: You know, I don't ^{know} who that person is, so
 20 I can't ^{say} ~~I~~ I can't even venture ^{to} ~~a~~ guess ^{what will happen}

21 MR. MULDROW: When I spoke with ^{Oleta Crain} ~~Olethea Crane~~ some weeks
 22 ago, she mentioned a program called NEW, Non-Traditional
 23 Employment for Women. And could you explain that program,
 24 and what relation it has to the South Dakota Job Service.

25 MS. JEFFERSON: Okay. The Non-Traditional Employment

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1 for Women Act, Public Law ~~102~~, in 1993 became one of the

2 Women's Bureau initiatives, and we received a certain

3 amount of funds. And they go through the job training ^{office}

4 ^{in the States.} They are JTPA funds that are monitored by the Women's Bureau, ^{Funds given} to the

5 states. And each ~~x~~ I don't believe that South Dakota ~~x~~ ^{did.}

6 there is a new grant period that just went through. But

7 last year the only state in the region ^{that received} ~~we seek~~ funds for

8 that particular program was the Western Wyoming College in

9 Rocks Springs, Wyoming, ^{The new} ~~and that~~ grant period just closed.

10 And I'm not sure if South Dakota made an application, but

11 they haven't made those selections yet for those funds. ^{This year} ~~is~~ ^{at}

12 that the one you are talking about? Non-traditional

13 employment is one of our initiatives, and there ^{are State plans} ~~are~~

14 ^{that require specific goals and objectives.} MR. MULDROW: You monitor the use of the funds, the

15 grant funds?

16 MS. JEFFERSON: Last year was the first year for ~~x~~ ^{the new grant} this

17 closing fiscal year is the first year for those funds, and

18 they were monitored out of the national office.

19 MR. MULDROW: And South Dakota you say did not apply

20 for --

21 MS. JEFFERSON: No, South Dakota, I'm not sure if they ^{did,}

22 -- ^{or} ~~whoever~~ received the grant for the new year, they have

23 not announced that yet. But last year there ^{was} ~~were~~ only one

24 in this region, Wyoming was the only state that was

25 approved.

1 MS. BURNETTE: Could you explain that program, please.

2 MS. JEFFERSON: It's a non-traditional employment
3 program for women, and that's where funds are set aside
4 through the governor's jobs training office. There are
5 specific goals that they have to have in their state plan
6 where they are going to address getting women into non-
7 traditional jobs, where they will have training programs,
8 specifically concentrating on employing women in those jobs
9 and training women to be able to go into non-traditional
10 fields. And those grants are applied for through the JTPA,
11 and the government -- Governor's Job Training Act. And
12 like I ^{said} ~~say~~, they just received those ^{applications}, and I'm not sure what
13 states will receive them, ~~but in region -- let's see~~, I
14 know there was one ~~state~~ in the District of Washington
15 D.C., there was ^{one} ~~some~~ ^{the} ~~where~~ ^{Region} in Dallas; and Wyoming in our
16 region is the only state that received ^{the} ~~these~~ 250,000
17 dollars.

18 MR. MULDROW: The state is required to have some goals?

19 MS. JEFFERSON: Yes. The states are required to have in
20 their plan that they submit to the governor's state
21 planning for training, they are required to have goals for
22 training women in non-traditional fields. And they not
23 only have to have goals; they have to have the objectives,
24 and specific set aside things that say they will train
25 women, and what they are going to do to get them in those

1 fields.

2 MR. MULDROW: And do you monitor them, the progress
3 toward those goals?

4 MS. JEFFERSON: We do not monitor that. The governor's
5 job training, JTPA.

6 MS. BURNETTE: I have more one more question. Before I
7 ask, are there any other questions here?

8 MS. JEFFERSON: I was going to say we do review the
9 state plans to see that each state has included goals, and
10 I believe last year that the only state that did include ^{the goals} --
11 let's see, I believe it was South Dakota, ^{let me see was it} --^South Dakota,
12 North Dakota, I can't remember right now, but there was
13 only one state in Region VIII that did include specific
14 goals. All the other five states had to be turned
15 back. So there ^{was a} ~~had to be~~ big training ^{session} last year in
16 Colorado, and this year the state plans look much
17 better. The states did put in them what they were required
18 to put in.

19 MS. BURNETTE: Did you have another question?

20 DOCTOR BUTLER: Look forward to seeing you in Brookings
21 next week. I hope to be there.

22 MS. JEFFERSON: My boss will be there. I won't be
23 there.

24 MS. BURNETTE: Kitty, did you have a question? Malee?

25 MS. CRAFT: I have a question, Frances. The Women's

1 Bureau, I guess I am assuming that your office does receive
2 phone calls or whatever.

3 MS. JEFFERSON: Yes.

4 MS. CRAFT: Can you tell us what -- which areas you get
5 the most concerns.

6 MS. JEFFERSON: We continue to get a lot of concerns
7 with sexual harassment, and continue to get a lot of
8 concerns with employment and pregnancy.

9 MS. BURNETTE: Is there a question down here?

10 MS. KIM: How do we get a hold of this list of non-
11 traditional jobs?

12 MS. JEFFERSON: You can get a hold of the list of non-
13 traditional jobs by contacting our office. And our
14 telephone number is 303-391-6756. That's 1801 California.
15 *Suite 905, Denver, CO 80202-2416*

16 MS. KIM: That's fine. Is there such a list then of
17 non-traditional jobs for men?

18 MS. JEFFERSON: No, I don't believe we have a list of
19 non-traditional jobs for men, but we could look at it in
20 vice versa; those jobs that are traditional for women would
21 be non-traditional for men.

22 MS. KIM: Because in our nursing program, there is some
23 male students, and --

24 MS. JEFFERSON: Usually go to -- any job that has less
25 than 25 percent of any one sex -- did I say that right --
okay, is non-traditional.

1 MS. BURNETTE: I have two questions. First of all, I
2 mean you went by the statistics so fast, and I know that I
3 will be getting a transcript of them, but what were your
4 sources and when did -- where did -- what year were your
5 statistics gathered from?

6 MS. JEFFERSON: That particular source was published in
7 May, 1993 by the South Dakota Labor Department. And they
8 were from the 1990 census.

9 MS. BURNETTE: Thank you. In terms of the new project
10 through JTPA and the non-traditional jobs that you -- if we
11 could just visit that a moment, in terms of response, is
12 that the state's responsibility to monitor and look for in
13 the RFPs that come out from Washington, D.C. to, you know
14 -- is it just strictly an administrative duty where we have
15 to -- I mean like I am in a nonprofit organization, and I
16 -- the worst part of my job is reviewing the Federal
17 Register for grant opportunities and RFP opportunities that
18 might fit our needs as an organization. So I am assuming
19 likewise with the states, it's the state's responsibility
20 to respond; that there is not an active recruitment method
21 on behalf of the Department of Labor to call the state and
22 say, look, we have this wonderful new program, and South
23 Dakota has, you know, more women that are living in the
24 state. I mean there is not one single agency or office in
25 Washington or in the region that actively recruits states

1 to apply for new funding?

2 MS. JEFFERSON: Well, with ^{regards to that} -- I can't speak to all of
3 them, but with reference to this particular program, ^{there} ~~it~~
4 seems to be a big ^{interest} -- Wyoming, as small as it is, received
5 the 250,000 dollars. So they sent that information
6 directly to the Governor's Job Training Offices in the
7 state^s. The deadlines, they send it ^{in the Federal Register} -- they send them
8 information that will know when the RFP will be coming out
9 and what the deadlines will be and the requirements.

10 MS. BURNETTE: So would a recommendation on your part
11 then, if I can be so bold, to have the women's groups in
12 South Dakota call that respective office and offer our
13 services --

14 MS. JEFFERSON: To who?

15 MS. BURNETTE: To our state, to the governor's office,
16 and encourage them to apply for those --

17 MS. JEFFERSON: Right. But they did apply. I'm sure
18 they did apply.

19 MS. BURNETTE: South Dakota did apply?

20 MS. JEFFERSON: All the states did apply. I'm just not
21 sure who was selected this time.

22 MS. BURNETTE: Thank you.

23 MS. JEFFERSON: I was going to say, too, in relationship
24 to the funds for that, I'm not sure what organization you
25 are with, but the additional funds are what they call ISTEA.

(ISTEA)

1 That is Inner Surface^{Module} Transportation Efficiency. ^{Act} Are you
2 familiar with that?

3 MS. BURNETTE: No, ma'am.

4 MS. JEFFERSON: ^{Well} ~~And~~ under that program, I guess it says
5 in the language that a certain amount of the funds will be
6 used to plant wildflowers, and can be used to train women.
7 And we are having a big ^{problem with this.} ~~so~~ so we are having a big workshop
8 because ~~they~~ ^{they there} are a lot of people that don't realize that
9 all those funds have been set aside for that, and they seem
10 to be being used ^{more} for planting the wildflowers than training
11 the women. That's a grant through the Department of
12 Transportation.

13 MR. POPOVICH: I was interested when you were talking
14 about the programs that you have provided funding for,
15 especially in South Dakota. How did those agencies or
16 those groups contact you? Did they directly contact the
17 U.S. Department of Labor, and then the Department of Labor
18 puts them in touch with you or --

19 MS. JEFFERSON: Well, usually what has happened, since
20 the Commission on the Status of Women is defunct, it kind
21 of started off by, you know, I may call someone that was a
22 member or someone that worked with the governor's
23 commission and say, well, since you are not doing this
24 anymore, do you have, ^{or do} you know, any resources. ~~And~~ with
25 relationship to the things that we have done on the Indian

1 reservations, that was the result of our Minority *College*
2 Initiative ~~Association~~. We just kind of call the different
3 reservations and tell them we have some funds, are you
4 interested in doing any training, tell them what ~~your~~
5 initiatives are.

6 MR. POPOVICH: So you have funds available every year
7 for different training?

8 MS. JEFFERSON: Every year, unquote. I don't know what
9 the new administration is going to do, but that is -- ~~that~~
10 ~~is~~ our focus, to provide training and research. That is
11 what we do.

12 MR. POPOVICH: Do you have anything going right to that
13 to speak of?

14 MS. JEFFERSON: The one I just mentioned next week in
15 South Dakota, we are funding a workshop they are having
16 through the Brookings Learning Center. We are coming to
17 the end of our fiscal year, and I believe that one -- ^{and the one} we
18 are having ~~one~~ in Denver on September 30 for non-
19 traditional and ISTE~~A~~ if anybody wants to come to that.

20 MS. BURNETTE: Plant wildflowers.

21 MS. JEFFERSON: We are going to try to see that they do
22 not plant all wildflowers.

23 MS. BURNETTE: Are there any other questions? Thank you
24 very much for working with us.

25 Let it be noted in the record that Jim Lyons, President,

1 United Food and Commercial Workers Union, I believe RSVP'd,
2 and is not present.

3 Martha Reed, Director of Human Relations, Citibank of
4 South Dakota, are you here?

5 MS. REED: I'm here. Yes.

6 MS. BURNETTE: Before Martha comes up, we will give you
7 a chance to gather yourself, Martha. Jane Kono.

8 MS. KONO: Well, Fran already gave good advertising for
9 us, but -- and I am completely out of fliers, but I am Jane
10 Kono, the director of the Careers Learning Center in
11 Brookings. And at the CLC, we work with unemployed and
12 under-employed individuals, and we work JTPA jobs. We also
13 have a displaced homemaker program.

14 And what we are doing next Wednesday, all day, is a
15 program called Women in the Work Force. It will start at
16 9:00 o'clock in the morning. It is at the Brookings
17 Holiday Inn, and Olethea Crane is going to be our keynote
18 speaker.

19 We're also going to have information about women in the
20 work force in South Dakota, who we are, how old are we, how
21 much education do we have, how much money do we make, where
22 are our children while we are working, and lots of other
23 information like that.

24 We have two panels planned for the day. One is on
25 non-traditional employment, and the other is on the glass

1 ceiling. And these will be local women in both of those
2 areas in non-traditional employment, and also in programs
3 that offer non-traditional opportunities. And then we will
4 have women who have hit the glass ceiling, and who have
5 actually broken it in our community.

6 So we welcome you, and if you would like more
7 information, I will be here all day, or you could call the
8 Career Learning Center, or you could just come to our
9 program. And we would certainly like to get the word
10 out. So thank you for the opportunity.

11 MR. VAN PATTEN: Earlier I said that I thought that
12 Equal Pay Act, this is a national legislation, had been
13 enacted in 1968. And I just wanted to correct that. I was
14 wrong. I did consult a very handy guide called Employment
15 Discrimination and Women in South Dakota, Legislative
16 Handbook, and in there it says that the date of that act is
17 1963. And it has that, and a lot of other useful
18 information as well.

19 MS. BURNETTE: Yes.

20 MR. POPOVICH: Sort of corrected yourself twice there,
21 is that right?

22 MS. BURNETTE: I would encourage all of you, before I
23 ask Miss Reed to come up for the presentation, to not
24 forget to take our latest publication by this committee on
25 Employment Discrimination and Women in South Dakota for

1 dissemination.

2 It is now 2:23, and Martha Reed is here. And, Ms. Reed,
3 we would like you to come forwards and introduce yourself.
4 And thank you for responding to our invitation. Tell us a
5 little bit about yourself.

6 MS. REED: Okay. My name is Martha Reed. And I am
7 Director of Human Resources for Citibank, South Dakota. I
8 have been with Citicorp for 16 years, and 11 years here in
9 South Dakota.

10 And what was really fun for me coming out when we
11 started up the credit card center was it was a brand new
12 business, and so we were able to take it from one person up
13 to its current 2800 people and be able to watch the
14 evolution of that over the years, and really be able to
15 watch, you know, the evolution of the department, of our
16 management team, moving it from a big eastern corporation,
17 you know, New York corporation, to one where most of the
18 management group and really most of the higher level staff
19 are now local and regional people. So it was kind of
20 interesting just as a cultural exercise, too, as you watch
21 people talk to each from various parts of the country and
22 varying interest groups.

23 I grew up in Minneapolis, Minnesota, went to school out
24 east, and then came to South Dakota when the bank came to
25 South Dakota.

1 So I thought what I would do is start by giving a little
2 background of Citibank, South Dakota, a little bit about
3 our organization, and then some of the things that we have
4 done to really try and help women in the work force, and
5 then some of the obstacles that we still see within, you
6 know -- just regionally and for the state.

7 Citibank's presence in South Dakota began when its
8 parent, Citicorp, which is in New York, made a commitment
9 to further develop our bank card business. We have card
10 members throughout the world, and we needed a place where
11 we could really start to service those card members in a
12 very, very flexible and efficient way, and to move out of
13 -- out of New York where there are a lot of constraints in
14 terms of charges that we could do for credit cards, you
15 know, a good -- good, solid work force that we were looking
16 for that was a little bit different, and we wanted to also
17 move Citicorp into different geographic areas around the
18 United States as part of a strategy of growing the whole
19 business.

20 So the bank card business, it's very efficient, it's
21 very customer-focused, and it is a service industry. We
22 had more than 30 million accounts, and we really do have
23 the pre-eminent share of bank cards in the credit card
24 market.

25 In 1980 is when we really started looking as a

1 corporation for a place to come to for this business. And
2 a study was done with South Dakota, and because of South
3 Dakota's free economic environment, and really the quality
4 of labor force that was here, it just really had a lot of
5 appeal for us as a corporation. So then in 1981 is when we
6 first started bringing out the credit card operation from
7 New York, and we have been here since 1981. And as I said,
8 we started with one individual, and we are now up to 2800
9 with three different buildings.

10 Little bit about the kinds of jobs that we have. When I
11 take a look at opportunities for people, most of the jobs
12 that we have in our organization are customer service
13 related. So the people that we hire are those individuals
14 who know how to help other people solve their problems with
15 their cards, either through talking with them on the
16 telephone, or if somebody should write into us and say
17 there is a problem with my credit card, can you help me
18 with it, then those individuals have to be able to respond
19 to that person in writing.

20 And those -- those are very difficult jobs. They are
21 very complex because there are so many regulations around
22 credit cards, with Master Card and Visa association. So
23 the people who come into those jobs, most -- the majority
24 of our people have at least some college, and almost 40
25 percent of our staff in these jobs do have college

1 degrees.

2 We also have a center called the retention center, and
3 this is when card members call, and they say I have had it
4 with you, we are going to close my account, our account, we
5 don't want your card any longer. These individuals then
6 work with that person to make sure they understand the
7 value of the credit card and the services they can get and
8 the products they can get to try and save that account. So
9 the individuals who come into these kinds of jobs have to
10 have good sales skills and good, again, customer relations
11 skills because most of the time the person will call us and
12 are angry at first, and what they want then is someone to
13 take them through that anger and understand what the real
14 issues are, and then sell them again on the product. So
15 that takes a special talent as well to be able to do
16 that.

17 We also have credit services. This is where people
18 apply for credit cards, and we are going to evaluate that
19 person's credit worthiness. So the individuals in these
20 jobs have to be able to understand credit criteria, match
21 that against some thresholds we have for granting credit to
22 people, and so they are trained on those credit functions.

23 Another thing we have is transaction services, and this
24 is where when you pay your credit card each month, your
25 statement comes to us, we process your check. And we also

1 print and issue credit cards. So that is really the part
2 of our business which is kind of manufacturing in
3 orientation. Individuals hired there, they are on their
4 feet all day long, they are running quite a bit, so there
5 is a lot of physical stamina you have to have in this
6 particular job, but also constant attention to quality.

7 And we have information services. This is all of our
8 systems development and computer work. And in this area we
9 have a lot of computer programmers, and this is one of the
10 areas where we have really tried over the years to develop
11 people with these skills here in South Dakota. When we
12 first started the bank, we would go really all -- wherever
13 we needed to in the country to find people to do systems
14 jobs for us because initially there just wasn't that kind
15 of skill base broad enough in South Dakota that we could
16 draw from.

17 So one of the things that we have done over the years is
18 to really work with local colleges and universities to
19 develop internship programs for those people who are in an
20 information systems major. And we have been able to do a
21 lot of work there also with making sure that we are
22 bringing women through those programs as well because
23 typically what we have seen throughout Citicorp, as many
24 industries, is when you get into the systems world, there
25 are typically more men in those jobs than women. We wanted

1 to start to make sure we could bring women through those
2 jobs as well because they tend to be very highly paid
3 jobs.

4 Then we have a myriad of support services that you have
5 in any organization, where we have a quality, a training
6 organization, human resources, finance and accounting,
7 banking and treasury, what we call service development, and
8 other administrative types of support, which, again, most
9 of those jobs, as we look at those managers, require
10 college degrees. And one of the things that has been
11 really good for us in South Dakota is we do have a lot of
12 college graduates, and a lot happen to be women.

13 When we started the bank, because we are a service
14 industry which is not unusual in any service industry, we
15 are mostly female. 70 percent of our work force is female.
16 And among our management, 45 percent are female, and we
17 have 60 percent of first line supervisors -- these are
18 individuals who are working directly with our staff
19 members. 60 percent of our first line supervisors are
20 female. And the majority of those individuals have grown
21 with the organization.

22 The one thing I think that has been really helpful for
23 us as an organization being able to grow women into
24 management is that we could develop with from within the
25 organization, and then promote them. So we have about 220

1 supervisors throughout the organization. 60 percent of
2 those are women, and most of them have grown from within.

3 One of the things we really focused on over the years as
4 we do develop management talent is that we really focus on
5 that talent and try and find people who we know are going
6 to be able to provide good leadership. And we have not --
7 we have not insisted that people have college degrees. And
8 I think that when, especially when you dealing with -- with
9 women as a group, as I have seen over the years, because of
10 family constraints and responsibilities, I have seen it is
11 more difficult for women to complete their college
12 educations. So we don't have a hard and fast rule you must
13 have a college education in order to get into management.

14 And what has been fun over the years is to watch -- two
15 of our current vice-presidents that we have are women, and
16 to see where they started out in South Dakota. One was a
17 dental assistant in a dentist office, and came to us in a
18 clerical position, and through the years has grown into a
19 senior vice-president position. And another one really had
20 been a teacher, and decided to leave teaching and again
21 came to us in a clerical position, and has grown, grown
22 through the ranks.

23 So we have people that come with varying backgrounds.
24 They come to us because they are looking for career
25 opportunities. And we see a lot of that with women coming

1 out of other -- other specialties, or there -- they have
2 not been able to get a college degree and they want to
3 start somewhere.

4 Because -- because we are so much of a female work
5 force, over the years we have really tried to focus on work
6 and family issues. Because we are a 7-day a week, 24-hour
7 a day business -- which in particular here in this location
8 we typically find people applying for jobs, if they are,
9 looking for 8:00 to 5:00, Monday through Friday
10 positions. For most women, if they have a family, that's
11 really the schedule that is going to work best for them.

12 But because of our business needs, we have got to have
13 people at various times, so we have tried to develop
14 flexible schedules for people that they can select that
15 best meets their needs in terms of their family
16 circumstances, and then really to develop what we call, you
17 know, some family friendly policies. We have had a long-
18 standing policy of sick child care, so that if we do have
19 staff who need to go and take care of a sick child, there
20 are days allocated through the year so that staff can
21 simply go and take care of those issues for themselves.

22 We have -- we started in 1987 a child care center which
23 is run, of course, by McKennan Hospital, and that handles
24 250 children for us and takes care of about 120 of our
25 families. And that has been one thing that has really

1 helped us. And I think that is one that continues to be
2 an obstacle for women, is being able to find affordable,
3 quality child care when it's needed. As I -- as I work
4 with people applying for positions, and people who are
5 staff members for us now, it is easy to find child care,
6 relatively easy to find child care for Monday through
7 Friday, 2800 jobs. It is very difficult to find child
8 care for night jobs and weekend jobs. And that's where we
9 really try and work with our staff.

10 We have what -- we have a consultant that is called Work
11 and Family Directions that works with us that staff can
12 call and talk to them about here is my need for child care.
13 And what Work and Family Directions will do for that staff
14 member is research within Sioux Falls available child care
15 options, and work with a staff member to help them find
16 that child care.

17 Some of the other programs that we have, we do quite a
18 bit in terms of really prenatal seminars for mothers and
19 making sure that they are getting the attention they need.
20 In any given year we have 200 children born to staff
21 members at Citibank. It's a young population, young,
22 married, lots of babies being born. So we do -- we do
23 noontime seminars and presentations.

24 We also have a program called Babies and You. And we
25 have really found that that has been a good support system

1 for our pregnant staff because there is lots of anxieties,
2 and it really just helps them really form some groups at
3 work that they can talk to and bond with. So that program
4 has worked really well for us.

5 We have a series of wellness programs because we have a
6 fitness center and we do a lot of work through the year on
7 nutritional and exercise programs for all staff, and we do
8 have an exercise program for expectant moms as well. We
9 work with the local hospitals to do those programs.

10 We also have an elder care referral program. While we
11 are still a relatively young work force, we are starting to
12 see people with elder care needs. And that typically --
13 again, most of those responsibilities fall to most of the
14 women staff that I work with. And, again, it's a referral
15 service where they can then get help to find care, find
16 nursing homes, research nursing homes, so that then they
17 can move their elder parents into those facilities without
18 being disrupted by a lot of work.

