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UNITED STATES COMMISSION
ON CIVIL RIGHTS
SOUTH DAKOTA STATE ADVISORY COMMISSION

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IN RE: WOMEN'S EMPLOYMENT ISSUES IN SOUTH DAKOTA

TRANSCRIPT OF PROCEEDINGS

Taken at

Hilton Inn
445 Mt. Rushmore Road
Rapid City, SD 57701
October 29, 1993

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I N D E X T O A P P E A R A N C E S

Ms. Cleota Rae Burnette, Ms. Charlotte Black Elk,
Dr. Dorothy M. Butler, Ms. Phyllis Old Dog Cross,
Mr. Marc Stuart Feinstein, Ms. Bang Ja (B.J.) Kim,
Mr. Johnathan Van Patten, Mr. James G. Popovich,
Mr. David Lawrence Volk, Mr. William Emmett Walsh, and
William F. Muldrow, Regional Director.

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1 MS. BURNETTE: We have a pretty busy day today, at
2 least our committee does. First of all, my name is
3 Rae Burnette, and I'm from Sioux Falls, South Dakota, and
4 I'm the chairperson of the South Dakota Advisory Committee
5 on the U.S. Commission on Civil Rights. Before we proceed,
6 I have an opening statement for your benefit that I will
7 read to you.

8 The meeting of the South Dakota Advisory Committee
9 to the U.S. Commission on Civil Rights should come to order.
10 For the benefit of those in our audience, I shall introduce
11 myself and my colleagues. My name is Rae Burnette and I'm
12 the chairperson of the Advisory Committee. Members of the
13 committee are -- and if you will introduce yourselves and
14 where you're from beginning on my right, please.

15 MR. POPOVICH: Jim Popovich, Rapid City.

16 MR. WALSH: Bill Walsh, Deadwood.

17 MR. VOLK: David Volk, Sioux Falls.

18 MS. BUTLER: Dorothy Butler, Brookings.

19 MS. KIM: B.J. Kim, Brookings.

20 MS. BURNETTE: Also present are William F.
21 Muldrow, Director of the Rocky Mountain Regional Division
22 and Malee Craft, who is not here, and Evelyn Bohor, staff of
23 that office in Denver.

24 We are here to conduct a fact-finding meeting for
25 the purpose of gathering information on the issues affecting

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

8 The proceedings of this forum, which are be being
9 recorded by a public stenographer, will be used along with
10 other information collected through interviews and
11 correspondence with individuals, agencies, and organizations
12 in the 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 outset, I want to remind everyone present
16 of the ground rules. This is a public meeting open to the
17 media and the general public, but we have a very full
18 schedule of participants to fit within the limited time we
19 have available. The time I allocated for each session must
20 be strictly adhered to.

21 Twenty-five minutes have been allocated for
22 remarks from each presenter, which should include 10 minutes
23 for dialogue with the committee. To accommodate persons who
24 have not been invited to make a presentation but wish to
25 make statements, we have scheduled an open period on our

1 agenda from 7:30 p.m. to 8:30 p.m. this evening.

2 Anyone wishing to make a statement during that
3 period should contact a staff member for scheduling.

4 Written statements may be submitted to committee members or
5 staff here today or by mail to the U.S. Commission on Civil
6 Rights, 1700 Broadway, Suite 710, Denver, Colorado, 80290.
7 The record of this meeting will close on November 12, 1993.

8 Though some of the information provided here may
9 be controversial, we want to ensure that all invited guests
10 do not unfairly or illegally 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.

15 Any person or any organization that feels defamed
16 or degraded by statements made in these proceedings should
17 contact our staff during the meeting so we can provide a
18 chance for public response. Ultimately, such persons or
19 organizations can file written statements for inclusion in
20 the proceedings.

21 I urge all persons participating to be judicious
22 and factual in what they say. The Advisory Committee
23 appreciates the willingness of those who have agreed to
24 participate and share information with us. Now, Mr. Bill
25 Muldrow will share some remarks with you.

1 MR. MULDROW: I would just like to add my welcome
2 to you. We do appreciate your participation and your
3 attendance at this meeting. This is the second of two
4 fact-finding meetings, similar meetings that we have held
5 throughout the state. One last month in Sioux Falls, and
6 this will be the second one here in Rapid City.

7 This information along with other research we have
8 done on this topic will all be compiled into a written
9 report with recommendations from the committee and
10 distributed to the public free of charge. So each of you
11 who have signed the registration sheet back there will
12 automatically receive a copy of the final report.

13 I would like to point out this is a project of the
14 South Dakota Advisory Committee to the U.S. Commission on
15 Civil Rights. All of the members of this committee are
16 citizens of the state and volunteer their time for this
17 purpose.

18 It is a bipartisan or nonpartisan committee. No
19 more than half of this committee can be from any one
20 political party, so we have quite a diversity of persons on
21 the commission in terms of political affiliation as well as
22 recommendation from various sectors of the population
23 throughout the state.

24 So again welcome to our proceedings today. If any
25 of you who are making presentations or any of you in

1 attendance would like to submit additional material, beyond
2 what time allows for us to receive today, as Rae pointed
3 out, we would welcome those for inclusion in the record up
4 to the date that she specified. I think we have 10 days
5 after this proceeding. Thank you very much, and we look
6 forward to the day with you.

7 MS. BURNETTE: Our first presenter this morning is
8 Linda Lea M. Viken. Linda is an attorney here in Rapid City
9 whose practice heavily involves women's employment issues.
10 She is a former state legislator and is affiliated and
11 worked extensively on the South Dakota Commission on Women,
12 and maybe you can introduce yourself to the committee people
13 and tell us where you practice.

14 MS. VIKEN: Thank you. I think I know most of the
15 members of the commission, but I guess for the record I am a
16 partner in the law firm of Viken, Viken, Pechota, Leach &
17 Dewell. And historically, I have been involved in a lot of
18 things that cause me to bring different experiences to this
19 Commission, and as a result, I think, of those experiences,
20 that put me in the position to learn some facts that I think
21 form the basis of my opinions.

22 I have been a teacher, a lawyer, a legislator, and
23 a judge so far. When I grow up I haven't decided what I
24 want to be. I did teach school for eight years; two years
25 in Yankton, and six years in Sioux Falls, Sioux Falls being

1 the place I grew up in. I have the honor of being the
2 youngest woman ever elected to the South Dakota Legislature,
3 which I still hold, and I also did represent both Minnehaha
4 and Pennington County in the legislature, which for some
5 people these days, seems to be an oxymora.

6 I served as a magistrate judge for a year and a
7 half here in Pennington County, so I have seen a view from
8 various points of ~~advantage~~ advantage. As a lawyer, I work primarily
9 in the areas of family law, labor and employment law, and
10 civil rights. And as a result of that, I have had an
11 opportunity to run across a lot of situations that have
12 raised concerns for me about where we're going and how far
13 we've really come.

14 I also served, and technically do still serve on
15 the South Dakota Status of Women Commission. As a
16 legislator, I was involved in sponsoring the South Dakota
17 Human Rights Commission, established under that
18 ~~administration~~ *administration* organization, and I've been involved in subsequent matters
19 relating to employment rights for women.

20 And all that is well and good, but as this
21 commission well understands, the issue is not just what laws
22 and rules and policies we have in place, but do they really
23 work? And that's a little bit of what I want to address
24 with you today.

25 In South Dakota we certainly have laws that

1 establish the rights of women to equal opportunity in ^{the} a work
2 place, and grant them freedom from discrimination in
3 employment but the question really is, and the question I
4 think you're here looking at today is: Do they work? Do
5 they really work? Is there more we can do and more we
6 should do?

7 Just as an example for you of what I'm talking
8 about, as a lawyer, ~~and~~ I guess, I particularly focus in on
9 procedurally how do we carry out our laws? And let me give
10 you one example that happened over the years in South Dakota
11 that may seem small and, maybe, did to the legislators who
12 did it at the time. In fact, it wasn't even really a
13 legislative move. In fact, it was a budgetary move, and
14 that was that originally when we established the commission,
15 the South Dakota Commission on Human Rights, when a
16 complaint was ^{set for} ~~at a~~ hearing, it was at the place the
17 complainant lived.

18 Seems logical, doesn't it? However, there came a
19 time that the legislature, really through the ^{appropriations} ~~incorporation~~
20 process, changed that, and all the hearings were held in
21 Pierre. Now, that might not seem like a big matter to you,
22 but let me give you an example of a woman we represented and
23 what that meant to her. She was discriminated against in
24 employment. After an investigation, it was determined there
25 was probable cause. The employer asked for a hearing. The

1 hearing, of course, was going to be held in Pierre. She was
2 from Rapid City.

3 The dollar value of her claim was probably \$1,500.
4 She could not afford to go to Pierre. She couldn't afford
5 to hire an attorney to go to Pierre to represent her. She
6 couldn't even afford herself to go to Pierre and bring her
7 witnesses and pay for them to stay in Pierre. So as a
8 result, she compromised the claim for half of its value.
9 Now, nice looking law in place. The Commission did its work
10 as far as finding probable cause, but what was the result?
11 Not carrying out the laws in spirit or intent.

12 By the way, as I understand it, the Commission now
13 does have a hearing back in the ^{city}~~state~~ again, but I point
14 that out because I think that's the important question you
15 have to be asking is, not does it look good on paper, but how
16 is it carried out. In recent years another issue has
17 surfaced and that's the question of the Human Rights
18 Commission having the ability to require the payment of
19 attorney's fees for the prevailing party.

20 One of our women attorneys here in Rapid City went
21 to federal court and won attorney's fees based on the
22 federal statute for her work before the Human Rights
23 Commission. Now, one would think that the legislature would
24 have then amended the statute to provide for attorney's fees
25 at the commission level, but that did not occur. Instead,

1 what our law does provide now is something that, again, on
2 the surface sounds good, but if you think about it in
3 practical terms, it isn't.

4 And that is that the law now provides that either
5 party may move the matter to state court. That is if I file
6 a complaint in front of the Human Rights Commission and they
7 find probable cause, the employer can move it into circuit
8 court. Now, what's the practical effect of that?

9 The practical effect of it is, of course, you have
10 to have an attorney, because if you're going to go into
11 court, you really don't want to do that without an attorney.
12 You don't have to legally have one, of course, but the
13 employer is going to have one or two, so you need to have an
14 attorney.

15 What do we get back to again? The question of
16 dollars. And what does our statute now say about attorney's
17 fees? The only statutory basis for awarding attorney's fees
18 that the court ^{was} ~~has~~ given is in employment and housing
19 matters. Now, why does it say that? I can answer that
20 question. I was there when it happened.

21 That's because the federal government required us
22 to do that. Otherwise, we wouldn't have done it at all. It
23 was pulling teeth to get that put in and only because of the
24 threat of loss of federal dollars were we able to accomplish
25 that. It doesn't make sense to me.

1 We have acknowledged then legislatively that,
2 because we have to, we will give attorney's fees in one area
3 but not in any other area. And, again, I think the
4 commission must have understood the practical implications
5 of that. If you have a \$1,500 claim and your attorney's
6 fees are \$2,000, it's a pure economic question. It's not a
7 question of vindicating your rights anymore. An economic
8 question.

9 So you see, the law looks good, but without those
10 necessary additions to it, it's not quite as good as it
11 looks. There's something to be remembered about that too,
12 and that is that -- and by the way, I wanted to commend the
13 Division of Human Rights, because they've come to the
14 legislature and they've tried to change the statute and
15 improve it, but the reality is: Who's in Pierre besides the
16 legislators? The governments that are affected, their
17 attorneys, ^{their} ~~there~~ lobbyists; the businesses that are
18 affected; their attorneys, their lobbyists.

19 Where are the women that are affected? They're
20 back at home working. They can't come to Pierre. They have
21 to rely on the people who are in Pierre, but the people in
22 Pierre are not hearing from them either, because they're
23 busy raising their families, working, doing what has to be
24 done. So we have to turn to organizations like this to make
25 recommendations to the legislature that, hopefully, they

1 will listen to.

2 Another way that I see that civil rights in the
3 state are undermined and diminished is through the budgetary
4 process. I mentioned earlier one of the ways that that
5 happens, but let me also talk about other ways. When you
6 diminish the Division of Human Rights' budget to the point
7 that they do not have adequate staff to accomplish their
8 legislative tasks, you know what that means. Everybody has
9 heard the saying, "Justice delayed is justice denied."

10 Well, that's especially true in employment
11 matters. If you're out of a job and it's two years before
12 you can get a hearing, and that may be an exaggeration on my
13 part, but it makes the point. It is long time for a hearing
14 and the reality is by the time you get your justice, it
15 doesn't mean anything to you, and people get discouraged and
16 they quit, and they don't pursue their rights.

17 So that's an easy way to undermine human rights,
18 just cut the budget down. Several of us around the state
19 talked a couple of years ago about trying hard to improve
20 the budget for human rights in South Dakota, but we weren't
21 successful in doing that. But that's another very subtle
22 way that works if you want to do it.

23 A seemingly unrelated issue that's comes to my
24 attention over the recent years that I want to bring to your
25 attention is the effect on women ^{but} on the South Dakota

1 Employee At-will statute.

2 You know South Dakota has a law that says
3 basically unless you have a contract or a negotiated
4 agreement through your union, you're an employee at-will.
5 Meaning, that the employer can terminate you for any reason
6 or no reason except one, of course, that discriminates you,
7 but he isn't going to tell you that that's the reason he's
8 doing it or she's doing it, as the case may be. So the
9 effect of that is that in a state like ours where, you know
10 the statistics better than I, we have a lot of single-parent
11 households headed by woman who work who are lower income to
12 middle income in their jobs. They're not paid, in all
13 instances, equal to men.

14 They have to work to maintain their families and
15 households but they know that their employer can terminate
16 their job without cause. And if they're going to avoid that
17 they have to make their employers happy and that means that
18 they tolerate a large degree of discriminatory practices.
19 And I know that to be a fact, because I have talked to a lot
20 of woman about that, and when they come to me and they talk
21 to me about what's going on, I can easily identify those
22 issues as being discriminatory practices.

23 But when I tell them what the process is to
24 vindicate their rights, they won't do it because they know
25 it costs them money they don't have. They know that sooner

1 or later it will cost them their job and they figure they're
2 going to be blackballed, and they look out in the waiting
3 room at their children and they know they can't do it.

4 So they just merely look for an opportunity to
5 find employment elsewhere while they continue to work at
6 that job under those conditions. And our office represents
7 a number of Indian people, and if you add to what I've just
8 said about the discrimination that exists against Native
9 American people and then you become a Native American woman,
10 I probably don't have to say very much more to you about
11 that, and there are others who are more eloquent to address
12 that than I can, but this Termination At-will statute has an
13 effect on men too, but because woman are often in the lower
14 paying jobs, they're not even in a position to be able to
15 financially vindicate their rights and it has a devastating
16 affect on them.

17 I want the Commission to understand that I'm not
18 the kind of person who goes around looking for
19 discrimination. I have rarely felt discriminated against
20 myself, probably because I refuse to be discriminated
21 against, but, you see, I have that luxury. I am a white
22 middle-class person who is her own employer, so I have a lot
23 of abilities to shrug off what a lot of people can't.

24 But I have to tell you that I can still feel the
25 essence of discrimination around me. and unfortunately,

1 despite all our talk about equality, ~~and~~ I really believe
2 and find that in the souls of many of our citizens, there's
3 still a belief that woman are still not quite up to the
4 task.

5 We still have a lot of education to do. If you
6 don't believe that, talk to the women legislators about
7 issues like spousal rape and what we've had to do to
8 accomplish that legislation. And there are people sitting
9 here who helped us do that, including your token male white
10 republican. But it was not easy and yet one would think it
11 would be, so it's still there. It isn't on the surface
12 anymore. We don't hear it. We don't hear the terminology
13 anymore. We don't hear it spoken overtly, but I'm afraid it
14 still lingers in the hearts of many.

15 In that regard, I've been asked to comment on the
16 Status of Women Commission. I was appointed to the Status
17 of Women Commission in 1978, and technically that commission
18 still exists right here in this little red book. And since
19 I've never been replaced, under South Dakota law, that
20 technically means I'm still on the Commission and I'm still
21 treasurer of the Status of Women Commission, in case you
22 would like to donate. Because the Commission was ^{Janklow} defunded a
23 number of years ago, as I recall, under Governor ~~Janklow~~.
24 The Commission really went to the legislature and said:
25 Either fund us properly or get rid of us. Of course, the

1 legislature, in their infinite wisdom did neither. They
2 defunded us and didn't get rid of us.

3 Sometimes I fear that requesting a Status of Women
4 Commission makes people angry, you know: Why don't we have
5 a Status of Men Commission. One would only have to go
6 through the list of boards of commissions that we do have to
7 know that we at least probably are equal in rank to some of
8 the boards and commissions that we currently have in this
9 state.

10 I feel that it would probably be worthwhile to
11 reinstate this commission if it were properly funded. The
12 Status of Women Commission was the first group in this state
13 to bring out the issue of domestic violence. We funded a
14 study and issued a report called "Conspiracy of Silence,"
15 which some of you have probably never seen.

16 It was issued in 1979 as I recall, and it was the
17 first report to discuss the issue of spousal abuse in South
18 Dakota, and the first gathering of statistics and
19 information that had real validity for the state of South
20 Dakota, so I really think that if you had a properly funded
21 commission on the status of women, that it could do
22 basically what you are doing today. And that is that it
23 could serve as a central body to view our laws to determine
24 how they're working to determine ways that we could make
25 them work better and, hopefully, do that kind of outreach

1 that's necessary to really talk to the people who are
2 affected by the laws, the ones we really seek to protect by
3 these laws.

4 Those of us who are in a position to litigate on
5 our own behalf or afford to litigate on our own behalf, are
6 not really the people we make those laws for. We make them
7 for those people who cannot afford to have counsel, who
8 cannot afford to come to the legislature, the congress, and
9 lobby, so we cannot ignore any longer the statistics that
10 show us what affect there is on women in the job market.

11 And we also know, of course, as a reality, that
12 the needs of women in the job market and outside the job
13 market are really, in many instances, different than men,
14 some of which are caused by the fact that women are the head
15 of single-parent households. And you're going to be hearing
16 today from people far more eloquent than I about the issues
17 such as child care and how it affects children and families
18 and women in employment. So maybe it's time for us to look
19 again at a state ~~and~~ commission, a commission that has
20 needs, and maybe we need a Civil Rights Commission, an
21 Advisory Civil Rights Commission at a state level to do the
22 kinds of things that you're appointed to do, because the
23 reality is that we have come a long way, at least on paper,
24 but we have a lot of fighting to go. Thank you. I'll be
25 glad to answer any questions.

1 MR. VOLK: Linda, you have worked a lot on
2 legislation in a number of these areas and we did work some
3 on legislation just as I was getting ready to leave for
4 Pierre. You touched on some of those today, but for the
5 sake of the record, if you could come up with a laundry list
6 of laws that you worked on and were not successful passing
7 or laws that you see as a need.

8 Is there anyway you can capsulize that? I know
9 you talked about some regarding legal fees and some of these
10 others, but are there other things that you've worked on
11 that were not successful that you wish had been successful?

12 MS. VIKEN: Well, in looking at the civil rights
13 area, what you really need is easy access and ability for
14 people to use the system, and in this area, some of the ones
15 I've mentioned in attorney's fees and other areas are things
16 that I've tried to work on over the years. The spousal rape
17 issue that you and I worked on, one of the issues that you
18 and I worked on, we worked on several, but that one was such
19 an incredible demonstration to me. When I saw when I was in
20 the legislature in the '70s, '73 to '76 is when we amended
21 the law and put it in. Sounded simple. And then when I was
22 out of the legislature, it was taken out and getting it back
23 in was the most incredibly difficult thing I could not
24 imagine. We worked on areas in divorce as well.

25 MR. VOLK: That was the one. The beginning of

1 child payments and what an incredibly complicated process
2 that was. Like you said, many people just gave up.

3 MS. VIKEN: A lot of people criticize the federal
4 government and the mandates of the federal government. I
5 for one tend to welcome them, because the child support area
6 is another area that the federal government mandated. They
7 said you have to have a commission on child support. I
8 happened to chair two state commissions on child support,
9 one was Governor ~~Jankio~~^{Janklow's} and one under Governor Mickelson,
10 that worked on our state laws for child support.

11 And I know, there is no question in my mind, that
12 had that not been a requirement, we would have never have
13 gotten it through, and yet that's a vital area. If we don't
14 have the child support paid, we have terrific problems with
15 women being able to survive, because they don't make enough
16 money in the job market.

17 They have to have additional help. There are so
18 many issues like that and you know, Dave, especially because
19 you've been around the legislature a lot, we still have a
20 lot of work to do to bring the attitudes up. I mean, thank
21 goodness we do have more women in the legislature. When I
22 was in there we had five. Now, I think there's 21,
23 something in that area.

24 We were the third highest for a period of time and
25 that's helped, but we still have work to do, because not

1 only do we have the child support area and civil rights
2 area, even domestic violence. There was a long period of
3 time that people denied domestic violence existed. When we
4 came out with our study -- I mean, look how long it's taken
5 for us to do anything from 1979 until recent years in
6 legislature to accomplish that. Yet, no one ever disputed
7 the statistics. So there are probably a lot of others that
8 are not on top of my head^{I am not} thinking of.

9 MS. BURNETTE: Do you have any questions, Bill?

10 MR. WALSH: Granted, there's a great deal of
11 discrimination in the area of employment with regards to
12 women and we're hearing more and you're an expert on this.
13 What rights do the employers have against the person who
14 abuses the system, the female that comes in and is a lousy
15 employee and the employer releases that person and then two
16 weeks later she shows up and says two thousand now or it's
17 going to cost you two thousand to have an attorney. She
18 knows the system. She knows how to work the system, and I
19 just suspect many employers write the check and say, make a
20 business decision and say: I don't need it. I don't need a
21 discrimination case. I don't even need to go through the
22 looking for probable cause.

23 MS. VIKEN: Fair question. And I have represented
24 employers as well as employees in sex discrimination cases,
25 so I've seen that. I had a case where I saw that and we

1 were able to win in that case, but, yes, it does exist. I
2 guess a short answer is that it may be a price we pay for
3 civilized society. Just as people don't like the jury
4 system and what rights we give to criminals in order to
5 ensure that those that are innocent go free. But I don't
6 mean to trivialize that. I do think there's nothing wrong
7 with having attorney's fees awarded against someone who
8 loses in a situation, whether that be the person bringing
9 the complaint or the employer.

10 It doesn't necessarily have to be one-sided. I
11 would tell you, though, Bill, especially out in this area
12 that I don't know of many employers who will write a check
13 when they don't think they're wrong. And the other thing
14 is, quite honestly, it's one of the prices that we pay
15 because we have a system that is an administrative system
16 and intentionally so avoids the use of attorneys for a
17 period of time.

18 At least when I have people who have human rights,
19 I send them to the Commission rather than going myself or
20 trying to interpose. I like to have them have a clean slate
21 for the investigation. Some of that just is going to be a
22 fact of life. I guess, the reality is when the employers
23 don't buckle under, the employees learn that real fast. And
24 quite honestly, any good lawyer who looks at it is going to
25 tell them that's the question.

Complaints
~~Complaints~~

1 MS. BURNETTE: Dorothy has a question, and we have
2 a couple of more over here for the next six minutes.

3 MS. BUTLER: One, where may we get copies of the
4 "Conspiracy of Silence"?

5 MS. VIKEN: They are in limited supply. I'd be
6 happy to find one for you.

7 MS. BUTLER: What steps would you recommend as
8 first steps toward the revival or revitalization of the
9 South Dakota Commission on the Status of Women?

10 MS. VIKEN: Probably a recommendation from the
11 Commission that it would be in the best interest to do that,
12 and then, quite honestly, it's motivating ~~to~~ the people in
13 charge, the legislators and the Governor to do that.

14 MR. MULDROW: Linda, I was told that this
15 Termination At-will Policy in the state resulted not from a
16 particular piece of legislation but from the absence of any
17 legislation.

18 MS. VIKEN: No, we have an Employee At-will
19 termination statute. It's in the books. Unless you have a
20 contract with definite terms and rights such as due process
21 hearing, etc.

22 MR. MULDROW: Has there been an effort to revise
23 that?

24 MS. VIKEN: Oh, yes. There have been efforts made
25 over the years, particularly by the unions, to attempt to

1 eliminate that statute.

2 MR. WALSH: Is that part of the Right to Work?

3 MS. VIKEN: No. It's in the same section, ^{of} the
4 code, but it's not a constitutional provision like the Right
5 to Work is. What has been attempted over the years is to
6 add in a good-faith/fair-dealing requirement so that all
7 contracts have a contract of good faith and fair dealing,
8 which at least raises you above the level of whatever the
9 employer thinks they should do, they should do.

10 MS. BURNETTE: Any other committee members?

11 MS. KIM: What is the present budget for the South
12 Dakota Human Rights Commission, and what would be the
13 optimal amount in your opinion to carry out all the
14 complaints?

15 MS. VIKEN: I don't think I'm in a position to
16 answer that question as far as: What is the current budget?
17 I did know a year or so ago, but I can't tell you anymore,
18 and I think you look at it not necessarily from a pure
19 dollar standpoint but from a staffing need standpoint and
20 then the dollars flow from that. I know for a fact, as far
21 as I'm concerned, they need at least one, if not two more
22 investigators in order to properly carry out their function.
23 And I'm sure there are probably people here who can answer
24 that better than I.

25 MR. VAN PATTEN: The argument about attorney's

1 fees and costs and the argument about the Employment At-will
2 doctrine makes sense to lawyers. One of the problems I
3 sense, at least in talking to my legislator, Vince Greene,
4 is that when you try to make those types of arguments for
5 reforming the legal system to give greater access, it's
6 viewed by others as just a lawyer/welfare bill. Is there a
7 way to achieve some kind of legislative success without
8 running into the anti-lawyer argument or attitude?