19 We have an employee assistance program that people can
20 access 24 hours a day, six days a week if they have needs.
21 There -- a lot of work is done with that group, and a lot
22 of the referrals are parent/child relationships. And we
23 find that those can also be some of the most disruptive
24 situations that occur for staff on the job. And so we do a
25 lot of work, again, seminars that we do as staff at lunch

1 time; come down, bring your lunch, and we do a seminar on
2 your teen and you or -- but we did one seminar recently,
3 and it was, you know, when you reach the -- when you reach
4 the time when you feel you're probably the dumbest person
5 in your household, you know, kids talking to you, and just
6 working through those kinds of issues and offering those
7 programs.

8 We do have -- in terms of other events, we have paid
9 sick leave. There is an emergency room to be able to take
10 care of your emergency situations that might arise. If
11 there is a fire or somebody's furnace is out or something
12 like that where you have got to go and be able to just go
13 and take care of some necessary life things, your
14 employment isn't jeopardized in anyway because you have to
15 go take care of those things. There are days allocated
16 throughout the year when you can go do that.

17 And then the other thing that we have really for
18 development which our staff really takes a lot of advantage
19 of, and which women in particular access, is our tuition
20 assistance program. Our tuition assistance program pays
21 80 percent of any courses that are being taken for under-
22 graduate or graduate degrees. So what is really good about
23 this one is when we do have people come into the
24 organization who have not completed their college
25 education, they are now able to do that through this

1 program. And we have -- at any point every year we have
2 about 600 staff who take advantage of that. And they can
3 receive up to 5,000 dollars a year in tuition benefits to
4 complete their education.

5 In terms of, again, some of the obstacles that we see,
6 one -- one still that is very, very difficult, as I work, I
7 work a great deal with employer relations and staff
8 relations, also where we are trying to deal with a single
9 parent who typically is female, being able to find
10 affordable housing, being able to find affordable child
11 care, and continue their education if they need to. And
12 what are the support systems in place for those
13 individuals.

14 So those I think are still some issues that -- that as a
15 community we still need to address. And, again, the whole
16 idea, I would complete undergraduate school or vocational
17 training. Because of family responsibilities we often
18 find, you know -- many of our women or female employees,
19 they will have children relatively young, not complete
20 their education, come back to the work force, and then they
21 want to complete their education, so helping them with
22 that.

23 The other thing that I have seen over the last few years
24 is also the ability to accept additional managerial
25 responsibilities because of family responsibilities. I

1 have had several, several unit managers, first line
2 supervisors, turn down higher level managerial positions
3 because they really felt they could not take on that
4 responsibility and do what they needed to at home. And
5 that's really a cultural thing I think within corporations
6 that is being addressed. There is a lot of literature
7 about it right now. And I do see that.

8 I have also seen women turn down managerial positions,
9 even first line supervisor positions, because they really
10 feel because of the demands of being in a management
11 position, that they are not able to accept that kind of
12 responsibility because of family responsibilities. And
13 typically it was their children are very young. So, again,
14 they tend to have -- there is a tendency sometimes I think
15 for us to postpone career advancement until we can take
16 care of some family responsibilities, and our children are
17 a little bit older.

18 In -- I do see, of course, women then return to the work
19 force if they have decided to stay home, and learning to
20 work with that group of people. One of the things that we
21 have found is that there is a different learning style once
22 you become a little bit older and out of school. Just
23 forget how to do that. And you don't want to learn that
24 way anymore. And so we have had to make a lot of
25 adjustments because early on we would find that women

1 returning to the work force after being home would have a
2 high failure rate in our training programs. And what we
3 had to do was really learn how to readjust our training so
4 that they could be successful. And they certainly have
5 become some of our best employees. They serve as mentors
6 to younger staff. So organizations have to continue to
7 make adjustments in those kinds of activities, you know, to
8 deal with different ages, as most often what you see with
9 return to work force of course is women.

10 And the other thing just in terms of being able to
11 continue providing opportunities for women is that as a
12 community, you know, as a state, is to continue to build
13 and develop and bring in, you know, quality businesses that
14 are growing, that start -- start off brand new like we did
15 with Citibank, or even a small business, that you are able
16 to provide opportunity -- growth opportunities by bringing
17 in new businesses and developing new businesses. And that
18 is something as a community that we just need to continue
19 to focus on.

20 I think that overall the programs we have going forward
21 in Sioux Falls, Community Development Foundation, that is
22 starting to happen now, and there are some good things
23 happening, that will continue to provide opportunity for
24 employment.

25 That's my basic statement to you.

1 MS. BURNETTE: Any questions? I will entertain
2 questions.

3 MR. POPOVICH: I think it's commendable that Citibank
4 has been able to promote within and move within up the
5 ranks. And that's good. I'm wondering though if there is
6 a way -- how do you recruit other people, say minorities,
7 or do you recruit from high schools or anywhere to start
8 improving the program's steps for them so that they can
9 also reach management levels? Does Citibank have a program
10 for that as well?

11 MS. REED: We do. We -- we have dealt with trying to do
12 a lot of outreach within the community, particularly early
13 on. We have done a great deal of work with the handicapped
14 and disabled community. And we have programs right now
15 where we have a group of staff who -- really they have
16 cerebral palsy, and they come and they work with us so that
17 they are out of the shelter workshop, and are actually on
18 the job doing, you know, just doing the work, just doing
19 work in a regular work group. So we have worked with
20 handicapped over the years to quite a large extent.

21 We have had hearing impaired, sight impaired. We have
22 terminals that we have for a couple of them who are
23 collectors, what we call terminals. They are sight
24 impaired, so they are able to talk to card members that
25 way. Outreach with the handicap has been very good.

1 Where we probably are not as successful as we could be
2 or even would like to be is with the minority
3 community. Part of the problem there is the trend has been
4 over the years that -- the size of the minority community
5 in South Dakota, but we have seen a shift over the last
6 couple of years, and we have been able to do a lot more
7 outreach to do that as well.

8 And then within the organization, we have regular
9 reviews of individuals where we are looking for talent for
10 management, and the management development program that is
11 open for all people to apply to. As we have recruited,
12 particularly in the systems area, and as we recruited,
13 sometimes we have had to recruit those individuals from
14 around the country. We try and we pay close attention to
15 what is the mix of people that we are bringing in. We do
16 have an affirmative action plan with goals that we made
17 each year for women, for minorities, and for
18 handicapped. And that's -- that's paid a lot of attention
19 to by the managers there, and as part of our management
20 process.

21 MS. KIM: Since you opened in 1981, have you done any
22 study on what's your retention rate of your employees,
23 especially women?

24 MS. REED: Uh-huh. We take a look at that all the time.
25 Because of the nature of the job that we have, we have

1 constant turnover. The -- especially our job where you are
2 on the telephones all day talking with card members and
3 taking one phone call after another. We have about a 15
4 percent turnover rate at the site. So there is a constant
5 need to replace those individuals who leave. And, again,
6 the majority of the people leaving are women because that
7 is the largest part of our work force we have.

8 But typically when we take a look at the reason for
9 their leaving, which is what we were really interested in
10 managerially, we will find either people are dissatisfied
11 with the job, but frequently, very, very frequently, we
12 will see someone leaving to go home and take care of family
13 responsibilities, and oftentimes, especially with young
14 women, relocation. They are going to get married, they
15 have a boyfriend, their spouse is transferred, and
16 typically, you know, then they are going to go along with
17 that individual. So those -- we see that. That's a very
18 high percentage of people who are leaving. That's probably
19 about 15 percent of the total population of people who
20 leave that are women.

21 Typically find the turnover is highest among women who
22 are in, say, their early 20s, either with family
23 responsibilities or they find out that this isn't the kind
24 of work they want to do, so they're now going -- they are
25 continuing their education or exploring doing something

1 different. Usually find once we get, oh, say, into, you
2 know, 30 and above, that there is a little more stability
3 in the work force among the women there. But I think that
4 is probably typical across the country.

5 MS. KIM: What is the average age of women employees?

6 MS. REED: Well, the last time we looked at it was about
7 a year and a half ago, and it was 28 years old.

8 MS. BURNETTE: I have a couple of questions, if you
9 will. Out of your 2800 employees, Martha, how many of
10 those are part-time and how many of those are permanent,
11 how many are full-time with benefits, and how many of those
12 2800 are permanent part-time? I know that Citibank has a
13 contractual agreement with a temp service where you have a
14 lot of temporary people coming in, you know. How -- what's
15 that break out, and is that part of your 2800 and --

16 MS. REED: Okay.

17 MS. BURNETTE: As a follow-up to that, because we have
18 heard -- we have heard some testimony today in regards to
19 women not accessing jobs for, you know, some, you know,
20 some of the barriers that -- obstacles that we talked
21 about, but access to employment for several barriers, and
22 one of them is benefits and not being able to afford to
23 work. So I mean I would like to know out of the people --
24 you say that there is a high -- high -- you have a high
25 turnover. Is that high turnover in those temporary jobs as

1 opposed to your permanent jobs? And lastly, if you can
2 remember all this, because I can't, but I'm sure she can
3 read it back to you --

4 MS. REED: I will remember.

5 MS. BURNETTE: -- how many minorities do you have
6 working at Citibank?

7 MS. REED: Okay. The 2800 work force, there has been
8 evolution of the mix of staff that we have in terms of
9 permanent full-time, temporary. When we first came to
10 South Dakota, we accessed temporary workers a lot, an awful
11 lot. Over the last two years, we really have stopped that
12 practice. At any point in time we will maybe have 20 to 30
13 temporary staff. And that's really in our new business
14 area where we have got credit card applications coming in
15 and we see real cycles in volumes. We really cut back on
16 that.

17 One of the reasons is that one, of course, they are
18 receiving no benefits or benefits through the agency, but
19 you just don't have the identification with the
20 organization if you're a temp. So we moved away from that
21 over the last couple years.

22 So of the 2800 people, about 400 people are
23 part-time. And our permanent part-time staff, they receive
24 the exact same benefits as a full-time person for medical,
25 dental, life. There is really no difference in benefits

1 except vacation allocations and sick time allocations
2 because of the lesser amount of time you are at work. And
3 what we have -- we found we really needed to do because we
4 need our part-time staff again to deal in variations in
5 volume that come through the organizations. So our
6 part-time staff is very, very critical to us. So we --

7 MS. BURNETT: Again, how many part-time people?

8 MS. REED: About 425. There are about 450 managerial
9 staff, so if we take a look at just staff members, we are
10 talking about 2400 people, and then about 400, 425 of those
11 being part-time. And we have tried -- we also have a
12 strategy to try and move as much as possible to full-time,
13 although we do find that, you know, the part-time people
14 that we do have, that is what they want. They want to be
15 working part-time. But anybody who wants to move into a
16 full time schedule simply has to say I would like to work
17 full-time, and we will move them into that. So we have
18 been able to accommodate that over the years because it has
19 worked out well for the individual as well as for us.

20 Then with the minority population we have at the bank,
21 we are probably at about three and a half percent
22 minority. And that -- that's a real mix. No one dominant
23 group of people. We have a goal this year to try and get
24 us up to between four and five percent if we can. And that
25 -- that, again, has been something that has been probably

1 more difficult for us to accomplish. I'm not sure why. We
2 haven't figured that out yet. But that's the percentages
3 there. Did I get everything?

4 MS. BURNETTE: The number of people who leave Citibank
5 on a monthly basis, I mean how many job openings do you do
6 or screenings in a --

7 MS. REED: Okay. We probably do -- at any point in
8 time, we will have about 100 jobs that are open. And we do
9 -- we do open interviewing. We do not, you know, demand
10 that people first call us and make an appointment, which
11 they certainly can. But once a week we do open
12 interviewing in the community which is advertised, and
13 anybody who is seeking employment can come out and do
14 an interview with us and a screening interview. So that --
15 that in many cases has helped us just open up the whole
16 pool of people that allows anyone to come in.

17 MS. BURNETTE: Okay. Thank you for remembering all
18 that.

19 MR. VAN PATTEN: The description of all these fringe
20 benefits is impressive. I assume that Citibank made the
21 judgment that these fringe benefits are cost effective;
22 that is, they produce a more stable and loyal work force?

23 MS. REED: Uh-huh.

24 MR. VAN PATTEN: Is that a result of being a big
25 company, or would the same argument work for a much smaller

1 company? In other words, are you able to do this simply
2 because of your size? Could these things be provided by
3 smaller employers? And if so, how do -- how would
4 incentives to get them to try to do that look?

5 MS. REED: There is certainly an advantage to being
6 large. You just have more available resources. And our
7 benefit program is very comparable to any major corporation
8 throughout the U.S. If you compare it to small businesses,
9 there can be quite a bit of difference. And the reality is
10 that it's expensive. We have a fringe rate that is about
11 32 percent. And for a small business, that is an awful lot
12 of resources.

13 But we do find that the benefits that people are most
14 focused on are medical and dental benefits, often eye care
15 goes along with that, life insurance, and then time off
16 benefits to take care of family obligations. Those are the
17 ones that seem really critical. With a fairly young work
18 force, we don't -- we don't see people talking a lot about
19 retirement benefits, although that is excellent, or, you
20 know, long-term savings plan.

21 And that's another benefit that I think, kind of a side
22 note here, that women in particular need more education on,
23 is being able to do long-range financial planning for
24 themselves so that when an employer does have a 401K, and
25 any small employer can do a 401K plan, that women in

1 particular get educated on being able to handle that
2 financially and think long-term in terms of retirement. I
3 certainly see that with, you know, with young men as well.
4 But there could be a lot more work done there I think.

5 But certainly with smaller businesses, I think as I talk
6 to employers around Sioux Falls -- and there is a Sioux
7 Falls Personnel Association, and we get together --
8 basically most often what we see is the issue with
9 benefits, whether large or small, is the affordability of
10 medical care and time off benefits to take care of family
11 obligations without jeopardizing your job.

12 MS. BURNETTE: That's great. Well, I thank you very
13 much for coming and sharing with us today.

14 MS. REED: Sure. I enjoyed it.

15 MS. BURNETTE: We enjoyed learning about you.

16 Our next presenter is Joellen Koerner. She is vice-
17 president for patient services at Sioux Valley.

18 MS. KOERNER: It's nice that I am the last thing before
19 the break. ~~And~~ I have to think of the biblical admonition,
20 there is nothing new under the sun. Your heads must be
21 swimming by now.

22 It's a real pleasure to be here, and ^{as} I thought for this
23 daunting task of talking about women in the work place in
24 15 minutes, I would limit it to my area of expertise, and
25 that happens to be nursing and health care. And I do that

1 for three reasons.

2 I have been a nurse for 26 years. I represent two and a
3 half millin women who work in the field of nursing right
4 now, and mostly I'm telling you my story because Doctor
5 Jean Auchteberg (sp), a medical sociologist, has done a
6 large research study. In three years she studied the
7 history of healing. What she discovered is that in every
8 culture where healing occurs, society views it as ~~sort of~~ a
9 deity of sorts. And sometimes we say of the physician, who
10 does he think he is, God or something? And in fact society
11 does.

12 And what she found in her study was that the
13 relationship between medicine and nursing is a very clear
14 mirror reflection of what is going on as it relates to
15 gender issues within the work place and the society group.
16 So I'd just like to briefly talk about nursing and its
17 relationship to the larger community in three particular
18 areas. First of all, within society, then within the
19 health care field and the profession itself, and then
20 within individual women.

21 Starting with the society, the people in society view
22 nurses as bedside care givers, which in fact they really
23 are. There are other opportunities for nurses,
24 however. When I talk about nursing, I include everything
25 from a nursing assistant who has two weeks of training to a

1 licensed practical nurse with a nine month education, to ^{Liscense}
2 registered nurses ~~that~~ ^{who} go to school anywheres from ² years
3 through a Ph.D.

4 What you acquire in that education very much determines
5 the kind of work you will do. A lot of nurses work at the
6 bedside. There are a number of nurses who are involved in
7 education and research as well. And some nurses get
8 employed by development companies. They work with high
9 tech industry helping define patient care products.
10 Another group of nurses works in regulatory practice. They
11 can work for the federal government. President Bush had a
12 very powerful nurse in the White House talking about health
13 related issues. Hillary Clinton is spending a lot of time
14 on health care, and the American Nurses Association has
15 been working on it. Another place is private
16 practice. There are a number of nurses that now have their
17 own businesses and they work for lawyers, they act as
18 expert consultants on litigation cases and so on. And the
19 last place is administrative practice, such as my own.

20 But I look at the issues that face those who work in the
21 health care field. 67 percent work in hospital settings or
22 in large tertiary care settings and in clinics.

23 There are two issues that are broadly dealt with in
24 society that have particular importance to nurses. One of
25 them has to be child care because we are a seven day a week

1 operation, 24 hours a day. Nurses have to be there on all
2 those -- on all those times. And because we deal with a
3 public that gets sick and -- well, it's very cyclical.
4 Certain times of the year cause more illness. We get a lot
5 of ulcers during tax season, we get a lot of heart attacks
6 in the winter, so it affects our census. We have 95
7 patients in our intensive care unit one day, and 52 the
8 next day. So patients come and go, and with that your
9 staffing changes. So the people have to carry beepers with
10 them which may mean if there's an acute accident somewhere,
11 we will have to call in a group of nurses at 2:00 o'clock
12 in the morning. So if they have children, that is really a
13 challenge for them.

14 We do have a day care program, much like Citibank. It
15 takes care of approximately 200 children. And aside from
16 that, it doesn't meet the needs of a lot of women who are
17 working that are young. There is a lot of day care
18 available for children after they get to about five to six
19 months of age, but those first few months are really very
20 difficult.

21 And so we have worked with the State Department of
22 Health, and we have developed what is called a family day
23 care network. And the family day care network we now have
24 almost 200 families involved in. That allows anyone in
25 this region that is interested in providing day care to

1 call the Center for Women, and what they do is send out a
2 team, a social worker and an educator, who goes into the
3 home. When they are in the home, they look for safety
4 factors; where does this family keep their cleaning fluids,
5 so on. They look at the environment. They have a
6 conversation with the care giver to see if he is interested
7 and motivated and all those sorts of things. So they do a
8 safety and environmental check. They then have a series of
9 classes for this care giver.

10 Another thing they provide, if the patient -- if the
11 employee that is bringing her child to this person is
12 eligible for low income support, they provide nutritional
13 support, and the state department pays for it. So we
14 survey to see what kind of menus they put together; do they
15 get popcorn and pretzels all the time, or is there a
16 balance in the diet.

17 And last of all, they have a toy exchange program
18 because if you take in children, they will tend to grow and
19 change, and it's very expensive for an individual family to
20 provide all the toys. So they have a toy swap that keeps
21 changing toys as these children grow and mature. So that
22 is one way that we deal with the child care issues for a
23 group that gets called in a lot.

24 Another issue that is real important is the issue of
25 security. And when you work in a large institution that

1 has a lot of narcotics and lots of high technology, there
2 is a lot of theft and a lot of risk that goes on with
3 that. Some of the things that we have to provide security
4 for these employees is, one, against infectious disease
5 such as HIV positive virus, tuberculosis, hepatitis and so
6 on.

7 The other thing that we have to protect them from is,
8 especially late evening and night, is ER exposure. There
9 are a lot of accidents and things that come in, and a lot
10 of very disruptive and sometimes unsafe behavior. We have
11 just added a security guard in our emergency room because
12 of guns, knives, the sorts of things that happen in a large
13 city. The emergency room is really your doorway to the
14 community. And it reflects all the activity that goes on
15 there.

16 Another thing we have is night security that goes
17 throughout the hospital because the people that work in the
18 pharmacy and those that work in the nursery area have a
19 great deal of risk because of theft and so on. So security
20 is another issue for us. And we always, always provide
21 escort service to people when they have a change of
22 shift. Everyone knows what time nurses leave and
23 come. And the nurses resent terribly having to call
24 someone to escort them to their cars and don't always take
25 advantage of it, though they should. So security is

1 another issue for them.

2 Looking within the health care field itself, I would
3 like to address just briefly some of the gender and power
4 issues that occur between nurses and physicians. And there
5 has been a lot literature written about it, and I would
6 just like to share with you several things that I think are
7 interesting.

8 The relationship between nurses and physicians, a lot of
9 characteristics that we learn from our upbringing is
10 attributed to them. For example, a lot of males that are
11 in the 50 and older age category and the nurses in that age
12 category have a very different relationship than the
13 younger ones coming out. And so you can see as men and
14 women are starting to be socialized different and play
15 differently in the younger categories, it's very
16 different.

17 But verbal abuse, sexual harassment is really a problem
18 for the industry. We put a verbal abuse and sexual abuse
19 ^{policy}~~unit~~ in place three years ago to address this issue, and
20 sent away two physicians and two nurses. One of the
21 physicians was notorious for abusive behavior. And they
22 went to a workshop in Colorado looking at why there is such
23 a problem for nursing and medicine, and found that much of
24 the issue had to do with the way they were socialized in
25 their educational process.

1 And one of their assignments at the workshop was to put
2 on a mask and go out and tell somebody one experience they
3 had while they were in school that affected the way they
4 relate to each other now. And this one abusive physician
5 was telling about when he was a surgical resident, he had
6 been working under a very well renown physician, and he was
7 in the OR watching the surgery. They then went to class,
8 and the surgeon asked what he had seen, and he answered the
9 question, and surgeon said that is not right. Why don't
10 you get in and watch. You never pay attention, really
11 berated him in front of his peers.

12 So the next day they went to surgery again, and so he
13 peaked over to be sure that he would catch the case, and
14 the physician got very angry and said you are in my way,
15 had the nurses tape him spread eagle to the wall, and he
16 stood like that for two and a half hours while the surgery
17 was going on. So there were a lot of those stories with
18 physicians.

19 And the nurses, on the other hand, were talking about
20 shame stories and about the way they were always ridiculed
21 and so on, so forth.

22 I think the whole educational process, the way we are
23 socialized into the field has a great deal to do with the
24 way we react to each other once we come out in the work
25 place. Not only our female gender as we are young people,

1 but the way the profession socializes us.

2 We have now started a project called the Healing
3 Web. And the goal of the project is to heal relationships
4 between nursing and medicine so we can become better
5 healers for the larger society. And ^{this} ~~for~~ years we have
6 taken medical and nursing students and put them in didactic
7 classes together. And we have looked at ethical issues, we
8 looked at some of the things around health care. And we
9 are trying to socialize people to be partners and
10 colleagues, and hope that we can break some of that
11 cycle.

12 Looking within the profession itself, it is primarily a
13 women's profession. Unfortunately, it's still 95 percent
14 female, and we have a very low participation by minority
15 groups. There are several things I think that impact on
16 that.

17 One real thing of concern to us is that the average age
18 of a nurse today is 42. And by the time I get to be in a - -
19 nursing home, with nurses of that average age, there will
20 be no one to take care of me if we don't do something about
21 recruiting young people into the field. As we look at some
22 of the phenomenon around why people are not going into
23 nursing any longer, one of the reasons, there are so many
24 other career opportunities for women available today.

25 And having been a product of the '60s and '70s, I am

1 very appreciative of the feminist movement. The one
2 problem with it was it elevated the work typically done by
3 men without bringing along the work done by women which was
4 homemaking, nursing, social work, and teaching. And so a
5 number of people feel they want to get the important jobs
6 go into those other fields.

7 I would tell you that I have nursing friends that make
8 20,000 dollars a year, and I have nursing colleagues who
9 make 250,000 dollars a year. So you can have very
10 wonderful careers in nursing, though most people don't see
11 that. So we must somehow put value back into nursing,
12 education and social work, and so on.

13 Another thing that is difficult is that many of the
14 people that go into the helping professions, literature
15 tells us, come from low socioeconomic backgrounds. And so
16 they need -- they need dollars to support themselves to get
17 through school. And that is why it's really important that
18 scholarships and funding and so on be available for
19 those.

20 And then unfortunately one of the dark sides within
21 nursing, the literature also tells us, is that a number of
22 nurses come from dysfunctional families, and so they go
23 into nursing to help others, and also to help themselves.
24 It causes some internal dynamics within the profession
25 where we are not always known to be very supportive of each

1 other. So that is an agenda that we have to deal with.

2 At the very end, I would just like to speak briefly to
3 the individual person, and what it is that we can do to
4 support people moving into advanced practice fields and
5 more opportunity. And for that I would like to tell you
6 about Hall, a sociologist, who says if you are to go to
7 work and continue to develop your career and your life,
8 there are four basic skills that you need. First you need
9 fundamental skills. That's the basic tasks of the work.
10 So if we want nurses to get into management, we have to
11 teach them budgeting, staffing, scheduling, economics, and
12 so on, that most of them don't have.

13 Secondly, he said you have to have inter-personal
14 skills, the ability to speak well and articulate well. And
15 nurses do that real well, but the thing they haven't
16 learned is the art of how to compromise, how to bring in
17 other different opinions and make room for them because we
18 are taught that everybody has to be right or the patient
19 will die. And unfortunately we sometimes carry that beyond
20 the clinical side of things into the relational side.

21 The third thing, and this is where I think it gets more
22 important, a person has to have imaginal skills, the
23 capacity to imagine new, creative ways of doing things. In
24 this time of great change, it is important that we can
25 conceptualize different ways of approaching problems as the

1 world is changing.

2 Right now we are in the process of developing another
3 management course for managers, and the four teachers will
4 be a musician, an artist, a poet, and an
5 improvisationalist. What we are going to try to teach them
6 to do is to be a little artistic and creative as they
7 approach the issues that come to them every day because
8 some of the old ways don't work as things are changing.

9 And last of all, and most importantly, a systems
10 perspective; the capacity to see part relationships, the
11 ability to know that what I do here affects the broader
12 piece. And when we do that, you see -- we see that we are
13 part of the system, and it takes away this "we, they" sort
14 of thing because we know that in some way we are all
15 related to the whole.

16 The thing that we have tried to do to help the thousand
17 ~~of~~ nurses that I have the opportunity to support in my
18 position is give them back their practice. Nine years ago
19 when I started I had a 52 million dollar budget and had to
20 make every decision. We now have 15 units that run like
21 cities. They all have their budgets. They do their own
22 hiring and firing, their own staffing and scheduling, and
23 they make only their own major decisions. Then we have a
24 congress that runs the practice as a whole group. So we
25 are trying to give them the opportunity to develop the

1 capacity for some of these other skills.

2 So with that, I would like to answer any questions that
3 you have.

4 MS. BURNETTE: I am sure the stenographer would be glad
5 for the break.

6 MR. POPOVICH: Very good.

7 MR. MULDROW: Very impressive view of the nursing
8 profession and situations that face persons in
9 nursing. We've heard from some people today who are
10 concerned about Native American women, for example, and
11 problems that they have getting into the employment arena,
12 even though some of them have very well developed skills
13 and individual education and background. How is it for
14 them? Do you have any program to reach Native American
15 nurses, or how many of them are incorporated into the
16 hospital?

17 MS. KOERNER: Unfortunately we have only two that are
18 Native Americans that are nurses, and we'd really like to
19 work more on that. There are two reservations that now
20 have nursing programs right on the reservation. And I
21 think, speaking on behalf of the city, and I will be kind
22 of bold about that, I am not sure that Sioux Falls is
23 nearly as user friendly as it could be to the natives.

24 Our own hospital, for example, we have been working with
25 Doctor Martin Broken Leg of Augustana College asking him

1 how we can make our hospital more accessible to the natives
2 and bring more people in. He said, for one thing, you have
3 no symbols, you have nothing there that welcomes them, that
4 shows their culture. It's all our culture. So we have to
5 do better about bringing culture in.

6 Another thing that I would say to you is in working with
7 some of the native people that we have gotten as patients,
8 sometimes the way we heal is not the way they heal. And I
9 don't think we make enough room to honor that. An example
10 would be we had a young child that came in that was
11 severely abused, and we brought in a medicine man who
12 helped the family go through the grieving process, and did
13 some of the rituals and put the beads and things around the
14 bed, and it was very healing for that family. We need to
15 do more of that. In fact, we should have a medicine man on
16 our staff. I don't know if we would put him on the medical
17 staff or on the spiritual care staff, but I think we need
18 to bring more of those people in and make room for
19 them. We don't do that now.

20 MR. WALSH: How many female doctors do you have?

21 MS. KOERNER: That is such a good question. You know,
22 it's been interesting. This is the first year in South
23 Dakota that the medical school has more women than men in
24 the freshman class. And in the last ten years, I would
25 tell you we have seen a shift. We now have -- out of a

1 medical staff of 350, we have about 52 that are women. And
2 I would say to you that a lot of the female physicians that
3 were educated 20 years ago were as difficult to work with
4 in some ways as the male physicians. And, again, I think
5 it's role socialization.

6 But we are seeing a real difference now. The women
7 coming out of the schools have a different relationship,
8 and so do a lot of men. I'm not trying to be a male basher
9 because I really believe the way everyone comes together
10 has to do with the way we are socialized and taught to
11 be. And the system needs to be reinforced. So we need to
12 change some. And it is changing.

13 MR. WALSH: So it's a better working relationship in the
14 last 20 years --

15 MS. KOERNER: Yes.

16 MR. WALSH: -- you think? Some healing?

17 MS. KOERNER: More of an acceptance of what each other
18 does. And I think a reason it's getting more so is that
19 the patients are getting so acutely ill and the physicians
20 are so busy. They just did a study, and the question asked
21 was how much time will a physician spend with a
22 hospitalized patient a week. And after the initial
23 assessment, it's 28 minutes for the whole week because the
24 physician has so many others. So they really rely on the
25 nursing staff to call them when the patient is into

1 trouble. So there is starting to be a nice working
2 relationship. I think the health care reform is going to
3 help that, too.

4 DOCTOR BUTLER: May I congratulate you on being one of
5 the alumni from South Dakota State.

6 MS. BURNETTE: Thank you for the report. I will ask my
7 -- I would defer to my committee person and welcome
8 Charlotte Black Elk to the committee meeting. And for the
9 official record that will be produced in written form, if
10 you would explain that it's tobacco ties as opposed to
11 beads, so -- just for cultural correctness. Would you
12 please do that.

13 MS. BLACK ELK: No.

14 MS. BURNETTE: Okay. It's not beads that go around the
15 bed, but tobacco ties.

16 MS. KOERNER: I'm sorry.

17 MS. BURNETTE: That's okay. For the record we just
18 wanted to make that correction. With that, thank you very
19 much, Joellen. We will take a break, and reconvene back at
20 what time, Bill? About 3:20.

21 (Recess at 3:15 p.m.)

22 MS. BURNETTE: Our next presenter for this afternoon is
23 Greg Peterson. He is manager of the Sioux Falls office of
24 South Dakota Job Service. Mr. Peterson, if you would like
25 to tell us a little bit about yourself.

1 MR. PETERSON: Okay. I am Greg Peterson. Like Rae
2 said, I'm the manager of the Sioux Falls Job Service, have
3 been for almost eight years now. Mr. Muldrow initially
4 requested that my boss attend this and speak to the
5 group. You're real fortunate he is out of town, you got
6 me, because in 25 minutes, he is not even warmed up yet. I
7 will probably finish a little early, so that was your break
8 for the day.

9 Job Service of South Dakota is somewhat unique. We do
10 something most states don't. We have -- the employment
11 services, the unemployment insurance services, and all the
12 programs including JTPA, and all the programs that are
13 available and administered by the Department of Labor are
14 all in the same office in all 17 offices in South
15 Dakota. Most states have separate offices for
16 unemployment, employment services, and their programs.

17 I'm glad I got the opportunity to come here because we
18 are finally doing some things with the JTPA program. That's
19 the Job Training Partnership Act. For some of you that
20 have been around a long time, it's a spinoff of the old
21 CETA program, somewhat similar. But in this program, we
22 work with people that have multiple barriers to
23 employment.

24 Most of the participants in this program are there
25 because of economic reasons. It's because they're

1 economically disadvantaged. And as a result, you know, we
2 have money in this program to do an awful lot of things. I
3 hope you have all heard of the on-the-job-training contract
4 where we will actually reimburse an employer half the wages
5 if they will train somebody into a position. And the
6 number of hours that we will reimburse for depends on the
7 difficulty and the nature of the job they got hired for and
8 what has to be obtained in the way of training on the
9 job.

10 We will also send people to short-term training. Some
11 examples that we have done in the past, there was a
12 shortage of phlebotomists in Sioux Falls. Seemed like
13 nobody was too anxious to work with blood products, so we
14 ran a course only for these people eligible for JTPA, had a
15 terrific turn out; 12. They were all guaranteed employment
16 upon completion of the program. That was very short-
17 term. It was a six week course.

18 We have also done an ad for carpet laying, some quick
19 welding courses for various businesses in town that needed
20 some welding skills, and will also go as far as to go to a
21 vocational training school, in other words, two years of
22 training. So we've got everything from the on-the-job
23 training to actually two years of vocational school.

24 And if we are going to spend this money, we want to make
25 sure the person is going to get into a field where they can

1 make a living, where they will be unsubsidized by any form
2 of government, no welfare, no food stamps, they can support
3 themselves. So, of course with any female participants in
4 this program, we always look at the non-traditional jobs
5 because when we start talking about it, we are always
6 talking about money when we start talking about non-
7 traditional because there is no question, they pay more.

8 Job Service is funded almost totally with federal
9 money. Very little state money in there. We have been
10 using some lately because we have been working very close
11 with the South Dakota Department of -- Social Services
12 Department.

13 We have been right at the front in this welfare to work
14 program. Not trying to stereotype women, but of the ADC
15 recipients we work with, which is almost 500, we only have
16 two men which are currently -- that we are working with
17 receiving ADC. There again, you know, if we want to go
18 from welfare to work, we have to be assured that this
19 person can find employment that -- that will relieve him
20 from the welfare. I mean where the salary is enough to
21 make that person self-sufficient.

22 You know, I think if I read the letter right, you want
23 to talk a little bit about traditional, non-traditional
24 jobs. I heard some of these other speakers say how much
25 things have improved in the last ten years. And they

1 have. There is no question. Still a long ways to go. But
2 I mean I just brought a copy here of a real nice article
3 the "Argus Leader" did. I mean it was big news to them
4 with a female in the auto body repair business in Southeast
5 Area signing up for a vocational course.

6 So it's -- I mean it's still that old saying, when is
7 the last time you saw a male day care worker or a female
8 electrician. There is still a long ways to go here, but I
9 will use some of the information from this article that --
10 most of it was received from our department, from the
11 Bureau of Labor -- of -- I'm sorry, up in Aberdeen, Labor
12 Statistics.

13 Women make up 43 percent of South Dakota's work
14 force. That is very close in Sioux Falls. It's somewhat
15 higher here. It's 43.6 percent of the Sioux Falls work
16 force. The unemployment rate in Sioux Falls is currently
17 1.6 percent, which by anybody's definition, view or
18 whatever, is extremely low. And so women have the
19 opportunity to get into many varied fields, you know, just
20 because the unemployment rate being so low, other than the
21 acceptability of it. And I mean they have come a ways.

22 I mean I'm going to quote from the Labor Bulletin here
23 now, you know. If you are going to look at careers that
24 require a bachelor's degree or above, women have fared
25 excellent. We are talking the better paying professional

1 type occupations.

2 Women currently are 70 percent of the medical and health
3 service managers, 40 percent of public administration
4 officials, 38 percent of the pharmacists, 33 percent of
5 public relations managers, 32 percent of the stock brokers,
6 30 percent of optometrists, 18 percent of the lawyers, 5
7 percent of electrical engineers. These are just some I'm
8 using. These increased very little from 1980 to 1990 is
9 what the census show. They did not increase that
10 greatly. Some of the other speakers I heard say this trend
11 is changing. There are more at present in these college
12 courses.

13 Now, in Sioux Falls I'm going to ignore these
14 professional careers that require the bachelor's degree or
15 above, and I'm going to ignore them for one reason. We
16 have done well there. They are still doing well. And in
17 Sioux Falls, at the present time, I guess I'm not bothered
18 to say this, we have a surplus of educated workers in Sioux
19 Falls. We have got a shortage of skilled workers. I guess
20 basically what I'm saying is at least at Job Service, I
21 could use a whole lot more vocational education graduates
22 and less college graduates. And, you know, I think the
23 work force is going to reflect this. And a lot of these
24 trades and skills I'm talking about pay extremely
25 well. Some of them will make a lot more than these -- than

1 somebody with a bachelor's degree could make for many years
2 to come.

3 MR. WALSH: Can you be specific on that?

4 MR. PETERSON: I'll be real specific. Because of the --
5 for three years in a row, Sioux Falls has set records for
6 the number and dollar amount of building permits. There is
7 a big shortage of plumbers, electricians, painters, dry
8 wallers, skilled carpenters, brick layers, block layers,
9 just about anything in that construction trade. And along
10 related with that, you have got drafters, architects --
11 well, there again, I went into a four-year degree -- but I
12 mean drafters, something that you come out of a vocational
13 school. Big shortage.

14 One thing video lottery did here in Sioux Falls is
15 created a big shortage of electronic techs. Never was a
16 shortage until '89 when that came, but now because of all
17 the skilled people needed to service these machines,
18 anybody that needs an electronic tech is going to have a
19 problem. In fact, you better look at the ones that are
20 currently attending Southeast Area because the other ones
21 out there are all employed.

22 But if we look at some of these occupations which do pay
23 very well that require less than a bachelor's degree,
24 females have done well in some, and haven't done anything
25 in a bunch of others. They are still 96 percent of the

1 registered nurses, 92 percent of dental hygienists, 83
2 percent of the radiologic technicians, 76 percent of
3 respiratory therapists, 54 percent of accountants, and 44
4 percent of computer programmers. So they have done well in
5 some of these fields that do not require the four-year
6 degree.

7 I guess what I'm saying is when we get into the trades,
8 there hasn't been much progress made. I think this is
9 changing. In fact, the dominance of women in a lot of
10 these professions I just named, including the health care
11 field, is shrinking. Men are starting to get into these
12 positions of nurses and dental hygienists, and they are
13 getting into it because there are jobs available, and they
14 are good paying jobs.

15 I had Labor Market Information in Aberdeen make a
16 printout for me. What it is, it's a very long one. I
17 won't -- I won't unfold it all. But it's listing just
18 about every occupation that there is in South Dakota. But
19 if we just pay attention to the occupations that employ 100
20 or more people, from 1980 to 1990 there is a significant
21 number of fields here for women where women accounted for
22 -- in 1980 for far less than 25 percent of the work force,
23 and in 1990, went over. And, you know, I will go through
24 just a few of these briefly to give you an overview on what
25 is happening.

1 Chief executives and public administration officials
2 went from 9 percent to 26 percent. Purchasing managers
3 from 9 percent to 40 percent. Marketing and PR managers,
4 17 percent to 33. Stockbrokers from 15 percent to 46
5 percent. We get into the computer systems, 8 percent to
6 43. Statisticians, 12 to 61. Chemist, geologists, just
7 about every science field, way up. Pharmacist way up. Get
8 into the teachers now, and I don't know, tells me
9 something. They are still dominating elementary education.
10 They are by far the majority of the teachers. But from
11 physics teachers in '80 there were only 14 percent. Now
12 they are 44. Computer science teachers, 19 to 74
13 percent. Law teachers, from 0 to 67 percent. Kind of hard
14 to figure some of those out. You take judges, they are 40
15 percent of the judges now.

16 But I mean I'll leave this. The letter said you could
17 leave any statistical information. It's pretty
18 revealing. It's got just about any occupation you would
19 want to look at.

20 The one thing might I say, Job Service and the
21 Department of Labor is extremely interested in getting more
22 females involved in these non-traditional skilled
23 employment areas because we are working with a big
24 population number of single parents that need the income
25 that some of these pay, you know, to make themselves

1 self-sufficient, not require any assistance from anybody
2 whatsoever.

3 After hearing some of the other speakers, I think I will
4 just cut it short here. I don't want to get redundant
5 because you have been here a long time listening already.
6 You are still going to be here a long time. I would be
7 glad to answer any questions.

8 MRS. WERTHMANN: I'm certainly glad you projected a
9 little sunshine for women. This morning we heard the
10 downside; the dark side. It's sounded like that the only
11 way that women could get ahead would be to shoot all the
12 men.

13 MR. PETERSON: Well, you know, there are some areas, you
14 know -- I keep harping on these skilled trades, and one I
15 should have brought up in my presentation, just one year
16 ago, a local contracting company that does roadwork, the
17 EEOC was on him hard because they had no women concrete
18 workers or supervisors. They had a lot of women employed,
19 but they were in the office, driving a truck or holding the
20 sign.. And I mean they were on them hard.

21 I spent 1800 dollars of that company's money advertising
22 Minneapolis, Omaha, Kansas City, and even Denver because
23 Denver had such a high unemployment rate, trying to find
24 experienced female concrete workers. I did not get any
25 results. I did not get one application. I mean I just

1 could not find any. We are talking a job that would have
2 paid in the mid 30s for ten months' work and unemployment
3 for two months. And just couldn't find it.

4 I mean in some of these skilled trades, a female would
5 have a distinct advantage to obtaining employment if they
6 had the necessary training. It's not uncommon at all for
7 these construction companies to remind us to please send
8 any qualified female applicants.

9 MR. MULDROW: Could you just elaborate a little bit on
10 problems women especially have going from the welfare
11 system into the labor force.

12 MR. PETERSON: Well, the biggest problem that a lot of
13 them are -- or at least the ones we are working with, have
14 been on welfare for at least two years. And usually the
15 problems are education, work experience, child care, you
16 know, and we have to address all these job problems. We
17 work real close with an organization -- I see Sue Randall
18 is on after me. We work real close with Turn About.

19 The biggest barrier we have to do is to get these people
20 to see themselves in a better light. We just have to work
21 on their self-esteem. We have to really convince them that
22 they are better off working than they are on welfare. And
23 I mean move it to them. I mean put it right up on the
24 blackboard, that a 5.50 or 6.50 dollar an hour job is
25 better. And like I said, we don't go for that 5.50 dollars

1 an hour job, don't get me wrong, because we realize it does
2 take more than that to support a family.

3 But usually, you know, these -- the biggest problem they
4 have is lack of training, and their work history is not --
5 their work history, they don't have one. It's very spotty.
6 It's a red flag to about every personnel manager around
7 because they probably haven't held a job for any period of
8 time.

9 MR. MULDROW: Your program would provide them with
10 training and experience on the job, would it, to enable
11 them to work --

12 MR. PETERSON: In that program, we have a lot of
13 latitude. We have even sent people to four years of
14 college on this program. I mean this is Social Services'
15 money, not Department of Labor money. But we have some
16 that will finish up, that will finish up this fall in
17 nursing programs at the state colleges. We do have quite a
18 few over at Sioux Vocational School.

19 There are things we won't do. And I don't know if
20 anyone is here, but we won't send them to school to be a
21 cosmetologist. We really will not send them to school to
22 be a secretary. We are aiming for the jobs that pay
23 somewhat higher if we are going to send them to
24 training. And the ones we do have over at Southeast Area
25 Vocational School, they are in the electronic tech program,

1 they are in the computer aided drafting program, they are
2 -- they are in the programs that if they complete, they can
3 obtain a very good paying job.

4 MR. MULDROW: We heard this morning about a program for
5 non-traditional employment for women which provides federal
6 grants to states for -- to fulfill objectives in this
7 area. Are you familiar with that? Are you involved with
8 that program?

9 MR. PETERSON: Yes. The Department of Labor is. JTPA
10 is making a grant for this program to work with women in
11 non-traditional jobs. The grant is in the process of being
12 drawn up. It has not been submitted. Vocational education
13 is already working in this field. They already have a
14 full-time person that is working on that.

15 MR. MULDROW: You set goals for the program, numbers of
16 women, what --

17 MR. PETERSON: I'm sorry.

18 MR. MULDROW: Are you required to establish goals for
19 utilization of this program in terms of the kind and number
20 of women that are reached through the program?

21 MR. PETERSON: Well, at this time the program I'm
22 talking about, and I should have said the name of it, it's
23 a family independence program. And at this time, yes, we
24 have definite goals, obtaining employment for so many of
25 these participants. I might as well say women because they

1 all are, except for one or two exceptions. We definitely
2 have goals.

3 Last year our goal was to place 180 females in
4 unsubsidized employment so they are off welfare, and making
5 it on their own. We did meet the goal. Like I said, we
6 are very fortunate here in Sioux Falls that wages are
7 coming up because of all the competition for employees, and
8 we have a 1.6 unemployment rate. So there are employment
9 opportunities. So we are one office that really would not
10 have an excuse for not meeting that goal.

11 MS. BURNETTE: Your 1.6 percent, Greg, that does not
12 include the residents of this community that are not
13 required by Department of Social Services or some other
14 legal requirement for services -- what is the projection of
15 people that are not actively seeking work that you have not
16 shared with us?

17 MR. PETERSON: Well, Rae, they tell me that this -- and
18 I don't do it, I'm not involved in it, but they say it's a
19 scientific survey and a valid study. They are supposed to
20 contact so many households monthly to check -- no, the
21 people that are not actively seeking employment are not
22 counted in this rate. The ones that have given up and
23 become so discouraged that they just dropped out of even
24 searching, no, they are not counted. But the 1.6 is
25 supposed to be very representative of the number out there

1 actively seeking employment. The 1.6, Rae, is far less
2 than the number we have drawing unemployment from our
3 office, you know, that worked for a place that closed up or
4 lost their job.

5 MR. MULDROW: Does your agency administer the
6 unemployment insurance program?

7 MR. PETERSON: Yes.

8 MR. MULDROW: We heard this morning from one of our
9 presenters that the state had a reserve of like 54 million
10 dollars in its fund, and they only expended 10 million.

11 MR. PETERSON: I will tell you what. The balance in the
12 unemployment insurance fund, it's more like 44
13 million. It's a pretty big surplus. For the last two out
14 of the last three years, the state legislature has raised
15 the weekly benefit amount for unemployment. Yes. This is
16 a fund. It's a dedicated fund. I mean this was all paid
17 in by the South Dakota employers. I mean there is no
18 taxpayer money in this fund. This is a hundred percent
19 employer paid.

20 And I don't think anybody in the business would argue
21 that that balance is excessive. So I guess maybe again
22 this year the legislature is either going to have to look
23 at raising the weekly benefit amount that somebody would
24 receive or lowering the rate that employers pay, or
25 both. And they have done this twice very recently; lowered

1 the rate employers pay and raised the benefit amount. It
2 is a very large balance in there. There is no question
3 about it. But I mean it's not money that can be tabbed for
4 any other reason.

5 MS. BURNETTE: I'm sorry, may I finish what I began?

6 MR. POPOVICH: Go ahead.

7 MS. BURNETTE: I was distracted for just a moment. So
8 you do not have any idea what the population base is or
9 what the percentage of the Sioux Falls population would be
10 that is our discouraged workers not included in that 1.6
11 percent?