9 MS. VIKEN: Well, it is a continual problem. Of
10 course, there aren't very many lawyers in the legislature,
11 but you're right, it's an issue that is particularly known
12 to lawyers. It isn't a question of whether lawyers want
13 fees. Most of us do a lot of pro bono work. It's a
14 question of recognizing that someone will not pursue their
15 rights, but you have quite clearly defined one of the
16 problems.

17 The problem is that the people who are mostly in a
18 position to know what needs to be done are the lawyers, and
19 people do easily, the people on the other side easily use
20 that as an argument. So it is important, and it's one of
21 the reasons I bring it out.

22 Other groups besides lawyers need to come forward
23 and recognize it as an issue and a problem and recognize it.
24 And if you can do that, get women's groups and other
25 organizations for support to work for it, and perhaps it

1 will be successful.

2 MS. BURNETTE: Linda, I have two things. One, if
3 you will submit a copy of the Fire At-will statute and the
4 "Conspiracy of Silence" to Mr. Muldrow's office, he can make
5 sure that those members can get copies of that and it would
6 be available to them. In your opinion, not fact, in your
7 opinion, what in Rapid City on the western part of the state
8 -- and I don't recall you telling us how long you've lived
9 here?

10 MS. VIKEN: Fifteen years.

11 MS. BURNETTE: Fifteen years. And having been
12 involved in women's issues and organizations and
13 representing them in the last decade, in terms of employment
14 discrimination and status of women in the work place in
15 Rapid City, what's going on? I mean, we heard globally,
16 collectively, from you.

17 MS. VIKEN: Well, I would be probably less than
18 honest if I didn't say that I think that the conditions are
19 worse here than they are in the eastern part of the state.
20 And, again, I think part of that is a feeling held in their
21 soul about the ability of everyone to fend for themselves,
22 to "pull themselves up by the bootstraps" mentality that
23 exists.

24 The reality is that that's not that easy for women
25 to do, and also because our income levels and jobs are lower

1 here and because we have a lot of Native American population
2 that are looking for employment and facing difficulties in
3 finding employment, I think the picture is not as rosy here
4 as it is in eastern South Dakota for women.

5 MS. BURNETTE: So do you feel that women are being
6 discriminated against in the work place and not reporting it
7 and just living with it.

8 MS. VIKEN: Oh, no question about that, absolutely
9 no question.

10 MS. BURNETTE: To a significant degree?

11 MS. VIKEN: I think that goes, absolutely goes
12 without question. The numbers of women that have talked to
13 me just privately as a legislator, as a person whose name
14 they have seen in the paper who works in this area,
15 whatever, make it very clear to me. I probably, I suppose
16 once a month get a call from somebody about an issue like
17 that or run into them someplace else, and when you explain
18 the realities to them, what you have to do, a lot of them
19 just don't have the courage

20 MS. BURNETTE: And finally, you pointed out all
21 the barriers that women have, not only in the judicial
22 process, even when there is a finding of probable cause and
23 the conciliation that takes place, financially or otherwise.
24 And what I hear you saying is that there's this difficulty
25 of women going out and hiring attorneys, number one, and not

1 being able to afford the attorneys for what their relief
2 would be, but that there's also problems with not enough
3 funding for the office on the Commission of Human Rights.

4 Again, I think it's important that ~~we~~^{you} know that we
5 can make recommendations, but we can't effectuate any actual
6 change in Pierre, because the Commission, as citizens, we're
7 going to face the same difficulty as you have in that. But
8 if there were three things, whether it's legislatively
9 making new rules changing statutes or empowering
10 organizations with more money or staff, I mean, what would
11 it be to address some of these problems? What would your
12 recommendations be, I mean, hard core recommendations?

13 MS. VIKEN: Well, I mean, I guess if I could dream
14 my dreams, I guess I'd correct the things that I pointed out
15 today, because I think those access problems are what make
16 the difference in somebody's ability to have the benefits of
17 the law. I guess if I had my druthers, my ideal dreams, I'd
18 change the law to provide for attorney's fees in cases.

19 I would reconsider whether a case ought to be able
20 to be removed to circuit court in all situations. I would
21 look at whether refunding the Status of Women Commission
22 might not be a ongoing way to have an emphasis in an area
23 that is important. You know the problem is you always need
24 somebody that focuses on it. You focus on it now, and then
25 the rest of the year nobody focuses on it, so it seems to me

1 that perhaps that's one of the answers that we need.

2 MR. WALSH: Let's accent positive on some things.
3 You know, the tremendous amount of women legislators from
4 this area, even though yourself --

5 MS. VIKEN: Three of us got defeated last time.

6 MR. WALSH: But -- in a number of the industries
7 that have moved into the Rapid City area that employ women,
8 have women managers today.

9 MS. VIKEN: And I do not for a minute
10 underestimate that there has been a lot of progress made. I
11 really know there has been, and I know that there is a lot
12 of good people, employers who are working hard to make a
13 difference. And you're right, I don't want to discredit
14 that, but I came here today because the charge you had was
15 to look at how effective it is.

16 So I decided I was going to be real honest with
17 you about what I saw as the problem. But you're right, had
18 I enough time to focus on some of those things, I would
19 clearly tell you that I worked with a lot of employers out
20 here who are great people and who are working hard to make a
21 difference positively.

22 MS. BURNETTE: I want to thank you, Linda, and I
23 hope some that the rest of day there will be other
24 presenters coming before us that will be able to highlight
25 some of those things.

1 Our next presenter is Bobbi Brown, Program
2 Administrator, Child Care Services from the South Dakota
3 Department of Vocational Services.

4 MS. BROWN: One point I would like to clarify
5 initially is I'm with the Department of Social Services, not
6 Vocational Services. I don't know how we got that mixed up,
7 Bill, but Child Care Services is a program in the Department
8 of Social Services. My job as program administrator of
9 Child Care Services came about in the state two years ago
10 with a passage at the national level of the Child Care
11 Development Block Grant, which was funding which came to
12 states to work on the improving quality affordability and
13 accessibility of child care.

14 In South Dakota, I'm sure if you've seen the
15 recent news articles, we rank number one in the percentage
16 per capita of women that work outside the home with children
17 under the age of six, and for women that work outside the
18 home with children six to 18. Statistically, 71.3 percent
19 of our women who work with children under the age of six,
20 work outside the home, compared to the national average of
21 57.9 percent.

22 For woman with children six to 18 in South Dakota,
23 81.8 percent of our women work, compared to approximately 67
24 percent nationally. We also rank in South Dakota number two
25 in the number of families where there are two parents that

1 work outside of the home, so as we've had this movement of
2 women into the work force, the issue of child care has
3 escalated dramatically in this state.

4 The need for child care -- I did a study about two
5 years ago of cities and counties in relationship to the
6 availability of child care. It is crucial everywhere.
7 There are specific points that we know of in the state where
8 it's more critical than others, and we have recruitment
9 campaigns going on and training and we're trying to rectify
10 some of that, but we have a long ways to go, so availability
11 is an issue for women, for families when it comes to child
12 care.

13 The cost of child care also is an issue for
14 families. I looked at the average cost of child care in the
15 state and compared that to a family that would make \$30,000
16 a year. To have one child in child care would consume 10
17 percent of their income. If they had two children in child
18 care, it would consume 20 percent of their income. It costs
19 approximately three times more to have a preschooler in
20 child care full-time than what it does to pay for
21 undergraduate tuition at state institutions.

22 So it is a major investment for families in a
23 state where wages are at the bottom in this country. What
24 we see in child care as women are moving into the work force
25 to support themselves and their families is that often times

1 women are forced to leave children home alone. We've seen a
2 rise in the juvenile crime rate. Older children, right now
3 the average child being left home alone in South Dakota is
4 eight years of age, which is pretty scary when you think of
5 eight-year-olds home alone.

6 But the fact is that a lot of families, whether
7 you're two-parent or single-parent have a difficult time
8 paying for child care. The other thing that woman do is
9 they quit employment and stay out of the work force because
10 they simply cannot afford child care. And while the cost of
11 child care exceeds the ability that families have to pay for
12 that care, child care providers in this state are the lowest
13 paid workers that we have, so it's really a Catch-22.

14 I'd like to visit with you a little bit about
15 Child Care Services and what we do and what our mission is.
16 As I indicated before, Child Care Services came about in
17 1991 authorized by the legislature and became an office
18 officially July 1, again, to address the issues of
19 affordability, quality, and accessibility. Over the last
20 two years, we've served 2,100 families.

21 We have a Direct Assistance Program, and I brought
22 you some brochures and I'll leave these with you, Bill, for
23 your distribution. We have a Direct Assistance Program.
24 This is for families who are not AFDC but just need
25 assistance with their child care in order to stay in the

1 work force. You must be working or going to school.

2 It is income based. We go to 150 percent to the
3 federal poverty level. So, for example, a family of four, a
4 gross yearly income cannot exceed \$21,000. The families
5 apply -- we have a different system than other Social
6 Services programs in the state. Families apply to a
7 centralized office, so we don't have field staff.

8 Our administrative costs in this program are
9 minimal, and it was designed that way to reserve a majority
10 of the money for the families. We do have a 1-800 number.
11 Our applications are in local Social Services offices or
12 they can call the 1-800 number and we mail them.

13 I believe we have overcome the problem of
14 accessibility to our program. Other states are now looking
15 at a similar organizational structure to minimize
16 administrative costs. Families apply, and then all families
17 on our program must pay a portion of their child care costs.
18 We don't pay 100 percent, but it's based on a sliding fee
19 scale of their income, and the number of people that they
20 have, family members they have in their household. As I
21 indicated, we go to 150 percent of the federal poverty
22 level.

23 Food stamps go to a high of only 133, so we go a
24 little bit beyond that. Our program is designed to prevent
25 families from going on AFDC or those that are coming off,

1 helping them to stay off and not go back on. Nationally,
2 two issues keep women out of the work force. One is
3 transportation and the other is child care, so this program
4 is designed to help keep families in the work force.

5 We do have -- the majority of our families that we
6 serve, currently we have 1,300 active cases, on a monthly
7 basis 2,300 children, spending right now about \$200,000 a
8 month in assistance to families, but it's not solely for
9 single parents.

10 We have two parents in the work force that still
11 qualify for assistance. The majority of our cases are
12 single parents; the majority of our cases are women. I just
13 want you to understand that in South Dakota we have cases
14 where both mom and dad work and they still qualify.

15 As I had indicated, in our program you need to
16 work or go to school. The majority of our assistance cases,
17 families work, and what I find interesting as I look at
18 cases individually, is a number of cases where it's not only
19 one job but it's two jobs. It's not going to school full
20 time if you're just going to school. It's going to school
21 and two or three part-time jobs just trying to survive.

22 I'll leave these child care brochures for you,
23 Bill. And if you would like to have more of them, I did
24 bring a copy of our application if you would like to see
25 that. It's three pages, pretty straightforward, for you to

1 look at, Bill, if you would like that I will send that.

2 The other issues, we think that we impact with our
3 Direct Assistance Program the affordability issue for
4 families, obviously, and also quality and being able to
5 access higher quality programs, because they do have some
6 assistance. In the area of availability and quality, those
7 three topics intermesh, and sometimes it's difficult for us
8 to separate them. But we also have a grant program for
9 child care providers and individuals interested in providing
10 services to children.

11 In over the past two years, we've awarded a
12 million and a half dollars in grants to providers in the
13 state to meet minimal health and safety standards so that
14 children are cared for and when families leave their
15 children in these facilities, they know that smoke detectors
16 work and there's fire extinguishers and they have an escape
17 plan and that the facility has met standards.

18 We have funding that funds early childhood
19 education programs, before and after-school programs, which
20 are critical in many areas of our state, and then we have
21 funds that we spend training, and we believe that that's the
22 key to improving quality. Knowing that when a family leaves
23 a child, their children in a facility, that they are a much
24 more productive employee.

25 There's less absenteeism and less turnover if they

1 feel good about where that child is. Over the last two
2 years we've seen a 33 percent increase in the number of
3 providers in the state that have met those health and safety
4 standards. It's not a guarantee that it's a perfect system,
5 but it does say that these people have met these standards.

6 As I indicated before, we have some recruitment
7 efforts going on in geographic areas in the state, lack of
8 child care to meet the demands. Also there is the specific
9 types of child care. Infant care, care for special needs
10 children, care in rural areas, and also what we call shift
11 worker care.

12 If you're employed from 6:00 in the evening to
13 2:00, or if you have a nighttime shift, care in those areas
14 is very difficult to find. The majority of our providers
15 still provide care 7:30 to 5:30, so if you happen to be in
16 one of those industries, shift worker care is very difficult
17 to find. And I think historically what happened is if you
18 have that type of employment, you still had access to a
19 family member but as our population has moved, we've lost
20 those support systems that are no longer there.

21 We feel that we've done a good job, but we
22 recognize that we've only taken baby steps and we have a
23 long ways to go. The Department of Social Services and the
24 Governor's office is very supportive of our efforts. In
25 Bill's letter to me, he asked that I look at what

1 recommendations I might have. I think certainly a
2 continuation of the efforts that we started in our office.

3 Some of the issues that I hear from women are a
4 desire to have a flex schedule, to meet the needs of the
5 children schedule. Maybe job sharing or part-time
6 employment. Most women in this state that I visit with
7 really have a desire to spend time with their children and
8 are concerned about what's going on in their children's
9 lives.

10 And as I work more with employers, my goal is to
11 help them to see the importance of allowing flex schedules
12 so that that mom's or dad's, whoever, can meet the needs of
13 the job but also the needs that the children have. And, I
14 guess, the final thing that we look at, I know I had a
15 couple of newspapers call me when the articles came out
16 about the percentage of women working and why it is that,
17 and I think the Labor Department responded adequately: When
18 you look at wages in this state, it's not really a choice
19 for women.

20 Women are working just to survive in this state,
21 and that doesn't matter whether you're a single parent or
22 married. For a lot of our families it's just basic putting
23 food and rent, having some kind of health care, medical
24 insurance.

25 I really appreciate the opportunity to visit with

1 you. These are kind of my ideas. And I wanted to share
2 with you where we started. And, again, I appreciate the
3 time, and I would be happy to answer any questions you might
4 have.

5 MS. BURNETTE: Thank you, Bobbi. We have about
6 five minutes to ask questions, so unless your questions are
7 specifically targeted to Bobbi's program and what her
8 testimony was -- David.

9 MR. VOLK: Bobbi, the federal government, how do
10 you interact with the federal government and what they do in
11 this area? Do they do anything?

12 MS. BROWN: The majority of our funding comes from
13 the federal government and over the last year and a half,
14 I've had the opportunity to serve on a ten-member advisory
15 board to the federal government on the Child Care
16 Development Block Grant and early childhood programs. The
17 issue for states in this is that there are currently five
18 funding streams for child care and the paperwork and the
19 reporting is overwhelming.

20 I feel sometimes I spend so much time doing
21 paperwork and reports that it's really difficult to really
22 work programs and develop programs, so what we've worked
23 with them on is streamlining the funding sources into one.

24 MR. VOLK: Five federal sources of revenue?

25 MS. BROWN: Five different reporting requirements,

1 different eligibility requirements.

2 MS. BURNETTE: What does the state give you?

3 MS. BROWN: The state gives me matched federal
4 money.

5 MS. BURNETTE: 50/50?

6 MS. BROWN: No, right now it's at the FMAP rate,
7 federal Medicaid rate. And right now I think that's about
8 26 percent of the state dollars, 74 percent. The Child Care
9 and Development Block Grant is 100 percent federal.

10 MS. BUTLER: Bobbi, are you directly involved in
11 quality insurance?

12 MS. BROWN: Yes, we license all child care
13 facilities in the state, and we fund a tremendous amount of
14 -- last year, I can't tell you how many numbers, dollar-wise
15 it was at \$50,000. Yesterday and today there is a major
16 training going on in Sioux Falls. It's a training, the
17 trainer's concept to train child care providers to care for
18 special needs children. If you have a special needs
19 children, care is almost nonexistent.

20 MS. BUTLER: Facilities as well?

21 MS. BURNETTE: Can I just interrupt. We can
22 continue with the questions, we might have a little bit of
23 luxury time if Jeff Stingley is not here.

24 MS. SCHIPPER: Excuse me, Jeff was not able to
25 attend, so I am Jeff Stingley today.

1 MS. BROWN: We also do parent education and this
2 is how you choose quality child care.

3 MR. POPOVICH: This committee heard from Joanne
4 Redlin over in Sioux Falls, that the lobbyists, there's 575
5 lobbyists, and out of those she is one of the only lobbyists
6 that's worked on child care issues and women's issues.

7 Do you feel that the legislature listens to your
8 causes in these issues, employment for women and child care?
9 Also, are there any laws now presently on the books that you
10 would like to see passed by the legislature that would help?

11 MS. BROWN: I think that what I've seen
12 historically in child care is that before Child Care
13 Services became a program, an official program in the
14 Department of Social Services and the state government,
15 there was a major lobbying effort. Now, in the last two
16 years we've seen less of that, because our office deals
17 directly with advocates and works with them to provide child
18 care in the state.

19 There are currently in -- South Dakota Coalition
20 for Children has a work group on child care that we were
21 working with. I'm certain it could be more, I think,
22 information shared about child care and children in general,
23 children's programs in this state. As far as specific laws,
24 child care is licensed in this state as child welfare, Child
25 Welfare Agency, and we're working to look at that and to see

1 how that impacts child care as an industry, versus, like, a
2 residential treatment facility.

3 Our big push in the next year will be to work with
4 employers to try to encourage them, share with them. I'm
5 meeting with Economic Development Committee not next week,
6 the following week, to share information with employers
7 about what options they have, what they can do. Often
8 times, I think, employers don't want to do anything in the
9 area of child care, because they don't know very much about
10 it.

11 The only solution they see is building an on-site
12 child care facility. They can't afford it, don't understand
13 how it's run. Nationally, those programs haven't been
14 successful. When they built on-site child care facilities
15 their employers ^{rarely} ~~kind of~~ use them, ^{but use} other options.

16 MS. BURNETTE: I have one last question and
17 perhaps if you don't have the information, we can get some
18 of it sent to Bill, because I think it would be interesting,
19 and that is: Other than just raw data, what's the length of
20 time a child spends in this program? You said you had 1,300
21 cases. What's the demographic make up of those 1,300? How
22 many are tribal? Nontribal? How many are handicapped?
23 Special need?

24 MS. BROWN: I don't have all of those numbers, but
25 I can certainly share those with you. When the state

1 received funding to begin this program there were six tribes
2 that also received money to begin programs and we worked
3 very closely with them. They decided that they wished to
4 seek funding from the federal government and have been
5 successful in their program. We worked very closely with
6 the tribes. So there are tribal programs and then there are
7 state programs and families can access either program.

8 MS. BURNETTE: And we don't have the luxury of
9 time, but I would be interested, and I'm sure the Committee
10 would be, to know where out of that 1300 that concentration
11 is and where your need is, which is where? I assume, your
12 recoupment efforts are going on is where the need is, the
13 Child Care Services, so we would be interested in knowing
14 where. And that, I think that would tell us where women are
15 in the work place. Thank you very much for sharing that
16 with us.

17 MS. BURNETTE: Our next presenter is
18 Jeff Stingley's representative who is the secretary for the
19 South Dakota Department of Commerce and Regulations. If you
20 will introduce yourself and tell us why Jeff sent you.

21 MS. SCHIPPER: I am Jeannette Schipper. I am the
22 business manager for the Department of Commerce and
23 Regulations. And Jeff, being the department secretary,
24 sometimes is not able to put his time where he wants to put
25 it, and he did intend to come but something came up so I am

1 the last minute replacement.

2 I have been with the Department of ^{Commerce} ~~Congress~~ and
3 Regulations~~x~~ for 13 years and have worked with the Division
4 of Human Rights over the years in the areas of budget and
5 personnel, and very recently with ^{the} ~~funding~~ administrations~~x~~ of
6 the Human Rights Division in addition to my other
7 responsibilities. So as far as the inner workings of the
8 division, I am very new and I do have a lot to learn. ~~And~~
9 ~~the little bit I do learn, I learn, but I have more to~~
10 ~~learn.~~

11 But I understand what you wanted today was
12 basically about --

13 THE COURT REPORTER: Ma'am, can you speak a little
14 louder, please.

15 AUDIENCE SPEAKER: Excuse me. Can you put the
16 microphone in?

17 MS. SCHIPPER: In 1972, the South Dakota
18 legislature passed the South Dakota Human Relations Act of
19 1972, which was effective July 1st of that year and is
20 published in ^{SD Codified} ~~"Qualified Laws"~~ Title 20, Chapter 13 and it
21 prohibits discrimination because of race, color, creed,
22 religion, sex, ^{ancestry, disability,} and national origin.

23 It ^{Covers} ~~comes to~~ employment practices, labor union
24 memberships~~x~~ and services, housing accommodations, education,
25 public accommodations, public services, and property rights.

1 It also makes discrimination illegal against anyone who has
 2 filed a complaint ^{With} ~~for~~ the Division of Human Rights or who
 3 has testified on a matter before the Division, or who has
 4 assisted the division in investigating. The South Dakota
 5 Human Relations Act of 1972 applies to everyone with few
 6 exceptions.

7 There are allowances made for religious
 8 institutions in the areas of employment and education as
 9 well as ^{exemption} ~~protection~~ for sex discrimination, for voluntary
 10 youth services organizations, veteran's organizations,
 11 fraternities, sororities, and father/son, mother/daughter
 12 activities. The commission, like other state agencies, may
 13 not enforce the laws ^{against} ~~of~~ the federal government nor assert
 14 jurisdiction over ^{tribes or} tribal-owned enterprises. The Human
 15 Relations Act of 1972 created the Commission on Human
 16 Rights, and that's a five-member commission. Ivera Harris,
 17 here from Rapid City; Doug Evenstad and Karen Gerdes from
 18 Pierre; Gordon Jones ^{from Handreau} and Eric Rasmussen from Brookings are
 19 the current members of that commission.

20 They are appointed by the Governor for a four-year
 21 term. They are not state employees; they are, however,
 22 individuals who are very devoted to the responsibilities to
 23 which they have been assigned. Their basic responsibility,
 24 along with the basic responsibility of the ^{division} ~~individual~~, is to
 25 promote these laws ^{through} ~~to~~ the administration ^{and enforcement} ~~on the importance~~

1 of the Human Relations Act of 1972.

2 The division investigates complaints and if it
3 finds a complaint justified, it does seek settlement and
4 works to permanently correct any discrimination practices.
5 The Commission, a commissioner, the Attorney General, or a
6 state's attorney may initiate a complaint and investigation
7 if they believe the South Dakota Human Relations Act has
8 been violated.

9 The Commission holds public hearings on complaints
10 ^{where} ~~for~~ a determination ^{of} ~~where~~ probable cause is made and where a
11 settlement could not be reached ~~by contacting the~~
12 ~~affiliation of the staff members.~~ Where the Commission
13 finds a violation as a result of the hearing, it ~~is the~~ ^{issues}
14 orders to correct the discrimination practice ~~after the~~ ^{and to prevent}
15 ~~event of the~~ ^{re-} occurrence.

16 They can ~~be~~ grant equitable relief in the form of
17 back pay and reinstatement. They can only provide for
18 attorney's fees ~~and~~ ⁱⁿ housing actions. The commission has
19 chosen to meet on a quarterly basis. The next meeting is in
20 December via the ~~RDM~~ ^{RDT} Network. The division ~~is~~ employees do
21 provide technical assistance to employers, real estate
22 agents and landlords, labor unions and other ^{interested}
23 ~~parties~~ in affirmative action and voluntary compliance as
24 well.

25 And they also provide public information, and we

1 work with individuals, ^{civic and} ~~in civil~~ professional groups and civil
 2 rights groups to promote equal opportunity.

3 And I'm sure that you're all aware of the act and
 4 what it does cover. In employment, it's unlawful to hire,
 5 lay off an employee, or treat persons differently in terms
 6 and conditions of their employment because of race, color,
 7 creed, religion, sex (including pregnancy), ~~which was recently~~
 8 ~~ancestry~~, disability, and national origin. Currently,
 9 the Division of Human Rights does have a director of
 10 investigation and an investigator.

11 The division has undergone some turbulent times in
 12 the past few years. Our past division director Beth Pay, a
 13 little over two years ago found that she had cancer and
 14 fought long, hard battles against that ^{disease} ~~issue~~, but in the
 15 end, she did lose the war and we lost Beth last spring.

16 During that time it was difficult for Beth to work
 17 on a full-time basis when she was fighting her illness and
 18 receiving treatment, so we did go through some rough times
 19 then. At the same time that ~~we did lose Beth~~, Beth was
 20 unable to work full-time, we lost our seasoned investigator,
 21 who chose to move out of the state, so we have had some
 22 rough times and we are working to recover from those times.

23 When we lost ^{Ray Falk} ~~Ray Falk~~, he moved out of state, we
 24 were able to hire Bill O'Toole as the new investigator who,
 25 of course, had to be trained in the Human Rights ^{Louis} ~~Office~~ and

1 the workings of the state and the workings of the laws, and
2 has done very well and we're very pleased with Bill.

3 During the latter part of Beth's illness, during
4 the last legislative session, we also lost one FTE ^{and} in the
5 corresponding budget dollars, so there we were losing an
6 FTE, a very ill director, and a new investigator. So we've
7 been struggling. During the legislative session, we did
8 receive some dollars to get some ~~construction and~~ ^{contractua}
9 investigat~~ion~~ ^{ors} and that is working out very well. When we
10 lost Beth, we ~~advised~~ ^{advertised} then for another investigator and ~~to~~ ^{to}
11 and behold the individual who had left the state and who had
12 left the Division of Human Rights had returned and was
13 looking for work and wanted to come back to Human Rights, so
14 we were able to hire him.

15 So right now we do have two employees working in
16 the division, both in the investigative process. As far as
17 ~~women~~ ^{sex} discrimination, we average about 50 charges that we
18 have to investigate each year. It was 54 in federal fiscal
19 year 1992; it was 52 in federal fiscal year 1989. I was
20 unable to get you the '93 figures, because as our luck will
21 sometimes have it, our computer crashed and I couldn't get
22 those for you. The two investigators work very hard, are
23 very dedicated and very thorough in their work. [¶] Most of
24 their intake is done via the telephone.