12 MR. PETERSON: I have never seen that figure.

13 MS. BURNETTE: We don't know that. We can't hazard a
14 guess about that?

15 MR. PETERSON: No, I couldn't. I have never heard or
16 seen a figure on that.

17 MS. BURNETTE: Could you make a presumption that your
18 JTPA program and the programs that you work in
19 collaboration, Department of Social Services and Turn
20 About, are serving those discouraged workers that are not
21 counted in the 1.6 percent? Would you make that
22 presumption?

23 MR. PETERSON: Yes, I would.

24 MS. BURNETTE: All right.

25 MR. PETERSON: Definitely.

1 MS. BURNETTE: The other question I had on the
2 employment -- on your employment side, if a person comes
3 in, moves to the community, is looking for work, and they
4 go to Job Service to see what your job index is, do you
5 have any idea what your users are that walk in the door to
6 Job Services looking for work, and you make your three
7 referrals to job sites? Are those predominantly women, are
8 they -- and what's your placement rate locally with those
9 people that walk in the door, and their gender?

10 MR. PETERSON: I did not bring the printout,
11 Rae. Everybody is printed out to the characteristic of the
12 people applying at Job Service. But it would be something
13 -- you know, it would be roughly 42 percent women. Pretty
14 close to what I said the work force was, you know, and much
15 -- you know, 58 percent men coming into our operation
16 looking for employment. Presently the placement rate is
17 extremely high. I mean almost anybody with minimal skills
18 or anywhere near a decent work history -- I mean employers
19 want somebody that has demonstrated they have stayed with
20 one employer for 12 months someplace. I mean you will be
21 surprised how many people have not held a job for 90
22 consecutive days anyplace. Very difficult to place those
23 because everyone is going to figure they will be their next
24 90 day stop.

25 But the placement rate at this time has been running

1 about 87 percent. And I mean it's because, you know,
2 almost every manufacturing, assembly production, credit
3 card, finance company in town is looking for help
4 presently.

5 MR. WALSH: Do you have a rundown on the percentage of
6 women that come in from rural areas into the Sioux Falls
7 area to work?

8 MR. PETERSON: No, that I have never seen. No, we don't
9 have that. There is no question you are seeing -- you
10 know, Sioux Falls' success, you know, has been noted
11 nationwide. Unfortunately, you know, a lot of the
12 communities somewhat close to us are having no success or
13 losing jobs, and forcing more and more people to come to
14 Sioux Falls for employment. The opportunities are
15 here. There is very limited opportunities in a lot of
16 communities. Probably no opportunity in some.

17 MR. WALSH: And you mentioned that you had a supply of
18 women with degrees versus the skilled workers. And if
19 there were -- if you could create two or three industries
20 to meet this supply, what would they be?

21 MR. PETERSON: Well, you know, we have got a variety of
22 degrees out there. I guess what I would really like to see
23 would be -- would be something like a high tech industry.
24 You know, I'm not plugging Gateway here, but something
25 similar to this that could use a variety of experience and

1 degrees. You know, where you would need sales people,
2 auditors, accountants, you know, maybe some physicists.
3 You know, because -- and sometimes I am hesitant to say it,
4 but the opportunities at present are very limited for, I
5 don't care if it's male or female, with a bachelor's
6 degree. We have got too many educated people, not enough
7 skilled people.

8 MR. WALSH: Finally, what is the percentage of women
9 working in Job Services?

10 MR. PETERSON: It would be a little over 50 percent. We
11 have five managers, two of them women. And I am not
12 counting it, but I know we have more females than males on
13 our staff. We have done our job, Bill.

14 MR. MULDROW: What about native women on your staff?

15 MR. PETERSON: You know, I was hoping nobody would ask
16 this. I do not have a minority on the whole stuff. I have
17 been there eight years. I have never interviewed a
18 minority for a position on our staff.

19 MR. POMMERSHEIM: If a women wanted to enter the
20 building trades in South Dakota, what should she do? What
21 would you advise her to do?

22 MR. PETERSON: I would advise her to check out the state
23 technical and vocational schools to see which one was
24 offering the program that she would be interested in
25 because there is quite an array there. I mean anything

1 from the drafters -- we do have a -- I'm sorry, we don't
2 have one in the state. I was going to say concrete
3 program. That is -- Job Corps has one. But we do have the
4 building trades, carpenter, we do have electrical
5 trades. You know, those are available in the state, so
6 that would be the first place I would check.

7 MR. POMMERSHEIM: Do unions provide any?

8 MR. PETERSON: Yes, they do. The unions are somewhat
9 limited in their apprentice programs, though. I mean very
10 few are admitted every year. Yes, they do have them, and
11 the percentage that has been getting into those lately,
12 women have constituted, oh, got to be close to half. But
13 there again, that's a limited number every year. The
14 unions, you know, they have got their own program, and it
15 is a limited number that is allowed in those. You know, I
16 would say in Sioux Falls, you know, you are looking at 20 a
17 year.

18 MR. POMMERSHEIM: To me it just seems like a classic
19 area where women, by your own testimony, aren't working at
20 all, and would be a place that would be classic to have
21 sort of -- some kind of unique training program to get
22 women into that flourishing area of employment.

23 MR. PETERSON: I think the vocational schools have done
24 everything they can to try to encourage them to look at
25 these programs, like the electrical programs and the

1 drafting programs. And I think they really have. I -- you
2 know, why more are not getting into it, I don't have
3 an answer for that.

4 MS. BURNETTE: Jim.

5 MR. POPOVICH: Greg, can you tell us the Jobs Training
6 Partnership Act, that is a national program, correct?

7 MR. PETERSON: Yes.

8 MR. POPOVICH: What's the percentage of women that are
9 in that program nationally versus South Dakota? Can you
10 give me an estimate?

11 MR. PETERSON: We have goals. Our goal is 37 percent.

12 MR. POPOVICH: What is it presently?

13 MR. PETERSON: We are right at it. It's 37.

14 MR. POPOVICH: You are right at it.

15 MR. PETERSON: Yeah. The JTPA program is very specific
16 in the target groups you are required to serve. You know,
17 it's very specific; so many old people, so many dropouts,
18 so many women, so many welfare. It's very specific by
19 category who the money is to be spent on. And we have to
20 adhere to it. We spend our budget every year, so we are
21 serving every -- every target group they mandate to us.

22 MS. BURNETTE: Malee, did you have a question?

23 MS. CRAFT: I had a question, yes. You had indicated in
24 answering a previous question in your -- that Job Service,
25 you have no minorities. Were you referring just to the

1 Sioux Falls office?

2 MR. PETERSON: Just to the Sioux Falls office. I'm
3 sorry. There certainly are --

4 MS. CRAFT: Okay.

5 MR. PETERSON: -- state wide, yes.

6 MS. CRAFT: I wanted to ask you in reference to that,
7 due to the fact that you administer JTPA programs, have you
8 tried or considered some kind of a training program that
9 might infuse or open the doors for minority individuals
10 into Job Service, for example?

11 MR. PETERSON: Okay. I will tell you what I have done
12 there. This goes back about four years ago. The NAACP
13 officials came to see me about the fact that there were no
14 minorities on our staff. And at that time I explained to
15 them that I have never had the opportunity to interview
16 one, not one. I explained to them, you know, the
17 requirements and the procedure to become a Job Service
18 representative. And I am going to, you know -- I probably
19 should have done this a long time ago.

20 So at the same time I made this -- like I said, this is
21 over four years ago, and I will be honest, I didn't follow
22 through. But I let other minority organizations in town
23 know what was required, and I still have not interviewed a
24 minority application in the eight years I have been
25 there. To be a Job Service rep does require a bachelor's

1 degree in any field.

2 MS. BURNETTE: But might I ask one question in regard to
3 that. Any person regardless of whether they are in the
4 protected classes or not under civil rights does have to
5 first get screamed -- no, screened and rated by Pierre
6 before you are even given a roster to choose from, so it's
7 perhaps -- do you think the process is cumbersome to a
8 troubled person or a minority person that might want to
9 access that, and it's a procedural problem as opposed to --

10 MR. PETERSON: Well, it could be because they only give
11 -- a test is still required to be a Job Service
12 representative, and the test is only given at certain
13 locations around the state. So because of the distance,
14 yeah, it could be a major problem for some people. You
15 know, just to give you some idea, when I said we've got too
16 many educated people around, not enough skilled, when we do
17 have an opening in Sioux Falls, there are over 500
18 applications for the opening.

19 MS. BURNETTE: So the competition --

20 MR. PETERSON: The starting pay is eighteen three, so I
21 mean, you know, that just highlights what I said about too
22 many educated people around.

23 MS. BURNETTE: So -- but in terms of that, not just
24 education, is it not true that to make the certain --
25 because I don't want it to be misunderstood by the

1 participants here today, that the local Sioux Falls office
2 has that power to recruit and hire minorities because they
3 do have to go through a state procedure --

4 MR. PETERSON: Thank you.

5 MS. BURNETTE: If the competition is that immense for a
6 minimum qualification of college degree, the likelihood --
7 and if experience enters into making that cert in the area
8 of personnel or human resources, the likelihood of a woman
9 with just a college -- with a college education with no
10 experience is not likely, let alone a minority, to make the
11 cert. So the appearance that you try to recruit minority
12 people into Job Service locally really is a state problem?

13 MR. PETERSON: You are absolutely right, Rae. I mean
14 the Bureau of Personnel sends me a list of who I interview.
15 I do the selection on who we hire, but they send us -- Rae
16 Burnette was probably our last minority to work in Sioux
17 Falls, and that was way too many years ago, so something
18 should be done there.

19 MS. BURNETTE: You can strike that from the record.

20 MR. PETERSON: You went onward and upward.

21 MS. BURNETTE: It was a part-time job I might add.
22 Dorothy, you had --

23 DOCTOR BUTLER: My question also related to the process
24 through which people reach the interview stage. So that
25 was answered.

1 MR. PETERSON: Rae stated it very nicely, yes.

2 MS. BLACK ELK: How much of the percentages of women in
3 different professions has to do with allowing women to keep
4 welfare benefits while they are going through these --
5 through schooling or training programs or even to keep
6 Title XIX when they first begin --

7 MR. PETERSON: I don't think it would be reflected in
8 that report at all because this is something that -- that
9 is basically just begun within the last three years. I
10 mean a solid welfare to work program, that report there
11 reflects the difference between the 1980 and the 1990
12 census. So the numbers there, you know, they would not
13 show up again now until we get -- until we get the next
14 census in seven years. And I suspect it will have a very
15 strong reflection in a lot of those occupations. I really
16 do. Because I mean South Dakota, along with a lot of other
17 states, are really getting into the welfare to work. I
18 mean it's just cost effective to do it.

19 MS. BURNETTE: Thank you very much, Greg --

20 MR. PETERSON: Thank you, Rae.

21 MS. BURNETTE: -- for making your presentation. We
22 really appreciate it.

23 Our next presenter is here. She is Susan Randall. And,
24 Susan, if you could share with the participants a little
25 bit about yourself and give us your presentation, you are

1 welcome.

2 MS. RANDALL: I am impressed by the length of the
3 agenda, and how long you have apparently been sitting here
4 listening to this kind of input. Thank you for your
5 contribution of time.

6 I speak as a woman today who has had 24 years of
7 employment in the work force. I also speak as a person who
8 has been in both a staff role and a management role. I
9 speak as a sociologist. My educational background is Ph.D.
10 in sociology, and my current position is Director of
11 Development/Operations at Turn About, Incorporated here in
12 Sioux Falls.

13 Turn About is a nonprofit corporation that assists
14 people who have dropped out of high school with completing
15 the educational attainment, either the GED or high school
16 diploma, provides job search assistance and training,
17 parent education, and attempts to either move them into
18 further education for the work force or directly into the
19 work force.

20 All of those things I think are pertinent to the things
21 that I wanted to say today. But I suppose most of all I
22 would say my remarks are focused around my viewpoint as a
23 sociologist. We live in a culture that has a long history
24 of valuing women's work as less than that of man's. It's a
25 form of institutionalized discrimination that is fairly

1 widespread I would say in the Sioux Falls work force, and I
2 would suspect throughout the country. I have some specific
3 information to present that I think supports this, the
4 reality in our community and in the region here.

5 Historically women's work in the culture has been in
6 care taking, in nurturing, and in support roles. As our
7 society has moved those roles into the marketplace, and has
8 extensively involved both males and females in paid
9 employment, the jobs created in what I would call this
10 historically women's work area tend to carry lower pay than
11 do jobs requiring a parallel level of skills and education
12 in what might traditionally be recognized as the men's work
13 arena.

14 And I would like to present some examples that I think
15 begin to illustrate. I'll take a particular job that is
16 typically identified as women's work, secretarial/
17 receptionist work, and parallel it with carpentry and
18 finish work, more characteristic as man's work.

19 Secretarial/receptionist position today requires the
20 intelligence and ability to operate complex machines that
21 range from computers with typically a variety of software
22 applications the performer has to be capable of using
23 effectively, the fax machines, copy machines, and telephone
24 systems that have become increasingly complex. They also
25 must be effective in oral and written communication, they

1 need to have good organizational ability, capable of
2 managing sometimes fairly complex filing systems, be
3 capable of relating to a wide variety of individuals with
4 courtesy, and handle competing tasks under difficulty,
5 usually deadlines. Furthermore, the wardrobe demands of
6 people in clerical positions are usually quite demanding,
7 and require a continued investment in apparel and
8 accessories.

9 A more characteristically male work is carpentry and
10 finish work, and those positions require, of course,
11 intelligence, the ability to use carpentry tools, to
12 measure, to fit materials together, to work with a variety
13 of materials, handle competing tasks under deadlines. The
14 positions typically in Sioux Falls at least require that
15 the person provide their own tools and work ^{pouch} ~~patch~~.

16 In the most recent ^{employment} ~~listing~~, South Dakota Job Service
17 listing for the Sioux Falls area, the position showed the
18 following salary ranges and requirements. For secretarial
19 and clerical positions, they required a high school
20 graduation, and starting wages for those positions as
21 listed ranged from 5 dollars an hour to 7.95 an hour.

22 Carpenter, finish work positions were also listed. No
23 high school graduation was required, but experience was
24 typically a requirement. Starting wages for the carpenter,
25 finish work positions started at 6 dollars an hour and went

1 up to 8 dollars an hour. So the starting wage was a full
2 dollar an hour different in -- among the collection of
3 positions listed. Top end for the range was only 5 cents
4 higher for the carpenter as opposed to the clerical.

5 I will just repeat those ranges again. The starting
6 wage ranged in those secretary positions from a low of 5 to
7 a high of 7.95 an hour, and for carpenter, finish work,
8 from 6 dollars an hour to 8 dollars an hour. And that was
9 just the last listing.

10 Other common areas of female employment besides
11 secretary and receptionist work^{are} food preparation, serving
12 and child care. These traditional areas of women's work
13 are also areas where pay remains low. An analysis of
14 starting hourly wage ranges, for individuals completing
15 Turn About in FY '93, which would have been June 1st -- or
16 July 1st of 1992 through June 30th of '93, shows the
17 following results: And I thought this would be interesting
18 information because the people completing Turn About have ---
19 finished typically a high school education, GED, or high
20 school diploma, and are moving into the work force. And
21 this -- the data that we have reports their hourly wage and
22 doesn't get confused by whether they are working part-time
23 or full-time or whatever those arrangements might be which
24 could distort the comparison.

25 For those that completed GED and job search programs ~~is~~

1 ~~our facility~~ -- at Turn About in '93, the males' average
2 starting wage was 5 dollars and 95 cents an hour. The
3 females that we served had an average starting wage of 5
4 dollars and 51 cents an hour. I'm going to repeat that.
5 5.95 an hour was the average starting wage for the males,
6 and 5.51 was the average for the females.

7 Then we served a group of dislocated workers in 1993,
8 and these tend to be more mature workers, people who've
9 been on the job for a period of time, find the place that
10 they work closes down, lays them off, and they have to move
11 on. The average starting wage for the males that we served
12 was 7 dollars and 75 cents an hour. The average range for
13 the female was 6 dollars and 7 cents an hour. And I might
14 add that we hired one of those female dislocated workers,
15 an excellent, very talented person, at a starting wage of 6
16 dollars and 83 cents an hour in one of those clerical
17 positions, which is a very demanding position, I might add,
18 without hardly a moment's rest as the week goes by.

19 The high school diploma graduates ~~that we~~ -- that
20 completed Turn About in '93, ~~this~~ ^{one instance} was where the discrepancy
21 went the other way. And this was sort of interesting. The
22 males had an average starting wage of 5 dollars and 58
23 cents an hour, and the females an average range of 5
24 dollars and 69 cents an hour. So the females that
25 completed high school diplomas ^{had} ~~were~~ a somewhat higher

1 starting wage than males.

2 ~~That~~ I went back to analyze it further to see if I
3 could find an appropriate explanation. And I did. The
4 food industry in Sioux Falls tends to pay very low wages.
5 And of those high school diploma completers, 29 percent of
6 the males went into the ~~food~~ food preparation
7 field. And I think that explains why their wages on
8 an average were lower; whereas none of the women high
9 school diploma grads from Turn About in '93 went into the
10 food preparation employment. And so I would think that is
11 probably why the discrepancy shifts the other way.

12 Before I leave this, I just thought it might be
13 interesting if I read to you just a list of the types of
14 jobs that the male dislocated worker got as compared to the
15 female dislocated workers. These are more mature
16 workers. Not necessarily more advanced in education, but
17 they have demonstrated by their maturity and job records
18 that they are ~~they are reliable employers or~~
19 employees.

20 The males entered jobs like machinist, laborer, a route
21 sales job, meat packer, janitor, meat packer again, a
22 warehouse job, industrial production, and
23 horticulture. The females entered positions labeled bank
24 clerk, retail assistant, manager, retail sales,
25 administrative assistant, typesetter, retail clerk, cashier,

1 census taker, retail sales, (three of those), and one cook.

2 So I think that to some extent illustrates that women do
3 typically tend to pursue what in many cases has been
4 women's work, and suffer for it ~~I think~~^{she} in terms of the pay
5 that is available to them.

6 Another example, a case manager at Turn About told me
7 that in 1989 -- by the way she has a ~~bachelor~~^s four year
8 bachelor's degree and some experience. -- she was the director
9 of a child care center in Sioux Falls. It was a center
10 with a licensed capacity for 140 children and a full-time
11 enrollment of 70 children. In 1989, she was paid 17,500
12 dollars for being the director of this center, full-time
13 enrollment of 70 children.

14 Her administrative responsibility, the risk factors in
15 the operation, and the service being provided, namely care,
16 guidance, education and nurturing of children at the most
17 fragile time in their life, matches and probably exceeds
18 the responsibility and risk factors of a bank manager. And
19 yet the pay was incredibly low. And I note that this is
20 not atypical of people in child care that are in a
21 managing, organizing role, and it's even more severe for
22 those that are in the direct service role in child care.

23 Changing this institutionalized discrimination is
24 certainly not a simple matter. There have to be forces in
25 the marketplace that begin to change the whole dynamics.

1 Turn About is also an employer, and when we look for
2 employees, we are constantly surveying what is the wage
3 market doing out there and what do we need to set our pay
4 scales at in order to be competitive for the kind of people
5 that we want to attract.

6 We also tend to be somewhat idealistic, and if we can do
7 better on wages for positions that we think have value,
8 then we do what we can. But we still live in
9 an environment where we are constantly scrutinized by those
10 that fund us, and so we have to be accountable to the
11 broader community and the wage structure that exists. So
12 it isn't an easy matter. Just because one's idealistic and
13 wants to have better wages for care givers of children, for
14 example, doesn't make it a simple matter to turn that into
15 reality.

16 I do think that pay equity legislation is an avenue that
17 can be pursued. When you move in that direction, then
18 government at least becomes one of the players in the
19 marketplace that can push equity in pay according to the
20 value of ~~something~~ ^{the} a task ~~that~~ people are performing. And
21 as they become a player in the marketplace and can push the
22 wage into a more fair realm, that can begin to have spinoff
23 effects that ~~affect~~ ^g that impacts other players in the
24 marketplace.

25 I also think public education is an avenue. I don't

1 think public education alone will change that. There have
2 to be some other economic forces at work.

3 Beyond that, I don't have any other brilliant
4 suggestions, but I know in your letter Mr. Muldrow
5 indicated suggesting ideas if I had some. One other
6 variation on this theme of institutionalized discrimination
7 is the continuing bias in people's minds. And I'm sure they
8 would never admit it to you if you asked if they believed
9 it, but I think it's a subtle attitude that pervades at
10 least the Sioux Falls community that you can hire a woman
11 for less than you can hire a man. I believe that women
12 have been so conditioned in our culture that they believe
13 that as much as the men do. And it subtly affects the
14 positions that qualified women pursue and the pay that they
15 expect.

16 For the most part, I am not aware of blatant
17 discrimination in hiring whereby a man and woman are hired
18 for the same position, and the man gets more than the
19 woman, at least not blatantly and intentionally. It does
20 occur, but I would say most often if it occurs, it's
21 unintentional.

22 In my own case, I have faced this once in my employment
23 years. When I pointed it out to my employer, and presented
24 justification as to why the differential in pay was unfair,
25 the situation was corrected. From conversations I have had

1 with professional women who have experienced such
2 differentials, I know they are often reluctant to speak up
3 for fear of being viewed as a troublemaker or being labeled
4 as a radical. I think further education of women as to
5 what their rights are could give them courage to speak up
6 in those kinds of situations, and that it would be a
7 prudent direction to go.

8 I was pleased when I spoke with Mr. Muldrow earlier when
9 he was in Sioux Falls when he told me about a publication
10 that you are authorizing be put together that informs
11 people of what their rights are if they think they have
12 been discriminated against in employment. And I applaud
13 you for that. I think that will be a really useful tool to
14 women, and to men, too, who may find themselves in a
15 situation where they think that there has been unfair
16 treatment.

17 That concludes my remarks. And if you have a question
18 --

19 MS. BURNETTE: Thank you, Susan. Kitty.

20 MRS. WERTHMANN: No comment.

21 MS. BURNETTE: You said no comment. Dorothy.

22 DOCTOR BUTLER: Several years ago I read about the
23 program getting started, and I was wondering -- I know that
24 it has grown, and it's very successful now. How do you
25 recruit students, if you do? Do they simply apply?

1 MS. RANDALL: You mean to Turn About?

2 DOCTOR BUTLER: Yes. Do you have an outreach program?

3 MS. RANDALL: We do -- we do. We also ask people when
4 they come to Turn About how they learned about Turn
5 About. And the single most common way that people come to
6 the program is by word of mouth because somebody they knew
7 told them about it. The second most common way that they
8 come is that they were referred by an agency in a
9 community. There have been 22 different agencies or
10 schools listed by people who come to Turn About that have
11 referred them there.

12 We are -- we haven't had staffing to go out and do
13 active on-the-street or that kind of recruitment, but we
14 now have some new support that is here that will allow us
15 to be more proactive in the outreach area, and I'm pretty
16 excited about that.

17 MR. MULDROW: I guess the thing that surprises me most
18 from what you said is the small differential between
19 secretary pay and the carpenter pay. It's not very much.
20 In Colorado I would say that carpenter pays two and three
21 times as much as a secretary.