25 ✓ They take the initial complaints from the

1 charging party, forward it on to the respondent, who is
2 given an opportunity to respond and from there an
3 investigation ensues. Because of some of the hard times
4 that we have faced in that division, we do have a backlog
5 and our current caseload is over 200 cases, ^{and this} ~~that doesn't~~
6 include all of the areas we must investigate.

7 We do have a contract with the Equal Employment
8 Opportunity Commission, who provides us some federal dollars
9 based on that contract. The way ^{the} ~~is~~ contract is determined ^{is the}
10 they look at the number of cases we completed between July 1
11 and June 30th of the prior year and determine what the
12 contract will be for the upcoming October through September.
13 We have for the 1994 fiscal year, a contract for 54 cases, I
14 hope.

15 I haven't heard any differently. As I understand ^{it,}
16 the regional office is ^{recommending} ~~affording us in~~ that contract, after
17 the end of the third quarter they will reevaluate and maybe
18 give us an upward modification of that contract. This year,
19 with the contractual help and with the fact that we have two
20 seasoned investigators on the staff and having moved some of
21 the administrative duties out of that office to free them up
22 to be able to handle their caseload, we're hoping that we're
23 going to go way past that contract and work towards getting
24 more federal budget dollars coming into the state of South
25 Dakota.

1 I think that's about all that I have to say, and
2 I thank you for putting up with me instead of Jeff. If you
3 have any questions that I can answer, I will answer them.
4 If you have any questions that I can't answer, I'll make a
5 phone call and find the answer.

6 MR. VOLK: What is your general fund dollars from
7 the state? What was your budget last year? Do you know
8 what that was?

9 MS. SCHIPPER: In fiscal year '94, which just
10 started July 1st, our general fund dollars are about \$90,000
11 and our federal fund authority is \$20,000. That will change
12 next year. We try to monitor what federal funds we expect,
13 so it changes year to year.

14 MS. KIM: Is it including staff wages or salaries?

15 MS. SCHIPPER: Yes.

16 MR. MULDROW: In terms of time, you say 200
17 backlogged cases. In terms of time, what does that involve?

18 MS. SCHIPPER: It's not all backlog. It's the
19 current caseload, and there is a backlog within that. We
20 receive probably over 50 charges each year, but we do have
21 some that are getting quite old. We measure them in
22 increments, and I can't give you the number, some ~~that~~ are
23 probably 270 days old. We're feeling good ^{OK.} ~~that~~ we're
24 forging ahead right now, but it is going to take time. It's
25 not something that's going to be taken care of overnight.

1 MR. VOLK: Did you say who the new director is?

2 MS. SCHIPPER: We do not have a director. The
3 Commission, the Department, the division employees, and the
4 EEOC kind of got together and did a fact-finding, ^{and} ~~just~~ a
5 brainstorming session, and the decision was made that
6 probably the best thing to do, because of the hardship that
7 we had experienced, was to focus in on investigation and
8 focusing on settling many of these cases we have ~~there~~, so,
9 therefore, that is why I have the administrative side. We
10 don't have a director as such.

11 MS. BURNETTE: Phyllis has a question.

12 MS. OLD DOG CROSS : Do you handle complaints
13 from reservations the same as you would from a
14 nonreservation area?

15 MS. SCHIPPER: As I understand it, we do not have
16 jurisdiction over tribes and tribal-owned enterprises. I
17 don't know if -- that's one thing I would have to check for
18 you. Like I said, I'm ~~kind of~~ on the administrative side
19 and have a lot to learn.

20 MR. POPOVICH: Out of those 50 charges, that was
21 in 1992 I understand?

22 MS. SCHIPPER: Federal fiscal year 1992, 52
23 charges.

24 MR. POPOVICH: How many of those were job-related?

25 MS. SCHIPPER: I can't tell you. We don't break

1 it down into those areas. It would include harassment,
2 discrimination and hiring. And it would include housing, so
3 I cannot break it down.

4 MR. POPOVICH: On a follow-up, you have two
5 investigators that service this whole area, service South
6 Dakota?

7 MS. SCHIPPER: Yes, there is a ^{Sioux Falls} ~~South Dakota~~ Human
8 Relations Commission also that services Sioux Falls and then
9 the Rapid City Human Relations.

10 MR. POPOVICH: So, I guess, generally you feel
11 under-funded, wouldn't you, that you can't take care of all
12 these cases?

13 MS. SCHIPPER: Well, we did go through some hard
14 times with Beth's illness, which was a very long, lengthy
15 illness and with turnover in the staff, that has put us
16 back. We are working with contractors right now, and we
17 feel we are going to be forging ahead.

18 MR. VOLK: The backlog is essentially due to
19 what's gone on with the turnover. Generally, you have in
20 the past kept up with your caseloads.

21 MS. SCHIPPER: There's always going to be a
22 backlog, just because of the nature of the business. You're
23 waiting for responses from respondents or witnesses or
24 whatever. We've always had somewhat of a backlog, and
25 that's going to happen under the circumstances, definitely.

1 I did just go along with the Bill O'Toole, who is the
2 director of investigations to a meeting of the EEOC, for the
3 division, *and we are not the only State with a*
backlog.

4 MR. MULDROW: Jeannette, to follow up on what you
5 said, I think that the one complaint that I have seen most
6 is the long waiting period entailed after a complaint is
7 filed and it has a chilling affect on other women filing
8 complaints because they say it takes such a long time that
9 by the time all the investigating is involved it's almost, I
10 mean, you know, I sense something different from what you're
11 saying that aside from the inner turmoil that you had on the
12 staff you are able to satisfactorily keep up.

13 MS. SCHIPPER: No, I'm saying that there is always
14 a backlog, and currently we do have quite a backlog. It has
15 run into where there ^{are} several ^{cases} ~~occasions~~ ^{older than} ~~overrun~~
16 ²⁷⁰ ~~the 70~~ ^{are} ~~day period.~~ We ~~have~~ ~~and~~ working with the EEOC where
17 we are going to have to try to work from different stages
18 from the backlog to relieve that. Sometimes you can't
19 always get to the backlog because a new case will come in
20 and that goes right along.

21 MR. MULDROW: At one time the Commission had a lot
22 more staff. Do you feel that the level of resources you
23 have now is adequate to meet the need in the state in terms
24 of complaints that people have?

25 MS. SCHIPPER: I work for the state of South

1 Dakota. We have, in the upcoming budget, requested the
2 reinstatement of one FTE and the corresponding dollars to go
3 with that. I don't know what the future of that is.

4 MS. BUTLER: Did you indicate that there is a
5 backlog of 200 cases?

6 MS. SCHIPPER: A current caseload of about 200
7 cases, not necessarily a backlog of 200 cases.

8 MS. BUTLER: And your total staff consists of
9 two --

10 MS. SCHIPPER: Investigators.

11 MS. BUTLER: There was a question about the number
12 of women or minorities on the staff currently employed?

13 MS. SCHIPPER: Right now, our two employees are
14 gentleman, white males, but they are very dedicated
15 individuals.

16 MS. BUTLER: I understand that and appreciate
17 that.

18 MS. SCHIPPER: On the Commission, we do have two
19 women. One of them is a black woman. We have a Native
20 American gentleman also on the commission.

21 MS. BURNETTE: I have a couple of questions. It
22 sounds to me we heard in Sioux Falls near rage about EEOC's
23 lack of responsiveness to this state's needs, and what I
24 hear you saying from your testimony is that you're in
25 somewhat of a Catch-22. The number of cases that you settle

*I should have
changed this - not
my testimony*

1 is dependent on how much money you get ~~as claimed~~ in your
2 contractual agreement with the EEOC and what comes back into
3 your office.

4 It sounds like you're in a pretty tight position
5 here. What is your total operating budget and out of that,
6 how much is EEOC? And how much in percentages and what does
7 the state general fund give you, and with that we heard in
8 Sioux Falls that there have been little or no efforts to go
9 before the state legislature.

10 And what was required was an immense lobbying
11 effort to empower your organization to do what you have been
12 charged by that very legislature to do in turning out your
13 work. What efforts have been made, that you're aware of, to
14 put your office to full function order, where people's
15 complaints can be met expediently, and what do you, other
16 than, what, one FTE, what is it as a state employee do you
17 feel you need to make that office work better for all
18 citizens in South Dakota?

19 MS. SCHIPPER: The first question you had was
20 dealing with the EEOC and a Catch-22. Like I said, the
21 contract is determined based on the completion of cases from
22 July 1 to June 30th for the upcoming October through
23 September. When we did experience the loss of the FTE, the
24 EEOC regional office director did come down and participate
25 in the brainstorming session to ^{review} ~~discuss~~ our caseload with the

1 current staff and what plans were made for the future.

2 We have increased our caseload. We were at 37
3 cases at the end the third quarter of the last agreement.
4 They did give us an ^{upward} ~~upward~~ modification of a couple of cases,
5 so there wasn't a lot of money coming. The current budget
6 that we are operating out of right now is \$81,100 ~~just on~~ ^{general}
7 funds and \$19,300 federal funds.

8 In the next year with our case contract being 54
9 cases, we are hoping to increase the federal funding a
10 little bit, but because we've asked for the reinstatement, ^{of the FTE}
11 we are ^{hoping} ~~asking~~ for an upward increase of the federal
12 fund^{ing} ~~ing~~ and it is a Catch-22.

13 I did talk to the regional director just earlier
14 this week, and we have informed him that we are going to be
15 working very hard to more than fulfill that contract ⁽¹⁹⁹⁴⁾ so we
16 can get out of that Catch-22 when it comes to federal fiscal
17 year '95. ~~I've been in more cases where people have shown ?~~
18 ~~they are working on it and~~ hopefully at that time after this
19 contract, we will have more federal dollars coming in.

20 As far as what we can do to get the division full
21 steam ahead, our current investigators and contract help are
22 working. They are making progress. They are submitting 15
23 cases this month to the EEOC alone. And that doesn't count
24 cases that we would complete or close that are not EEOC
25 cases. Of course, we would like to have the FTE back that

1 we did lose last legislative session, because right now we
2 are working without support staff, ~~and we have found~~ ^{decided} in our
3 brainstorming sessions that we should go with the
4 investigative staff totally.

5 As we have two investigators working alone, we
6 find that ~~that~~ ^{support} staff is very, very vital just for the
7 computer work that needs to be done, so we hope that we get
8 that support staff and I think that's going to make a big
9 difference. As to whether or not we would still continue
10 with the administrative functions ~~and taking care of outside~~ ^{being taken}
11 the division to free up their time ~~to work on the budgetary~~ ^(the Division's)
12 ~~issues~~, I do not know.

13 MS. BURNETTE: Let me clarify. If you had one
14 more FTE, you feel that that would be adequate to handle the
15 caseload that you have?

16 MS. SCHIPPER: I don't know, personally, myself
17 what would be adequate. I do know that the one FTE
18 reinstated would be extremely helpful. Support staff is
19 necessary.

20 MS. BURNETTE: Thank you very much for coming
21 today.

22 MR. VAN PATTEN: I would like to know, are there
23 any changes in the law that you think would be necessary in
24 order to make your division more effective, or is it, at
25 this point, a matter of funding alone?

1 MS. SCHIPPER: We have just started a review
2 process of legislation in the Department and no changes are
3 being sought at this time. In the Division of Human Rights,
4 it doesn't cover age, but we will not be approaching that.

5 MS. KIM: I have one question, if I may. When
6 does the case become backlogged? And what is your oldest
7 backlog dated? And what is your average time taking to
8 close the cases?

9 MS. BURNETTE: B.J., maybe that's information that
10 Mr. Muldrow can get.

11 MS. SCHIPPER: Yes, that would be better, because
12 I don't know.

13 MS. BURNETTE: Thank you very much for coming.
14 Before we lose some of our public this morning, I would like
15 to invite all of you to take the "Employment Discrimination
16 of Women in South Dakota" legislative handbook. This is the
17 result of the first phase of this committee's work was
18 compiling federal, state, and local laws and ordinances that
19 govern women's protection in the work place and their civil
20 rights. It also has a resource directory in the back of it
21 where we can go to file complaints. So this was the first
22 phase of our project and we're in the midst of the second
23 phase of our project at this point, so we don't want to let
24 you go without mentioning this pretty valuable document.
25 And that of which John Van Patten deserves a great deal of

1 credit for his expertise in putting this together.

2 MR. MULDROW: Copies are available in the back.

3 MS. BURNETTE: We're going to be taking a 15
4 minute break. We'll be at back at five minutes to eleven.

5 (Recess.)

6 MS. BURNETTE: I would like to call our forum back
7 to order, please. Our next presenter this morning is here
8 and he's on a tight time frame as well. I would encourage
9 you, Dennis, if Stephanie can't hear you, and she's from New
10 York, a recent resident to Rapid City, so to articulate.

11 It might be helpful, if you're not uncomfortable,
12 to stand at the microphone so that we don't have that
13 difficulty. Our next presenter is Dennis Hull, and he's a
14 civil rights program manager for the Division of Finance for
15 the South Dakota Department of Transportation. Welcome,
16 Dennis.

17 MR. HULL: Good morning. I guess as a sideline,
18 we were talking in the hall and some of the faces are
19 familiar. I think it was about eight or nine years ago we
20 were up at the college talking about minority business
21 programs and many of the faces on the committee are still
22 here.

23 Members of the committee, Director Muldrow. My
24 name is Dennis Hull. I am a manager of the Civil Rights
25 Program of the South Dakota Department of Transportation.

1 The Department is pleased to be a part of your briefing
2 forum today. And, as I indicated, we don't want to make it
3 eight or nine years between visits if we can.

4 As an employer and as a recipient of federal
5 funds, the South Dakota Department of Transportation, of
6 necessity, must meet a number of what we broadly term civil
7 rights requirements, equal opportunity in employment and
8 bidding, nondiscrimination in the use of federal monies,
9 opportunity for disadvantaged business enterprises to
10 participate in federally assisted contracts, on-the-job
11 training programs for minorities and females, and
12 enforcement of EEO and nondiscrimination requirements for
13 contractors and sub-recipients of the department.

14 The Civil Rights Program in the Department is
15 responsible for the development and implementation of the
16 in-house programs necessary to carry out these mandates.

17 Many of these requirements have been integrated
18 into the regular procedures and process of the Department
19 and the role of the Civil Rights Program is not so much to
20 manage but to monitor performance, provide information to
21 the Department executives and provide the required reports
22 for the federal Highway Administration, which is the lead
23 agency for many of these programs and which funds, of
24 course, the largest part of our activity.

25 The department also works with the federal

1 assistance programs of the Federal Transit Administration,
2 Federal Aviation Administration, or the Federal Railroad
3 Administration, all of which are component agencies of the
4 U.S. Department of Transportation. Today I'm going to
5 provide you with some information relative to the employment
6 of women in four areas with which the Department is
7 involved.

8 First is employment of women within the highway
9 construction industry. Second, the participation of women
10 in the on-the-job training program, which is a component of
11 our Federal-aid Construction Program. Third, the Department
12 employment of females in nontraditional roles. And then
13 fourth, I will briefly touch on the participation of women
14 business enterprises in the Department construction
15 contracting.

16 I have provided a packet of materials for each of
17 you, and the first item in the packet of materials is a copy
18 of an employment report form, which is filed by each
19 contractor and subcontractor who has a contract of \$10,000
20 or more on a Federal-aid project and who is working during
21 the month of July. In other words, it's a snapshot picture.
22 There is a separate report for each contractor for every
23 project that they work on, so we end up with some seven or
24 800 reports.

25 We compile those individual reports into a

1 comprehensive report for the Federal Highway Administration
2 reporting total employment by race and gender in each of
3 those job categories shown. It is from these reports that I
4 have taken the information on female employment, which is
5 found on the second page in your packet.

6 This page is a summary report covering the years
7 since 1980. Please note, however, that 1985 is missing. I
8 couldn't find the report for that year. I did not attempt
9 to analyze all of the job categories listed but selected
10 those four categories which include most of the female
11 employees, the equipment operators, truck drivers,
12 semi-skilled laborers, and unskilled laborers.

13 But I should mention that there are women in most
14 of those other categories from time to time, but those are
15 the four largest. Because the actual number of employees,
16 both total and female and their distribution among the
17 various categories varied so much from year to year, it
18 might be best if we use percentage as a more valid measure
19 of participation.

20 For example, in 1980 females accounted for 9.1
21 percent of total contractor employment. That's in Column 4,
22 which they're not numbered but the fourth column from the
23 left. In 1993 this percentage increased slightly to 9.3
24 percent but in the intervening years, it ranged from a low
25 of 5.7 percent and a high of 9.5 percent.

1 Quite frankly, before I began reviewing this data
2 closely, I had expected to find a generally upward trend in
3 this percentage from 1980 to the present, but as you can see
4 this is not the case. Contractors have pretty consistently
5 been employing females on highway construction projects
6 somewhat in excess of their ~~parent~~^{apparent} availability, which is
7 based on the census data and in excess of the overall
8 employment goal set by the U.S. Department of Labor, which
9 is currently 6.9 percent. In other words, I had expected to
10 see the lower figure back in the 1980's and then gradually
11 come up, but it's been fairly good all the way across.

12 Taking a look at some specific categories, in the
13 equipment operators categories, we see that the average
14 participation is 3 percent of the equipment operators.
15 About 10 percent of the women who are working are in that
16 category. If we toss out the low of 1 percent and the high
17 of 5.1 percent in this group, we find the participation has
18 remained fairly steady at about 2 1/2 to 3 percent.

19 When we move over to truck drivers, we see much
20 the same pattern. Quite a ^{bit of variation in} participation rate ranging from
21 about 2 percent to a little over 6 percent, ~~pulling~~^{putting} an
22 average right around about 4 percent. Even wider swings in
23 both actual numbers and in percentage rates become apparent
24 when looking at the semi-skilled laborers. ~~However, this is~~
25 ~~not a precise definition.~~ There is not a precise definition

1 for this category. It becomes almost a contractor's
2 decision as to which laborers might be considered
3 semi-skilled and which are classed as unskilled.

4 I would expect that we would find air-tool
5 operators, for example, in this semi-skilled group, people
6 who work with such things as rock drills, concrete chippers
7 and so on. But contractors might also include pipe layers,
8 landscape workers, pilot car drivers in here. I have no way
9 of knowing. Regardless, you will note that the numbers are
10 fairly small for the semi-skilled group averaging somewhat
11 less than 17 persons or about 7.6 percent of that category.

12 By far, the largest single employment category for
13 females is that of unskilled laborer. This would include
14 common laborers, flaggers, might also include, depending
15 upon the contractor, pilot car drivers, landscape workers,
16 and maybe even again some air-tool operators. Here the
17 numbers range from a high of 136 women or 30 percent of
18 group down to 42 persons or less than 14 percent of the
19 group. Averages are 83 and 20 percent respectively.

20 The last two columns on the right are the total of
21 these four categories that we've been talking about. In
22 1993, for example, the number of women in these four
23 categories total 197 or almost 94 percent of all the females
24 reported that year. The other 6 percent would be scattered
25 in other categories. These four categories do account for

1 the bulk of female participation in contractor work force.

2 If I were to draw any general conclusions from
3 this data, I would say first, the contractors, in my
4 ~~information~~ ^{estimation}, have done a good job in involving women in what
5 has traditionally been a men's world, that of highway
6 construction. There have been modest improvements in the
7 participation of women in the more skilled and higher paid
8 positions over the years. I'm sure a skilled statistician
9 would probably be able to discern other patterns and trends
10 here that I have missed, but, I guess, I have always been
11 pretty proud of the contractors for their consistent efforts
12 over the years.

13 It is worth noting, too, I think, that female
14 employment is higher for some types of contractors than
15 others, just given the nature of the work involved. So the
16 mix of projects which is going on during July of any one
17 year has a lot to do with what the actual participation of
18 women in the contractor work force will be that year.

19 For example, bridge builders have a very difficult
20 time attracting and retaining women due to the fact that
21 there is a considerable amount of heavy physical labor
22 associated with bridge building, placement of forms, moving
23 and placing ~~and~~ reinforcing steel or placing concrete.

24 And normally bridge builders rely on temporary
25 detours and the use of signs and traffic cones around their

1 work sites, so they're not going to have flaggers either.
2 So the opportunity for women with that group is very small,
3 and if you happen to get a summer where you're building a
4 lot of bridges in July, the women numbers are going to be
5 down, at least I would expect to see them down.

6 One of the responsibilities I have is to conduct
7 compliance reviews on selected projects each year to verify
8 contractor compliance with EEO requirements of the
9 contracts. I have included in your packet an outline of
10 those requirements, which my office prepared for use by
11 contractors in putting together their own EEO programs, and
12 I should mention, I could make a separate pitch here, I
13 think, myself that federal government, in its infinite
14 wisdom, at one time had three sets of EEO requirements in
15 their contracts all generally the same, but varying some in
16 detail.

17 We're now finding down to two, and if we could
18 ever get it down to one so they would all be in one spot, it
19 would help. That was the purpose of the outline was to try
20 to consolidate some of those requirements. The outline
21 identifies each of the requirements that have to be met for
22 federal-aid highway projects.

23 I have also included one of the sets of EEO
24 contract provisions, because this is the one which shows the
25 specific minority and female employment goals for projects.

1 These items are included for your information. As a result
2 of EEO reviews which we conduct during the construction
3 season, contractor efforts in terms of meeting employment
4 goals, our experience and finding indicates that contractors
5 have consistently demonstrated good efforts to try and
6 locate and recruit female applicants for available
7 positions.

8 One of the problems we have and I say we meaning
9 the Department and the contractors, is that women have not
10 organized the types of organizations similar to that
11 minorities have for job placement. There is no female
12 equivalent, for example, of the United Sioux Tribes or
13 others. For example, United Sioux Tribes has become a very
14 useful recruiting device for us in areas outside of the
15 reservation.

16 They may refer some females, but they are not
17 primarily set up as a female referral organization. At one
18 time, for example, I had hoped that the women's resource
19 centers which were developing would be able to fill that
20 niche, but they have tended to focus on different problems,
21 different areas such as family programs, spouse and child
22 abuse, and they are not really structured right now to
23 become an employment referral source. So contractors have
24 to pretty much rely on the ~~old~~ Job Service in most areas of
25 the state as being their best employment referral source.

1 Another facet of contractor employment is the
2 on-the-job training which takes place on selected projects.
3 These projects are selected by the Department based on the
4 suitability for handling OJT's. Specifically, of course,
5 we're looking for projects whose scope and duration would
6 likely permit an individual to complete a training program.

7 I included in your materials a copy of the
8 Department training program. I'm not going to review the
9 details here but mention only two parts of it. First, the
10 intent of the program is to train persons historically
11 under-utilized in the construction industry, minorities and
12 females.

13 Secondly, the contractor makes the ultimate
14 selection of the training program to be used of the five
15 which are available, and he selects the person to be
16 trained. The selection of the individual, however, must
17 meet with the approval of my office to ensure we are hitting
18 targeted groups. The OJT Program has been in existence in
19 the Department since mid 1970s but our permanent records
20 only cover the years since 1980. These records are
21 summarized in the sheet in your packet which follows the
22 training program.

23 We have had 388 persons enroll in the OJT program
24 since 1980. Ninety-two or about one fourth of the number
25 have been women. Their distribution in the training program

1 shows six in the heavy equipment category, four in medium
2 equipment -- excuse me -- 71 in light equipment, seven as
3 structure trainees and six in what we call general.

4 Of the 92 female enrollees, 54 have completed the
5 program for a graduation rate of 58.7 percent. This is a
6 bit higher than the male graduation rate of 160 out of 296.
7 Twenty-five of these 92 women or 27 percent of them were
8 minorities. Of that 25, 11 graduated for a graduation rate
9 of 44 percent.

10 It appears that this proportion of females has
11 been fairly consistent. About one fourth or slightly more
12 of the trainees have been female. It will jump a little bit
13 year to year. It is also understandable why the largest
14 single group involved is enrolled is the light equipment
15 program.

16 This would be the normal starting point for most
17 persons who join a contractor work force in or out of the
18 training program. You start with the equipment which is
19 quickest to learn, which is less intimidating in terms of
20 its complexity of operation or type of work involved and
21 then over time gradually move on to operate the more complex
22 equipment.

23 After looking at this data, the question might be
24 asked, "If about one-fourth of your trainees are females,
25 why don't contractor reports show a higher percentage of

1 women as equipment operators?" I can only answer based on
2 conversations with contractors and workers not on the basis
3 of any scientific survey.

4 We do a six month follow-up of trainees, but
5 we're not set up to track graduates long-term, but part of
6 the answer to the question is that contractor work forces
7 are becoming less mobile, for maybe a lot of different
8 reasons, but it seems like family situations with both males
9 and females are a big factor these days.

10 Another factor which is not peculiar to either men
11 or women is that employment in the highway construction
12 industry is no longer seen as long-term. Contractors seem
13 to have fewer and fewer of those employees who have been
14 with them 10, 20, 30 years.

15 Even though construction industry wages are
16 generally higher than the average nonconstruction job, the
17 employment is seasonal, subject to weather, and the success of
18 the contractor at bidding. It may be that workers are
19 willing to sacrifice some dollars on the hourly wage side in
20 exchange for stability and year-round employment.

21 To shift to another area, I would like to offer a
22 few comments relative to Department employment. The South
23 Dakota Department of Transportation is a large agency for
24 the state with about 1,200 full-time employees. The
25 Department work force constitutes about 15 or 16 percent of

1 the state payroll. Given the nature of the work we do,
2 mainly highway construction, we historically had a fairly
3 traditional work force. When I first came to the
4 Department, in 1976, for example, there were no female
5 engineers and there were no females on our maintenance
6 crews. There were other positions like engineering techs,
7 which also had little or no female representation. The
8 employment of women was mostly confined those jobs which
9 were viewed as traditionally female, clerks, typists,
10 secretaries, and other office workers.

11 Beginning in the early 1980's the Department
12 strengthened its efforts to attract females and minorities
13 with some success, and I'm talking about females now in
14 nontraditional roles. I've provided each of you with a copy
15 of our current EEO/AAP, Affirmative Action Program, which we
16 developed annually in accord with FHWA requirements. In
17 this plan we analyze current work force and current census
18 data availability and various job categories, and from that
19 analysis we set higher goals and timetables.