22 MS. RANDALL: Well, I might add these were non-union --
23 these are non-union listed positions, and they are
24 positions as listed at Job Service. And I don't know if
25 that affects it. It may to some extent make a

1 difference. It may be the skill level of the listing
2 entity -- I don't know how that might vary, but --

3 MR. MULDROW: Is the wage differential between
4 traditional and non-traditional jobs for women enough to
5 put -- provide them with incentives to go into
6 non-traditional --

7 MS. RANDALL: Well, I know at Turn About case managers
8 tell me they try to encourage women to pursue non-
9 traditional employment. And they do that because they know
10 the wage opportunities and the progress is -- is much
11 greater for them. And I think they have some success, but
12 there's still a tendency for them -- they themselves to be
13 drawn to more traditional areas of employment.

14 MR. WALSH: You know, I employ between 85 and, I don't
15 know, 150 people at times. It's always been of interest to
16 me that I can't find women in food preparation. It's just
17 -- I don't know why that is. It's an interesting phenomena
18 because a lot of those good chef make good money. They are
19 all men. I don't know why. I mean it's a silly question,
20 but I toss it out. I don't know why -- I mean I have even
21 asked my sisters who are excellent cooks to come up and
22 cook for me. I don't know why.

23 MS. BURNETTE: Do you know why, Susan?

24 MS. RANDALL: No, don't have an answer.

25 MS. BURNETTE: Frank, do you have a question?

1 MR. POMMERSHEIM: No. I thought you were going to
2 answer Bill's question.

3 MS. BURNETTE: I don't know why either.

4 MR. POPOVICH: Just thank you for coming, Susan. One
5 thing I might add to the secretarial job description is
6 stress. I think that that is one we may not always think
7 about. The Turn About program sounds very interesting, and
8 I wonder if there is any -- there is any correlation
9 between young men and young women as far as how many are
10 dropping out. Is there any -- is --

11 MS. RANDALL: I haven't analyzed our statistics with
12 that in mind, so I guess I don't know for sure.

13 MR. POPOVICH: I know this doesn't apply much to
14 employment, but I just wondered how that might apply to
15 what we are doing today. It just seems interesting. Are
16 there more women dropping out now than there have ever
17 been?

18 MS. RANDALL: You mean from the program? I don't
19 know. As I said, I haven't analyzed how that goes. I know
20 that we have a much higher number of women enrolled than we
21 do men.

22 MR. POPOVICH: You do.

23 MS. RANDALL: Yeah, we do.

24 MS. BURNETTE: Are you speaking to high school dropouts?

25 MR. POPOVICH: High school dropouts, not program

1 dropouts.

2 MS. RANDALL: Oh, I see. I don't know.

3 MR. POPOVICH: You are able to place most of them then,
4 the women that are in your program?

5 MS. RANDALL: Yeah. I don't -- some of them are parents
6 of young children, and the problem they face is with just a
7 high school education, finding a job that pays enough to
8 really get them off of welfare and being an incentive to be
9 off welfare is difficult. The case manager I talked to
10 said at the minimum they have to make 6.50 an hour and
11 benefits provided to really be at that break even point
12 where it was worth -- worth that change. And, you know,
13 that's one of the difficulties for single parents in that
14 situation without advanced skill levels.

15 MR. POPOVICH: Thank you.

16 MS. KIM: How is Turn About funded, privately or --

17 MS. RANDALL: Very diverse. We probably have about 20
18 or 21 different funding sources. They include the
19 Department of Labor, Department of Education, school
20 districts, the Department of Social Services, United Way in
21 Sioux Falls, individuals and businesses that contribute
22 directly to the program. So it's a real diverse mix.

23 MS. KIM: Does this program then attract anyone who
24 walks in your door? It is not limited to the Sioux Falls
25 area?

1 MS. RANDALL: Four county area. Minnehaha, Lincoln,
2 Turner and McCook Counties. We've had people from
3 somewhere else who have moved in and we have served them,
4 but we don't have outreach in other locations.

5 MR. MULDROW: Just one quick question. Do you make a
6 special effort to involve native women and what is
7 accessible to them?

8 MS. RANDALL: We certainly desire to. The enrollments
9 of Native American minorities have not been high in our
10 program. And that has been a source of some dismay. There
11 are -- I don't know for sure what the percentage is because
12 on our case reporting, we don't list people by minority
13 status. But I know that in some information I looked at a
14 while back on our child -- we have a child care center
15 onsite that provides child care. And 25 percent of the
16 children in the child care center whose parents were at
17 Turn About were minority status children. And I would say
18 that is probably fairly typical. That it's about 25
19 percent, which is higher than the general population of the
20 community, but probably not what it ought to be if we were,
21 you know, to serve the individuals that -- where the
22 service might be really helpful.

23 MS. BURNETTE: So would they be predominantly Laotian?

24 MS. RANDALL: It's a mix. It would be a mix. Some are
25 Native Americans, some are --

1 MS. BURNETTE: Handicapped?

2 MS. RANDALL: -- black Americans, some handicapped.

3 MS. BURNETTE: Malee.

4 MS. CRAFT: What's the age group that you serve?

5 MS. RANDALL: In our base program, you have to be 16
6 years of age or older to be served.

7 MS. CRAFT: And your staff, how large is your staff?

8 MS. RANDALL: Well, we have just been adding some
9 programs under contract with the Sioux Falls School
10 District, so our staff is now about 40.

11 MS. CRAFT: 40. Do you have any minorities on staff?

12 MS. RANDALL: Yes, we do.

13 MS. CRAFT: Women?

14 MS. RANDALL: Not a large number. Yes, we have one
15 woman who has native -- she is not full Native American,
16 but I think 50, you know -- half Native American heritage,
17 and another percent of Asian heritage. No one who is
18 black, however.

19 MS. BURNETTE: Well, Susan, thank you very much for
20 sharing with us today.

21 Our next presenter will be Tom Burke, director of the
22 Sioux Falls Human Relations Commission.

23 MR. BURKE: Thank you very much. Nice to be here.

24 As a follow-up to what Susan Randall had to say, I think
25 it's kind of ironic to note how zealously the federal

1 government guards against underpaying men in traditional
2 roles in the construction industry when we talk about the
3 Davis-Bacon Act, but they don't seem to have the same
4 interest and desire to make sure that the females who are
5 being paid through various government programs,
6 traditionally female roles, are being paid decent wages. I
7 think the federal government has to eat a little crow in
8 this area.

9 Well, I dropped in this morning for a little while, and
10 a little while this afternoon, to kind of get a flavor of
11 what was being said, and I'm really glad to see you were
12 talking about things that are real impediments to women in
13 employment; impediments that don't amount to violations of
14 the civil rights laws, but serious obstacles for women to
15 succeed, especially here in Sioux Falls. Things like the
16 child care, things like the housing, the lack of city
17 involvement in improving housing, things of that nature.

18 But I'm not going to talk about that because I
19 administer and enforce the civil rights laws of the
20 city. And it's like the EEOC. You know the federal Equal
21 Employment Opportunity Commission enforces Title VII of the
22 Civil Rights Act. And as I understand your charter, you
23 are looking to make findings and certain recommendations to
24 make sure that at least in the area of Title VII, that the
25 federal laws that prohibit discrimination against women in

1 the work place are not being violated or there are no
2 serious obstacles to women to achieve equal opportunity in
3 employment. And I would like to perhaps suggest some
4 recommendations that you might be able to make in this
5 area.

6 The EEOC, federal agency, is charged with the
7 administration of Title VII. I am not. The South Dakota
8 Division of Human Rights is not. It's the federal Equal
9 Employment Opportunity Commission. How well are they doing
10 their job in South Dakota? And how do you arrive at
11 an answer to that question?

12 We are in the law enforcement business. How visible is
13 the Equal Employment Opportunity Commission? How visible
14 is it in the communities of South Dakota? Not so much
15 Sioux Falls, not so much Rapid City, but throughout the
16 state. And I submit that they are totally invisible. And
17 there isn't any reason for that. Lack of funding, lack of
18 manpower.

19 So how do they try to fill that gap, you know? How does
20 the EEOC try to do its job out here in South Dakota? Well,
21 they contract with the South Dakota Division of Human
22 Rights, you know. You know, look, South Dakota Division of
23 Human Rights, we need some help. We will give you 500
24 bucks a case if you investigate and make findings and
25 determinations on all these complaints we get in violation

1 of Title VII. 500 bucks. You can't investigate a
2 complaint of discrimination for 500 bucks, especially if
3 it's 500 or 600 miles away from where your office is.

4 South Dakota Division of Human Rights is not visible in
5 South Dakota. They can't afford it. They haven't got the
6 money. They don't have the commitment of the state
7 government to have branch offices. They don't make
8 periodic regularly scheduled visits to the outlying areas
9 of the state. The people out there don't have the
10 slightest idea of how to complain, and what their rights
11 are under Title VII.

12 So one of my -- one of my suggested recommendations to
13 you is to look at whether or not EEOC is doing its job, and
14 whether or not the South Dakota Division of Human Rights as
15 their agent is doing their job. I think Lois Rose talked
16 about the lack of commitment of state government to that
17 office. They are two and a half years behind. How would
18 you like to file a complaint of sex harassment in a work
19 place, and two and a half years later they haven't even
20 appointed an investigator? If that's not an obstacle to
21 equal employment opportunity, I don't know what is.

22 EEOC has to recognize that the way they are trying to be
23 visible, the way they are trying to enforce the laws in
24 South Dakota plainly isn't working. HUD, for example --
25 not that HUD is one of my favorite agencies -- they pay

1 1500 dollars a case for investigations. So you might look
2 to see whether or not the EEOC reimbursement rate is doing
3 the job here in South Dakota. In my view, it's not.

4 They were two and a half years behind in investigations.
5 What did the legislature do? They cut one of the three
6 positions from the budget. That's -- that's the
7 demonstration of the commitment of the State of South
8 Dakota to the enforcement of civil rights.

9 And I know you are talking just about the employment of
10 women, but I think you have got to consider that, you know,
11 that is not our biggest problem. If I were going to rank
12 order in Sioux Falls the problems we have with the
13 administration of civil rights laws, women in employment
14 would rank down -- a little bit lower. So just because we
15 are talking just about that today, let's not forget about
16 the problems of the Native Americans, and the blacks, and
17 the refugees.

18 We now have 34 different languages spoken by the school
19 children in the Sioux Falls School District, which means
20 that we are getting a lot of third world countries'
21 families coming in. Those people also have serious
22 obstacles in employment.

23 But, again, I would urge that you put to task the Equal
24 Employment Opportunity Commission to do a better job in
25 South Dakota, to be more visible. Every Podunk town in

1 South Dakota has a sheriff drive through every now and
2 then. Is that law enforcement anymore important than
3 enforcement of the civil rights laws of the citizens of the
4 state? I don't think so.

5 I'm not faulting the South Dakota Division of Human
6 Rights. I know there is funding problems. But that is
7 EEOC's responsibility. If they are not doing the job for
8 EEOC, have them come out here and start some field
9 offices. Have them become visible. Have them help the
10 people in South Dakota understand what their rights
11 are. So that's my recommendation to you.

12 Another example, three years I have been trying to get
13 an agreement with the EEOC so we could dual process
14 complaints. You know, instead of me investigating a
15 complaint and somebody in Denver investigating the same
16 complaint, why not just have one? Why not combine this,
17 let's have an agreement. They said, no, no, you can't have
18 one. We have a policy that we don't make agreements with
19 local agencies. We make them only with the states. I
20 said, okay, fine.

21 Along came the Americans With Disability Act which
22 increased, under Title I of the ADA, increased the work
23 load of EEOC immeasurably. Still they wouldn't contract
24 with local agencies. So I was thumbing through some
25 obscure federal regulation the other day, and I saw that

1 policy of EEOC. I thought we don't deal with locals, we
2 deal only with states, the exception being unless the state
3 is more than nine months behind in its investigation of
4 complaints. They knew damn well the state was two and a
5 half years behind, but they didn't do anything about
6 it. They didn't have the sense of urgency, you know, to do
7 something about that.

8 So we have got -- we have got -- we have got to energize
9 these federal folks in Denver, these federal folks in
10 Washington. If they mean business with respect to equal
11 opportunity, put their money where their mouth is. Come on
12 out here and take a look. When's the last time a member of
13 the Equal Employment Opportunity Commission came to the
14 town of Mitchell, the town of Vermillion, the town of
15 Aberdeen, Box Elder. God knows. They are leaving too much
16 of the work up to the state, and the state is not doing the
17 job. So they have got to correct that.

18 So that's all I have got to say. Any questions?

19 DOCTOR BUTLER: Yes. Mr. Burke, could you tell me,
20 please, what the make-up of the Sioux Falls Human Relations
21 Commission is, and what powers do you have as a commission?

22 MR. BURKE: We have identical powers to the powers
23 enjoyed by the state commission. State law says that every
24 municipality may, at their discretion, pass a law so they
25 can have laws similar to the state, and I think we are the

1 only one that has. Our make-up, we're made up of 11
2 commissioners. We are required by our ordinance to take
3 into consideration the minorities of the community, so we
4 have Native Americans, we have blacks, we have Southeast
5 Asians, we have disabled. I think we are, you know, we
6 have pretty good coverage.

7 As far as women are concerned, I wish Loila was still
8 here. Loila at one time objected to the fact that over the
9 period of time, our commission became very heavily, you
10 know, male oriented. I think we had nine to two at one
11 time. So she very properly said, hey, you know, talk about
12 equality. So now I think it's nine to two the opposite
13 direction. So the thing switches every now and then. But
14 we try to maintain that balance. It's hard work. This is
15 not a honorary position.

16 I can -- one thing different about our law that I think
17 you might be interested in, unlike the state law, the
18 director of the state office can look at a file and say,
19 oh, there is nothing here. I am going to dismiss it. We
20 don't do that here. Every case is investigated. Every
21 case is given to my 11 member commission, and they issue
22 the determination of whether or not there is cause or no
23 cause. I don't have that power to do it myself, and I'm
24 glad I don't. I think it should be a consensus approach.

25 Questions? Passing time here.

1 MR. POPOVICH: What is the -- what's the highest
2 complaint that you get? Which ones are the most for women
3 as far --

4 MR. BURKE: Sexual harassment.

5 MR. POPOVICH: Sexual harassment.

6 MR. BURKE; I wish it wasn't a civil rights matter. I
7 think sex harassment should be a tort. I don't think --
8 because it's an assault. If I get drunk and I go out and I
9 find Susan Randall today in the bar and I kick her around
10 and beat her up, I'm not going to be charged with sex
11 harassment. I'm going to be charged with assault.

12 I think it's the same thing in -- this sex harassment in
13 the work place. That would be my preference. But the
14 courts look at it as -- although quite frankly virtually
15 every sexual harassment complaint we have had that has gone
16 for hearing in the past three years has ended up in court,
17 not only as a civil rights violation, but also a contract
18 law violation, intentional infliction of emotional
19 distress, as a tort. So the lawyers in town are processing
20 sex harassment cases through the judiciary in order to get
21 more damages. And I think, you know, there is less
22 emphasis on the civil rights violation aspect as there is
23 on the breach of contract, employment contract, or tort.

24 Frank, did you have any questions?

25 MR. POMMERSHEIM: Is the number of complaints you are

1 getting more and more? Do you judge you are being
2 effective in helping people?

3 MR. BURKE: Well, I certain believe I am, but don't take
4 my word for it.

5 MR. POMMERSHEIM: Right, I won't. I just --

6 MR. BURKE: We are not getting more complaints.
7 Contrary to what Lois Rose said, we didn't see a large
8 increase in the number of sexual harassment in the work
9 place complaints following the Anita Hill controversy. We
10 saw a great deal more interest. We saw a great many more
11 opportunities for us to give speeches and talks and
12 seminars with various groups on what sexual harassment is.

13 And right now the Supreme Court is wrestling with what
14 is sexual harassment. They are having a terrible time with
15 that. And it looks like it's going to go the way -- when
16 is the employer liable for what his employees do, you
17 know? And they are not going toward the negligence theory
18 rather than the absolute liability theory. But it's very
19 difficult to determine what point in time inappropriate,
20 unprofessional, insensitive conduct becomes sexual
21 harassment, thereby exposing the employer to God awful
22 consequences.

23 Got questions? Yes, Bill.

24 MS. BURNETTE: Excuse me.

25 ~~MR. BURKE:~~ I'm an interlocutor here.

1 MS. BURNETTE: Bill, do you have any questions?

2 MR. WALSH: A couple times it's been mentioned the
3 Division of Human Rights only has two or three
4 people. Haven't they contracted with individual
5 investigators? Aren't there -- aren't they trying in the
6 state to narrow the gap from two and a half --

7 MR. BURKE: Yeah.

8 MR. WALSH: Don't they have a number of investigators?

9 MR. BURKE: They have employed a couple of consultants.
10 I did 15 cases for them last year, you know. State law
11 says that the Human Rights Commission will promptly
12 investigate complaints of discrimination. While the word
13 "promptly" doesn't have a particular precise definition, I
14 submit it's not two and a half years. That's my view.

15 MS. BURNETT: B. J.

16 MS. KIM: Are the commission members appointed or --

17 MR. BURKE: Yes. They are appointed by the City
18 Commissioner of Finance. It must be approved by the whole
19 city commission.

20 MS. KIM: What is the period of -- length of service?

21 MR. BURKE: Six years I think it is.

22 DOCTOR BUTLER: Do you have very many cases of housing
23 or public accommodations or employment discrimination?

24 MR. BURKE: We -- we annually run anywhwy from 55 to 75
25 complaints, formal complaints.

1 MS. CRAFT: That is what, per year?

2 MR. BURKE: Per year.

3 MS. BURNETTE: Bill, you had a question.

4 MR. MULDROW: Are you able to keep up with your case
5 load, your complaints?

6 MR. BURKE: Yes. Not because we are good, better than
7 somebody else. Everybody is here. I go out and talk to
8 the witnesses, I bring them in, you know, we get face-to-
9 face confrontation. We don't do telephone interviews. The
10 state has to do that.

11 MR. MULDROW: Why doesn't the state contract more cases
12 with you, and you investigate --

13 MR. BURKE: I told them -- I told them I wouldn't do it
14 for that kind of money. 500 dollars. There is a young --
15 there is an attorney in town who's one of my commissioners
16 who is doing some consultant work for them. She is not
17 going to make any money. She is going to lose money. You
18 know, it's pro bono work maybe. But 500 dollars doesn't go
19 very far, especially if you want to do something more than
20 pick up a phone and have a telephone interview. You want
21 to get out -- you want to get out to the work place and
22 talk to the employees, you know. You have got to go out
23 there. Costs money to drive around this state, as you
24 know, Bill.

25 MR. POMMERSHEIM: Has the budget of the commission grown

1 with the -- commensurate with the growth of the city?

2 MR. BURKE: Local commission's --

3 MR. POMMERSHEIM: Yes.

4 MR. BURKE: Yes. We have no difficulty having the city
5 commission appropriating what we consider to be a
6 sufficient amount of money to run our office.

7 MS. BURNETTE: Malee had a question.

8 MS. CRAFT: Mr. Burke, what does the Human Relations
9 Commission do as far as educating the public on what their
10 rights are in Sioux Falls?

11 MR. BURKE: We give anywhere between, oh, seven and ten
12 seminars a month, appearing before various groups. We also
13 have an educational program, have our pamphlets. We have
14 published 45,000 copies of hard back informational
15 brochures covering discrimination in employment,
16 discrimination in housing, what the Human Relations
17 Commission is and how it operates, what its powers are,
18 handicapped, disabled discrimination, housing
19 discrimination. And we've -- we tried to get -- always
20 people that don't know about it, but we are still working
21 to achieve that. It's a never ending process,
22 education. And we know how valuable that is.

23 MS. BURNETTE: B. J. has another question.

24 MS. KIM: Is your commission case report public
25 information if anyone wants to look into it? Is it

1 available?

2 MR. BURKE: Only if a decision of probable cause is
3 made. From that point on, the entire matter is a matter of
4 public record. Before that time, the investigative file is
5 confidential. So the person who testified earlier that
6 said she note -- that people don't know what is going on is
7 right in that respect.

8 MS. KIM: So you do not make then an annual summary
9 report to public?

10 MR. BURKE: We make a monthly report to the public. But
11 it does not identify names, or that type of thing. Just
12 the type of case, how long it took to process, what the
13 results were.

14 MS. KIM: Is your report in the newspaper or how --

15 MR. BURKE: We provide it to the newspaper. The
16 newspaper only picks up on public hearings involving things
17 like sex harassment, for example. I hate to say this.
18 People are a hell of a lot more upset, you know, about a
19 little blond-haired girl getting pinched in the butt than
20 they are about the Native American who can't get a job in
21 the city. One gets headlines; one doesn't get anything.

22 MS. KIM: So maybe do you suppose we need some kind of
23 public dissemination to inform, you know, or you don't
24 think it ever is going to improve and --

25 MR. BURKE: Public understanding of the process? I

1 think it will improve, you know. It's hard to get people
2 to read things, especially annual reports, you know. My
3 feeling, annual reports, the ^{only} people who read those are
4 mentioned in it. I think there's a lot of truth to
5 that. Fancy things, I get them all the time. Fire
6 department puts out one about that thick, pictures and all.
7 I'm not interested in reading it.

8 DOCTOR BUTLER: Mr. Burke, once a finding of probable
9 cause is made, then do you attempt to mediate --

10 MR. BURKE: We are required by law to mediate the
11 case.

12 DOCTOR BUTLER: Are there any that absolutely defy
13 resolution?

14 MR. BURKE: No.

15 DOCTOR BUTLER: Do you always find a remedy then?

16 MR. BURKE: Yes. I -- the parties are very willing to
17 attempt to mediate a case to avoid going to a public
18 hearing, or to avoid having the case go to the circuit
19 court because that is now their option. Under state and
20 local law, and even under the federal law, once a
21 determination of probable cause is made, if either party
22 wants to remove that matter from the administrative agency,
23 then they can demand that the matter go to trial in circuit
24 court.

25 MS. BURNETTE: I have a couple of questions before our

1 next presenter who just walked in the door, and I will be
2 brief. And they are just a couple short questions. But I
3 first would like to preface my question with you can be
4 assured that the committee members hear your frustration
5 and your passion about EEOC's lack of attention to the
6 State of South Dakota and handling of complaints. And I
7 mean that came through loud and clear, and you are very
8 effective at that, Mr. Burke.

9 Are you -- what has been done in terms of perhaps your
10 office or other lobbying efforts or any type of efforts
11 with the state legislature in terms of strengthening -- I'm
12 sure you are not absolving the state Department of Human
13 Rights for the responsibility who was -- whose office was
14 created by the legislature to indeed look after the human
15 civil rights of the citizenry of South Dakota. I hope
16 that, you know, I hear your message loud and clear about
17 EEOC, but we also need to look at the state agency and its
18 responsibility.

19 MR. BURKE: Uh-huh.

20 MS. BURNETTE: You know, looking at the human and civil
21 rights as well, are there any efforts and has there been
22 any efforts in the past to go to the legislature, and ask
23 for them to strength that office so that they can duly
24 handle complaints on a timely basis? I mean we know the
25 triangle as you have explained it here today.

1 And in terms of your office in particular in Sioux
2 Falls, and knowing that the city government indeed
3 recognized that we needed an office in this community to
4 address human and civil rights complaints in Sioux Falls
5 and its citizens, how many staff people do you have in your
6 budget? And I notice with your -- the statistics that we
7 have, you know, it's a four year cumulative stat of 285
8 cases. And comparatively, you know, in a year -- to the
9 yearly cases that we have reflected in our data from the
10 Human Relations -- Human Rights office in Pierre -- I mean
11 comment to that, please. And certainly I want to hear your
12 views about the state's responsibility, and not just EEOC's
13 responsibility.