20 On Page 9 of that plan is a summary of minority
21 and female employment since 1982. You will see a fairly
22 steady progression in female participation in nontraditional
23 jobs from then, 1980 to 1993 and as of the date of the
24 update, we had 79 women as engineers, technicians,
25 accountants, maintenance workers and so on. In addition,

1 about the same number of females in the office and clerical
2 positions. Progress on the minority side has been slower
3 and remained almost static until the last three years when
4 we instituted an Indian and/or female hiring
5 preference plan for under-utilized positions. With both
6 groups, however, we've had about 150 percent increase in
7 participation over the last 10 or 11 years. The department
8 has demonstrated that as an employer, we can make changes in
9 the composition of our work force, and we can do it without
10 wholesale disruption or traumatic revisions in the manner in
11 which we go about recruiting and hiring employees.

12 Our goal is to have a work force representative of
13 availability based on the state's civilian labor force and
14 we're coming close to that goal. We currently utilize our
15 employment preference policy, for example, for only a very
16 small number of positions, and hopefully we will not need to
17 maintain the preference beyond the current year.

18 There is one additional program which has some
19 impact on the employment of women and that is the
20 Disadvantaged Business Enterprise or DBE Program,
21 particularly as it relates to WBE's, which are one group
22 within the larger disadvantaged group. Beginning in 1983 we
23 had Minority Business Enterprise or MBE Program, to throw
24 another acronym at you, mandated by federal statute. This
25 program was applicable to businesses owned and operated by

1 minorities, required the Department to establish a 10
2 percent goal for MBE participation in construction
3 contracts.

4 We also had a voluntary WBE Program at that time
5 with a participation goal of 2 percent. The MBE Program was
6 continued and expanded by the 1987 Federal Transportation
7 Legislation, and since 1987 the program has focused on
8 socially and economically disadvantaged persons or DBE's.
9 Women are now included within the definition of
10 disadvantaged along with minorities, so the 10 percent goal
11 now becomes inclusive of women.

12 The next page in your packet is a summary of
13 activity since federal fiscal year 1984. This chart
14 summarizes two types of federal-aid expenditures, which are
15 used to measure goal accomplishment. Prime contract awards
16 to DBE firms plus subcontract commitments or intended
17 subcontract participation. And then that participation in
18 turn is broken into two or three sub-categories Minority
19 Business Enterprise male, which are MBE's; minority women
20 MWBE's and then white women or WWBE's. The sub-categories
21 are mandated by the federal highway so that we can track
22 minority and female participation separately.

23 From '84 to through '86 total participation of
24 both MBE's and WWBE's increased from about 11.79 percent to
25 a high of 18 percent. With the inclusion of women firms

1 within the DBE definition beginning in 1987, there has been
2 a gradual reduction in the proportion of DBE activity going
3 to minority firms, either male or female, and a
4 corresponding increase in the volume of business going to
5 WWBE firms.

6 With the exception of 1990, the Department has
7 always exceeded its 10 percent annual goal. It is a general
8 assumption that congress intended to accomplish two things,
9 I think, with the DBE Program. The first was to increase
10 the number of minority or female entrepreneurs and increase
11 their participation in a significant federally assisted
12 program. This has obviously occurred.

13 The second was to increase the number of minority
14 and female workers in the highway and construction industry
15 under the assumption that minority and female owners were
16 more likely to hire minorities and female workers
17 respectively. This assumption seems to have held true for
18 minority businesses in South Dakota, but probably not to the
19 same extent for female businesses. They do not have
20 reliable information going back over the years to support
21 the impression that that's the general trend. It was true
22 in '93, because I did check the data for that, but I cannot
23 speak about prior years.

24 For example, minority firms had somewhere around
25 260 employees reported on that form that you saw at the

1 beginning, 60 some of whom were minorities. Women firms had
2 about the same number of employees, seven of which were
3 women. The department currently has 27 women-owned firms on
4 the DBE roster. Now, that's white women because minorities,
5 women can fit in either of the other categories. They go
6 over here (indicating).

7 I've included a copy of the current directory in
8 your packet for your information. Since the program began
9 and we began tracking participation, we have had 106
10 women-owned firms on the list at one time or another
11 including today's 27 for varying lengths of time. There are
12 specific standards for certification as a minority or
13 woman-owned business and certification has to be renewed
14 annually, and for a lot of reasons, some of them do not
15 renew.

16 Of the 27 firms currently on the list, I would
17 classify nine as very active, eight as somewhat ~~in~~ active and
18 10 as either new or relatively inactive. Of the active
19 firms, we have three which do a high volume of work
20 exceeding \$800,000 over the last two years. We have one
21 with 13 projects averaging about \$85,000, another with 21
22 projects, averaging about \$65,000. And a third with 58
23 projects, which average about \$16,000.

24 Each of the three are different types of
25 contracts, however, the first is basically a grading and

1 dirt operation. The second specializes in guardrail and
2 erosion control. The third is traffic control. This
3 accounts in large part for the average size of their
4 contracts, their different types of work. At the other
5 extreme we had five women firms who had only one project
6 over the last two years ranging in size from about fifteen
7 and a half thousand to 426,000 and another four firms with
8 only one or two -- excuse me -- two or three projects.

9 In conclusion, I guess, I would say that we've had
10 increasing participation in our highway program by
11 women-owned firms, consequently more dollars to women
12 owners, but we cannot currently measure any increase in the
13 number of female workers among these firms. It will take
14 more years of data collection to discover any employment
15 trends with this group and we're now trying to do that.

16 This completes the review of the history of status
17 of female employment in South Dakota as we see it and the
18 highway construction industry of the Department. We,
19 meaning both the Department, I think, and the industry has
20 achieved a fairly positive record which demonstrates a
21 commitment on the part of the industry and the Department to
22 improve opportunities for female employment in what has
23 traditionally been a very male dominated sector of the
24 economy.

25 While there is still room for improvement, I can

1 say with some assurance that everyone involved, contractors
2 and the Department will continue to seek ways to recruit and
3 employ a greater diversity of employees. Neither the
4 industry nor the Department can ignore any segment of the
5 labor force as they seek to build a work force which is
6 capable, productive, and strongly committed to customer
7 service and satisfaction.

8 I will be glad to entertain any questions you
9 might have, and I do have copies of the statement, which I
10 will make available to the steno for use later.

11 MS. BURNETTE: We're about 10 minutes behind
12 schedule. I will state for the committee a thank you for
13 the extensive preparation of material that you submitted to
14 each one of us.

15 MR. VOLK: Dennis, we did some hearings years ago.
16 Bill, when was that we did that on the --

17 MR. MULDROW: Eight years ago the man said.

18 MR. VOLK: Oh, eight years ago. One of the things
19 that came up then was the use of kind of a phantom minority
20 and women construction companies, companies that presented
21 themselves as a minority business, but, in fact, were kind
22 of front organizations and so forth. What is the process,
23 and I'm sure I was probably told eight years ago and have
24 forgotten but what's the process to make sure we're dealing
25 with legitimate WWBE's and DBEE's and whatever that is.

1 MR. HULL: It has become increasingly more
2 sophisticated even more so than it was then. I would be the
3 first to admit that we have growing pains with that program,
4 and there were firms, both on the minority side and the
5 female side, who presented themselves as being one thing
6 which in actuality were another, and I won't speak to what
7 their intent was or who else may have been involved or
8 anything like that because they were not bona fide.

9 The standards, or the application of the standards
10 has tightened to the extent now, at least, on the women's
11 side there is a strong voice I believe it was Joanne Payne,
12 which heads the women's organization, is saying that it has
13 become almost discriminatory towards women because of the
14 application of the standards and attempt to make sure they
15 are bona fide focuses on a couple of very tough problem
16 areas.

17 One is family owned businesses where women
18 allegedly own and control the firm. You can understand, try
19 to figure out what the spousal involvement is and how to
20 uncover any real involvement tends to be very sticky, so
21 that has changed. The same thing is true on the minority
22 side, and I beg to differ a little bit with what some of the
23 federal people are telling me because they seem to want to
24 go beyond the standards, particularly in terms of
25 Indian-owned businesses, beyond what we would normally

1 accept as being proof of Indian status, and they want to go
2 further beyond. I am relatively satisfied that probably
3 most of the firms that we have, at least, in the state, the
4 ones that we work with consistently are pretty legitimate.

5 Don't hold me to that 100 percent of the time,
6 because with a good lawyer and accountant, you can fool a
7 lot of people, and if you want to fool me, it can be done.
8 But the process, we've got a pretty involved documentation
9 process. We do a on-site review. We check with a lot of
10 folks, including the financial people that the business is
11 involved with. We watch them very closely on project
12 activity, at least in the initial stages, so I think with
13 some degree of assurance, the credibility of the program is
14 better now than it was eight or nine years ago in that
15 respect.

16 MS. BURNETTE: Any other questions?

17 MR. WALSH: Do you have any statistics with regard
18 to tribal involvement and contracting?

19 MR. HULL: I can provide you with that. When you
20 say tribal involvement, do you mean by tribal government
21 involvement or are you talking about individual Indian
22 involvement?

23 MR. WALSH: Both.

24 MR. HULL: I can go back and pull out, the
25 computer will pull out my Indian-owned businesses and

1 provide that information to you. We only have had two
2 tribal entities involved in our DBE Program; one at Cheyenne
3 River; one at Lower Brule. We are now in the process of
4 working again with Cheyenne River on a different aspect, and
5 I don't know whether it will all come to fruition, but it
6 would be tribally owned enterprises.

7 MS. BURNETTE: We would appreciate it if you could
8 get that information to Mr. Muldrow. Are there any other
9 questions? Thank you very much, Dennis. We hope you get
10 back to Pierre in time for your next meeting.

11 Our next presenter is Sandra Jorgensen. She's a
12 compensation director for the South Dakota Bureau of
13 Personnel, and before you start, Sandra, could I ask is
14 Fae Johnson here?

15 MS. JOHNSON: Yes, I am.

16 MS. JORGENSEN: I can go fast and we'll make up
17 lots of time. Dennis has briefed you on what state
18 government looked like when he started back in '76, and my
19 experience is not that much different. I started state
20 government 16 years ago in 1977, and at that time we just
21 didn't see a lot of women in managerial roles or in the
22 advanced technical and professional roles either. Since
23 that time, as Dennis says, lots of things have happened.

24 And I don't know if I want to stand up here and
25 give you all the numbers, but perhaps what I can do is give

1 you an appreciation for the kinds of things that we do in
2 state government to make certain that those numbers actually
3 happen. You have to start from the perspective that when we
4 get all three branches of state government together,
5 including the Board of Regions, we have about 25,000 people
6 each year that come through the state system in an
7 employment relationship.

8 Many of those are part-time people, work study
9 students. But nonetheless, our state people are supervising
10 hiring those folks. So what we have is we built a system
11 which will allow us to monitor employment, to accept
12 employment applications, to promote people, educate and
13 train them. We have currently about 46 percent of our state
14 government is women. That's our full-time work force.
15 That's out of about 13,100 people.

16 We have a system called the Career Service System
17 and what that is is our civil service within the state of
18 South Dakota. That civil service system covers the bulk of
19 those people in the executive branch of state government.
20 When you have a civil service system you put into place
21 things like a hiring process where you evaluate applications
22 based on objective criteria, certify applications.

23 We conduct the interviews and we go on through the
24 entire the person's entire employment career in state
25 government providing at different steps and at different

1 times, things to look at to make sure that women are not
2 being discriminated against.

3 One of the biggest things that we've done in the
4 last few years that's helped Dennis achieve those 79 women
5 in professional positions is to put in what we call an
6 affirmative action certification request, who allow agencies
7 to request that at the time we certify five or 10 people for
8 a job interview that if they have a situation where women
9 are under-represented or other minorities, they can request
10 three additional names of either women or minorities be
11 added to that list.

12 And what that does is give those people an
13 opportunity to interview that they wouldn't ordinarily have,
14 because a lot of times what happens is you'll have people
15 applying for the jobs who have a lot of education and
16 experience, and they'll keep the women and minority folks
17 off the list because they just don't have the points in our
18 certification process to make the interview list.

19 That's part of what Dennis has done. Other things
20 that we do to ensure that we're paying women properly, that
21 we're paying minorities properly is that we have a job
22 evaluation system. What it is, is the ^{Hay}~~Key~~ Point Factor
23 System where you go in and you rate jobs based on know-how,
24 problem solving, and accountability. That's how we set up
25 our pay ranges, based on those factors.

1 That's how we determine what we're getting paid
2 for each job. When we set up that system, we were concerned
3 about things like whether we were underpaying our clerical
4 folks as opposed to our janitorial people, our traditionally
5 male versus female occupations. We had the ~~Ray~~ ^{Hay} Company go
6 back through and look at all of our job evaluation results
7 to ensure that, in fact, we didn't have that kind of bias in
8 our system, and we do that every few years to make sure that
9 we're still on track.

10 Another thing that we do with our employees is to
11 make certain that all our employees are paid within a salary
12 range so that we don't have a lot of pay disparity problems.
13 We also do things in the performance/appraisal area. Our
14 performance appraisal system, a few years ago, had a rating
15 that was assigned to each performance category. And we were
16 concerned that women were not being rated wrongly. In other
17 words, that the men weren't getting the outstanding scores.

18 We ran those figures and it was very close to
19 50/50 of the percentage of men and woman who were
20 outstanding out of the work force. That's really very good
21 for an organization like ours. Especially with the number
22 of people that come through there every year. Other things
23 that we've done is that we've made it a goal with that
24 number of employees coming through the system, to make
25 certain that our supervisors know what we expect in terms of

1 hiring and discipline, that they know that sexual harassment
2 is something that will not be tolerated in state government.

3 We have formal training classes that all
4 supervisors must go through within their first six months of
5 being a supervisor so that they learn and understand how to
6 conduct a performance appraisal, that they learn what sexual
7 harassment is and that it's not accepted; it's not tolerated
8 and that something will be done when those kinds of
9 complaints are filed against them. But with the number of
10 employees that we have, I'm sure you can appreciate that our
11 efforts have had to be in the area of training our
12 supervisors and managers rather than watching each little
13 spot situation.

14 One of the other things that I looked at after I
15 found out that I was to make this presentation was the issue
16 of a glass ceiling. You hear a lot about that in connection
17 with the employment of women and that's that perhaps women
18 aren't reaching the top managerial levels because of some
19 form of discrimination. In state government we have one
20 third of our cabinet as women.

21 That's about as high as you're going to go unless
22 you're the Governor, but then when I went back and I looked
23 at it, we're about right below the cabinet level, and right
24 below the cabinet level, the statistics that I pulled from
25 1976 had 2 percent of our women employed in positions where

1 they were paid over \$43,000 a year.

2 By 1990 that increased to 8 percent and by '93, 14
3 percent of the women in the level right below cabinet level
4 were women. When you go and you look at the different
5 departments, you see some disparities. I went and looked at
6 our EEO-4 Report, which lists all of the departments by
7 function. By things like streets and highways, hospitals,
8 financial administration, and what I found was in financial
9 administration in '86, we didn't have any women at all in
10 that upper pay bracket.

11 Eight years later in '93, 6 percent of those
12 people were women. In the hospital category in '86, we
13 didn't have any women in the top pay bracket. Actually,
14 there weren't any women in the top pay brackets in 1986. By
15 '93, 33 percent of those people were women, to contrast that
16 with what has happened in the streets and highways and
17 natural resources.

18 Again, back in '86, there weren't any women in
19 those top pay brackets, and by the time we get to '93, each
20 one of those areas had one woman in the top pay bracket.
21 That's not a lot but you have to appreciate that when those
22 women who are now there started in state government, we
23 didn't have any women engineers. We didn't have women in
24 the top science and engineering categories, so there weren't
25 women to move into the top brackets.

1 What we're seeing now is slowly women are getting
2 into the top pay brackets. They're becoming the seasoned
3 professionals that it takes to promote.

4 That concludes my comments. Do you have
5 questions?

6 MR. VOLK: Sandra, I think there has been real
7 progress in getting women in top paying positions, but when
8 I was in state government, one of the things that I was very
9 much aware of were women who came into government stayed in
10 government a long time, and really for one reason or another
11 did not move up.

12 They stayed in a position -- I had some women in
13 my office and the treasury that were there 20 years, 25
14 years --

15 MS. JORGENSEN: They're probably still there.

16 MR. VOLK: Some of them still are there. The
17 problem came about where over the course of a long period,
18 they got their somewhat often meager raises, but they still
19 got raises. And all of a sudden you had somebody that had
20 not changed; their job position had not changed; their
21 responsibilities, but because of the length of time they
22 were there, all of a sudden were making incredible salaries
23 -- I mean, for the position, making very, very high salaries
24 for that position.

25 And I always was wondering, because I was not

1 involved myself because I had some flexibility being elected
2 official. How do you deal with that in the ~~Hay~~^{Hay} system where
3 you have people that really have great service to the state.
4 Their knowledge, their experience is a very great benefit,
5 but quite frankly, their job title, they've outgrown it
6 because they've been there so long.

7 And now all of a sudden you're talking about a
8 real ceiling, a salary cap at that position. How does the
9 ~~Hay~~^{Hay} study -- how do you people at compensation at personnel
10 deal with that particular system without saying you're not
11 going to get any more raises for the next 10 years because
12 you're way off the scale for what that position is worth.

13 MS. JORGENSEN: What we do is to encourage that
14 person to take on more responsibility, perhaps to go and
15 take night classes at Capital City University, the
16 university in Pierre, or take advantage of other
17 correspondence courses so that they can get the skills to
18 move up. We do, in state government, have a number of
19 long-term employees who don't want different job
20 responsibilities, and we've explained to them that if that's
21 truly what they want, they can stay in their position but as
22 you suggest, they're not going to be paid over the maximum
23 of salary ranges.

24 Essentially their salaries are frozen until the
25 ranges move far enough to catch up with them. We started

1 with -- when we did the ~~Hay~~^{Hay} study, there were something like
2 180 employees that we found in that particular condition.
3 Since that time a lot of those people have moved on and up
4 in the organization. They've been promoted, or salary
5 ranges have moved up to capture those people.

6 MS. BURNETTE: Are there any other questions?

7 MR. MULDROW: Just one request: Could you send
8 us, Sandra, some of the statistics that you mentioned, some
9 time depth on employment by the Department?

10 MS. JORGENSEN: Sure. They are organization by --
11 the Department is by EEO function, but each EEO function
12 pretty much has a department associated with it.

13 MR. MULDROW: Can you send those?

14 MR. FEINSTEIN: I missed the first figure. How
15 much?

16 MS. JORGENSEN: 46 percent of full-time employees,
17 that's remained -- we did some work for Mr. Muldrow, and it
18 looks like that's remained fairly constant over the years.

19 MS. BUTLER: I was particularly interested in your
20 addressing questions of glass ceiling issues, but I missed a
21 note here. You indicated pretty high percentage of top
22 managerial levels, women in those positions, but I'm not
23 sure -- I wrote 33 percent.

24 MS. JORGENSEN: Six out of the 18 cabinet people
25 are women, which is wonderful.

1 MS. BUTLER: I couldn't believe it.

2 MS. KIM: Is the ^{Hay}~~Key~~ Study an ongoing study or was
3 it a one-time study?

4 MS. JORGENSEN: What we did was we brought ^{Hay}~~Key~~ in.
5 They established a job evaluation system for us. We're
6 still using that evaluation system. We have since '85.
7 Now, there was a component of the ^{Hay}~~Key~~ system for
8 compensation, and what that did was pay employees based upon
9 their performance score and the distance they were into the
10 salary range. That program has since been dropped and part
11 of the reason it was dropped is it was not well accepted by
12 our employees.

13 They didn't understand it, because they would see
14 things happening like a new person coming into the system
15 with very few years of service who had a high performance
16 score would get a bigger raise than a person who had been
17 there 10 or 15 years and had the same performance score and
18 the reason was their distance, their salary range.

19 It wasn't accepted at all. So now we've moved to
20 a system where we've moved all employees at the rate of 2
21 1/2 percent every year up to the midpoint of the salary
22 range but it takes them seven years to get there.

23 MS. BUTLER: At the meeting in Sioux Falls,
24 similar to this one, there was a gentleman in Sioux Falls
25 office from Job Service who indicated that in his eight-year

1 tenure as manager of that office he has never interviewed a
2 women of color or a Native American, and we didn't have a
3 chance --

4 MS. JORGENSEN: Who?

5 MS. BUTLER: He just indicated that he had never
6 ever interviewed such a person, but I was told that those
7 lists of possible interviewees are generated in Pierre.

8 MS. JORGENSEN: They are. Right, they're
9 generated by our office and what that particular manager
10 needs to do is get together with their personnel officer and
11 provide some information that talks about the
12 under-representation that -- I mean, obviously if he's never
13 interviewed a minority candidate, they need to start taking
14 some steps to get those folks on the list, and we can do
15 that through the affirmative action certification, provided,
16 of course, that the minorities will apply.

17 MS. BURNETTE: I'm curious, and you may not know
18 this information. It's also something that also can be
19 submitted to Bill. Out of the 25,000 work force that you
20 spoke of in your opening comments and the 46 percent of the
21 thirteen-one being women. I'm assuming that those full-time
22 employees. Including that 46 percent, of that 46 percent
23 how many are women in supervisory positions in reference to
24 your glass-ceiling statements. I don't know quite what norm
25 you use when you refer to --

1 MS. JORGENSEN: When I was referring to the glass
2 ceiling, I was talking about women not being able to go into
3 the very highest levels of management in state government,
4 which is our cabinet level. And I'll have to get those for
5 you, because we don't have them.

6 MS. BURNETTE: And the number of minority and
7 handicapped people that state government does employ. With
8 the provisions that you shared with us in terms of ensuring
9 pay equity and access. All of that is interesting. And in
10 reference to your six out of 18, what norm are you using
11 when you say: One-third of our cabinet is about as high as
12 we as we're going to go. I mean, what are you comparing
13 that statement to?

14 MS. JORGENSEN: Beyond the cabinet level.

15 MS. BURNETTE: Of the cabinet level being
16 one-third of the cabinet level are women, six out of the 18,
17 those are employment positions?

18 MS. JORGENSEN: Yes.

19 MS. BURNETTE: Is that a norm across the state,
20 across the nation that a third of the --

21 MS. JORGENSEN: I don't know.

22 MS. BURNETTE: Oh, okay.

23 MS. JORGENSEN: I would be surprised, I think, if
24 other states had that many women in their cabinet, but,
25 again, that's something I don't know. We would have to go

1 and survey each state. it's just that we're proud of that
2 here.

3 MS. BURNETTE: Thank you very much for sharing
4 with us today. Our next presenter is Fae Johnson she's
5 president and owner of F-A-E Construction.

6 MS. JOHNSON: It's not my normal position to be in
7 front of a microphone. I'm a lot more comfortable on a
8 crawler. I am Fae Johnson, sole owner of F-A-E
9 Construction. I have been involved with the construction
10 business since 1966. My business is primarily involved with
11 heavy construction and utility construction. I am certified
12 with the South Dakota DOT, and have talked on several
13 occasions with Dennis Hull, one of your presenters this
14 morning.

15 As owner of a business, I have been an operator, a
16 superintendent, big projects, handled the financial and
17 bonding issues, a very big issue in my business. It would
18 be real nice to say there's no discrimination in this
19 business against women or minorities. However, after I
20 talked with Mr. Muldrow I went back and looked through some
21 things that I would like to forget and decided I would bring
22 up a couple of these instances.

23 On one occasion on a project -- and I am from
24 Wagner originally and just come to this part of the state
25 about seven or eight years ago. On a station project in

1 1975, there was some defective plans and the engineer told
2 me that was probably due to the female engineer that the
3 state office had to hire.

4 In 1981 I had a project with a state and federal
5 agency. The state engineer is still in that position in
6 Pierre. And the state agency was handling all of the
7 inspection, direction, everything. There was an outside
8 inspector on this job, and I was pushing to get my job
9 inspected because it was holding up my progress.

10 And the inspector, head engineer told me, "Lady,
11 don't push me." So I thought: Okay. But we kind of did.
12 On my completion letter from that office, my letter that
13 said the project was completed was addressed to a contractor
14 in Sioux Falls. The name was crossed out, and my name was
15 added in. That really upset me, and I'm still upset about
16 that, because I thought it was very poor for a state office
17 to do that.

18 Another instance, I don't have too many problems
19 with the people I hire, actually. They don't mind me
20 telling them what to do, I guess. But I did have a couple
21 of equipment operators on a project at Mobridge in 1979 that
22 quit one time and said they weren't going to take orders
23 from a female and left me high and dry.

24 But I don't really have any statistics or
25 pamphlets to give you that say I have certain goals that

1 haven't been met or been met. I try to hire people when
2 they come to me if I can have a position for them at all.
3 I'm not a big company. It's a very difficult business to
4 get into, I feel. It's very high finance. It can be
5 extremely difficult to get bonded.

6 You need a lot of backup from your banker and you
7 need letters of credit. And as soon as you get that,
8 they'll say, "Well, you need the experience." And as soon
9 as you have that they say, "Well, you do need this equipment
10 and that equipment." They just go down the line. Because
11 I've been in it since 1966, I've overcome some of that, I
12 feel. Well, I'm still here anyway.

13 I think it's more difficult being a female, white
14 or black or any color, to be in the construction business
15 than it is to be a male minority. Men visit with men on
16 things regardless of color. Women, I feel, probably have a
17 little more problem, and I don't feel it's just me. I've
18 visited with other women on that subject in depth.

19 I don't know if you have any questions to ask me.
20 I hope I've covered everything.

21 MR. POPOVICH: Well, Dennis gave us quite a few
22 statistics on the employment of women in the contractor
23 field. Do you feel that those statistics are an accurate
24 representation of the women? Do you think that there are
25 more women out there that could do heavy equipment work, and

1 are they seeking that kind of work?