14 MR. BURKE: Certainly. There has been no effort from my
15 commission or from the City of Sioux Falls to lobby to
16 strengthen the state office. There has been individual
17 attorneys in town who have done that, but we have
18 not. We've confined our lobbying to expanding the coverage
19 of the law to include various groups such as the aged,
20 familial status and disabled, things of that nature.

21 MS. BURNETTE: But you are not absolving the state of
22 any responsibility?

23 MR. BURKE: No. As I said, the law requires that they
24 promptly investigate complaints, and I submit that they are
25 not complying with the law. My suggestion was every member

1 of the state commission resign because if they are not
2 going to be given the tools to do what they are supposed to
3 do, what the hell are they doing.

4 MS. BURNETTE: In terms of your office and the number of
5 yearly complaints, we have a four year cumulative here.

6 MR. BURKE: Yes.

7 MS. BURNETTE: What's your average case load and how
8 many staff people in your budget?

9 MR. BURKE: We have three staff people. Our average
10 case load will vary, but our average processing time from
11 the date the complaint is filed to final disposition is 81
12 days, which is up. It's up from last year. But --

13 MS. BURNETTE: And the total number of cases in a year?

14 MR. BURKE: Anywhere from 55 to 75, somewhere in that
15 area.

16 MS. BURNETTE: Are there any other questions?

17 MS. CRAFT: I have one. Are there other local human
18 rights commissions in South Dakota?

19 MR. BURKE: There are, but in my understanding, none of
20 them have opted to passing local legislation to give them
21 the powers that the state commission has. I think ours is
22 the only city that has opted for that. We do have a
23 commission in Brookings, a commission in Box Elder,
24 Vermillion, and Rapid, but I don't believe they have got
25 the powers.

1 MS. BURNETTE: Thank you very much, Tom.

2 MR. BURKE: Yeah, you bet.

3 MS. BURNETTE: Our next presenter is Janice Nicolay.

4 Janice K. Nicolay.

5 MS. NICOLAY: Better get that right.

6 MS. BURNETTE: Welcome, Jan. She is principal of
7 Washington High School, and a South Dakota State
8 Representative. And if I may, are you still the Chairman
9 of the Appropriations Committee? Do we have questions for
10 you.

11 MS. NICOLAY: Great.

12 MS. BURNETTE: Welcome. Tell us something about
13 yourself.

14 MS. NICOLAY: Well, thank you. I am Jan Nicolay. I
15 have been in education about 30 years, and have been
16 through an interesting process in my professional career
17 and also an interesting process now in my legislative
18 career in terms of things that have happened. But I guess
19 I would like to start with a positive comment.

20 When I look back as I did when the gentleman was here
21 and we talked in my school one afternoon, when you stop and
22 think about it, progress has been made. It's just seems
23 like we take one step forward and two back, and one forward
24 and two back, and away we go.

25 I think in talking to some of the people who are here

1 for the other testimony, some of the comments that I would
2 have made have probably already been related to you. And I
3 know that you have heard, you know, the concerns on the
4 domestic violence issue in terms of women and children not
5 being protected primarily. And we do have an interim
6 committee that is dealing with that. And, you know, some
7 of the suggestions at this point that are coming forth, I
8 think can be an improvement in that system, and I hope they
9 come to fruition during the next legislative session.

10 One of the areas I probably spent my most time in has
11 been in the field of education. And I think we still have
12 some work to do in South Dakota in that area because we are
13 looking at women in administrative positions, and if you
14 get to the secondary level, you will find in the State of
15 South Dakota the number of women who are superintendents is
16 very, very small. In fact, some of them last a semester
17 and they don't make it through the year, and the board
18 decides to buy them out, and they go onto another position
19 and leave our state. Women in secondary administrative
20 roles in the State of South Dakota, very few in number.

21 There is an organization in the State of South Dakota
22 that we organized, I want to say, about three years ago,
23 four years ago, specifically for women in administration,
24 you know, to give them that support and back-up that they
25 need. And about, I don't know if I can remember, ten years

1 ago working with the state college at SDSU in Brookings, we
2 started to organize specifically to help women get in
3 administration, specifically into the secondary level. And
4 that is an area that I do think we need to continue to work
5 on and needs to be concentrated on in the State of South
6 Dakota.

7 Women in a leadership role in the state legislature has
8 been interesting also. We have had, you know, speaker of
9 the house was the first female, and that has been within
10 the last ten years. Women chairing committees in the
11 legislature, we probably did our best in this last session
12 to accomplish that and see an improvement in and
13 an increase in the number of women in that position. Women
14 in terms of elected leadership positions on the Senate
15 side, probably made the first big steps forward in this
16 last session in terms of having people either as a whip or
17 assistant, the majority or minority elected a leadership
18 position.

19 Women's issues in terms of the legislative process, it's
20 been really challenging. I think in fairness I would have
21 to say if it takes two years to pass certain kinds of
22 legislation, you can double that or more to get that
23 accomplished in the State of South Dakota. We still
24 chuckle when we talk about how long it took to get the
25 marriage license fee increased in the State of South

1 Dakota, which dollars were dedicated and were going to be
2 devoted to shelters and so on in the State of South Dakota.

3 This last legislative session I introduced a resolution
4 on the rights of women nationwide through the United
5 Nations, and thought it would be appropriate for us to do
6 it in South Dakota because we didn't think women should be
7 sold and so on as they are in India, or used as collateral
8 as they are in some countries. And there were a lot of
9 things in that resolution that I evidently didn't
10 understand because we didn't get it passed because of all
11 the other issues that somebody reads into that. You know,
12 like guarantying women have an opportunity to have
13 an education, appropriate medical health, specifically
14 prohibited abortion, but yet they thought it was opening
15 the doors for abortion. So I -- you know, it's
16 an interesting process when you have to go through
17 that. But that resolution will be back in the next
18 legislative session, and we will try it one more time and
19 see if we can get that accomplished.

20 Again, a lot has happened in South Dakota that we can
21 feel good about, but we can't sit back and relax yet. We
22 have specific areas in employment where women are not --
23 and I understand you already heard discussion on that from
24 one of the speakers this morning, so I won't go over that
25 again. We do have some fields specifically where women

1 are, you know, not probably as successful as they should be
2 and can be. And, again, I think you heard about that today
3 from previous speakers.

4 I don't need 25 minutes because I think I could say
5 ditto to much of what was said by previous speakers. So I
6 guess I would kind of like to open it up to questions and
7 we'll go from there. If I have missed something, Bill, you
8 can raise that issue. Rae, said you had a lot of
9 questions.

10 MR. POPOVICH: We heard some comments this morning about
11 schools, that there is quite a bit of sexual harassment
12 among youngsters in school. Do you find that to be the
13 case as well?

14 MS. NICOLAY: You know, I have to be perfectly honest
15 with you. I won't tell you there is a lot because I don't
16 know what that word means. If you are talking about we are
17 dealing with it for the first time and we are recognizing
18 it for the first time, yes. But it's not any different --
19 the behavior is not any different than it has been except
20 we are now talking about it. We have got, you know, words
21 to describe it, and we have a process in our particular
22 school system that is spelled out in policy now that we
23 have to follow, you know, which we didn't have before.

24 And so when you talk about a lot of it, people are now
25 becoming aware of it. I mean we went through the denial

1 stages of domestic violence for a long time, too. You
2 know, even though the neighbor next door was probably, you
3 know, a victim, people would still deny that there was
4 domestic violence in the State of South Dakota.

5 So I want to be careful how I, you know, state that,
6 because, yes, it's there. Yes, it's been there. Now that
7 we know what it is, we start working with it. But I don't
8 know if all districts in the State of South Dakota, you
9 know, have good policies. I can't speak to that. Ours is
10 very good.

11 Rae, you said you had lots of questions.

12 MR. MULDROW: It's our understanding that you are one of
13 two women principals in the State of South Dakota, is that
14 correct?

15 MS. NICOLAY: Oh, you mean of a high school?

16 MR. MULDROW: Of a high school.

17 MS. NICOLAY: That could be true. There are assistant
18 principals in the senior high school, though, in the State
19 of South Dakota.

20 MR. MULDROW: How do you account for this in light of
21 the fact that women more and more are reaching high levels
22 of industry, and education is an area where women are
23 traditionally trained and have worked historically --

24 MS. NICOLAY: But at the elementary level.

25 MR. MULDROW: -- but they don't reach principal level?

1 MS. NICOLAY: Well, you have -- there are two reasons.
2 First of all, elementary principals, female elementary
3 principals, of course, have been, you know, active and have
4 been strong for a long time. I don't think women pursued
5 it. To be perfectly honest, I don't know that women
6 actively pursued it.

7 There is a tremendous time commitment, you know, if you
8 are going to be a principal of a high school, specifically
9 because of the tremendous amount of activities that go on
10 in a school. So there is a time commitment.

11 So, one, I don't think people pursued it, and in some
12 cases I can tell you throughout the state as I have talked
13 with women in our little coalition that we have, and I have
14 worked with women who became administrators and then, you
15 know, were continually challenged in their position by male
16 dominated school boards, or males and in some cases
17 females, you know, that they were working with, that were
18 their colleagues.

19 MR. WALSH: Follow-up on that. It's -- to have 87
20 percent of the mayors out there under 10,000 people being
21 women, and not having them as principals blows me away.

22 MS. NICOLAY: Interesting, isn't it.

23 MR. WALSH: What a contradiction.

24 MR. MULDROW: The time commitment, is this because of
25 family commitments?

1 MS. NICOLAY: You know, I have to be honest with you.
2 We have difficulty finding secondary administrators,
3 period. I mean it doesn't make any difference whether you
4 are male or female. I'm questioning why. No, I don't mean
5 to say that. But I think there has been, if you talk to
6 superintendents and you talk to school boards, not only in
7 South Dakota, but around, you are going to find more and
8 more people not willing to take on the responsibilities of
9 being secondary administrators. And then I know in South
10 Dakota there were a number of districts that had difficulty
11 finding anybody who wanted to do the job. And if they did,
12 the applications were, you know, not desirable
13 applicants.

14 MS. CRAFT: When you say the areas had a problem finding
15 people, do you mean they actually went out and asked people
16 if they were interested in jobs, or what do you mean? The
17 reason I ask you that is my experience has been when you
18 look at male versus female, many times the males will
19 encourage or seek out other males for positions. And then
20 the women side -- or the women's side, they may put a
21 position out there, but not really seek out women. Is
22 there -- and if a women steps up to say I am interested --

23 MS. NICOLAY: I don't think there is any doubt what you
24 just described is probably accurate in some cases of what
25 has happened. Right. But I can tell you that I know just

1 in this last year, there were systems that would have taken
2 a good male or female. I mean there wasn't any, you know,
3 thought about who; just a good, qualified candidate to do
4 the job. And that wasn't there, and they couldn't find
5 people because they don't want to do the job. But it does
6 happen. And I could give you specifics in parts of the
7 state where it happened.

8 MS. BURNETTE: Jim.

9 MR. POPOVICH: Over the last several years now it seems
10 like the ratio of women has changed in the state
11 legislature. Do you see that getting better all along or
12 is this just a trend right now? And then I have a
13 follow-up.

14 MS. NICOLAY: Well, my -- and I have been through now --
15 this is 11 years that I have been in the legislature, and
16 we have been up-and-down. I mean if we look back at the
17 history, at one point we were in the top five in terms of
18 number of women in the legislature. And then we went down
19 and then, you know, we kind of, you know, surfaced
20 again. And it doesn't have anything to do with whether you
21 are Democrat or Republican. If you look at those numbers,
22 if you go back a few years ago, you know, one party had a
23 number of women there and the other one didn't have as
24 many, and now that has kind of shifted again. I don't know
25 if I can say we are in a trend.

1 I'm just pleased that when I first went to Pierre and
2 lobbied for education, it was hard to find a woman. In
3 fact, one of the bills that was introduced was to make sure
4 women had a bathroom. I mean that's only been ten, twelve
5 years ago. So --

6 MR. POPOVICH: Now I will put you on the spot. I know
7 you haven't probably said whether you are going to run for
8 governor or not, but if you did, do you feel the time is
9 right for a woman? And also do you feel discrimination in
10 your own case, that maybe people wouldn't recognize your
11 abilities versus your gender?

12 MS. NICOLAY: Oh, the answer to the last question, I
13 haven't tested that yet to know whether people would
14 accept, you know, me per se, you know, without saying,
15 well, you are a women and you can't do it, because I
16 haven't taken it up the flagpole yet. But it would be
17 an interesting experience, wouldn't it. Maybe I should've
18 done that so we could answer that question today. No, I
19 haven't. Right now I love my job, the job I have.

20 MS. BLACK ELK: That is a yes or no?

21 MS. BURNETTE: Does anybody have any other questions?

22 DOCTOR BUTLER: Yes. This is a little bit
23 different. In the 30 years you mentioned that you have
24 been in education, could you just compare the differences,
25 for example, in behavior problems, oh, 30 years ago and

1 now? Well, as I understand it, earlier there were little
2 infractions, gum chewing, impertinence, and now people are
3 coming to school with heavy weapons.

4 MS. BURNETTE: Dorothy, can you tie that to employment
5 potential in any way?

6 MS. NICOLAY: Let me try to answer that. The changes in
7 education, I don't think we have enough time to talk about
8 those, you know, as much as I would like to in the time we
9 have here this afternoon. The number of young people that
10 are challenging, in my opinion, has not changed
11 dramatically. Three percent of the kids consume most of
12 our time. Five percent -- another two percent added onto
13 that three percent, make our job interesting. But let me
14 tell you what does bother me about the three percent. The
15 problems are by far more complex and more involved.

16 And the other thing in society that we have done and we
17 haven't felt the total impact of that is that we are
18 keeping all kinds of little babies alive today, and those
19 people are coming through our system now. And they are
20 definite challenges. You know, when you look back 30 years
21 ago, we didn't have special education. Most of those
22 children, I think I can say, never went to school, you
23 know, with the special needs that we have today. And today
24 if you look at those children, young people, that are in
25 our educational community, I mean some of them are not able

1 to function themselves. You know, their diapers are
2 changed, they are 20 years old. Some of them are not
3 capable of breathing on their own. Some of them are tube
4 fed. And honestly I think if we looked at 30 years ago,
5 most of those young people would not have survived, but
6 medical advances have moved us forward.

7 Fetal alcohol syndrome is probably one of the biggest
8 challenges that I see ahead. And we didn't know what fetal
9 alcohol syndrome was. We didn't have it identified, and
10 now we do. When I look ahead in education, we have some
11 real challenges in how we are going to meet the needs of
12 those children.

13 The number of those three percent that keep us really
14 busy, and the other two percent that challenge us and keep
15 our day interesting, that three percent, those problems are
16 truly more involved, but it's because of, you know, things
17 like fetal alcohol syndrome and so on. But I just have to
18 tell you, and -- 95 percent of our kids to 96 percent of ---
19 our kids are outstanding. I'm proud of them. I mean --
20 well, I just have to say that. They're great.

21 DOCTOR BUTLER: There was a really interesting
22 announcement just this week about the fact that five
23 midwestern states -- and it's interesting to me that they
24 are all in the midwest. South Dakota has one of the very
25 highest ratings of schools -- of children -- students

1 performing on national tests, and yet our pay scale is
2 among the very lowest.

3 MS. NICOLAY: We have outstanding teachers.

4 DOCTOR BUTLER: Yes.

5 MS. NICOLAY: My last three weeks have been really
6 interesting, and I don't know what I would do without the
7 staff that I have.

8 MS. BURNETTE: I would like to keep the conversation
9 back to employment here. Marc.

10 MR. FEINSTEIN: Jan, when you said that South Dakota has
11 a lack of basically people applying for a lot of the
12 administrative positions, just by my knowledge of South
13 Dakota, I'm assuming that is more in the smaller areas.
14 What about the major -- are not the major cities having
15 problems, too? And the only reason that came to mind was
16 up in Aberdeen, they do have probably the other woman
17 principal. But they also were looking for a superintendent
18 a year or two ago, and the assistant superintendent was in
19 the final three. I don't know if that was tokenism or
20 what.

21 MS. NICOLAY: That is why I answered her question the
22 way I answered it. It was one of the examples that came to
23 my mind.

24 MR. FEINSTEIN: And I guess -- I guess I was just
25 wondering if it was outlying areas or bigger areas where

1 they are having the same lack of people, period?

2 MS. NICOLAY: Here.

3 MR. FEINSTEIN: Right here in Sioux Falls, Aberdeen,
4 Rapid City?

5 MS. NICOLAY: Sure.

6 MS. BURNETT: Bill.

7 MR. MULDROW: What are the top three things you would
8 like to see happen in view of the position of women in this
9 state?

10 MS. NICOLAY: That's -- I don't know if I can give you
11 three. I think we need to develop a stronger mentor
12 program by far. A stronger mentor program. I think I
13 shared with you when I went into secondary administration,
14 I didn't play golf and I didn't go to the Y, you know. It
15 was like a little -- for a day or two, quite a while, a
16 lonely island because you weren't, you know, mixing. I
17 wasn't going to the Elk's, I wasn't doing those kind of
18 things. And that's changed now because we have, you know,
19 larger and -- a number of women in administration in Sioux
20 Falls. But I think a stronger mentor program needs to be
21 done.

22 Often what happens in my opinion is that we put people
23 in these positions, and then there isn't somebody there,
24 you know, to help them go through the process and work
25 through it, and give them some guidance. So if we could do

1 any one thing, I would like to see a stronger mentor
2 program.

3 MS. BURNETTE: Bill has a question.

4 MR. WALSH: As chairperson of the appropriations
5 committee, and as a woman, and being sensitive to some of
6 the programs that directly affect women, if you had money
7 to spend, what would be the areas of importance for you
8 that directly bear on women in this state?

9 MS. NICOLAY: Well, two off the top of my head would be
10 education and social services.

11 MS. BURNETTE: Jim.

12 MR. POPOVICH: That's interesting you mentioned the
13 mentor program. Rapid City and Sioux Falls both have
14 leadership programs. Do you believe those are effective,
15 and is that the kind of mentor --

16 MS. NICOLAY: I helped start the leadership program in
17 Sioux Falls through the Chamber of Commerce because I felt
18 such a need for it. And one of the things we did was to
19 work to make sure that women were included. And it wasn't
20 hard to do because the people we were working with were
21 very receptive to that.

22 MR. POPOVICH: Is that the kind of program you would
23 like to see expanded throughout the state?

24 MS. NICOLAY: I would like to see more of that, but I
25 think we need to have mentors in specific areas. I mean I

1 just think back to my first year as an administrator in the
2 Sioux Falls school system. I was the only female during
3 that time, challenged by some of my male counterparts who
4 didn't think, you know, I could pick up the football player
5 and jerk him around, and like that's the only way you can
6 handle that, but it's not.

7 MR. POPOVICH: Good swift kick.

8 MS. NICOLAY: Yeah, right.

9 MS. BURNETTE: I will take the liberty to reserve the
10 last five minutes that I have been so patiently waiting
11 for.

12 MS. NICOLAY: I wondered when you were coming.

13 MS. BURNETTE: In terms of your position as principal at
14 Washington High School, can you tell me if you have any --

15 MS. NICOLAY: I need to tell you that I am speaking --
16 I'm not representing the Sioux Falls School District today.
17 I mean that really --

18 MS. BURNETTE: I'm sure you will be able to answer this.

19 MS. NICOLAY: I just want to make sure you understand I
20 am not speaking on behalf of the Sioux Falls School
21 District.

22 MS. BURNETTE: Can you tell me at Washington High
23 School, minority people or handicap people that you have
24 employed at that particular school, and what's your
25 minority population at your school?

1 MS. NICOLAY: Total minority including everybody, and
2 you mean special ed? You are putting everything together?
3 My new count with special ed, about 200. Student body is
4 right now today, I just found out, 1570. I have about
5 probably 225, 230 altogether, if that is what you are
6 talking about, Rae. Then in terms of staff that have been
7 hired, are you including women in that?

8 MS. BURNETTE: No, just in protected classes.

9 MS. NICOLAY: Okay. Probably one.

10 MS. BURNETTE: One. And in terms of your student body,
11 are they predominantly female, majority?

12 MS. NICOLAY: You mean the staff now?

13 MS. BURNETTE: The students.

14 MS. NICOLAY: The student body? Oh, right now the
15 females out number the males, but I just -- we just took a
16 count today, but I can't remember what it is, and it's not
17 very big. The difference is not great.

18 MS. BURNETTE: In terms of just -- I mean this is a
19 broader question, and you may decline to answer if you wish
20 because it's a feeling on the part of some people in this
21 community that the recent shooting incident was motivated
22 based on race.

23 MS. NICOLAY: Huh-uh.

24 MS. BURNETTE: You don't believe that?

25 MS. NICOLAY: No.

1 MS. BURNETTE: In terms of your hat in the legislature,
2 we have heard comment today and testimony today regarding
3 many things, different offices in Pierre. And I would like
4 your viewpoints primarily from your perspective as chair of
5 appropriations what you would do for the benefit of the
6 audience to strengthen through appropriations the South
7 Dakota Division on Human Rights.

8 We have before us or was supplied to us information that
9 in 1992, that there were 165 cases filed, 71 were disposed
10 -- you know, were dealt with; compared to the Sioux Falls
11 Human Relations Office where there is an average -- there's
12 two staff people in the South Dakota Division of Human
13 Rights Office, there is three staff people in the Sioux
14 Falls office. They handle 55 cases a year. The
15 disposition of those are within 80 days. They are able to
16 handle the case. This is, you know -- is it wrong to say
17 that, you know, this is serious? And how can we get the
18 state legislature to --

19 MS. NICOLAY: Let me tell you what happened in the last
20 legislative session. Nobody even talked about human
21 rights.

22 MS. BURNETTE: I wasn't done. There is a two and a half
23 year backlog of cases sitting up in Pierre at the Division
24 of Human Rights which means --

25 MS. NICOLAY: Yeah.

1 MS. BURNETTE: There are women, predominantly women out
2 there who have had the courage to file a complaint who are
3 not --

4 MS. NICOLAY: There is no advocate for that
5 group. There is nobody that speaks for that group. So
6 when you talk about Sioux Falls, you talk about the
7 leadership we have in Sioux Falls, you know, who speaks up
8 and advocates, and hand built a coalition of people.

9 I think the one in Pierre has the potential for
10 that. But there isn't any advocacy group that really --
11 and I'm talking about right there -- that can speak and
12 does speak and does lobby for that. Not one person came to
13 us until after the budget was established about what
14 happened to the budget in this last legislative session.

15 MS. BURNETTE: From an organizational standpoint,
16 however, a public administration standpoint, and the
17 charges -- and the charge and the responsibility of the
18 legislators as well as the administrators,--and ensuring ...
19 that the mission and the purpose of their offices are
20 carried out, I hope that you are not implying that all
21 legislators that are elected by the people, sent by the
22 people, have to have an advocate and lobbyist before
23 serious issues be can be addressed.

24 MS. NICOLAY: No. And you know better than that, Rae.

25 MS. BURNETTE: No. But I want to clarify that because

1 what I heard come back from you is that because -- the
2 South Dakota Division of Human Rights is in the shape it is
3 because they don't have an advocate. And it's broader than
4 that, I believe.

5 MS. NICOLAY: Broader than that, but what they don't
6 have is a structure or a mechanism in which to talk to
7 people, to educate people, and to go there that preserves
8 -- if you think back, and my time line may be wrong, but it
9 might be five years ago when there was a real movement --
10 maybe it was six, I don't remember. Fern can probably tell
11 you better than I -- when there was a move to gut that
12 agency period. And what we ended up doing was shuffled it
13 around a little bit. But there isn't anybody truly who
14 speaks up for that group. Individual legislators do, but
15 there isn't a group that does.

16 MS. BURNETTE: At the commission we have heard a lot
17 about the Commission on the Status of Women and its demise
18 and how effective it was. Would you care to speak to that,
19 and what you perceive in the future and what would help
20 women in the work place from your position.

21 MS. NICOLAY: I think there are some groups in the state
22 that undermine what women -- what needs to happen to
23 women. They are very specific in nature. They are very
24 conservative in nature, and they are fundamentalist in
25 nature. And they make it very difficult to get what needs

1 to be accomplished done for women.

2 MS. BURNETTE: And lastly, and I'm not quite -- I'm not
3 quite up to snuff on all the cognitive aspects of this, but
4 we have heard a lot today, and there was questions posited
5 to different presenters about the unemployment reserve, if
6 you will, and the benefits paid out, and that disparity to
7 women. Fern Chamberlain made quite a good presentation.
8 And I know Mr. Muldrow is more articulate about posturing
9 questions about that, and you might want to help me out
10 here about that.

11 MR. MULDROW: We heard there is a large reserve of --
12 unemployment insurance reserve there, like 44 million, and
13 the pay out is 10 million or something like that. We are
14 wondering why this large discrepancy wasn't disseminated
15 to people for work?

16 MS. NICOLAY: Why the state doesn't have a larger pay
17 out?

18 MR. MULDROW: Yes.

19 MS. NICOLAY: It's legislative decision that that not be
20 done. And people have tried to change it, and haven't been
21 able to get it accomplished. It's that simple.

22 MR. MULDROW: When they have this large reserve, why
23 aren't they willing to spend it then?

24 MS. NICOLAY: I think if you know the philosophy of the
25 state legislature, which is even worse after the last

1 election in terms of that kind of an attitude, you would
2 understand why that happens. I'm trying to say it kindly,
3 Bill.

4 MR. MULDROW: I appreciate that.

5 MS. BURNETTE: Are there any other questions for Jan --
6 Janice. Okay.

7 MR. POPOVICH: Just one more. We heard this morning,
8 too, that there are some -- there was some 11,000 cases of
9 abuse of women last year that really never got into
10 shelters. Could have got into shelters. Can you speak to
11 how the legislature deals with the appropriations for
12 shelters?

13 MS. NICOLAY: Well, I was one of those that worked with
14 the shelters before they got anything, you know, trying to
15 get something through that process for them. And it's,
16 again, it's one of those that took a long time, and I don't
17 know why. In fact, I don't even know if we would have
18 gotten where we were today if the state's attorney -- or
19 the attorney general at that time and the governor at that
20 time, you know, hadn't probably for political reasons
21 decided that it was, you know, a crucial issue and we
22 needed to deal with it.

23 And a lot of us worked, you know, with the governor to
24 get the money that, you know -- from specific grants that
25 could be targeted for the shelters. And what we quite

1 honestly have done is reserved that money, matched it, but
2 we have also tried to rely on the marriage license fee
3 bill, and in this last session now, a divorce fee bill, you
4 know, so that we can help the counties fund that.

5 We have counties who are blatantly not following
6 specifically the laws of the State of South Dakota. And
7 that -- that is unfortunate. The money is going out of
8 state instead of staying in the State of South Dakota which
9 was brought to our attention, and then the last legislative
10 session, we got somebody that is working on that and will
11 continue to work on that.

12 But it's been done primarily that way and tried to be
13 kept at the local level and not put under the bureaucracy
14 of the State of South Dakota. I mean I can't --
15 bureaucracies, you know, cost money. They don't make money
16 available readily. I don't want them under the
17 jurisdiction of the State of South Dakota. I like them
18 where they are. --

19 MS. BURNETTE: Are there any other questions? Thanks,
20 Janice.

21 MS. NICOLAY: Thank you.

22 MS. BURNETTE: I would like to know what the wishes of
23 the committee are. Can the -- it's 5:35, and Patrick J.
24 Kane, a Sioux Falls attorney, was to be our next presenter,
25 and he is absent. Would you like to wait for five minutes

1 and then adjourn for dinner and reconvene at 7:00 o'clock?
2 And if Mr. Kane shows up, we can ask him to come back to
3 our meeting. What is your pleasure?

4 MR. MULDROW: I think we might as well adjourn.

5 MS. BURNETTE: We want to thank you all for coming, and
6 invite you back this evening for our open session.

7 Our open session will be an opportunity for those of you
8 who may have questions today or would like to make a few
9 more comments on the public record after listening. You
10 are welcome to do that. And we would hope that and
11 encourage you to come back.

12 Doctor Ruth Sorenson will be on right at 7:00
13 o'clock. Then we will move into our open session. And I
14 welcome you back at 7:00 o'clock. Thank you for being here
15 all day.

16 (Dinner recess at 5:35 p.m.)

17 MS. BURNETTE: I would like to call the evening session
18 -- evening forum back into session. Thank all of you for
19 returning to hear this final public session. Doctor Ruth
20 Sorenson, who is the chair of the Department of Sociology
21 from Augustana College will present to us now.

22 DOCTOR SORENSON: ~~Okay.~~ Thank you for inviting me. I
23 am glad my remarks are in the evening because I think
24 they're a little more tangentially related to ^{the topic than earlier} the remarks
25 that ^{were} ~~are~~ more directly related to employment.

1 I have attended most of the day because I am very
2 interested in the area, and you have had such a wonderful
3 array of speakers, that it was extremelty interesting for
4 me, ~~and~~ in my position and my work and personally, to hear
5 ~~that.~~ ^{them}

6 I want to give you a little bit of background about
7 myself. ~~To give you a little more background about myself,~~
8 my academic preparation is mainly in ~~that~~ ^{the} area of the
9 family, and I have done research in the area -- ^{on} the
10 interface between work and family, and also religion and
11 family. Currently I teach in areas that are primarily
12 race, class and gender, although, ^{as} I was telling some of the
13 folks, ~~that~~ I am also teaching a course in medical
14 sociology, so I was ~~real~~ ^{very} interested in some of the things
15 Joellen Koerner had to say.

16 I appreciated the information presented today from the
17 AAUW surveys. I am a recent past president of AAUW, and
18 those surveys that have been conducted on gender bias in
19 education, and sexual harassment in the schools ~~I think~~
20 have been very well received, ^{and} have had a real impact. ~~And~~
21 ~~if~~ ^{if} you don't already have copies of those research reports,
22 I can get them for you, ~~and I would get those for you,~~ so
23 that you have that information because I think that is very
24 important to your issue.

25 Well, Bill asked me to speak about my involvement with

1 women's issues in the church. And I will preface those
 2 remarks to give you a little bit more background about that
 3 involvement that I have had. I have chaired the committee
 4 for women in the South Dakota Synod of the Evangelical
 5 Lutheran Church in America for the past two and a half
 6 years. I am not currently the chair, ~~I just discontinued~~
 7 ~~that~~, but ~~I'm~~ I ~~am~~ still ~~on that committee~~, serve on
 8 that committee.

9 I was instrumental ~~in~~ in getting that emphasis on
 10 women in our synod. And for those of you who don't know,
 11 the ~~SEA~~ ^{ECLA} is one of the largest church bodies, and in South
 12 Dakota it is the largest, South Dakota ~~synod~~ ^{encompasses} ~~means~~ the
 13 whole state of South Dakota, the churches that are part of
 14 that. ~~I was instrumental in getting that emphasis at the~~
 15 ~~synod level.~~

16 ~~We did have~~ ^{There is} a Commission for Women at the national
 17 level, and ~~they~~ ^{in the synod} chose, with the reorganization ^{following} and the most
 18 recent merger of the church, ~~not~~ to subsume that under
 19 another board, and ~~we~~ ^{we} felt that there needed to be that
 20 emphasis on women at the synod level, so we lobbied for
 21 that, and got a committee formed.

22 Another involvement that I have had that relates to the
 23 church and women in the church is with Lutheran Women's
 24 Caucus. And we have had a chapter ~~of that~~ here in Sioux
 25 Falls for ten years. It's a national organization. It's a

1 group of women who are Christian feminists who work toward
 2 equal participation of women and men in the church. I also
 3 speak from personal experience, having been reared in a
 4 family that was a church family, and also experienced in
 5 teaching at Augustana which is a church college, and ^{From the experience of} many
 6 students who have been reared in very religious families.

7 ~~I think the church is -- I don't think~~ the church is
 8 a significant influence in many women's lives. ~~And it's~~
 9 ~~very -- it's --~~ it shapes many of our attitudes and
 10 beliefs. I think the church can be viewed as a barrier to
 11 women's employment because the church tends to support
 12 traditional roles for women. There is a very high value
 13 placed on motherhood, ~~and this is~~ these roles are either
 14 implied or stated, ^{by the church,} and also ^{are} carried out in our families of
 15 origin. ~~And~~ I can say more about that if you want, but I'm
 16 not sure about time, ~~here~~.

17 Another barrier, and the one I want to talk a little ~~bit~~
 18 more about, and you have heard a little ^{about} ~~bit~~ from previous
 19 speakers, is that of abuse ^{of} ~~for~~ women. This is a barrier
 20 for employment because that experience, especially sexual
 21 abuse, has very deep and devastating effects for women that
 22 are often lifelong. Things like low self-esteem, feelings
 23 of no self-confidence, ^{and} ~~frequent~~ depression, ^{are} problems ^{which} ~~with~~
 24 ~~depression~~ are frequent. And these feelings keep women
 25 from both education and employment opportunities.

1 Usually ~~women are employed~~ ~~these women are employed,~~
 2 women with that experience, are employed in ~~the~~ service
 3 sector jobs, in secretarial, child care and generally low
 4 paying entry level kinds of jobs. ~~If they do gain~~
 5 ~~education and~~ many women who have had abuse experience,
 6 ~~do, and here I'm thinking a lot in terms of~~ incest and
 7 sexual abuse, ~~they~~ ^{education and} do have responsible employment, ^{but,} they
 8 may struggle still with problems of depression, low
 9 self-esteem and ^{poor} self-confidence. ~~And~~ ~~these are self-~~
 10 hindrances for doing their job.

11 One of the activities that our committee became involved
 12 in was sponsoring workshops for pastors on violence against
 13 women. We felt this was a real important issue, ~~and~~
 14 ~~an important one~~ in the church, important for pastors as
 15 professionals to have some background about because they do
 16 a lot of counseling. They didn't have information and
 17 sensitivity to it.

18 We were aware of previous research that ^{found that} many women in
 19 the church had had experiences of abuse. Previous research
 20 supported the fact that ~~conservative or conservative~~
 21 ~~religious families often were~~ there is a linkage between
 22 ~~conservative~~ conservative religious families and abuse,
 23 and also families that are more isolated, and more rural
 24 families. This was research that was ^{not} done ~~not~~ here in
 25 South Dakota, ~~necessarily.~~

1 ~~well,~~ we wanted to be able to support the fact that
 2 ~~there~~ this actually happens to women in South Dakota,
 3 and South Dakota Synod, ~~and also~~ to Lutheran women, ^{in the} ~~and we~~
 4 ~~also wanted to survey for some other reasons.~~ So we did a
 5 survey ^{of women} in the South Dakota Synod. We wanted to know also
 6 what some of their other experiences relating to the church
 7 were, so this wasn't the only thing we were looking at. We
 8 ~~also~~ wanted to know ~~some of~~ what they felt were issues for
 9 our committee to address.

10 ~~so~~ ^{our} survey was conducted a year ago, in 1992, and we
 11 had responses from 345 women, Lutheran women. ~~And the~~
 12 ~~findings that I will report, what I will do is~~ I have a
 13 ~~report,~~ the full report that I will leave with you, but I
 14 will just cite a few of the findings particularly related
 15 to abuse experience.

16 In our survey, 20.5 percent of the women had reported
 17 an experience of abuse, and this included all types of
 18 abuse experienced; emotional, physical, rape, sexual
 19 harassment, the whole range. And to give a little ~~to~~
 20 ~~flush this out a little bit~~ better ^{idea} in terms of what kind of
 21 numbers we are talking about for women in the synod, ~~we~~
 22 ~~based on 40,000~~ ^{if there are} 40,000 women ~~who are~~ in the South Dakota
 23 Synod, ^{(this is} ~~it's~~ an estimate of how many women in the synod),
 24 this would mean that 8200 of those women had experienced
 25 abuse at some point in their life. ~~And so~~ those are pretty
 26

1 big numbers, and some ~~good background for some~~ good data
 2 for us to be able to say to the pastors that, yes, indeed,
 3 this does happen for Lutheran women.

4 The experience of abuse was associated with age. Those
 5 in the 40 to 49 year age category were more likely to have
 6 reported that experience. Many of them reported experience
 7 of childhood abuse and incest, but most had not reported
 8 ^{to authorities at the time,} it! 76 percent said they had not reported that abuse. The
 9 primary abuser was the husband.

10 ~~I'm going to~~ I'm not going to read all the statistics
 11 for you, but this is a part of that report. ~~So~~ So that was
 12 one of our primary kind of concerns, and we have been
 13 continuing to provide information, both at synod assembly, ^{and}
 14 at women's conferences, from that survey.

15 Another thing that we did with our committee was to
 16 produce a videotape of a woman's experience of incest. ~~And~~
 17 ^{This is a woman from} ~~one of the women in~~ one of our congregations here in Sioux
 18 Falls who ~~has come out to tell about her experience, and is~~
 19 ~~quite willing to tell about that,~~ told her story on a
 20 videotape. ~~And~~ And it's quite powerful. ~~And so~~ And we had that
 21 video filmed, and then we had it edited, ~~and with all the~~
 22 ~~stuff you do on the~~ ^{and} headings ^{and credits added,} ~~and that so it can be used~~
 23 ^{is} in a usable length and form. ~~And~~ And that's another piece,
 24 another educational ~~kind of~~ piece that we have available.
 25 ~~And~~ And it's now available for loan through ~~our synod,~~ the

1 resource center at the synod office.

2 Well, I probably summarized a bit too much, but I think
3 those are some of the kinds of things and some of the
4 concerns that I have, and that we have had in the church as
5 far as the issues for women. If you have questions, I
6 would be glad to address them.

7 MR. WALSH: What are some of your observations of being
8 with pastors and presenting this? Where does it go from
9 there, you know? The idea of presenting that to the
10 pastors, what do you hope them -- hope for them to do with
11 that kind of information?

12 DOCTOR SORENSON: Well, we are hoping that they will do
13 two things primarily. One, that they will provide some
14 informational programs in their congregations so that
15 people in congregations are more sensitized to the issue,
16 and also that when women come to them for counseling, they
17 will be more aware. And if they are not comfortable, that
18 they ~~should~~^{will} refer them to a qualified professional who can
19 do some counseling and support for the women that are
20 dealing with those issues.

21 MR. WALSH: You deal with a very serious challenge there
22 because of the nature of the church and the very male
23 orientation of the church, and the very somewhat sexist
24 interpretation of scripture. It's really sort of like
25 rolling a stone uphill.

1 DOCTOR SORENSON: ~~I think -- well,~~ we have had a really
2 good reception I think, especially from women, ~~of~~
3 ~~course.~~ But we were a little concerned that even women
4 might think that we were treading on ground that maybe they
5 would think should be left alone. ~~But,~~ for instance, when
6 we exhibited at the WELCA conference, which is the women's
7 organization in the church, there were many women who came
8 up to me and said, "I am really glad you are doing this."

9 ~~And one of the questions in our survey as far as what~~
10 ~~what issue --~~ we asked ~~them~~ an open-ended question ^{in our survey} about
11 what issues they would like us to address, and violence in
12 the home was the top issue. ~~That came out on top.~~ Second
13 was leadership roles for women, supporting women for
14 leadership. ^{So} ~~and~~ we felt like we were doing what they
15 wanted us to do, ~~which was nice.~~

16 MS. KIM: With the sociology background, could you say
17 that this 25 percent of women that experience some sort of
18 abuse would be higher compared to the general population of
19 women in the United States?

20 DOCTOR SORENSON: It was 20.5%. No, it's a little
21 low. ~~It's a little low. But we -- we felt that~~ one of the
22 things that operates is that there is a reluctance to
23 report, ~~or~~ even in a survey, ~~but there is also --~~ we were
24 kind of surprised it was that high actually because of
25 that. ~~But there is~~ also many women may have experienced

1 that, but aren't sensitized, don't even recognize that that
 2 is what they have experienced. So that may be a reason for
 3 it being a little bit lower, too. ~~But, no, it's a little~~
 4 ~~bit lower.~~ I am sorry I can't tell you the exact percent
 5 of what we would ^{have expected} -- and it would depend upon the type of
 6 abuse, too. We have lumped them altogether.

7 MR. MULDROW: Were these statistics related to church
 8 women, Lutheran church women?

9 DOCTOR SORENSON: Yes.

10 MR. MULDROW: They say the church is a microcosm of the
 11 larger society. Do you think these statistics then reflect
 12 what is going on in the larger society, or are they less
 13 than what is happening out there, or how -- do you have any
 14 indication of --

15 DOCTOR SORENSON: Well, I think that was partly her
 16 question. There is a fair amount of research, ~~you know,~~ on
 17 violence and families now. ~~There's actually it's been~~ ^{There research has}
 18 ~~going on for 20 years probably, some of the research that~~ ^{conducted} ~~we have.~~ ^{or more.}
 19 ~~And, of course, initially~~ ^{we have} a lot of
 20 estimates, and they go from low to extremely high.

21 And initially, ~~people were just~~ when that research was
 22 begun in the early '70s, it was, ~~you know,~~ ^{felt that} these people who
 23 ~~are~~ ^{were} doing this work ~~are,~~ ^{were} ~~you know,~~ talking about something
 24 that just ~~isn't~~ ^{wasn't} this ~~isn't~~ ^{widespread} that ~~big of a deal.~~ And then
 25 gradually, of course, they kept doing that work, and now we

1 have ^{many} ~~some good~~ ^{good} years of research related to that.

2 ~~But these are~~ our numbers are ~~I think~~ lower, but most
 3 of the numbers still are estimates because so much is not
 4 reported. I think there is more willingness to report now
 5 as it becomes a little ~~bit~~ more socially acceptable ~~to be~~
 6 ~~able~~ to talk about that, for women to be able to talk about
 7 what happened in their childhoods. ~~childhood is~~ this
 8 is the reason Ann did her video, ^{to talk} ~~is that she is talking~~
 9 about her childhood experience. And she has had a lot of .

10 women ^{tell her that hearing her tell about her experience} ~~who have felt~~ that it was okay for them to talk about ^{helps}
 11 ~~it, too.~~ ^{theirs} ~~it, too.~~ ^{them} ~~it, too.~~ ^{feel}

12 MR. MULDROW: Almost every speaker today does somehow
 13 tie -- mentioned this problem, sexual harassment, abuse,
 14 physical, sexual or mental of women, which seems to be part
 15 of the -- I mean it ties into the employment situation in
 16 that women in their employment arena are dominated by a
 17 male hierarchy, and it reflects the same kind of a pattern
 18 in the employment arena as it does in the home or sexual
 19 harassment at the office, or what have you. So the
 20 correlation between these two is very -- very interesting,
 21 and it seems to be something that reflects a basic problem
 22 which holds women into a pattern which prevents their full
 23 participation, not only in the employment arena, but in all
 24 arenas.

25 DOCTOR SORENSON: In all areas. I think if I were to

1 try to simplify the situation for women, and ~~what are~~
2 what are the concerns, what are the ways in which they're
3 tyrannized, if you want to use that kind of word, ~~it's~~
4 it's ^{the} domination of men. ~~And~~ some people feel it's stating
5 it too strongly or making it too simplified, but it's --
6 it's that male domination. ~~And~~ if they have it at work and
7 at home, it's the way things are. ~~And~~ fortunately there
8 are some women who have never had that experience, that
9 have grown up in homes where that wasn't true, and they had
10 a different kind of experience. But many of us did grow up
11 in those kind of homes.

12 MR. WALSH: What are the various denominations where
13 women fare better and want -- where they fare better?

14 DOCTOR SORENSON: The denominations where they fare
15 better?

16 MR. WALSH: As opposed to other denominations.

17 DOCTOR SORENSON: The Quakers are I think the most
18 egalitarian. I'm trying to think of the others. Anybody
19 else help out here?

20 MR. MULDROW: The theological tie-in here, subservience
21 of women, church, women should be silent, not speak,
22 reluctance to ordain them or to let them have places in
23 leadership?

24 MR. SORENSON: ~~one of -- one of the~~ ⁱⁿ the Lutheran
25 women's caucus group, one of the things that we do is a lot

1 of ^{is} study relating to ~~the kinds of~~ interpretations of the
 2 scripture ^{passages} that have been ^{used} ~~interpreted~~ to support that more
 3 submissive role for women. And we don't see that. There
 4 are many feminist theologians who would not support that as
 5 an appropriate interpretation of the scripture. ~~So it~~
 6 ~~and that's really well,~~ ^{that} one of the other things, and I
 7 didn't include ~~that~~ in my remarks ~~because I thought, well,~~
 8 ~~that was~~ that is another research project, but I might
 9 ~~if~~ ^{if} we have time, I will tell you ~~a few~~ a little bit
 10 about it. You might be ~~kind of~~ interested in that.
 11 ← My husband is Doctor John Sorenson ^{also} who is ^{at} Augustana.
 12 ~~And~~ ^{one} of the pieces of research that we have been doing
 13 for the last, ~~by~~ ^{or} six, seven years is looking at some of
 14 the books that are written by Christian authors and sold in
 15 Christian bookstores, ~~and books for~~ ^{they're} books about
 16 ~~families, books for families,~~ ^{marriage,} books about parenting, books
 17 for women, ^{and} magazines, ^{we} ~~and~~ looking ^{ed} at what kinds of roles
 18 they support, what kind of advice. ^{they give} ~~They're really kind of~~
 19 ~~advice giving things.~~
 20 ~~And~~ ^{they} really do come out supporting more traditional
 21 roles for the most part. And even if they support
 22 employment for women, ~~it's~~ there still is this ^{message} ~~that~~
 23 ~~know,~~ ^{that} motherhood is your most important role, and fathers
 24 should still be the head of the household for things to be
 25 right, and it's viewed as God ordained.

1 MS. BURNETTE: Does anybody else have any questions?

2 MS. BLACK ELK: Yeah, I do. Doctor Sorenson, I guess we
3 all remember the discussion in the legislature a couple
4 years ago where one of the members made the remark that if
5 you can't rape your own wife, who can you rape, and talked
6 about having a spousal abuse law. But do you find that as
7 women are going into different types of employment, given
8 the background of abuse, and I think not even physical
9 abuse, but institutional abuse, that women tend to seek out
10 those areas of employment that they view as safer, like
11 nursing and where there is numbers, teachers, rather than
12 we just heard from a gentleman that said there is no
13 concrete people in this state?

14 DOCTOR SORENSON: Yes.

15 MS. BLACK ELK: There is not safety in numbers there.

16 DOCTOR SORENSON: I think it would be very difficult. I
17 can't imagine a woman who had been ~~who was especially~~ in
18 an abusive situation, ~~but~~ ^{pp} who had experienced a lot of
19 that, ~~being~~ having the confidence to go into
20 an occupation that was male dominated, and the kind of
21 experiences, the kind of treatment she might have to
22 undergo in order to make it in that occupation. I really
23 can't imagine that those women would choose that. Yes, I
24 think you are correct, they are more likely to choose the
25 occupations that are safer, ~~more, you know,~~ viewed as

1 appropriate roles for women.