2 MS. JOHNSON: I don't think the women are seeking
3 that kind of work. They may be, and the figures that Dennis
4 gave you, I'm sure, are representative of what -- we all
5 have to turn in our little reports too often, because we
6 want to do other things than turn in reports, but I just
7 don't know that there's that many women that are interested
8 in doing, particularly, the heavy construction operation.

9 They don't mind -- and I'm not degrading them at
10 all, because I have two daughter's that worked with me in
11 the business in the past, but I don't think women are that
12 wild about getting on a scraper, or a motor grader or a
13 crawler. They don't mind, while they're going to college,
14 take a summer and go be a grade checker and get some money
15 to go through school, but I don't think they're that crazy
16 about standing out there and doing the things that you do in
17 the construction business.

18 MR. FEINSTEIN: The assumption of MBE, when you
19 have a minority or a women company is to increase the
20 employment of the minorities and apparently looked like it
21 didn't necessarily help in the women's area, but it did help
22 in the minority area. Do you find that the women that are
23 seeking that kind of work, maybe, come to you because you
24 are a woman MBE?

25 MS. JOHNSON: They might, but I'm not a big enough

1 company that everybody knows. I mean, it's not like some of
2 the major construction companies: Oh, I'm going to go get a
3 construction job, so I'm going to contact, for instance,
4 Hill's or Simon's or Corner Construction. I'm not that much
5 on the face of things.

6 MR. FEINSTEIN: Do you feel the idea is working,
7 in that respect?

8 MS. JOHNSON: I think that everybody is trying to
9 make it work. Like I said, I don't think the women are
10 exactly that anxious to be in those fields. I don't know.

11 MR. MULDROW: Fae, how did you get into this
12 business? Can you tell us how you got started?

13 MS. JOHNSON: It was kind of through farming. We
14 rented some -- I got married and we rented some ground and
15 was going to farm with my father-in-law, and, of course,
16 another family on the payroll is like: We have to find more
17 ground to farm. So we rented some ground and it was tribal
18 ground in the area of Wagner, South Wagner.

19 And part of the thing on the lease was, if you
20 cleared the land, you can farm it for a reduced price, so we
21 got a crawler and started clearing land. And there were
22 some articles that come out that there would be an increase
23 in soil conservation type work. And farming got tougher and
24 we slid over into the construction business.

25 MS. KIM: When you face some difficulties or

1 problems such as a state agency, what did you do or was
2 there any channel that you could have reported those kind of
3 problems?

4 MS. JOHNSON: You mean, for instance, with the
5 state engineer that said --

6 MS. KIM: Yes.

7 MS. JOHNSON: Actually, I just wanted to get the
8 project done, and I just hung tight on getting it done. And
9 I didn't really report to a state agency, but because of
10 these noted little things here and there, I made lists of
11 stuff and -- well, I didn't really make a list, but I
12 learned of the SBA State Aid Program, and I put all these
13 things together.

14 So in reality, it helped, because I was certified
15 into the State Aid Program, which is primarily set aside for
16 minorities and women. And at the time I was certified,
17 there was eight in the nation and only two in construction
18 that were certified into the program. I graduate this year
19 from that program. It's been very helpful, I believe.

20 MR. MULDROW: What's been your experience with
21 women and minority employees? Have you had good
22 experiences?

23 MS. JOHNSON: Very good experience. My work
24 force, for instance, this year out of varying numbers
25 because of the different -- different jobs requiring more or

1 less people, but out of a steady average of probably 10 or
2 12 people, I have probably eight minorities. Mostly Indian
3 males, however, but they are minorities. And I don't say:
4 Because you're a minority, I'm going to train and hire you
5 over someone else. It's just that the people I have working
6 are good people.

7 MR. MULDROW: Are they good workers? You hire
8 them because of what they can do?

9 MS. JOHNSON: Very good workers and very good
10 sense of humor.

11 MS. BURNETTE: Fae, do you find in your work force
12 then, with your work primarily being seasonal, correct?

13 MS. JOHNSON: Right.

14 MS. BURNETTE: That your work force then stays
15 pretty consistent? I mean, your 12 employees, you know,
16 maybe 70 percent of them come back to you every year, so
17 that your attrition isn't that great?

18 MS. JOHNSON: Pretty much I have the same
19 employees year after year. Sometimes a project may only
20 require five, and somebody might go off and be doing
21 something else, but mostly the people I hire are involved in
22 the construction industry. And while this contractor might
23 have a job that might last this while, I'm doing this, and
24 he does his job, and he'll come back and check with me or
25 one of mine who isn't really a regular or go over here and

1 work and then come back to me. It's kind of shuffle them
2 back and forth, but my business is only real active,
3 probably seven months out of the year, maybe eight.

4 MS. BURNETTE: Could you give the committee and
5 the general public here an idea of the range of your tasks
6 as the majority owner or the sole owner of your construction
7 company. From the beginning of bidding a project, I mean,
8 how much of that do you do? Do you do all the bidding on
9 down to the completion of the project just to give us a
10 range of what your skills are.

11 MS. JOHNSON: Well, I'm not directly on the
12 project as much as I used to be. I used to be a full-time
13 operator, visit with my banker, beg my bonder, but now I
14 primarily have personnel and I don't superintend my jobs as
15 much as I used to. I did go out one time this summer and
16 thought I was doing fine, and the guy said, "It's a lot
17 better when you're not here."

18 Because the inspector started picking on them, so
19 I don't know if that's because I was on the job or what.
20 But I don't spend as much time directly on the job as I used
21 to. I'm more strictly in the bidding and in the office, but
22 in years past, I've done everything and done everything all
23 at the same time from running equipment, to bidding the job,
24 to taking the check to the bank and taking care of the IRS.
25 I don't know if that answers your question.

1 MS. BURNETTE: What is the biggest barrier for
2 women getting into the construction industry?

3 MS. JOHNSON: Financial, I feel very, very high
4 priced, extreme high capital field. I mean, depends on what
5 area of construction you want to be into but heavy
6 construction where scrapers can be three or four or
7 \$500,000, and you need three or four of those plus all the
8 other backup equipment, and you can easily have several
9 million tied up and that's not easy
10 when you don't have money to start with.

11 MR. FEINSTEIN: Is, basically, everything
12 government jobs or are there any private?

13 MS. JOHNSON: I have done primarily federal work
14 the last couple of years. I have some portion of my company
15 working back in Wagner all the time that do farmer/rancher
16 type work and township work, so we're still involved in the
17 private segment too.

18 MS. BURNETTE: Thank you very much for sharing
19 with us today. You did a great job.

20 We'll recess and reconvene back at 1:00 again
21 sharp.

22 (Lunch recess.)

23 MS. BURNETTE: I'd like to get started. We have
24 some committee members still trying to finish their lunch,
25 but for the purposes of our schedule, we'll reconvene our

1 afternoon session and welcome those of you back who were
2 with us this morning. And our first presenter today is
3 Elaine Kohler, who is a state equity supervisor for the
4 South Dakota Department of Education and Cultural Affairs.

5 And, Elaine, for the benefit of our transcriber,
6 we would really appreciate it if you could stand at the
7 microphone. If you feel totally uncomfortable in doing
8 that, we could arrange it to be at the table.

9 Please tell us who you are.

10 MS. KOHLER: I'm Elaine Kohler. I work for the
11 Department of Education and Cultural Affairs in Pierre. I'm
12 also the equity supervisor for vocational education out of
13 Pierre. First of all, I'm going to give you a general idea
14 of what our programs are and the Federal legislation that
15 started with our programs.

16 And then after, we will meet Gloria Pluimer who
17 will give you a little bit more detailed idea of what the
18 programs in this area are and what they are doing and some
19 problems that they are looking at. The first federal
20 vocational education legislation was passed in 1917 with the
21 primary purpose of preparing people for work. And it's
22 overriding mission has not changed for 76 years.

23 However, both the nature of work and the
24 composition of the work force in America have changed. In
25 the year 2000, only 14 percent of the jobs will be available

1 to workers with less than a high school education, yet 58
2 percent of the women have a high school diploma or less.
3 The more education a woman has, the greater likelihood she
4 would be employed. Among women 25-54 years of high school,
5 only 51 percent were in the labor force. The Carl Perkins
6 Vocational Education Act of 1984 reflected these changes and
7 called on vocational education to meet the challenges of
8 changing technology and the training needs of new and
9 returning workers.

10 They have required each state to spend 12 percent
11 of its federal dollars on programs, services, and activities
12 for single parents, displaced homemakers, and for programs
13 to promote sex equity. The requirement of this law, the
14 1984 law, was that a full time sex equity coordinator be
15 employed.

16 The sex equity coordinator had the responsibility
17 to assist in eliminating sex bias, stereotyping in
18 vocational education as well as administrating the funds for
19 single parent/displaced homemaker programs and sex equity
20 programs.

21 The management of the program funds included the
22 support of a wide range of activities, as long as any one of
23 these activities expanded on vocational institutions'
24 capacity to equip the single parents or the displaced
25 homemaker with marketable skills. Local school systems

1 received a great deal of latitude addressing the needs of
2 single parents/displaced homemakers.

3 Possibilities could include programs that train
4 single parents and displaced homemakers for nontraditional
5 training, employment and support services such as needs
6 assessments, child care transportation, counseling and
7 instruction in self development or self-esteem.

8 And then also the team's self-sufficiency program
9 that provide employability and life management skills,
10 vocational assessments, vocational education, work
11 experience, child care and transportation. The intent of
12 the sex equity provision was to increase these programs,
13 services and activities at the local level, both secondary
14 and post-secondary levels.

15 The evolution of this federal vocational
16 legislation has resulted in Carl D. Perkins Vocational and
17 Applied Technology Education Act of 1990, which continued
18 these programs but the inference in 1990 is more services,
19 not necessarily programs. As part of the new legislation,
20 the state plan, and every state must provide assurance that
21 funds available for single parents/displaced homemakers and
22 the single pregnant women will go to programs with
23 individuals that have the greatest financial need.

24 Also assurances must be provided that the state
25 will furnish relevant training in vocational education to

1 men and women who desire to enter occupations that are not
2 traditionally associated with their sex. In South Dakota we
3 have 11 single parent/displaced homemaker programs that were
4 funded through the Competitive Request for Proposal process
5 in fiscal year 1992.

6 And most of these stats are for fiscal year 1992.
7 The '93 stats have not been put together. They will be
8 within the next month, so if you would like some more
9 information on what's been happening in the past year, I'll
10 be able to provide that.

11 These programs conducted classes in more than 38
12 communities across South Dakota. The number of single
13 parent/displaced homemaker participants totaled over 1,753.
14 Of this number 103 were secondary level females. At the
15 post-secondary level there were 1,551 females and 202 males.
16 Of these clients, 155 were Native Americans and 10 were
17 Hispanic or Asian.

18 Many more were touched by outreach projects and
19 those could be workshops or just a one-time outreach project
20 for single parents. And we did not keep an account of those
21 numbers, but many more were reached by these programs.
22 Emphasis was given to assisting individuals with the
23 greatest financial need, and need is determined through the
24 Social Service agencies and Job Service assessments, and
25 that's basically how they determine the need.

1 Projects serving displaced homemakers must give
2 special consideration to displaced homemakers, who because
3 of death, divorce or disability of a spouse must prepare for
4 paid employment.

5 Nontraditional programs were encouraged due to the
6 studies that show that women in a nontraditional career will
7 earn 20 to 30 percent over the traditional career. Rural
8 populations were a prime target with special efforts made to
9 recruit Native Americans and other minorities, and we have
10 seen these numbers doubled by the addition of a Native
11 American counselor with some of our programs.

12 Fifty-nine thousand five hundred dollars were
13 awarded in scholarships to single parents or displaced
14 homemakers attending a post-secondary vocational technical
15 institution or secondary facility.

16 These scholarships were based on need for child
17 care and the support available from the Department of Social
18 Services, the amount of money available through Pell grants
19 and guaranteed student loans, finances for daily living,
20 cost of the program for which they are enrolled, and the
21 outside support available.

22 Now, I'm going to describe some of the programs
23 that were funded in fiscal year '92 and most of these are
24 running. We have an additional two more programs this year,
25 and I'll talk about that at the very end of what's happening

1 right now, too. From the Black Hills Special Services
2 Cooperative there is a program called "Goals in Action."
3 It's a program to help single parents/displaced homemakers
4 get back into the world of work with an emphasis on
5 parenting, stress management money, management, self-esteem,
6 job skills, vocational planning, and communication skills.

7 They also have a program called "Positive New
8 Beginnings." That was a teen pregnancy and parenting
9 program in which teens learn life skills, which include job
10 skills awareness and training in addition to receiving
11 credit towards high school graduation.

12 Beresford Community and Adult Education for South
13 Dakota. They had a career planning and job search workshop.
14 And this program was five 24-30 hour series of
15 pre-employment courses. The instructions were based on
16 self-concept enhancement, job search skills, parenting,
17 wellness, legal issues, career issues and networking.

18 Although the post-secondary level was targeted,
19 they did have a few secondary students in this program.
20 Then also there's the entrepreneurship program for single
21 parents and displaced homemakers offered through
22 "Black Hills Special Services Cooperative." This offered
23 workbooks, workshops, and individual counseling for single
24 parent/displaced homemakers that were in pursuit of the
25 business ownership. Coordination with Western Dakota

1 Technical Institute and Black Hills State University through
2 workshops, enhance the resources and the importance of
3 furthering their education.

4 The Brookings Career Learning Center, in
5 Brookings, South Dakota, has a program called "New
6 Horizons." It's a series of weekly programs offered to
7 facilitate improvement in self-awareness, confidence,
8 communication and job-seeking skills.

9 At Lake Area Technical Institution in Watertown,
10 this single parent/displaced homemaker program at the
11 post-secondary level provides scholarships for enrollment,
12 support services, counseling, special assistance, and
13 workshops designed for the single parent/displaced
14 homemaker.

15 Then at Mitchell Technical Institute in Mitchell,
16 the single parent/displaced homemaker program provides a
17 series of workshops concerning life and job skills focused
18 to the single parent. Individual counseling, again,
19 scholarships, support services, and special assistance is
20 also provided. Support services do include child care, any
21 type of transportation.

22 Sometimes it might include five dollars for gas as
23 far as the part about the support, also for books. Most of
24 our institutes do have a book lending system, or they will
25 help them out with a special book if they need to own that

1 book. There's money provided for that.

2 At Northwest Area Multi-District in Lemmon, South
3 Dakota, their program is called "Goals Unlimited." It's a
4 course taught for rural, low-income, single-parent/displaced
5 homemakers.

6 This series focus on employment skills, employment
7 skills, self-esteem, assertiveness, entrepreneurship, and
8 recruitment into educational programs. Emphasis was
9 stressed on high Native American population exhibited in
10 this region. This program covers 13 communities over 20,000
11 square miles. Again, there is an emphasis on
12 entrepreneurship in this area, and now there is a
13 teen/parent program also in this area because of our high
14 teen pregnancy.

15 Pierre Public Schools, in Pierre, South Dakota.
16 "Young moms/Young Parents." It's an adolescent pregnancy
17 support program to prevent teen parents from dropping out of
18 school. Weekly classes are conducted on relationships,
19 goals, career exploration, parenting, life skills, career
20 development, educational planning and guidance.

21 Southeast Technical Institute in Sioux Falls. The
22 Single Parent/Displaced Homemaker program assists with
23 career assessment inventories, financial aid, support
24 services, scholarships, personal counseling, and individual
25 support.

1 Then at Western Dakota Technical Institute in
2 Rapid City, workshops to address study skills, parenting,
3 self-esteem, again, job seeking skills and wellness are part
4 of this program. Individualized counseling, scholarships,
5 support services, and special assistance is also provided.
6 And this is now where we employ our Native American
7 counselor or coordinator also in this area, because of the
8 high number of Native Americans interested in vocational
9 training.

10 And then last is our Springfield Correctional
11 Facility. All incoming female inmates participate in
12 classes that teach career opportunity in vocational
13 education. Classes teach self-esteem, goal setting, and job
14 skills.

15 Then on the other side of the coin is our equity
16 component. Nine equity grants were funded in fiscal year
17 '92. "Expanding Your Horizons," a conference with an
18 emphasis in math, science and nontraditional careers for
19 middle school and junior high age girls and minorities were
20 conducted at four statewide locations with about 1,000
21 individuals participating with hands-on workshops. This
22 continues every year with about the same number of girls and
23 minorities that it expects.

24 "Power Teaching and Gender Expectations and
25 Student Achievement," is an equity teaching concept, and

1 these were conducted in three different sites to
2 administrators and teachers and that's just through the
3 vocational side. On the "K" through 12, there's at least
4 double that amount.

5 "Lakota Traditions." That's a program developed
6 to promote a greater understanding of Sioux culture was
7 conducted in 13 West River school districts. South Dakota
8 played host to the 1992 National Coalition for sex equity
9 and education, and that conference theme was "Kaleidoscope
10 of Perspectives and Culture." And then 16 new scripts were
11 developed for the "Metoo Career Choices."

12 It's a puppet kit that promotes nontraditional
13 career choices and vocational technical education. The kit
14 includes a puppet, scripts and activities designed for the
15 elementary student. This puppet is called "Metoo," and it
16 is a genderless alien who helps students look at careers
17 without bias and stereotyping associated with many of
18 today's careers.

19 We've also expanded on this and we feel it might
20 be one of the next dinosaur type things. We have videos now
21 with the nontraditional careers. And that will be coming
22 out within the next month. And that's one of Gloria's
23 projects, so maybe she'll talk about that too.

24 Continued funding for the Rapid City Girls
25 Incorporated was made possible. "Operation smart," science,

1 math, and relevant technology. It's a program to encourage
2 girls in science and math through a series of weekly
3 classes. A minimum of 220 girls were involved in fiscal
4 year '92, and I know that's gone up to close to 300.
5 They're involved in twelve different career tours designed
6 to expand girls' understanding of and interest in math and
7 science as they relate to vocational technical careers.
8 "Operation smart" goes beyond what I talked about in
9 vocational.

10 This is the only part that is funded under the
11 vocational Carl Perkins funds. It has other funding that
12 helps out through the Bush Grants and they do more on that.
13 They also have mentoring of girls with women in
14 nontraditional and vocational technical careers.

15 The Pierre Public Schools the Ft. Pierre and
16 Pierre American Association of University Women and the
17 League of Women Voters targeted Pierre Junior High with a
18 career exploration seminar. Ten presenters, most in
19 nontraditional careers with vocational/technical education
20 backgrounds, spent the day with 209 ninth graders.
21 Follow-up to the seminar included job shadowing and in-depth
22 career research.

23 Hands-on seminars in vocational technical fields
24 were conducted through three post-secondary vocational
25 technical schools with an emphasis in math, science and

1 nontraditional careers.

2 Participants in these equity outreach seminars
3 totaled over 908 secondary students. Then we have a
4 curriculum called "Choices Curriculum." It has been
5 implemented in an alternative school where the students are
6 attending through court order. This project helps secondary
7 students explore traditional and nontraditional career
8 choices and to learn the decision making process.

9 We have found that a shortage of money to support
10 these programs on an ongoing level is a big concern of the
11 single parent/displaced homemaker supporters. Although
12 funding is continued through Carl Perkins, an increase in
13 awareness, demand for high technical careers, and the
14 promise of family self-sufficiency through the
15 post-secondary technical education puts an increasing demand
16 for support services such as child care, transportation, and
17 books and then tuition for the technical schools.

18 Some technical education programs such as nuclear
19 medicine have wait lists. However, graduation from high
20 technician nontraditional vocational programs guarantee at
21 least a starting salary of \$12 per hour plus benefits. Over
22 90 percent of the graduates have been placed in jobs upon
23 graduation and in some fields, six months before graduation,
24 the demand is so high.

25 I have given you a brief overview of the

1 vocational programs available for women in South Dakota. As
2 of this date, there has not been any assessment of the
3 success of these programs, formal assessments. And the
4 implementation of a study this year, we're going to evaluate
5 all of these programs as to their success in building
6 self-esteem, job skill enhancement and employment and then
7 there are parenting skills. When listening to firsthand
8 testimonials, the coordinators of these programs have no
9 doubt as to their success. Thank you.

10 MR. MULDROW: What kind of special problems do
11 displaced rural women have in getting back into the job
12 market? What kind of displaced women are there out there?
13 How do they get in the job market?

14 MS. KOHLER: The rural women are really troubled
15 with transportation because they live miles and miles away
16 from anything. They have very little job skills because
17 they might have gotten married in high school or just out of
18 high school and went to the farm right away. If there is a
19 farm failure or divorce, death, they've more or less relied
20 on husbands for their income and then all of a sudden that's
21 gone, where do they go?

22 They're so far away from anything. One way we've
23 covered this is having small groups in different
24 communities. Again, though, there's still the problem of
25 transportation they might not have a car that works. In

1 rural South Dakota there are no bus systems, so we have to
2 make arrangements for that.

3 MR. MULDROW: Where do they go for work? There
4 are only two metropolitan areas. Do they look for work in
5 our rural communities, or do they have to come to Rapid
6 City?

7 MS. KOHLER: Sometimes. And that's one reason
8 we've emphasized entrepreneurship in western South Dakota.
9 We have one program through Black Hills Special Services
10 Cooperative, and then we have another one through Lemmon,
11 the northwest area multi-district, it's a small program
12 there's very little money in that. There are no special
13 programs through economic development for women that we know
14 of that they can use to start up businesses, but they look
15 at their own skills and how they can build up on those.

16 MR. MULDROW: Do you try -- like, Fae Johnson who
17 was here, I mean, she built on her farm machinery skills to
18 develop her own construction company.

19 MS. KOHLER: We like to encourage the women to
20 look at the nontraditional, but what we've been finding is
21 that many of the women that know how to work on diesel
22 engines, don't want to. If they go to Western Dakota to go
23 to school, they want to look at secretarial training. It's
24 hard to get them to look at -- here they've got all these
25 skills, and they can use those skills. But they want to go

1 back into traditional training. That's where we do the
2 individual counseling and assessments.

3 MS. BUTLER: The demand for vocational technical
4 workers is far greater than those people with university
5 education.

6 MS. KOHLER: 80 percent of the work force in the
7 year 2000, will be.

8 MS. BUTLER: At a Sioux Falls meeting, someone
9 pointed out the number one demand was for people with
10 electronic skills who could repair video lottery machines.

11 MS. KOHLER: You'll notice our technical
12 institutions are expanding greatly. We've had several
13 ground-breakings. We're still having problems getting
14 people in there. There are waiting lists to get in.
15 Western Dakota has a wait list and Southeast, I know, had a
16 wait list. And our funding is getting tighter and tighter.
17 We have two more years of this Carl Perkins and then we're
18 not quite sure what's going to happen.

19 I'm sure we'll be funded again through Carl
20 Perkins. I'm sure they'll have the single parent/displaced
21 homemaker money. The funds would be the same, but there
22 would be no increase. I see money going into the school and
23 work transition and the tech prep. And if we can
24 incorporate some of this getting, the equity into tech prep
25 and the school/work transition, we'll work with that too.

1 MS. BUTLER: I was taking notes, but I want to be
2 certain. You indicated that there was a career that would
3 command at least \$12 per hour to begin, but I didn't --

4 MS. KOHLER: Nuclear medicine is one of them, and
5 that is probably one of the hottest careers right now. This
6 might be a little farfetched, and it wouldn't happen in
7 every instance, but I'll give you an idea. A single parent
8 went through the nuclear medicine program. It's a two year,
9 about 24-month program. They have a six month internship.

10 Every person is employed at that 18 months, before
11 they finish their six months. They've already been hired by
12 somebody, so they're guaranteed a job. And with hospitals,
13 they have all those benefits with that. But this one
14 particular woman had three children, single parent, went
15 through the program and went through internship at a local
16 hospital there.

17 Six months after her employment at that hospital,
18 she became department head making \$38,000 a year. So when
19 you look at technical education, it's not limited to just
20 above minimum wage. We're looking at more. There are some
21 careers, yes, and those are your traditional, such as child
22 care. That would be lower.

23 MR. POPOVICH: I don't know if I was asleep after
24 lunch here or what. I must have missed something here. How
25 many single displaced homemakers are there out there? Do

1 you have any idea --

2 MS. KOHLER: I don't have it with me.

3 MR. POPOVICH: -- how many people that you are
4 serving?

5 MS. PLUIMER: I have what we're serving in this
6 area, Jim, and that's approximately 150. When I say this
7 area, that would be Pennington County, Lawrence, Meade.

8 MR. POPOVICH: How do they find out about your
9 services?

10 MS. PLUIMER: Newspapers, promotional efforts. We
11 work very, very closely with the agencies and each of the
12 community social services.

13 MS. KOHLER: All of the coordinators have direct
14 communications, usually direct telephone lines with social
15 services. We do have pamphlets that we try to get out as
16 much as possible. I feel like the awareness is really going
17 out, that they're really onto it. Many of the coordinators
18 will do a talk show or presentations, any type of community
19 service groups.

20 MR. POPOVICH: I guess my follow-up question is:
21 In the rural areas, do you feel you're reaching the people
22 that are out there?

23 MS. KOHLER: We could do better. The problem with
24 Perkins, the emphasis is small groups really get it in
25 there. With South Dakota, we're so spread out that our

1 groups may be five or six people, like in McIntosh or
2 someplace like that. In Sioux Falls you can get the
3 numbers, and then you start thinking, is this justifiable
4 for spending the money.

5 The greatest amount of money in the northwest area
6 goes for transportation for the coordinators to get around
7 from site to site, but it does help with the self-esteem and
8 awareness as far as job skills and how you can get into the
9 work place. And we wanted to emphasis the entrepreneurship
10 part, too.

11 MR. POPOVICH: If you could improve your services,
12 how would you best do it?

13 MS. KOHLER: I would like to see more money in
14 vocational training, first of all. Second of all, do a
15 secondary support service, such as self-esteem enhancement,
16 job skills enhancement, that kind of thing, where it would
17 be into vocational training. I think that every single
18 parent should have some type of post-secondary training, but
19 if they don't have even their GED or the high school
20 diploma, we have to do that first.

21 MS. BUTLER: You mentioned the Brookings Career
22 Learning Center and that has so many successful stories and
23 Jane Kono, who advertised at that meeting presented a
24 wonderful program on women in the work force.

25 MS. KOHLER: I was there.

1 MS. BUTLER: I knew I had seen you before.

2 MS. BURNETTE: I had like to move on and reserve
3 the two questions that are coming, because I'm making the
4 presumption that Gloria can answer some of those as well.
5 Thank you very much.

6 Our next presenter is Gloria Pluimer. She's
7 equity coordinator for Black Hills Special Services
8 Cooperative.

9 MS. PLUIMER: Thank you for the invitation to
10 speak today. This topic, of course, is very important to me
11 personally and also professionally. I am the coordinator
12 for the single parent/teen parent group in the Hills area,
13 and I want to give you a little background information on
14 those programs and point out some difficulties that we see
15 on a national, state, and local level and give you some
16 insight on what I ~~think~~^{believe} needs to be ~~presented~~^{addressed} in encouraging
17 women in ~~employment areas~~^{work.}

18 * See printed
Sheet The Single Parents/Displaced Homemakers and Single
19 Pregnant Women Program, Goals and Actions, and Positive New
20 Beginnings are made available to participants in Rapid City,
21 Sturgis, Lead/Deadwood, and Belle Fourche throughout a nine
22 month period. These programs serve to assist numerous
23 single parents in increasing not only their life skills, but
24 also in the area of career planning with a special emphasis,
25 as Elaine indicated, on nontraditional careers as a viable

1 option.

2 The curriculum used in these classes is entitled
3 "Goals in Action" and it presents information on the topics
4 of self-esteem, self-evaluation, self-assessment,
5 communications, assertive communication, goal setting,
6 stress, parenting, time management, and career awareness.
7 Stress management, I should say.

8 Outside written and video resource materials are
9 used extensively to enhance the program. Community members
10 in each of the communities bring in their expertise in the
11 various areas of study.

12 Tours of Western Dakota Technical Institute, Black
13 Hills University, and South Dakota school of Mines are
14 conducted allowing the participants to assess their options
15 of advanced training and education in various fields of
16 interest. Community members in nontraditional types of
17 careers present information on educational preparation for
18 their career and the benefits and difficulties of choosing a
19 career that is dominated by one gender. The career and
20 learning centers in Rapid City and Spearfish are used
21 extensively in providing participants with career assessment
22 and planning, job search training and placement activities.

23 In addition, computer training, typing tutorial,
24 and GED programs at the Career Learning Center are utilized
25 by the single parents and displaced homemakers. Some of the

1 programs that we've presented to participants in addition to
2 the ongoing curriculum includes: HIV workshop for the
3 Native American single parent group, who work closely in
4 Rapid City on Project Dakotia and Bruce Long Fox has been
5 just remarkable in allowing us to come in and have our class
6 with the Project Dakotia participants.

7 Native American Entrepreneur workshop, featuring
8 Michael Willcuts, which is an air brush artist living in the
9 Rapid City area. Consumer Credit Counseling presentation,
10 offering expertise on personal budgeting. A presenter from
11 the Rapid City Police Department was one of the female
12 police officers in Rapid City.

13 She spoke on nontraditional careers. Presenter on
14 linguistic and assertive communication, presenter on
15 self-defense, presenter on vocational education
16 opportunities at Western Dakota Vo-tech Institute, and as
17 Elaine indicated, Western Dakota's enrollment is beyond what
18 they can handle. However, they do have a facility approved.

19 Presenter from the Rapid City Career Learning
20 Center on the GED Program, job shadowing, presentation by a
21 local attorney on child support and the legal rights of
22 single parents, presenter from Job Service on on-the-job
23 training.

24 In one of our high schools, we have what's called
25 the Triple A Program for teen parents. This is designed to

1 contract with the teen parents and expectant teen parents to
2 attend their classes on time, put forth an honest effort in
3 completing their school work, display a cooperative attitude
4 toward learning, such as the Triple A Academics, Attendance
5 and Attitude.

6 Production of a public service video by the
7 participants of the program in regard to the realities and
8 difficulties of being a teen parent. And this is being
9 presented to some of the lower classes, letting them know
10 that being pregnant and a teen parent is not always an easy
11 route to take.

12 Presenter on childhood illness, immunization and
13 emergency care, presenter in battering and prevention of
14 abuse, presenter by an RN on nutrition, presentation by a
15 licensed day-care provider discussing what to look for in a
16 day-care center and how to establish a babysitting co-op.
17 And then, of course, efforts in coordinating other agencies
18 and businesses in the area.

19 As some of the population in 1992 and '93 in the
20 teen parenting classes including 29 participants. 86
21 percent white, 7 percent Hispanic, and 7 percent Native
22 American. A summary of the population of single parents and
23 displaced homemakers served in 1992-93 included: 98
24 females, 10 males, 60 percent white, 40 percent Native
25 American.

1 As a note, of that particular group, 60 percent
2 were with incomes of less than \$5,000, 22 percent with
3 incomes between \$5,000 and \$10,000. So, definitely below
4 the level of poverty.

5 Barriers to employment for rural women: The need
6 to address income levels for female single parent/head of
7 households can be substantiated by considering the increased
8 numbers of unemployed and under-employment on a national,
9 state, and local level. Of the approximately 67 million
10 families in the United States in 1992, 12 million or 18
11 percent were maintained by women. In 1991 women represented
12 63 percent of all persons 18 years old and older who were
13 living below the poverty level.

14 The poverty rate for families maintained by living
15 with no husband present were six times as high, 35.6
16 percent. As for married-coupled families, 6 percent. And
17 these statistics were gathered from the U.S. Department of
18 Labor Bureau of Labor Statistics. That is January '93.

19 An estimate of 43 percent of the women in the
20 labor force earn wages below the poverty level as compared
21 to 27 percent of men. And 54 percent of all poor American
22 families are headed by women. And 40 percent of these
23 female head-of-households are working. This is from the
24 National Commission on Working Women. Females with children
25 under six years old in the labor force in United States in

1 1990 was 59.7 percent, while females with children under 6
2 years old in the labor force in South Dakota in 1990 was
3 71.3 percent.

4 And this, by the way, is the highest percentage of
5 all 50 states. Females with children six and above in the
6 labor force in the United States in 1990 was 75 percent
7 compared to 81.8 percent in South Dakota. The divorce rate
8 in the state of South Dakota in 1991 was 4.1 compared to the
9 divorce rate in Pennington County of 7.5 percent.

10 Divorce rates in the counties of the Northern
11 Black Hills include Butte County at 5.3 percent, Lawrence
12 County at 4.6 percent and Meade County at 5 percent. This
13 is from the Business Research Bureau of the University of
14 South Dakota.

15 During the last decade, women have been entering
16 South Dakota's labor force in dramatic numbers. From 1980
17 to 1990 the number of all South Dakota women in the labor
18 force increased 20.3 percent from 64.5 percent in 1980 to
19 81.8 percent in 1990. South Dakota ranks 13th nationally
20 for the percent of children in single-parent families with
21 13.1 percent in 1980-84 to 19.9 percent in 1987-91. The
22 national rate for families headed by women living below
23 poverty level in 1989 is 31.1 percent compared to 38.7
24 percent in South Dakota.

25 I believe these statistics show that rural America

1 is suffering greatly when we're talking about poverty
2 levels. Households headed by women with children under five
3 years old living below the poverty level in South Dakota in
4 1989 is 62.2 percent compared to a national rate of 57.4
5 percent for the same group of people. In 1990, close to
6 half of the women workers, 46 percent, were employed in
7 relatively low-paying service and administrative support
8 occupations such as secretaries, waitresses, and health
9 aides.

10 Occupational segregation, Wage discrimination,
11 lack of affordable, quality child care, limited education
12 and training opportunities impede the progress of low-income
13 women seeking better jobs. Barriers to male-dominated
14 occupations are especially formidable. Women and girls need
15 more than just good training.

16 They need assistance and support to overcome the
17 multiple barriers to higher wage occupations. In addition
18 to targeted recruitment activities, many women need
19 assessment services remediation of basic reading, math, and
20 communication skills, job-skill training, job-search
21 training and job placement, child care assistance,
22 counseling and various other support services.

23 Support for nontraditional enrollees can take many
24 forms, including nontraditional role models, job placement
25 services, information on dealing with discrimination and

1 harassment, staff training on gender bias, screening for
2 health concerns that conflict with occupation and
3 encouragement to continue training and upgrade skills.

4 Continuing emphasis on the benefits of
5 nontraditional jobs for women is imperative. Male support
6 for women in these areas of employment is crucial to their
7 own welfare. Support from both males and females in
8 recognizing and rebelling against the income and image
9 barriers of positions that are referred to as "women's work"
10 is paramount in providing the opportunity to go beyond
11 meeting the basic needs of security and attaining
12 self-worth. Questions? Were you first, Bill? *- end printed
Sheet*

13 MR. WALSH: The only reason I haven't been able to
14 ask is David Volk takes so long to ask his questions.
15 Gloria, do you work with the Office of Economic Opportunity
16 in the state level or regional level? Obviously, when we
17 attract new businesses into the area it depends upon our
18 work force, and is there a coordination there with regards
19 to displaced homemakers, etc., to fill those new jobs coming
20 into the state? I mean, do we know where we're going and is
21 there a communication?

22 MS. PLUIMER: I'm, fortunately, one of the few
23 coordinators who works directly with the Governor's office
24 in economic development. I am the executive coordinator for
25 economic development in the Sturgis area. I have the

*representatives
of*

1 opportunity to visit with that office on a regular basis, ~~so~~
2 ~~there is open dialogue there~~

3 Unfortunately, the rural areas have a difficult
4 time in attracting large manufacturers. We don't
5 necessarily target the very large manufacturers. We're *delete*
6 looking for the companies that can come in and provide five
7 to 10 jobs for people. There is, of course, an ongoing
8 attraction to manufacturers in more of a metropolitan area.
9 That hasn't been beneficial for us.

10 MR. POPOVICH: I don't know whether you can answer
11 this or whether we need to get the statistics from the
12 state, but the statistics that you gave were alarming as far
13 as the poverty levels of these people. Do you have an idea
14 how many of these people do not have a GED or high school
15 education at all?

16 MS. PLUIMER: I don't have that available to me
17 immediately, Jim, but that is available through the Women's
18 Bureau, and I believe I have it in my file if you would like
19 me to look it up.

20 MR. POPOVICH: If you could do that, certainly.

21 MS. PLUIMER: I would be happy to.

22 MR. POPOVICH: It would seem to me that that
23 certainly is a barrier if they don't already have it and
24 they're in a rural area, and it's hard for them to get more
25 education either through transportation or whatever.

oftentimes when teen parents

1 MS. PLUIMER: What also happens with ~~regard to~~
 2 ~~that, and especially with our teen parents, those teen~~
 3 ~~parents oftentimes~~ do not complete high school, ~~often~~
 4 ~~times when they do not complete high school, they go on to~~
 5 have additional children *and creates additional* which ~~puts up more~~ barriers in
 6 pursuing their ^{high school} education, ~~their~~ ^{er} GED and post-graduate *(over)*
 7 education. ~~But I will provide Bill with that, too.~~ *We are* →

8 MR. MULDROW: I was pleasantly surprised at the
 9 amount of Native American women involved in the programs.
 10 Do you target them specifically?

11 MS. PLUIMER: There is a large population of *Gross*
 12 Native Americans in the Rapid City area and Jennifer ~~Stoves~~
 13 has done a phenomenal job of coordinating directly with
 14 Bruce Long Fox and setting up a class specifically for *Native*
 15 ~~assist~~ -- through Project Dakotia, so that was an effort *Americans*
 16 specifically for the Native American/single parent group,
 17 and it has been very successful.

18 I've enjoyed working with each one of those
 19 people. They have been extremely supportive. And that's
 20 where the inner-agency, working in our areas is so
 21 important, because there's so many things that other
 22 agencies can provide our clients in addition to what we can
 23 provide to them and it's been a very positive experience.

24 MS. BURNETTE: Thank you. Speaking of which, I
 25 don't see Mr. Bruce Long Fox.

1 MS. BURNETTE: Until Bruce gets here, we're going
2 to invite Phyllis Old Dog Cross to the podium. Our fellow
3 committee person. Phyllis Old Dog Cross is retired and
4 remains a member of our nursing consultants. She's retired
5 from Indian Health Services.

6 MS. OLD DOG CROSS: Thank you to the panel for
7 allowing me to comment today. I'll make some comments on
8 women's employment issues. My name is Phyllis Old Dog Cross
9 and I'm a nurse counselor. I'm a retired federal employee,
10 and I've worked as a counselor with many Native women for
11 the past 15 years in this area. And I've also worked with
12 many Native women as colleagues. I'll keep my remarks today
13 focused on the issues faced by Native American women in the
14 state of South Dakota.

15 There are many employment issues faced by Native
16 women and most of them are interrelated. You can't say
17 there is this one without starting to talk about another.
18 First of all, many native Americans are raised in conditions
19 of poverty and the ramifications that that brings. They do
20 not have the opportunities the average American does.
21 Sometimes they do not receive the proper food, clothing, or
22 other necessities of life. Many of them grow up in welfare
23 situations, sometimes even to the third generation.

24 They are not exposed to working adults in the home
25 and learn a whole different life-style of dependence and

1 they learn also, the attitude that other people have towards
2 welfare recipients. Next, many of these native women grew
3 up in dysfunctional families or in families where there ^{is} ~~are~~
4 a single-parent family. This type of upbringing sometimes
5 lends itself to various psychological problems and adult
6 dysfunctions.

7 A good education is necessary in order to find
8 employment. Education means the total package, not just the
9 books, even though that is vital; but it's the activities
10 that you get when you're getting an education. The
11 experience of the education: Chorus, cheerleading, groups,
12 peer relationships that help the girls in school. When the
13 Native woman moves from the reservation or even the urban
14 setting to live among the dominant culture, she faces many
15 stereotypes.

16 And it is very, very difficult to break through
17 these stereotypes. Some of the stereotypes held by dominant
18 society is that Indians are lazy and they just can't do the
19 job. Another one is Indians are drunk or dumb or slow and
20 don't understand. Some employers even feel that an Indian
21 employee will discourage customers. Indians do talk
22 differently. Not only do they sometimes have an accent and
23 a certain style, but they have cultural differences in
24 talking and conversing.

25 They may not respond readily to comments or

1 questions. For some, direct eye contact is still considered
2 rude and they will avoid looking at a person directly.
3 Another stereotype of Indians is that they will not be a
4 stable employee. They will leave after their first paycheck
5 or that they will miss work a lot. Some employers feel that
6 Indian persons will be belligerent and cause trouble. A
7 stereotype barrier -- a stereotype is a difficult barrier to
8 overcome. The Indian person himself ^{or herself} has to face the
9 stereotype of what the other person has of them.

10 If one looks around Rapid City, one sees few brown
11 faces in the stores, banks and other institutions. There is
12 still ^{separation} ~~a confusion~~ between Indians and non-Indians. Why is
13 there is such a separateness? Even something as simple as
14 having the proper clothes to look well at one's job may be a
15 barrier. Many women live at the poverty level and cannot
16 afford certain clothing.

17 Transportation has been mentioned before. It's a
18 big barrier getting to and from the job is sometimes next to
19 impossible. Many woman work shift-type work in hospitals
20 and cannot use public transportation. I have known many
21 women who want to work but cannot do so because they have no
22 car and have no way to travel.

23 Now, one of the biggest barriers of all, that of
24 child care. Many Native women have children, babies,
25 toddlers, young children even up to the teens. If one could

1 find adequate day care, it's much too expensive. Then
2 there's the transportation of getting them to day care.

3 Some turn to relatives to help out, but many times
4 this solution does not work out for them for many reasons.
5 Thus, they must turn to welfare for their solutions rather
6 than seek employment. Finding adequate housing in Rapid
7 City is very difficult. Many Native women move to Rapid
8 City to find work but they cannot find housing that they can
9 afford.

10 Sometimes they will move in with relatives, but,
11 again, they face the barriers of racism and poverty. One
12 cannot get a job until one has a place to stay; yet one
13 cannot pay for a place to stay until one has income.

14 Some of the things I'm not sure how to address are
15 if employers are providing the proper protection for women.
16 Do they provide adequate security at a place of work? How
17 about proper job benefits? Health care? Maternity leave?
18 Do they have a safe work place for them, including a place
19 free from smoke?

20 Is there protection from sexual harassment? And
21 in my work I've heard many, many Native women talk about
22 harassment that they have received at work both sexual
23 harassment, but also harassment because they're an Indian
24 person.

25 Finally, is the work place and manager taking

1 steps to deal with racial stereotypes to ensure racial
2 understanding and acceptance? I would imagine each case
3 would have to be on an individual basis, but it could be
4 locked into. Thank you for the opportunity to testify, and
5 I'm open to questions.

6 MS. BURNETTE: Bill, do you have a question?

7 MR. WALSH: I trust in the last several years the
8 education, specifically on the reservation, those wonderful
9 new schools, is that making an impact at all with regards to
10 training Indian children to cope with the two cultures and
11 have the skills necessary if they make the choice to live
12 off the reservation?

13 MS. OLD DOG CROSS: I'm not too familiar about
14 some of the programs on the reservations on training, how to
15 go through the cultural gap over the bridge. I know that
16 children are talking about it and are dealing with that
17 issue at the reservation level. I've heard some groups and
18 so forth talk about how it is to be caught in cultural
19 stereotypes.

20 There's still a shock of when you get here. And,
21 I think, that it's one thing to talk about it, but then when
22 you get here, either to Rapid City or some other city and
23 face, just face ^{straight on} ~~blank~~ for the first time some of the ways
24 that you're treated when you come here.

25 Nothing prepares you, I think, for that first time

1 that you realize that you're facing someone that doesn't
2 like you or doesn't want you around because you're an Indian
3 person, and that's the first learning you have to start to
4 learn to deal with.

5 MR. MULDROW: Phyllis, I'm impressed with what you
6 have to say. The barriers almost seem unsurmountable for
7 Indian women who are trying to get into the job market in a
8 non-Indian society. What can be done? We've heard of some
9 really great programs here today that seem to address some
10 of the concerns you've raised, child care and training for
11 rural women and displaced homemakers and in both traditional
12 and nontraditional fields. How do you assess the adequacy
13 of these and what do you think needs to be done to address
14 the concerns you've raised?

15 MS. OLD DOG CROSS: Some of the speakers that I
16 heard ahead of me have very excellent programs, and if we
17 can get into those programs and be able to come and know
18 they have somebody taking care of their children while
19 they're in the program. Finding ways to get -- I'm sure
20 there's transportation barriers to get to wherever the
21 programs are being held.

22 Many Native women want to work. They want jobs.
23 They want to support themselves. They want to have their
24 own places, but I think the first major barrier that any
25 Indian woman faces that comes here is finding someone to

1 take care of the kids while she's seeking out a job or
2 seeking training.

3 And if that barrier could be overcome, then I
4 think you would be on your way, and perhaps transportation
5 but most or many women move in with their relatives and that
6 just leads to sometimes not very harmonious situations, and
7 many give up and go home, or maybe move in with somebody, a
8 mate that is not all that kind to them and get themselves
9 into other situations, but I think child care is the biggest
10 issue that faces Native women.

11 MR. MULDROW: Is the state program that we heard
12 about impacting Native American women?

13 MS. OLD DOG CROSS: I don't know.

14 MR. MULDROW: Well, if it was, chances are you
15 would know.

16 MS. OLD DOG CROSS: I don't know if it is or not.
17 Some other speakers may know.

18 MS. BURNETTE: Bill, did you have another
19 question?

20 MR. WALSH: Child care is the number one obstacle,
21 one of the traditional roles, and I hear it, and I employ a
22 Native American as our own nanny, is their wonderful ability
23 with children. Is that something that we can build on as
24 far as employment and day-care centers or nannies or
25 whatever?

1 I know it's an old traditional role, but it's an
2 asset, it seems to me, that is there that can provide some
3 real job opportunities. So is it a Catch-22 because they
4 have to leave their children to provide for other children?

5 MS. OLD DOG CROSS: You know there's always been
6 the saying that a grandma takes care of the kids and that
7 relatives will take care of children and so forth, but what
8 you usually see is someone will come from the reservation
9 then they'll bring along a relative, maybe a young teenage
10 relative to provide child care during their stay. And that
11 doesn't usually work out because there's no stability to it.

12 I think what you mentioned about using someone as
13 a nanny or perhaps some child care situation is an excellent
14 idea and can be built on. I know some reservations do have
15 child care. My reservation does. You can bring your
16 children there, and it's free child care.

17 MS. BURNETTE: I'd like to ask Phyllis, not for
18 any concrete facts, but what you've just generalized. In
19 your years of experience in working in the Rapid City
20 community at the Indian Health Services, have all of the
21 majority of the patients you see, we're making the
22 assumption they were women, how many of those women are
23 long-term residents who you have seen in and out of the job
24 situation and what's the prevailing factor to their
25 difficulties in mental health?

1 MS. OLD DOG CROSS: Some women I saw for the full
2 15 years that I was there, and many of them, as I said
3 before, really did want a job. They didn't want to be on
4 welfare. They wanted to have a job and a place of their
5 own, someplace for their kids. They were probably several
6 prevailing factors.

7 I would say many of these women are chronically
8 depressed because of what they're facing, lack of family
9 support for them. You can just miss so much time at work
10 and then you get fired, so they would always be in kind of a
11 chronic job situation or chronic housing situation.

12 And many of these woman would seek out partners in
13 their desperation for support and help that weren't all that
14 good to them. They would frequently have a partner that was
15 not very supportive and maybe abusive, so they were also
16 facing that.

17 I would say that probably about three-fourths of
18 the ones I saw would be considered permanent residents.
19 Although, they would sometimes go back ^{to the reservation} and live for a while.
20 About a fourth would be people that would just happen to be
21 coming through.

22 MS. BURNETTE: In 15 years, can you say that from
23 15 years ago when you moved to this community to this point
24 in your life now when you're getting ready to leave the
25 community, in retrospect, that the Native woman is -- I

1 mean, there has been some progress for the Native woman from
2 the time that you began your participation in this community
3 to now?

4 MS. OLD DOG CROSS: I think there's been great
5 progress. I see Native women now that are proud and have
6 good families and stable relationships and good decisions.
7 There's not as many as I'd like to see there, but I think it
8 is changing very, very slowly and professional women, but
9 I'd like to see more women -- you go into the bank and do
10 your checking account and like to have a Native women there
11 or be the hostess in one of the local restaurants or
12 something. We're not seeing that but I think her position
13 has increased positively in the last 10 years.

14 MS. BURNETTE: Thank you very much. I'd like to
15 entertain a break for about 10 minutes. And do we have any
16 presenters in the audience that are here in the event -- and
17 your name is?

18 MS. ZELLER: I'm Nadine Zeller.

19 MS. BURNETTE: Okay.

20 MS. MAICKI: Carol Maicki.

21 MS. BURNETTE: We'll be back in 10 minutes.

22 (Recess.)

23 MS. BURNETTE: Our next presenter for the
24 afternoon will be Cheryl Crazy Bull who is the vice
25 president of Sinte Gleska ^{University} ~~College~~ from the Rosebud Sioux

1 tribe. Cheryl.

2 MS. CRAZY BULL: As Rae said, I'm Cheryl Crazy
3 Bull. I'm the vice president of Sinte Gleska University on
4 the Rosebud Reservation. And, I guess, I'm happy to be able
5 to come and share with you some of the concerns and issues
6 that are present in the Native community around Native
7 women's employment. I was kind of uncertain at first as to
8 really how to address this issue, and then I realized that
9 that could be the basis for what I'm about to say.

10 It's my perception and, I think, experience from
11 talking to other women that there isn't a discussion in the
12 Native community about women's employment issues, because
13 it's viewed by people as a non-issue. And it's an issue
14 that while we as women are aware of discrimination and
15 harassment in our work place ~~on both~~ in hiring and then
16 while we're employed, because of our primary focus ~~on~~ ^{is}
17 just on survival, ^{and} trying to get enough resources to do the
18 work that we have to do, ~~We~~ don't discuss issues of women's
19 employment.

20 So I thought that that would be the first thing
21 that I would bring to your attention is that. In looking
22 around, we have ^{totally} ~~vocally~~ inadequate or nonexistent data or
23 information about Native women's employment. We don't have
24 any awareness. We don't have any of the language around
25 Native women's employment issues in our tribal community.

1 I have to qualify that a little bit by saying that
2 I am not totally familiar with the experience of Native
3 women who are living in urban environments. Most of my
4 experience is with women living on the reservation, ~~so~~ I
5 assume that they have some of the same experiences, but they
6 may require different strategies.

7 There are lots of barriers to addressing Native
8 women's issues. One of the reasons is that we've had the
9 imposition of nontribal values in our society, barriers on
10 the role of women and on their status. And I do quite a bit
11 of work around economic issues, and clearly in Lakota
12 society, tribal women held the best status when it came to
13 the economy.

14 Their productivity, their ability to manage and
15 utilize the tribal resources were the basis for the tribal
16 economy. It wasn't whether or not the ~~men~~^{man} could go out and
17 hunt. It was what a women did with what was hunted. The
18 kind of gathering processes in making a household and family
19 ~~personal items~~ and all of that kind of economic activity
20 rested with women.

21 ~~And we had, of course,~~ because of our encounter
22 with European cultures, ~~we had~~ a big change in women's
23 economic status in our communities, and now women and men
24 are pretty much dependent on outside resources.

25 On the Rosebud reservation, we have about an 87

1 percent unemployment rate, so it's pretty hard to discuss
 2 ~~among people~~ employment issues. Because so many people are
 3 unemployed, that's where we focus most of our attention, how
 4 to create more jobs and economic opportunity, not whether or
 5 not men and women are being treated equally in the jobs that
 6 are present there.

7 There is a marked lack of understanding that bias
 8 is illegal, ~~you know~~ that discrimination and harassment are
 9 illegal ~~by~~ ^{by} the tribal council, ^{cil and at the} tribal administration level.
 10 My experience is that this is, as I said, a non-issue for
 11 them. Or if you bring it up as an issue then you're
 12 harassed or discriminated against for bringing it up.