2 MS. BURNETTE: Marc, did you have a question?

3 MR. FEINSTEIN: No.

4 MS. BURNETTE: Dorothy?

5 DOCTOR BUTLER: I was interested in the fact you say I
6 believe 76 percent of those who had been abused did not
7 report it?

8 DOCTOR SORENSON: Yes.

9 DOCTOR BUTLER: So then they suffered in silence, but
10 then was there some sort of protected atmosphere where they
11 were willing to share information or --.

12 DOCTOR SORENSON: They shared it with us in the
13 survey. They probably had never shared it with anyone. ~~It~~
14 ~~mean, you know, they reported that in the survey.~~ Some of
15 the reasons they didn't report it ^{were} ~~was~~ because they said it
16 was too long ago, and we didn't talk about those things
17 then, they didn't want to break up the family, it was too
18 personal, they felt fear or shame, or they felt they
19 wouldn't be believed. There are a lot of women that don't
20 report. But when you do a mailed ^{ed} survey that is ~~a~~ very
21 anonymous, they can report on paper some things that they
22 might never reveal to anybody else, ~~too~~.

23 MS. BURNETTE: Did you have a question, Kitty?

24 MRS. WERTHMANN: Doctor Sorenson, do you believe that
25 motherhood is not important?

1 DOCTOR SORENSON: Oh, I'm a mother. I believe
2 motherhood is extremely important. Yes, I have two
3 wonderful children, ~~uh-huh~~, and I feel that is very
4 important. But I don't think a woman should be required,
5 because she chooses motherhood, to not choose employment.

6 MRS. WERTHMANN: A nation is formed in the home.

7 DOCTOR SORENSON: Pardon?

8 MRS. WERTHMANN: A nation is formed in the home.

9 DOCTOR SORENSON: I think I can still have a strong
10 home. And I think that one of the areas we have never
11 addressed very much or looked at is the employment of
12 fathers, and the ^effect of that on children. ~~And~~ we are
13 always concerned about mothers being employed, and not the
14 fathers, and their absence because of their employment,
15 which is happening a lot. So I think both parents can be
16 employed and both can share more in the child rearing, and
17 can have a strong home.

18 DOCTOR BUTLER: Is there time for one more question?
19 Just prior to our reconvening I was visiting with Doctor
20 Sorenson, and you described what was called a doctor/nurse
21 game, sociologically speaking. Could you tell a little bit
22 more about that.

23 DOCTOR SORENSON: ~~This relates a little bit to~~ we
24 were talking about Joellen Koerner's presentation, and I
25 was real interested in the fact that they are doing some

1 work to address the power imbalance in the relationships
2 between the males and females that work, ~~in~~ primarily with
3 doctors and nurses.

4 Well, I teach a course in medical sociology, and one of
5 the pieces of literature is ^{what} a person ^{has} ~~who is~~ identified, ~~and~~ I
6 can't even remember the author right now, but what he calls
7 ~~a~~ ^{the} doctor/nurse game. And it's a game that is played out,
8 interplay between the doctor and nurse, so that the -- the
9 nurse who ^{has} spent more time with the patient and ^{probably} knows what
10 ~~probably~~ medication should be prescribed, for instance,
11 lets, in her subtle way, the doctor know what would be
12 appropriate, but yet he is the person that comes up
13 prescribing it.

14 ~~And it's a -- it's a game that is played and in -- I'm~~
15 ~~not sure if this is probably changing unless -- she said~~
16 ~~some of the younger doctors work differently, but~~ ^{generally} the
17 ~~nurses who aren't willing to play that game are not viewed~~
18 well in this study.

19 MS. BURNETTE: Doctor Sorenson, I just have a couple of
20 questions, and then we will let you go.

21 DOCTOR SORENSON: You are not going to let me go
22 yet. Okay.

23 MS. BURNETTE: We are not going to let you go. Out of
24 the survey that was conducted, I am interested in more of a
25 profile of your women and what they reported. Out of the

1 people, out of women that responded to your survey, can you
2 tell us how many of those women were employed, how many of
3 those -- I mean was this abuse suffered by women in the
4 work force or were they women who had never been in the
5 work force? And secondly, in your survey, what the status
6 of these women were that reported, who they -- were the
7 majority of the women married and stayed in their marriage
8 in view of the abuse, or were the majority of them single
9 or single mothers in terms of that criteria?

10 Then the second question I -- third question that I had
11 in regard to that is for you to speak perhaps about what
12 the Lutheran Synod and theory are practiced -- their views
13 are towards women in leadership positions and what that
14 status is in the church, of women in leadership positions
15 in the church.

16 DOCTOR SORENSON: In how many minutes do you want --

17 MS. BURNETTE: About four.

18 DOCTOR SORENSON: About four, okay. I will try and be
19 quick here. As far as the profile of the sample, we had a
20 pretty highly educated sample. Our largest category was
21 college graduate. 28 percent were college, and 26 percent
22 were high school graduate? So we did have a well-educated
23 ~~family -- or excuse me, sample. We had -- let's see, I~~
24 ~~guess I don't have the statistic offhand here overall. 22~~
25 percent were professionally employed, ~~29 percent --~~

1 ~~okay~~ 29 percent were not employed, and that could include
 2 some women who were employed at one time ^{and} were retired
 3 because ~~we did have, you know~~ ⁱⁿ our sample ~~there~~ there was a
 4 fairly large group of older women ^{and} ~~because~~ that is ~~that's~~
 5 reflective of the church. ~~Let's see, and~~ 84 percent were
 6 mothers. 67 percent were married or had been married, and
 7 were now widowed, 18 percent were widowed. 7 percent were
 8 divorced or separated. So it was a pretty low number of
 9 divorced women.

10 MS. BURNETTE: There wasn't any cross tabbing?

11 DOCTOR SORENSON: We did cross tab some of those things,
 12 but I recall ^{for} many of the women who reported abuse, and then
 13 ^{where} we asked who was abuser, ~~and~~ they checked husband, what
 14 they put is ex-husband. So I think in most cases or in
 15 many cases, depending upon the type of abuse ~~that was~~
 16 ^{this was} especially ^{to be true} for the physical and sexual. But, ~~yeah~~, there
 17 ^{are} ~~is~~ some ~~of these~~ cross tabs that we probably still could do
 18 and gain some more information, ~~from~~

19 ^{To answer your question about leadership positions}
~~The leadership positions, I -- well, your question, one~~

20 ^{one} of the things we asked women was whether they had ~~had~~
 21 held leadership positions in the church, and this isn't
 22 quite what you are asking I think, but it relates to
 23 it. ~~and~~ I was a little bit surprised, I guess, maybe not
 24 totally, but a very large percentage, 38 percent, had never
 25 held a leadership position in the church, either in their

1 women's group or in ~~like~~ the church council or something
2 like that. 38 percent had never.

3 ~~And the younger ones --~~ there was a direct correlation
4 with age. The older ^{they were} ~~you went up~~, the more likely they were
5 to have held a leadership position. And that may reflect
6 some of the younger women being involved with work and
7 families and not having time to do that. But ^{this} ~~it~~ was ~~the~~
8 ~~area~~ the second area of issues that they wanted us to
9 address, ~~was~~ providing some help, ~~I think, to~~ ~~and help~~
10 and support for leadership in the church.

11 You are asking about an official position, officially,
12 and now in our church we have quotas in terms of boards at
13 the synod and national level, how many have to be women,
14 ~~and~~ there has to be equal kinds of representation.

15 MS. BURNETTE: How recent was that?

16 DOCTOR SORENSON: About four, five years. I can't
17 remember the exact year.

18 MS. BURNETT: Have you seen an impact -----

19 DOCTOR SORENSON: Oh, yes. There is an impact at the --

20 MS. BURNETTE: -- on the leadership?

21 DOCTOR SORENSON: -- on the board, at the national and
22 synod level. I think what happens in many congregational
23 levels, ^{is that} they still don't have women, it really varies by
24 congregation, but some smaller, rural congregations still
25 don't have women on their church councils, for instance.

1 It's unusual. But, ~~for instance~~, in some of the big
2 congregations here in Sioux Falls, it's frequent. ~~It's~~
3 there have been women congregational presidents and, of
4 course, women pastors. We have quite a few women pastors
5 in the South Dakota Synod, and a lot of support for women
6 pastors.

7 That was one of the pieces of data that the women
8 pastors on our committee were really pleased about because
9 over 90 percent of the women said they would be willing to
10 have a woman ~~in their~~ ~~in their~~ woman as a pastor in
11 their congregation even though they didn't already. So that
12 was great.

13 MS. BURNETTE: Thank you very much, Doctor Sorenson.
14 Thank you. It took a lot of your time here. Thank you for
15 your interest.

16 Well, this is the part of our forum today where we will
17 venture into the open session. And, again, we have allowed
18 until 8:30, and then all of the committee members, who have
19 been very patient, will get to go retire. And we have one
20 individual who has requested to make a presentation during
21 the open session. And her name is Delila Caselli. She is
22 from AARP. So welcome, Delila, and thank you for being
23 here all day.

24 MS. CASELLI: Thank you. And I really would like to
25 commend each of you for dedication to women, and their

of life here
1 quality in the State of South Dakota. It means a lot to me
2 as one of the senior citizens about whom she's spoken in
3 the ELCA, who has been fortunate enough to serve on the
4 Board of Deacons at our church, and can say that, yes, we
5 are served now by a woman president of our congregation,
6 with a woman on our staff, as a pastor. And I see it as a
7 wonderful, wonderful model to my granddaughter. I see your
8 work as being most beneficial to my sons, my daughters, and
9 my grandchildren.

10 I have spent a career in education. I'm a doctor of
11 education, and have educated preschool children through
12 post-graduate, and have enjoyed it immensely.

13 Now that I am retired, I'm working with AARP on the
14 legislative committee. And it has been my assignment to do
15 a position paper regarding age discrimination. And when I
16 just returned from a trip yesterday afternoon, and read in
17 my pile of mail about your committee hearings here today, I
18 thought, aah, this is where I get my resources for my
19 position paper. And unfortunately I haven't heard anything
20 today that deals with age discrimination and women. ~~And it~~
21 ~~is my understanding~~ I'm seeking this information.

22 It is my understanding that the displaced homemaker is
23 among those who experience the most age discrimination.
24 And so I would like to have us note, as we're studying
25 further, if that is not the case. There are so many of

1 these people who have been abused, and have had to go out
2 and seek employment after they have gone through the
3 earlier years of their life.

4 They might also be widows who have had to go out after
5 they're 40 or so to seek employment and may have had
6 preparation in a career, but have been away from it. And
7 the same thing is true for those of us who choose to be
8 mothers full-time and homemakers full-time, and after the
9 children ~~went~~ ^{have gone} out of the nest, we choose to go back. This
10 does happen to men, too. And I realize that. But I wanted
11 to see today what your perception was in regard to women
12 and age discrimination.

13 Unfortunately in our laws in the State of South Dakota,
14 there is a real vacant spot where it comes to age
15 discrimination when they talk about the other
16 discriminations that should be protected by law. Thank you
17 for hearing my request.

18 MS. BURNETTE: If you would wait for a second, somebody
19 may want to ask you some questions if you wouldn't mind.

20 MS. CASELLI: I did come wanting answers, so don't
21 expect that I have very many.

22 MS. BURNETTE: Well, we will duly note in your testimony
23 today that that is something that we cannot overlook in our
24 research and our fact finding process as we proceed through
25 this second phase.

1 MS. CASELLI: I was really disturbed last year when I
2 prepared a position paper on the same subject that there
3 were those who felt there was age discrimination, but when
4 they went to report it and seek help, there really wasn't
5 much that could be done. And I would imagine the same
6 thing has ~~done~~^{happened} -- as has been pointed out regarding other
7 forms of abuse is true here; that there isn't legal help,
8 and the system is overburdened at the state level, as well
9 as the district level, and therefore can't give you data.

10 MS. BURNETTE: Well, if you would bear with us, perhaps
11 if somebody does have a question, that we can entertain
12 them.

13 MR. MULDROW: I would just like to thank you. I think
14 you have pointed out an area that we omitted. And I think
15 you have a point that women kind of suffer age
16 discrimination to a greater degree than men. I think we
17 would like to make you an ad hoc member of this committee
18 and charge you with supplying us with your findings in this
19 area.

20 MS. BURNETTE: Is there a motion?

21 MR. POPOVICH: At least we could have a copy of your
22 paper that you prepare.

23 MS. CASELLI: I will see that you get a copy of the
24 paper.

25 MR. POPOVICH: Good.

1 MS. BURNETTE: Bill.

2 MR. WALSH: And I agree with you, that it's a whole
3 subject we missed, and it's a very, very important
4 subject. I just want you to know in the gaming industry we
5 employ as many displaced people as we can, as many old
6 people as we can. I mean they are fabulous. I have two
7 old going codgers that deal blackjack. They fool
8 everybody.

9 MS. CASELLI: And they wear skirts and high heels,
10 right? Where are those old codgers in skirts and high
11 heels?

12 MR. FEINSTEIN: My business, too, you are the exact --
13 in women's retail, you are the exact person we look for. A
14 person that does have time to give us a whole day, and
15 isn't, you know, a 19 year old who is going to be there for
16 a short time. I mean just you were perfect, and we
17 employed everyone we could find, everyone that applied for
18 us. I mean there are certain industries where it is -- and ---
19 I'm not saying the retail is high paid, but there is some
20 room out there. And like Bill said, you know, there are
21 some real values.

22 MS. CASELLI: Will you come and testify, please, in
23 Pierre because the legislators who speak in opposition to
24 this say that as soon as we put it in law, there will be
25 greater discrimination, there will be greater reluctance to

1 hire older people because they will be concerned that there
2 might be litigation against them. So please come and tell
3 them your story.

4 MS. BURNETTE: In closing, I would encourage you to try
5 to assimilate as much information as you have, being a
6 representative of AARP, in regards to those barriers that
7 you see specifically for women, and forward them on to
8 Bill, and any sources or resources that you feel we could
9 access pertinent information for our own research to be
10 included in the report.

11 You know, I can think of several issues that are germane
12 to your particular interest, and one, of course, is the
13 barrier of hiring an older person and what the employer's
14 perspective is on the benefit package and, you know, not
15 only the social aspects, but the economic aspects of
16 barriers that -- to an employer in hiring an older
17 person.

18 I would encourage you to think about those, those
19 things, and give some thought to them, and please forward
20 them on to Bill so that we can follow up with you and make
21 sure we do the kind of job that you would like to see us do
22 in our report. Thank you.

23 MS. CASELLI: Thank you, Rae. I would like to say at
24 this point AARP will be most interested in all of those
25 issues as well as this issue because we want to be seen as

1 an organization who is interested in the future of our
2 country.

3 MS. BURNETTE: We certainly have a lot to learn. Thank
4 you very much. There being no other --

5 MS. CHAMBERLAIN: Well, please.

6 MS. BURNETTE: Fern, Fern Chamberlain.

7 MS. CHAMBERLAIN: Yes. I am Fern Chamberlain. I have
8 been associated with Aid to Dependent Children since it
9 began. In the early days, any mother who took employment
10 out of the home was frowned on, to put it mildly. All of a
11 sudden in the -- well, in the early '50s there was a 180
12 percent turn in public opinion, and people were suddenly
13 saying, why aren't these women out employed and supporting
14 their own children.

15 Up to that time, one of the major reasons for closing
16 ADC cases had been the mother had secured employment.
17 Since that time, we have had all -- a whole series of
18 so-called ^{work incentives} ~~working centers~~, one kind or another. Family
19 ^{independence} ~~industry~~ is the latest one. There has been some increase
20 in the number of ADC cases closed because of employment,
21 but really not all that much. They always -- that always
22 was one of the major reasons.

23 At the time in the '50s when they first began talking
24 about why aren't these people employed, we did a survey.
25 We happened to do it in Pennington County, but we found

1 that the women who were taking employment and leaving ADC
2 were women who had child care that they were comfortable
3 with, and had access to transportation. That was before
4 the days of Medicaid, so that didn't enter into the
5 formula.

6 Every one of these programs as it's come along, I have
7 explained to people that if they just would provide good
8 child care and transportation, and of course now your
9 medical benefits enter in, you wouldn't have to go through
10 all these hoops and hassles that they put people through
11 trying to get them into employment. And I would hope that
12 that could be done as a resource in the community that
13 anyone who needed that kind of help could get, and not
14 necessarily be targeted at the recipients of ADC, as if
15 they were somehow less competent, less able themselves.

16 If the workers didn't have to go through all the hoopla,
17 they could spend their time encouraging women, whose
18 self-esteem needed to be built up to a place where they can
19 use these resources, and not have to go through all this
20 stuff with the ones who would act for themselves if the
21 resources were available. Questions?

22 MS. BURNETTE: Thank you. Please step up. This is
23 Carla Paul. Identify yourself, and --

24 MS. PAUL: I am Carla Paul. I am unemployed. Not
25 seeking work, so I'm not sure how relevant all this will

1 be. And I guess it's more or less a summary from some of
2 the things that I have heard today and my experiences and a
3 lot of women I know.

4 I am a women who isn't employed, but I also never stay
5 home. It's very hard to reach me on the phone. And I
6 guess as I -- I have got six children, four boys and two --
7 were first and then two girls. And I think when I look at
8 the lives of my children and anticipate grandchildren and
9 such, that the family which is loving and caring and sets
10 limits and where both the father and mother are involved,
11 if possible, helps eliminate a lot of the problems that
12 then have to be fixed later on, or at least a person has to
13 struggle with to become emotionally healthy.

14 If we can have a society in which families and the
15 support systems for families can build self-esteem and
16 emotional well-being, where there is not an abuse of any
17 kind tolerated, where there is help for those who are
18 abused to receive help early, and not have it hidden for
19 years and years and not have it tolerated for years and
20 years, I think raising children where you raise your boys
21 and girls that there should be no -- absolutely no
22 discrimination based on sex, race, age, handicaps,
23 anything. And I hope that we have achieved that with our
24 six children, you know. There's -- they know they don't
25 dare do it around me.

1 I think raising them also that education is absolutely
2 necessary for girls and for women. And that's something we
3 don't teach, that a woman's life goes in phases. It's
4 very, very hard to get a woman's life together where you
5 are doing all things at once at 18 or 22 or 26. In your
6 30s, you are beginning to be able to achieve that I
7 think. You can achieve it by your 40s and 50s where you
8 combine everything.

9 But basically it goes in phases. You have to spend time
10 on an education before you have those three children. Or
11 you have to struggle with it at the time of the divorce,
12 and then you are stuck with the three children and no
13 education and have to struggle. You have your children.
14 And really concentrate on giving them, you know, the good
15 self-esteem and emotional well-being, limits, that sort of
16 thing. Eventually you can combine fully family and
17 children in my opinion.

18 I think it's absolutely necessary for the father to
19 treat the mother as an equal, whether that women brings
20 home income or not, with an equal say in how the children
21 are raised, but an equal say in all the family
22 decisions. And that sets a pattern also for the children
23 for equality.

24 I'm very concerned about pay equity. It's -- we have
25 devalued -- we grew up in a society, and it was said

1 earlier, where the traditional nurturing which is so vital
2 in our society was where the lower paying jobs were, and
3 they have remained the lower paying jobs. And
4 unfortunately, even though I don't try -- I am -- one of my
5 pet peeves is not -- not to start evaluating people on how
6 much money they earn. But many people in our society do,
7 and when the pay is low, the people are valued less in our
8 society. So comparable pay for comparable work.

9 Unfortunately, two income families seem necessary today,
10 especially in South Dakota. 71 percent have children under
11 six. I don't like that. I don't think it's the ideal, but
12 it's the reality. And I don't see -- the families I know,
13 it is necessary for both to bring home an income.
14 Sometimes that's because of choices they made earlier like
15 not getting -- not delaying family for education and some
16 things like that. But it's necessary here.

17 And yet when there is a break-up of the family, the
18 women -- and women become the single heads of households
19 and raise the children alone, it's poverty. Most of the
20 women I know raising children are just struggling. And I
21 -- I see them daily, and I can't directly help them unless
22 I took one of their children into my home, and I do not
23 have enough space for that, for all the ones I know. They
24 are -- they are going on four hours of sleep, struggling
25 with the children, some of them rebellious, trying to make

1 the income, and having no help from the ex-husbands. And
2 some of them didn't even choose the divorces.

3 Those who are different in our society, and this I think
4 is true anywhere in the country, but here I think it's -- I
5 think -- I have lived in different places, and I think
6 there is actually hatred here, not -- more than
7 prejudice. And I can't imagine the barriers that there
8 would be, the subtle barriers there would be if I were of a
9 different race or disabled or from a different national
10 origin and spoke with a heavy accent. The barriers are
11 just doubled or tripled or whatever.

12 I personally am a feminist, but the reality of my life
13 is that I have had choices, and I guess I would like to be
14 able to see that other women have choices. I have been
15 very, very lucky to have the option of having those
16 choices.

17 Again, I reiterate that in my personal philosophy pay
18 does not equal work. And I hate to have that in our
19 society. That's the one big thing that I had against Betty
20 Friedman's book when I read it back in 1965. And I've
21 based my life trying to disprove it.

22 Personal life and family interactions are extremely
23 important, and when those are not going well, it spills
24 over into everything else; into the schools, into the work
25 place, into a person's feeling of worth.

1 And I -- the thing is that I realize I am only a
2 heartbeat away, my husband's heartbeat, away from poverty
3 myself. And I'd give it one year that I could pretty well
4 try to get educated -- re-educated for a job. And I think
5 there is enough money for one year, and then I don't think
6 that I would be able to get a very good job. And I think I
7 would have a completely different standard of living.
8 Luckily that has not happened while our children are very
9 young. I only have -- we have got five in college this
10 year, and one at home. So you know, that -- that helps,
11 that it didn't happen when they were in grade school or
12 junior high or something.

13 I think in this society, you have to have a very strong
14 personality to be different. And I -- the women I know
15 personally, some of them I see have great strengths, some
16 of them living in poverty who I know have great strengths.
17 And just to be able to survive the kind of life they have
18 shows a great amount of strength. I know others who just
19 seem completely unable to deal with life. And if you can
20 just sort of carry them along, keep them -- gradually maybe
21 you can get them to be more assertive, to have better
22 self-esteem, emotional well-being. And I see around me
23 women of all types, with great strengths and great
24 weaknesses. And, of course, all of us have some mix of
25 those two, strengths and weaknesses.

1 Anyway, I guess that's just sort of my summary of the
2 day and personal note here. Thank you.

3 MS. BURNETTE: Thank you, Carla, for sharing.

4 Are there any other comments before we officially bring
5 today's South Dakota Advisory Committee to the U.S.
6 Commission on Civil Rights hearing on women in the work
7 place to a close?

8 Hearing none, we will now adjourn. Thank you all for
9 coming.

10 (Adjournment at 8:05 p.m.)

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STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

CERTIFICATE

I, Kerry Lange, Court Reporter in the above-named County and State, certify that the above-entitled proceedings were reported by me, and the foregoing Pages 1 - 297, inclusive, are a true and correct transcript of my stenotype notes.

Dated at Sioux Falls, South Dakota, this _____ day of September, 1993.

Kerry Lange