13 And I have had personal experience with speaking
 14 before the tribal council ^{cil} and having council ^{cil} members get up
 15 and talk about the traditional role of women is to walk
 16 behind the man and not to get up and speak, so they are, as
 17 women refer to it, distorting our cultural practices and
 18 ~~kind of~~ ^{situation} modifying them to suit whatever their current
 19 ~~tradition~~ is, as they perceive it. That's also going to the
 20 inadequate representation of women in leadership positions.
 21 We have very few women serving on our tribal council.

22 Rosebud just had its election yesterday, 20 tribal
 23 council ^{members} elected and only three women. I think that there
 24 are nine tribal presidents in South Dakota and with the
 25 removal of Lorraine ~~Russo~~ ^{Rosseaux, at Sisseton,}, which is currently in dispute, we

1 have no women in tribal chairperson positions, so I think
2 ~~These~~ *These environments* create tremendous barriers in trying to deal with
3 discrimination and harassment in our work environment.

4 I would say if you were to research tribal
5 government's personnel policies and procedures, you might
6 find in those documents that are sent out by the Civil
7 Rights Commission or someone that supposedly addressed
8 sexual harassment or discrimination in employment, but you
9 would not find anything that anybody has an ownership of.

10 There wouldn't be a policy that they sat down with
11 a group of people and figured out what their policy was
12 going to be about sexual harassment or what their policy was
13 going to be about discrimination. You would find, I think,
14 if you were to look at those kinds of things, for tribal
15 entities, tribal programs, even the tribal colleges, you
16 would probably find the same situation.

17 I would imagine that you would find a complete
18 lack of recordkeeping that would document that they are not
19 engaging in discriminatory practices. I would imagine that
20 if you went in and looked at the interview and selection
21 process for tribal positions that you would find inadequate
22 evidence that they are not, in fact, engaging in
23 discriminatory practices.

24 I know from experience and from talking to other
25 women that women are usually discriminated against in

1 hiring. They are discriminated against in salaries. We do
2 have the mentality that if you have a two-person-working
3 household that the woman doesn't need ~~financial~~ *support from*
her own job

4 MR. MULDROW: Are you talking about on the
5 reservation?

6 MS. CRAZY BULL: On the reservation. So I think
7 that what you have here is much less awareness, perhaps than
8 you would even have in the rest of society, and I know
9 you're probably getting a lot of people who have horror
10 stories about how it is in mainstream society, but I think
11 on the reservation it's not an issue that people discuss.

12 And if you do discuss it people will resort to
13 calling you names or saying that you're man hating or stuff
14 like that, because you're pointing out ~~one of the~~
15 discriminatory practices or bias in the work place. I feel
16 that the kind of work that the Civil Rights Commission could
17 do around this area is that we do need some intensive public
18 education of our tribal governments that these practices
19 are, in fact, illegal practices.

20 That in acting as sovereign, that it is crucial
21 that they protect the civil rights of individual Native
22 people, both men and women. ~~And~~ we certainly can't allow
23 the state to come into our tribal communities to enforce
24 fair employment practices. We need that kind of support, I
25 think, from the federal government instead, because it's

1 more important to us as a sovereign~~s~~.

2 In engaging in that kind of public education that
3 is necessary to inform women that, in fact, these practices
4 are illegal and that there are alternatives or routes for
5 them to follow in order to have those kinds of things
6 addressed. I think it would be an important thing that we
7 could do and I also think to develop some kind of
8 statistical ^{base} ~~basis on a day-to-day~~, or doing some kind of
9 research to determine where the employment discrimination
10 actually occurs. What are some of the experiences that
11 people have? I think that you would probably find not only
12 discriminatory practices around women but probably around
13 age as well, discriminatory practices in other aspects of
14 our lives just because it isn't much of an area that's
15 discussed in our communities. That's basically what I
16 wanted to share. If you have any questions or comments.

17 MR. MULDROW: Cheryl, you're the vice president of
18 the university there. Your students are comprised almost
19 entirely of tribal people. What about those who graduate
20 from the university? What do they do? What problems do
21 they have? And what do they want? Are they able to achieve
22 their objectives? Could you address that?

23 MS. CRAZY BULL: Well, we find that at the
24 university where actually about 75 percent of our student
25 population is women and about 85 percent is Native American,

1 our graduates tend to be employed because that's where our
2 programs -- the programs we've developed have been in these
3 areas where there's local employment, in education, teachers,
4 in human services where people go into counseling positions
5 or work for social services.

6 We just recently graduated five students with
7 tribal management degrees, and one of them was already
8 employed at the university and the other four are currently
9 unemployed. I think what you would find in that situation
10 is that those four students, they were all women, and I
11 think that they will experience some education
12 discrimination, ~~that, you know, you have educated~~ people in
13 tribal management ~~that people~~ don't particularly invite you
14 to participate in those jobs that are available there and
15 they're all women, and I'm sure they're experiencing
16 discrimination as women.

17 I've talked to a couple of people about jobs they
18 didn't get, and there were people who got the jobs that weren't
19 educated. So they don't know what do to do as far as
20 whether to have employment. The tribe does not enforce any
21 kind of employment discrimination. *lowe*

22 MR. MULDROW: It's my understanding that on Indian
23 reservations that unless it's a program that received
24 federal funds that civil rights do not apply, cannot be
25 enforced. It's up to the tribe to regulate these kinds of

1 -- does Rosebud Tribe have any anti-discrimination measures
2 or requirements? You indicated that they're not in force,
3 so I think you've answered that, but are there -- is there
4 any recourse for a person who would be able to complain
5 about discrimination?

6 MS. CRAZY BULL: I don't know of any recourse.

7 MS. BURNETTE: How about within the university
8 itself? I mean, in your organization?

9 MS. CRAZY BULL: We have a policy that we
10 developed ourselves on discrimination and sexual harassment,
11 but I think as an exception, that's not the rule that we
12 have that policy. We have had sexual harassment situations
13 arise in the university, and we've handled them using our
14 policy. We have not had any discrimination suits brought.

15 MR. MULDROW: Cheryl, 75 percent of your students
16 are Indian?

17 MS. CRAZY BULL: Yes.

18 MR. MULDROW: I would think that pressure would be
19 building up to, you know, incorporate more women in tribal
20 employment situations, and for that many women, pretty soon
21 the women are going to be the ones that have all of the
22 expertise.

23 MS. CRAZY BULL: I guess, though that there are a
24 lot of women employed in the tribe. I don't mean to
25 represent that there are not a lot of women employed in the

1 tribe. I guess I would say that these women are probably
2 not as well paid as their counterparts and that when it
3 comes to positions within the tribe, administrative and
4 managerial positions that women do not get equal *pay* for
5 their positions. I think we will see pressure on the tribal
6 *government* ~~element to kind of~~ respond to that pretty soon, I hope.

7 MR. MULDROW: Do most of your Native American
8 women graduates seek employment on the reservation?

9 MS. CRAZY BULL: Oh, yes. The majority of our
10 students stay on the reservation.

11 MR. MULDROW: Why? I mean if it's so hard to find
12 equal opportunity on the reservation, why don't they look
13 elsewhere?

14 MS. CRAZY BULL: Well, I think it's their home.
15 It's ~~there~~ *their* homeland that's one of the reasons. The other
16 reason, I think, is because they would like to contribute to
17 improving the conditions in the tribal community. I'm not
18 sure that there are, in fact, good opportunities for those
19 people off the reservation.

20 I would question whether there is any more
21 opportunity or if those opportunities, in fact, don't carry
22 a big price for them in terms of ~~there~~ *their* cultural and social
23 experiences and relationships. I would think it would. I
24 know I wouldn't choose to do that, because it would just
25 carry too many social ramifications for me.

1 MS. BURNETTE: Any other questions?

2 MS. KIM: What is your most popular program on
3 your campus?

4 MS. CRAZY BULL: Well, they're all kind of the
5 same. We have bachelor's degrees in Human Services in
6 elementary and secondary education and business management.
7 They all appear to be popular to me. They all lead to
8 employment, and they're all really particularly geared to
9 that environment, so I don't think there's any one that
10 dominates the other programs.

11 MR. FEINSTEIN: I might have missed it, but what
12 is enrollment?

13 MS. CRAZY BULL: We just went to 740 students.

14 MR. FEINSTEIN: What percentage graduate?

15 MS. CRAZY BULL: I couldn't tell you exactly.
16 It's not a high percentage that graduate. There are lots of
17 barriers to people's success. It may be a lack of financial
18 resources. We have to provide everything from
19 transportation to child care to resources for them to try
20 and survive. I think we've graduated a little over 300
21 students.

22 MR. FEINSTEIN: Are most of them from there, or do
23 they come from throughout South Dakota?

24 MS. CRAZY BULL: They're all from the Rosebud
25 Reservation area or northern Nebraska all the way east to

1 Gregory area. We don't get students from the Martin area.

2 MR. FEINSTEIN: Nobody from Eagle Butte or --

3 MS. CRAZY BULL: Well, Eagle Butte has its own
4 tribal college.

5 MS. BUTLER: I was wondering if any of the
6 graduates in your teacher education programs, are any of
7 them holding positions as teachers now in the schools?

8 MS. CRAZY BULL: Oh, yeah, all of them do. All of
9 those who want to work in the school system have jobs in the
10 schools.

11 MR. MULDROW: On the reservation?

12 MS. CRAZY BULL: On the reservation and the
13 schools hire our students practically before they graduate.
14 So we have excellent employment rate.

15 MR. POPOVICH: Cheryl, if you state that women in
16 employment is considered a non-issue on the reservation
17 itself and through the tribal government, and yet you feel
18 that one of the ways we can accomplish more is through a
19 statistical base on information.

20 Who would you feel could charge that program to
21 get it to go and how would it happen because you have to
22 have tribal assistance, I would think. Do you have any
23 ideas at all? I mean, I think it's a good idea. I just
24 wonder if you thought about how it could get gone done.

25 MS. CRAZY BULL: Every tribal council ^{oil} has ~~like~~ an

1 Economic Development Program or Resource Development
2 Program. I would approach it from there. I would say that
3 I was looking for statistics on employment and how to
4 improve employment.

5 MR. POPOVICH: Do you think then they would
6 support it if you went to individual tribal groups?

7 MS. CRAZY BULL: We could try it in Rosebud if you
8 like and see how it would work.

9 MR. POPOVICH: I think it's a good thought. I
10 also like your idea about intensive education ^{for} ~~the~~
11 government itself. Any ideas on that as well?

12 MS. CRAZY BULL: I don't know. I haven't given
13 much thought to how you might do that. I think the two
14 things that really work for tribal government is: One,
15 recognition that they are sovereign, and that this is an
16 agreement as a sovereign government to have fair practices,
17 and to say this is a service or an opportunity for them to
18 ensure this.

19 By approaching it from that angle and then to
20 network or ally with people in the tribal community that are
21 doing work about restoring women's status in the community.
22 So those groups can carry a lot of weight in the community.
23 We spend so much time on issues of creating jobs and stuff
24 that even those of us who work in those areas don't spend a
25 lot of time trying to gather statistics on women's

1 employment.

2 MS. OLD DOG CROSS: Cheryl, you talk about how
3 women are treated when they appear in front of the tribal
4 council. You're not supposed to speak and all that sort of
5 thing. I'm speaking more of attitude now. Do you think
6 that attitude prevails not only in the council but sort of
7 in the home and in the lower elementary schools, like, women
8 have certain roles of inferiority, or they're not supposed
9 to speak up before the men and so forth. Is that an issue
10 that seems to be prevailing?

11 MS. CRAZY BULL: I know that we just came ^{from an} this ^{SDIEA}
12 afternoon, and Karen will be talking after me. She was one ^{mtg}
13 of the people there, ~~the education meeting~~ where we did a
14 workshop on gender bias in the classroom ^{and} in the school
15 environment because there's so much attention in our
16 communities in education and integration of Indian studies,
17 that we haven't paid a whole lot of attention to women's
18 studies issues, so all of our heros are males.

19 That's how we -- names that we are teaching our
20 kids are males. That's when we name the men, so we try to
21 address that at the community level. If you look at our
22 traditional society, women had a place in society that
23 allowed them -- didn't allow, but they had power when it
24 came to decision making and to choices that were made for
25 the tribal people.

1 And I think there are lots of families where women
2 still are the heads of the household it still is a
3 matriarchal environment, but there are people who have been
4 very oppressed and changed their practices and behaviors of
5 households because of it, so I think you have both. And we
6 have to try to figure out a way to address that issue, and
7 we're working on that.

8 MS. KIM: I'm wondering about your faculty
9 competition. Do you have some women faculty members, and if
10 you do, what's the percentage?

11 MS. CRAZY BULL: I think that our faculty is about
12 half men and half women, and all of our department chairs
13 are either Indian or women. We don't have any white males
14 as Department chairs. Charlotte likes that. We have to
15 address the -- at the university I have concern, because our
16 Indian Studies Department is predominantly male, and I feel
17 like this is an important and serious issue for us to be
18 addressing. Why is it not equally female for us in that
19 department, so, yeah, we have our own work to do.

20 MR. POPOVICH: I just have one follow-up question.
21 You work for a university but in the school system itself we
22 had heard some complaints about discrimination of young
23 women in schools as well. Do you find that on the
24 reservation as well.

25 MS. CRAZY BULL: Oh, yes. That was what we were

1 discussing this morning is that there is a good deal of
2 gender bias against girls in the school system, the same
3 kinds of things that prevail in schools off the reservation
4 where girls don't get called on as much. Where boys and
5 girls group themselves apart, where girls' sports doesn't
6 get as much attention as boys' sports, all those kinds of
7 things. And we also have a lot of violence against girls in
8 our schools. So we do see it, and we do not think it's
9 traditional to our communities, so the approach that we've
10 taken is: How do we restore what is actually the
11 traditional appropriate way that men and women treat each
12 other.

13 MS. BLACK ELK: Cheryl, when we were in Sioux
14 Falls we heard a study done among Lutheran women that showed
15 that women among that community, as they were dealing with
16 sex abuse, incest, spouse abuse, had a tendency to flock
17 toward traditional women's careers like teaching and nursing
18 as an area to be safe, and that in order to really empower
19 women in the work place, you needed also to deal with a way
20 to overcome all of that baggage. Are you finding that?

21 MS. CRAZY BULL: I think one of the reasons we
22 have so many women in our school is so many of our programs
23 are women's programs, the nurturing, caring programs. It
24 was very surprising to me when we got our tribal management
25 degree that it was predominantly women that wanted to go

1 into that field, because I expected it to be men that wanted
2 to, and I think they've experienced some discrimination
3 because of it.

4 Because we don't have a lot of outside employment
5 in our communities, I think women are providers because of
6 their welfare, because they're able to get welfare and so
7 it's kind of distorted that traditional provider role going
8 into those kinds of nurturing areas. I mean, the option
9 isn't there for a lot of them.

10 MS. BURNETTE: We really appreciate you taking
11 time out. Our next presenter is Karen Artichoker. She's
12 the director of the White Buffalo Calf Woman Society. And
13 Karen, if you could feel comfortable in standing at the
14 podium at the microphone, I know we had some gentleman come
15 in who does have a hearing problem.

16 MS. ARTICHOKE: As Rae said, my name is Karen
17 Artichoker. I began at White Buffalo Calf Woman Society in
18 May of 1991, but I have about 14 years of experience in
19 talking with women, and, I guess, looking at women's issues
20 as it were. The White Buffalo Calf Woman Society was
21 founded in 1977 by ~~Grass Roots Women~~ on the Rosebud
22 Reservation when women started meeting throughout the
23 reservation and talking about issues that affected women
24 that tribal government did not address.

25 And at that time women prioritized violence

1 against women as a primary issue at Rosebud. That tribal
2 government was not willing to or able to address. In 1978
3 the organization incorporated and began offering a crisis
4 line to women and children. And in 1980 White Buffalo Calf
5 opened the first shelter on an Indian reservation in the
6 United States. So we have a long history of serving women.

7 Although, we like to think that we act as a
8 women's resource center and the shelter is our primary
9 project and we quickly found that out that when we went in
10 that direction that the shelter is very time consuming and
11 takes all of your energy and money. Although, we do have
12 several small projects that we do and recently we began
13 offering services to violent men who are court ordered to
14 attend our program for violent men.

15 When I was asked to address this body and talk
16 about Native women and employment, I said, "Well, there's
17 really not too much to talk about. What employment?
18 Discrimination and employment? What employment?" On the
19 reservation, of course, and at White Buffalo Calf, we have
20 one -- actually two staff, myself and another advocate that
21 we employ. And then being a small private nonprofit, we use
22 the tribal JTPA Program to employ. We get one slot. And
23 most likely, we are not going to be in a financial position
24 to retain that woman permanently.

25 Although we have had many, many women that have

1 completed that training time. In our position to the
2 stereotype, people aren't going to stay in those positions.
3 Although, I do have to say that at White Buffalo Calf we try
4 to be human beings when it comes to employees, and we
5 recognize that women have children. Women have other
6 demands on their time, especially when they have large
7 families, and so we're very flexible and we really work hard
8 to help women be able to do the job that we need to get done
9 there.

10 I think that in our community there's really kind
11 of a stereotype, a historical stereotype that the poor man
12 doesn't get to hunt anymore. He doesn't get to protect much
13 anymore, and so he's really got it bad. At least women can
14 still cook and sew and watch kids. So we haven't been quite
15 as hard-hit by genocide and colonization as men have been.

16 And I would agree with Cheryl when we talk about
17 the status of women. We know as women we literally lost
18 virtually all power in our communities. Those communities
19 really became very male dominated with an imposed male
20 dominated system.

21 And, of course, men didn't willingly buy into that
22 system, but Lakota men have gained privilege from that
23 system that was imposed on us. So when women are in
24 shelter, and if we're going to talk about why women are
25 discriminated against in employment and why women have

1 difficulty with jobs, etc., of course, we are going to
2 relate the cause to a hierarchy that is male dominated.

3 That makes it very difficult for women to achieve,
4 so, you know, we like to move to the ^{root of} ~~route~~ ~~positive~~ things,
5 because if we're going to change something, the way we
6 figure it, is we need to know what the ^{root} ~~route~~ is. Otherwise,
7 we're just dealing with the branches.

8 We know that in South Dakota every year the
9 shelters will house approximately 3,000 women. And we know
10 that shelters shelter about 10 percent of battered women, so
11 we know that minimally there are probably about 30,000
12 battered women in the state.

13 We also know that in South Dakota half of the
14 women that are sheltered will be Native women. And while
15 there are some shelters on reservations, we know shelters
16 like Rapid City and the more western and northern shelters
17 will shelter large percentages of ^{Indian} women. I believe the
18 Sturgis shelter shelters about 70 percent Native women, and
19 Aberdeen may even be higher.

20 So many of the shelters in the state have a vast
21 majority of Native women that are seeking refuge. So when
22 we talk about the things that will stop women from gaining
23 or achieving gainful employment, we really need to look at
24 violence against women as a major, major issue. And I know
25 Lisa Cook ^{is} ~~is~~ doing her survey of tribal colleges ~~and she~~

1 reported that 70 percent of the women ~~that~~ that she surveyed
2 said that violence in their lives was significant in
3 impeding their college education.

4 We know that men have punched out college
5 professors when they get jealous. We know that men pull the
6 wires on women's cars to stop them from going to class and
7 make their lives miserable so they quit or fail. We see
8 violence against women as a basic Human Rights issue, and
9 there is a movement in the women's community in this country,
10 ~~the~~^{OK,} U.N. has been asked to recognize violence against
11 women as a Human Rights issue.

12 I thought it was very interesting that Amnesty
13 international ~~agreed~~^{agreed} with that perspective, but didn't
14 want to make it official, because they said it was too big.
15 It was too big, they couldn't handle it all. When we
16 shelter women, we try to help a woman do what she thinks
17 needs to be done in her life so that she can achieve some
18 safety and often times that may mean "sheltering out," as we
19 call it, to another shelter in the city and often times that
20 will be, Rapid City, Aberdeen.

21 Brookings has been more popular to Native women
22 and they can start school there. And there are certain
23 shelters, I'll be very frank with you, that we ~~do not~~
24 recommend that women not go to and we know that racism is
25 just too great in some shelters and women go to the shelters

1 in the cities. Often times, I know, in Rapid City the
2 shelter may be full and they end up eventually in the
3 homeless shelter or in motel rooms that are too expensive
4 for them.

5 They become maids and eventually end up back on
6 the reservation, so even though -- and we don't feel that
7 that's a wasted effort, because often times just for women
8 to get away is very helpful for them to gain perspective and
9 take some time-out. One of the things that I've noticed,
10 and I'm not sure that's something that this body could
11 address and it's maybe something that we need to address in
12 our own communities is that sense of hopelessness and sort
13 of a lack of dreaming.

14 I was visiting with a woman the other day. She's
15 got two children, a premature baby, I think, on a machine.
16 She has to be constantly monitored. And, I said, "Well, you
17 know, in a few months the baby is going to be through this
18 and then what? You're obviously a smart woman. You're
19 intelligent and capable and maybe this is something you
20 would like to do." And just nothing.

21 So I think that sort of intangible attitude
22 whether it's in our own communities, through a sense of
23 hopelessness, or whether it's in that larger society, that
24 kind of unspoken knowingness that men are dominant, that men
25 are superior that men and women both have in this country,

1 the combination of those two attitudes is devastating.

2 MR. WALSH: Where does that violence start? It
3 ends up in the physical abuse of women, but what is its --
4 *Karen Artick* ~~MS. CRAZY BULL:~~ When you look at the broader
5 picture, it's permeated in society. Again, it's society
6 that sends innumerable unspoken messages to males that,
7 indeed, men are smarter and men are dominant. And it sends
8 innumerable messages to females that, you know, you can't
9 beat them.

10 I mean, you ^{re} got to let them win, and we're
11 supposed to be "sugar and spice and everything nice" and I
12 think that, number one, it permeates society and there is
13 that unspoken message to men that it's your privilege to do
14 whatever you choose to and you see that reflected in the
15 laws when you hear about a woman who has been killed by her
16 husband and you find out that if he ever went to court, if
17 the police ever arrested him, he may have gotten a \$50 fine.

18 There's very little consequence for violence
19 against women. We also know there's a lot of discrimination
20 in the -- there's sort of that attitude. There has been
21 many studies done around the attitude that women are more
22 readily rehabilitated so give them a longer sentence. We do
23 know that women who kill their partners get longer sentences
24 and are more likely to be convicted than men who kill their
25 partners.

1 So it permeates society, and certainly, that may
2 or may not be the case in the individual family we know that
3 boy children are more at risk of becoming abusive as adults
4 when their fathers are abusive. There is no evidence to
5 prove that girl children are more likely to become victims
6 in growing up in that type of household.

7 For Native people we also know that while the
8 dynamics for violence are the same as for any other
9 population, we also know that the Christianization of our
10 people, the missionizing which used corporal punishment
11 taught our people to be violent and the purposeful
12 introduction of alcohol into our society are the two primary
13 factors in the violence.

14 MS. BUTLER: With regard to your providing shelter
15 for people in certain need of help, how long is a stay and
16 what provisions might there be for support after a stay?

17 *Karen Artichoker*
18 MS. CRAZY BULL: Many shelters allow women to stay
19 up to 30 days we don't have any time limit. Housing is a
20 main problem in our community; there isn't any, so with no
21 housing we figure that if we force women to leave after 30
22 days, their options are going to be very, very limited and
23 it may force them to make decisions they don't want to make.

24 We don't consider ourselves to be a treatment
25 program, per se. We feel that women are in shelter because
 they are victims of a crime, not because they're sick, not

1 because of something they've done wrong or some issue they
2 may or may not have, so we try to be very clear that if
3 women want any kind of individual psychological services, we
4 are capable of referring that.

5 But otherwise, we really try to treat women like
6 they're grown up women, and if they want to connect with us
7 when they leave shelter, they're capable of doing that.

8 MR. MULDROW: Karen, I'm truly startled. Half of
9 the women in shelters in South Dakota are Native American
10 and about 5 percent of the population, disproportionately
11 represented 10 times what they should be, which is really of
12 epidemic proportion. I would think that would be a major,
13 major concern. Is there any -- I think South Dakota,
14 compared to other states has a commendable program to combat
15 violence against women in terms of providing shelters. But
16 I don't think there's that much awareness of the magnitude
17 of the problem. Do you think there is, that there's a
18 general awareness of this problem on the part of tribal
19 council, for example?

20 MS. ARTICHOKE: I don't think you can live in a
21 Native community and not be aware of it because there is a
22 lot of violence, so we are aware of it. But, again, we're
23 talking about a male dominated tribal government and the
24 officials themselves -- batter~~er~~_{er}. So I think there's a
25 denial around violence against women, per se.

1 We might talk about violence in our schools and
2 sort of a generalized violence in our community, but to
3 actually talk about violence against women, you know, unless
4 we bring it up, I sincerely doubt that the tribal government
5 is going to see it as an issue.

6 I know one of our candidates, on our walk --
7 October is Domestic Violence Awareness month and we had our
8 annual walk. He said that at ["]my last administration, I
9 certainly didn't -- I didn't address this at all.["] It didn't
10 occur to him because they have important things that they
11 have to talk about like how to get the Black Hills back and
12 mineral rights and water rights how to stop state troopers
13 from coming on the reservation.

14 So violence against women is real low on the list,
15 and I think that's real typical, but, you know, we're a
16 people who have been under a fog. The purpose of us was for
17 us to not be on the face of the earth anymore, so when we
18 fight, we're fighting for our survival as a people and often
19 times women's issues will take a backseat to that.

20 MR. POPOVICH: Couple of questions. First one to
21 follow up on Bill a little bit there. We had understood
22 that there was state funding. Did you say or did you
23 indicate that you do not for your shelter have state
24 funding?

25 MS. ARTICOKER: South Dakota shelters receive

1 \$125,000 for the state of South Dakota and then they take
2 \$125,000 for the federal drug money, which I think is a
3 three or four year grant, which is now up. So they're
4 talking about whether or not they're going to be able to
5 seek more money. \$125,000 for the state of South Dakota is
6 certainly not making a commitment to the women of the state.
7 The White Buffalo Calf Shelter, from the state of South
8 Dakota we get \$8,700 a year.

9 MR. POPOVICH: And how much does it does cost for
10 you to run that a year?

11 MS. ARTICHOKE: \$120,000.

12 MR. POPOVICH: And secondly, I guess, you had
13 mentioned that you felt that in all shelters there was
14 racism in the shelters?

15 MS. ARTICHOKE: Some are better than others. I'm
16 very proud of our coalition, the South Dakota Coalition
17 Against Domestic Violence and Sexual Assault. I think it's
18 a role model for interracial organizations. We use
19 consensus. We have co-chairing, one Native woman, one
20 non-Native woman.

21 And it's something that when the Native women
22 began getting involved with the coalition, said, you know,
23 "Lots of Indian women come to your shelters. How many
24 Indian women are on the Board? How many Indian women
25 advocates do you have? And they were, of course, saying,

1 "None."

2 And they have really stood up to meet that
3 challenge and I think are very actively conscious of equity
4 and conscious of racism, and so there are some shelters
5 that, I think, that are doing exceptional, exceptionally
6 sensitive and good work, respectful work.

7 There are also some shelters, mostly the eastern
8 part of the state, that have broken away from our coalition
9 that did not want to deal with issues of racism or any
10 bigger political issues and they were poor, battered women
11 and didn't care if they were green, purple, blue, or
12 whatever. And we have some issue with those shelters and we
13 feel they are not acting and trying to accommodate.

14 MS. BURNETTE: One more question.

15 MR. MULDROW: The time of employment. Do most of
16 the women who leave the shelter, Native women, go back to
17 their home situation? Are they trying to get out of the
18 home situation?

19 MS. ARTICHOKE: We haven't done any studies on
20 it, so I really wouldn't know; and I think the popular
21 stereotype is, "Well, she's just going to go back anyway.

22 And it's very easy to forget that many, many women,
23 possibly women sitting in this room, have left abusive
24 partners and moved on, so it certainly does happen. Women
25 do leave.

1 I think the poorer a woman gets, the more
2 difficult it gets to leave. Your options become more
3 limited. Your housing options become more limited. Child
4 care options are very limited. I know, I was visiting with
5 a woman a couple of weeks ago and she said they were going
6 to move to Pierre, and I said, you know, what we know about
7 violence is he's not going to stop coming in, and so please,
8 have the number to the shelter in Pierre ready. And she
9 said, "I know he's not going to stop." But she has six
10 children, all stair-stepped, and she said, "Maybe when the
11 kids were older." I mean, she's planning this. When the
12 kids were older, it would be easier and she could leave him.

13 The first step toward having control of your life
14 is having control of your body, and when there's violence in
15 a relationship, women don't really control their
16 reproductive rights or any other rights either.

17 MS. BURNETTE: We'll take one more question.
18 Marc, if you have a question.

19 MR. FEINSTEIN: I was quite surprised a little bit
20 with that statement that corporal punishment came through
21 the white society and I guess the missionary's concept. The
22 society is violent, is that when I read you to say?

23 MS. ARTICHOKE: That's something that we learned
24 from priests and nuns that in our homes children and women
25 are sacred and what we promote and teach is that violence

1 within the family was an exception not the rule.

2 MR. FEINSTEIN: How could you back that up? And
3 do you feel there's anyway possible to do that, to get that
4 idea out that violence is okay or reverse what happened to
5 the corporal punishment idea that was introduced.

6 MS. ARTICOKER: Well, I think that's what at
7 White Buffalo Calf what we're constantly trying to do is
8 reteach this was not our tradition. this was not our way of
9 being with each other in the family.

10 MR. FEINSTEIN: But you're teaching the women
11 that.

12 MS. ARTICOKER: We're talking about a public
13 education campaign. and also, we're starting to do the work
14 with the men now, too.

15 MS. BURNETTE: Thank you very much, Karen. Our
16 next presenter is June Radche. who is here for Irene N. Mee
17 who is the regional director from the Office of Federal
18 Contracts Compliance Program out of Denver, Colorado.

19 MS. ^{Radtke}~~RADCHE~~: Good afternoon. I'd like to thank
20 Ms. Rae Burnette, Bill Muldrow and the members of the South
21 Dakota Advisory Committee to the U.S. Commission for this
22 opportunity to talk about the Department of Labor's efforts
23 to achieve equal employment opportunity for women and
24 minorities in the state of South Dakota.

25 I'm the director of operations for the Denver

1 region of the office of Federal Contract Compliance
 2 Programs, ~~and~~ ^{and} across the country employers that do business
 3 with the federal government, who sign contracts, ~~they~~
 4 guarantee that they will not discriminate and are to ~~take~~ ^{ensure}
 5 equal opportunity in all of their employment practices.

6 It is our job within the limits of our resources
 7 to ensure that contractors meet their obligations. I have
 8 with me two compliance officers from ^{the} Denver district
 9 office, Charlotte Faris and Ann Occhino. ^(Occhino) They are part of
 10 our compliance ~~group~~ ^{staff}, who this week have been working on
 11 compliance reviews of our government contractors ^{here} ~~distributed~~.

12 ~~In this area~~ ^{our} Rocky Mountain Region covers
 13 Colorado, Utah, Wyoming, Montana, North and South Dakota.
 14 We're headquartered in Denver, but we have district offices
 15 in Salt Lake City and in Denver. We enforce the OFCCP
 16 regulations on federal contractor establishments in
 17 South Dakota, and this is done by our compliance officers.
 18 We have 14 in our region at this time.

19 When companies become federal contractors or
 20 subcontractors they commit to following all the ^{clauses} ~~causes~~ that
 21 are contained in their contract documents. These
 22 contractors may be construction companies on federal or
 23 federally-assisted construction work or may provide services
 24 or supplies to the federal government.

25 They must ensure that in all employment areas

1 neither applicants nor employees suffer because of their
2 race, ~~their~~ color, religion, sex, national origin,
3 disability or their veteran's status. Companies that do
4 business with the federal government must do more than not
5 discriminate. They have to take affirmative action to hire
6 and promote members of the protected groups I just
7 mentioned.

8 Contractors that fail to do so are not complying
9 with the requirements and could become ineligible for
10 federal contracts in the future. OFCCP has three statutes
11 and an executive order that we enforce. What began in 1941
12 as a limited undertaking to prevent job discrimination by
13 defense contractors is now carried out through the Executive
14 Order first issued in 1965.

15 This ~~executive order~~ prohibits discrimination in
16 all employment decisions. Contractors who do over \$10,000
17 in government business a year are covered, but those who
18 have 50 employees or more and a ~~contract~~ ^{contract} of \$50,000 or more
19 are required to develop written affirmative action programs.
20 ~~And that~~ same coverage applies to the Rehabilitation Act of
21 1973, which protects individuals encountering job
22 discrimination because they have a disability.

23 ~~And it~~ ^{also} mandates affirmative action for Vietnam Era
24 veterans under the Vietnam Era Veterans' Readjustment
25 Assistance Act of 1974. This act provides equal employment

1 opportunities and affirmative action for Vietnam^{Era} and
2 specially ~~disability~~^{disabled} veterans of any war.

3 We also join the Bureau of Apprenticeship and
4 Training in enforcing equal employment opportunity and
5 affirmative action in apprenticeship programs and we
6 investigate complaints filed against apprenticeship
7 sponsors.

8 In the course of our compliance reviews, we assist
9 the Immigration and Naturalization Service in examining
10 certain citizenship records of new employees. ⁹The
11 compliance officers from our Denver District Office review
12 the employment practices of covered contractors in South
13 Dakota to determine whether or not they are fulfilling their
14 equal employment obligations.

15 In some cases a compliance review is conducted
16 because a complaint has been filed. But more often than
17 not, we schedule ~~x~~ routine compliance reviews to investigate
18 employment practices. One of the most important aspects of
19 a review is determining what special efforts have been made
20 in equal opportunity through affirmative action measures.

21 During the review, the compliance officer analyzes
22 the affirmative action plan and compares it to the actual
23 employment practices of the company. The investigator will
24 look at the personnel files, pay, interviews employees, and
25 investigates all aspects of employment.

1 When contractors have fewer women or minorities in
2 a certain job than would be expected based on their
3 availability, they must establish goals. They then must
4 make every effort to meet those goals, but failure to meet
5 the goal is not a violation.

6 The failure to make a good-faith effort to
7 demonstrate one has tried to meet those goals~~x~~ could be a
8 violation. When a review turns up problems, we make every
9 effort to conciliate and then we enter into a conciliation
10 agreement. This agreement could have back pay, restoration
11 of seniority, promotion, or other forms of relief if we find
12 discrimination. If our conciliation efforts fail, we refer
13 the case to the office of the solicitor for administrative
14 enforcement.

15 Sanctions for contractors can include losing their
16 government work, having payments withheld or being debarred
17 from future government business. Travel and staff resources
18 have limited some of our work during the past several years
19 and we have had to ensure an equitable distribution of
20 resources in six states. Even so, we have done 50
21 compliance reviews in South Dakota in the last two or three
22 years. Several of these reviews are still in process.

23 They're being completed, some of them this week.
24 The completed reviews resulted in 18 conciliation agreements
25 and 13 letters of commitment. The letters of commitment are

1 used when the deficiencies are ~~is~~ technicalⁱⁿ nature only.
 2 The conciliation agreement always require the contractors to
 3 report their implementation on a regular basis to the
 4 Department of Labor.

5 ~~A~~ failure to do so, or failure to carry out the
 6 terms of the agreement may result in enforcement action.
 7 This year several cases have been submitted to our solicitor
 8 with a recommendation for administrative enforcement. ^PA
 9 large number of our reviews have been on construction work.

10 There is a nationwide goal for covered
 11 construction contractors of 6.9 percent in each trade for
 12 women. At this time no contractor is coming anywhere near
 13 that goal in all their trades. The 1990 census points out
 14 that there could be a disparity, ~~because~~ the census figure
 15 shows that in South Dakota there are 3,383 men listed as
 16 carpenters and only 33 women. So if you only have 33 women
 17 and you try to distribute them among all the contractors, it
 18 would be difficult for everyone to meet 6.9 percent of their
 19 work-hour goal. ↗

20 The same is true in other trades. Electricians
 21 only have 12 women in the electrician trade in South Dakota ~~and~~
 22 ~~and painters, very few, and other construction maintenance~~
 23 ~~work.~~

24 There are four women listed in ^{painters and} ~~one~~ other types of
 25 construction work. So you see, there is a need for an
 maintenance

1 applicant pool of ^{women in these} requisite skills. OFCCP evaluates a
 2 contractors performance against these goals. If a
 3 contractor is unable to recruit women even after making
 4 every effort, that contractor is not found in noncompliance.
 5 To do so would make the goal a quota, and we do not have
 6 quotas in our program. We have targets or goals.
 7 ^{compliance officers analyze data for discrimination.} Sometimes this can be found in a compliance review
 8 and since applicant records may not be completely accurate,
 9 individuals who believe that a contractor may be
 10 discriminating may choose to file a complaint. We may not
 11 have uncovered discrimination in a ^{routine} compliance review.
 12 ~~routinely~~ however, there may be someone ^{identified} in an interview
 13 ~~that you missed that~~ ^{who} chooses to file a ~~complaint~~ ^{complaint}, and those
 14 complaint forms are made available to the public.

15 Our contractors even have them, so contractors are
 16 aware of the rights of their employees to file with us.
 17 OFCCP accepts all complaints of discrimination from persons
 18 who are protected under the contract compliance programs.
 19 They may be filed by individuals or by groups of
 20 individuals. classes, organizations, or third-party
 21 complaints filed in behalf of another individual on a
 22 problem that they have been made aware of.

23 If a complaint filed under the executive order
 24 involves only one person, we refer that to the EEOC
 25 commission who then refer ^{may} that to the ^{complaint} state office. ^{706 Agency}

class action

1 (Complaints filed directly to our office are handled in ~~the~~
 2 ~~Denver~~ *District Office.*
 3 ~~for class action~~ *filing*
 4 Individuals under 503 of the Rehabilitation Act
 5 and all Veterans' complaints are handled by us. ^P In order to
 6 assist the Tribal Employment Rights Officers, OFCCP has a *develop*
 7 very good relationship with TEROs. The TEROs can *assist us in*
 8 ~~the~~ *possible* discrimination, ~~often,~~ and when we find an
 9 under-utilization of minorities, *or women* we have a working
 10 *initiative* relationship referred to as our Linkage Program, ~~where~~ we
 11 notify the TERO that we have reviewed a contractor and the
 12 contractor at this time has no minorities, *or women* ~~and~~ at such time
 13 as there is a hiring opportunity, *they notify* ~~with~~ the TERO, to refer a
 14 minority *or* woman, if the contractor was under-utilized, ~~to them~~
 15 ~~for employment.~~

15 The same sort of arrangement on the Linkage
 16 Program exists with the Job Service Office. Upon completion
 17 of a compliance review, we notified the Job Service in the
 18 same manner, ~~so that~~ when a contractor places an affirmative
 19 action job order request with a community-based organization
 20 or United Sioux Tribes or a TERO, ~~that~~ they would be able to
 21 then refer out, along with other applicants, women and ~~also~~
 22 the minority group people.

23 When we are conducting a compliance review, we
 24 look at opportunities for all minorities and women. In
 25 South Dakota we particularly look for the utilization of

1 Indian women ^(dash) Indian people overall ^{to} who work on federal
 2 contracts. The unemployment rate for Native Americans is
 3 24.1 against 4.2 unemployment statewide. we are working with
 4 the TEROs to attempt to address some of the employment
 5 barriers that they encounter.

6 ~~and~~ we also are very closely involved with a new
 7 initiative referred to as Women in Nontraditional Jobs where
 8 we joined ^{with} with the Women's Bureau, ^{We discuss} and talk about what we can
 9 do, community-based organizations, and the Women's Resource
 10 Organizations to attempt to see how we can get an ^{expanded} applicant
 11 pool necessary for employment of the minority woman.

12 The glass ceiling ^{Initiative} is another area that was
 13 mentioned earlier today. We're also heavily involved in
 14 that, ^{initiative} and we've done a number of glass ceiling reviews
 15 nationally, ~~and what~~ we have found ~~is~~ that women tend to be
 16 at first-line supervision levels in many of ~~the companies~~
 17 the larger companies in nonconstruction, but they don't seem
 18 to be able to get out of ~~the~~ first-line supervision.

19 ^{are} Some Problems ~~being~~ lack of job opportunities, many of
 20 the companies are down-sizing but prefer to call it
 21 right-sizing, ^{This} and has eliminated many of the opportunities
 22 for employment so women have to be ready and almost wait for
 23 retirement of an individual, or in the case of unexpected
 24 death, that creates an opening, ^{Then} and they ^{are} able to move ^{up} ~~in~~,
 25 provided they prepared themselves for that opening.

1 The Corporate Management Review Concept or Glass
 2 Ceiling Review is fairly new. They do have ^{annual glass ceiling} ~~an~~ award that
 3 they are offering to employers: ~~those~~ who do the most to
 4 move minorities and women through the Glass Ceiling, ~~and~~
 5 ~~that's an annual award.~~ We also have the ~~Voluntarily Award~~
 6 ~~it's called the Exemplary Voluntary Eve Award, and~~ that
 7 award is given to any employer who goes over and above
 8 normal compliance and affirmative action to try to have new
 9 innovative approaches to take ^{protected groups} ~~people~~ out of the mainstream
 10 and get them into nontraditional work or employment, ~~alone~~

11 We also have a special initiative in our own
 12 office of hiring handicapped ^{employees} ~~women~~. We ^{have} ~~we~~ found it very
 13 successful. We've had great success with the blind and
 14 hearing impaired, ~~and~~ in ~~some~~ years past, we had never
 15 thought of ^{such hiring} ~~it~~ and now that we ~~do~~ and found it successful, we
 16 passed it on to our contractors. It's a great approach to
 17 employment ^{of individuals with disabilities.}

18 In ~~this area~~ the ^{South Dakota associated General Contractors} (AGC) is entering into a new ^{approach} ~~area~~
 19 of trying to improve and resolve problems ^{of} ~~and~~ why people
 20 aren't moving into construction - especially women. ~~And so~~
 21 they ^{ed} ~~are~~ developing ^{give} videos that are being used in the schools
 22 which will ^{give} ~~be~~ bend to the young children's thoughts of: When I
 23 am older, I would like to be a construction-type trade
 24 person.

25 ^{And this novel approach} ~~is~~ those thoughts are ^{being} ~~trying to be~~ introduced at

1 an earlier age through videos and coloring books, ~~which I~~
2 ~~thought was very novel.~~ Also, at our compliance reviews
3 this week, we found that the same problem seems to exist.
4 ~~where~~ you have a lot of ^{Indian} employees who left the reservation
5 to come in ^{to Rapid City} for intermediate periods of time, ^{but} ~~where~~ they
6 choose to not remain for a long period.

7 They choose to return to the reservation. In
8 response to that, some of our contractors have worked with
9 economic development approaches on the reservation to employ
10 the Indian on the reservation. ~~And in~~ looking at records we
11 found that in one example 344 Indians ^{were} employed on the
12 reservation work over 1992 and '93, 26 of whom were women. ~~of~~
13 ~~that group.~~

14 Those were employed on federal work, ~~by employers.~~
15 The concept being: Bring the work to the reservation rather
16 than try to get the Indian to leave the reservation and work
17 off the reservation. At this time, I'd like to answer any
18 questions anyone has.

19 MR. POPOVICH: I know you work with compliance but
20 we've heard, this committee has heard from several people
21 that have talked about how women also may not always want
22 nontraditional jobs and that nontraditional jobs are fine
23 and, of course, we should be trying to get them towards that
24 goal. But is there any way to recognize traditional roles
25 of women that have always been in the past giving them more

1 credential? Has the Department of Labor worked on any
2 anything like that?

3 MS. ~~RADCHE~~ ^{Radtke}: All of our nonconstruction
4 contractors who fall into traditional types of jobs, ~~they~~
5 have an affirmative action plan that's designed based on the
6 requisite skills in the recruiting area and internally
7 within the work force, ~~and~~ ^{They} develop plans, ~~and~~ ^{and} set goals, work
8 towards those goals. ~~And~~ ^{When} they do it through affirmative
9 recruiting ~~so that~~ they don't have people in their internal
10 work force that they can promote from a lower grade to a
11 higher grade in another category.

12 ~~Then they have the external recruiting approach~~
13 ~~that's used.~~ Our focus in doing our fieldwork is probably
14 40 percent construction and 60 percent nonconstruction-type
15 contractors. ~~Yes, very much so.~~ ^{There is recognition given to training for more} Although, ⁱⁿ our special ^{credentia}
16 programs at this time, we're dealing with nontraditional
17 jobs.

18 MR. MULDROW: Did you say you have 19 compliance?
Officers

19 MS. ~~RADCHE~~ ^{Radtke}: In our region, 14.

20 MR. MULDROW: 14, okay. Are these adequate to
21 deal to monitor the federal contracting programs? And how
22 do you choose the companies that you do target for
23 compliance review?

24 MS. ~~RADCHE~~ ^{Radtke}: The first approach is if a complaint
25 comes in, we piggyback a compliance review on that complaint

1 because we have to investigate the complaint. Complaints
2 are number one priority.

3 MR. MULDROW: That's an individual complaint?

4 MS. RADCHE: Right. ~~And~~ ^{received} after that, it would be
5 based on if we ~~get~~ a concern from the community. Often, a
6 third-party complaint doesn't come in so we'll hear
7 something by either a phone call that Contractor-A is
8 noticed to have a particular situation that we need to look
9 at. ~~And~~ ^{then} we decide to do a routine review, provided we have
10 government contract coverage.

11 The rest of it is based on what we call the ~~EE~~ ^{EEDS}
12 System. It's a ~~computer~~ ^{covering} microfish process that comes out of
13 our National Office, ~~where~~ every contractor who files an
14 EEO1 Report, which describes their total work force. That
15 ^{data} goes into a computer system and is sent out quarterly to all
16 the regions.

17 ~~And~~ ^{it} lists all the employers and the ranking of
18 minorities and women within each establishment, ~~and~~ ^{has} if we
19 find a particular establishment that ~~is~~ ^{utilization} very low in one
20 area, that would be targeted for a review.

21 MR. MULDROW: Is that why you're here now in the
22 state with a whole team of people?

23 ^{because of} MS. RADCHE: We're here in the state, ~~probably a~~ ^{now primarily}
24 ~~lot of it deals with~~ employment resources budget. We had a
25 number of people here about two weeks ago, also, ~~And~~ we

1 wanted to finish the northern states before ^{the weather} it got too bad
2 ~~weather.~~

3 MR. MULDROW: Have you ever recommended
4 withholding federal funds as a result of your compliance
5 reviews?

6 MS. RADCHE: The Department of Labor has no
7 authority to withhold progress payments. Federal agencies
8 ~~that~~ have the funding process directly, we can recommend to
9 them that they will hold progress payments, ~~out~~. For
10 example, we could recommend to HUD that HUD would have the
11 housing authority, withhold a progress payment on a
12 particular contractor. But it would be their decision and
13 it would be ^{because} ~~that~~ that contractor violated the contract
14 provisions. We can only go through the Due Process System
15 that ^{follows} ~~deals with~~ the compliance review, the conciliation
16 agreement; a violation of the agreement and then ^{filing} ~~going to~~ an
17 administrative complaint, ~~and keep on in the procedures~~

18 MR. MULDROW: How does South Dakota stack up in
19 the region?

20 MS. RADCHE: In terms of compliance?

21 MR. MULDROW: Yes.

22 MS. RADCHE: Across the nation, no contractors
23 have been able to be meet goals ~~in the class~~ for women.
24 Some have met goals for laborers, and laborers is considered
25 a trade, ^{so} in a sense, ~~so~~ that woman goal ^{could} ~~can~~ be met. However,

1 in the ^{other} ~~class~~ ^{crafts} I have not seen it and I have not seen it in
 2 South Dakota. Minority utilization with some companies and
 3 some trades for the Indians is very good. ~~And~~ in other
 4 trades, they are not represented.

5 MS. OLD DOG CROSS: Back to TEROs, do you have any
 6 control over them, you know, you were talking about
 7 reporting. What if a TERO misbehaves in a certain way and
 8 somebody had a complaint about a TERO, could they report to
 9 your office and say we feel that they're either not doing
 10 their work or stepping out of bounds or doing something that
 11 they shouldn't be doing? Would that be appropriate?

12 MS. RADCHE: That would be handled either through
 13 the tribal government ^{or} EEOC Commission that funded them. We
 14 don't fund them. Our relation with the TEROs is very strong
 15 in that TEROs are the counterparts to our compliance
 16 officers, ~~and so~~ we've done training sessions on how to be a
 17 compliance officer, how to handle a preconstruction
 18 conference, the things that our office would know how to do.
 19 We've trained them and given them training manuals on how to
 20 follow. ^{those procedures on the reservation} We ~~we~~ ^{have made} ~~done~~ videos so that they ^{would} know how to do these
 21 processes and that has been very effective. ~~And~~ they are
 22 the ones who alert us to problems with contractors
 23 frequently. ~~And~~ it will result in a compliance review that
 24 we will conduct.

25 MS. SHAW: I have a question for you. Earlier you

1 mentioned -- my name is Sharon Shaw and I'm a compliance
2 officer --

3 MR. MULDROW: Ma'am, would you mind coming forward
4 so we can hear you.

5 MS. SHAW: I had a complaint last year that was
6 sent up to the department of labor, and it's still up there.
7 The status is they'll send information back to the
8 individual and, like earlier you said, go back to the state
9 and then -- so I was going to follow up. I called them a
10 couple of times. They said, "Well, we have 400 complaints
11 here and you're on a waiting list."

12 MS. RADCHE: And that's the EEOC Commission?

13 MS. SHAW: Right.

14 MS. RADCHE: And that's true. Since ADA came into
15 play, there have been thousands and thousands of complaints
16 filed under ADA and they're just terribly backlogged. ~~And~~
17 what has happened, because of all the press, the majority of
18 the complaints have been going to EEOC, because they've been
19 the lead agency, ~~Although~~, we have the same authority they
20 do. ~~And~~ because of their backlog, that's very possibly why
21 you haven't heard.

22 MS. BURNETTE: Sharon, could you tell, Stephanie,
23 please, where you're from and your name.

24 MS. SHAW: Sharon Shaw, from Rosebud, South
25 Dakota. I work for Tribal Employment and Contractor Rights

1 Office.

2 MS. BURNETTE: Any other questions?

3 MR. MULDROW: Does the general public in South
4 Dakota know how to file a complaint with you? I mean, do
5 you think people really follow through on their right to do
6 this? Are they aware of --

7 MS. RADCHE: We try to do as much coverage as we
8 can. ~~And~~ we do it by means of conferences that we hold. We
9 give complaint forms when the Women's Bureau does a seminar
10 or workshop with community groups. We want the community
11 groups to share it with the public. We give the forms to
12 the TEROs. We do as much as we can in passing out the
13 complaint forms because we do want to have that activity.

14 MS. BURNETTE: Thank you very much, June. The
15 next presenter is Carol Maicki, is that correct, Maicki?

16 MAICKI: Maicki.

17 MS. BURNETTE: South Dakota Advocacy Network for
18 Women.

19 MS. MAICKI: Thank you, Madam Chair, and thank
20 you, committee for hanging in there this long. I know you
21 must be exhausted. I know I am from just sitting and
22 listening. First of all, I'm listed as representing the
23 South Dakota Advocacy Network for Women, and that's all
24 right because I am on their board, but I am also here as a
25 former senator, an advocate for women and children.

1 I'm on many boards. My work for the past 17 years
2 has been involved in this area of women and children,
3 particularly in violence and against women and children.
4 There's one thing I wanted to clear up. Before, Cheryl and
5 Karen asked me to be sure that she didn't leave the
6 impression with you that domestic violence is more prevalent
7 among the Native American population, because that's not
8 true.

9 One of the reasons that our shelters off the
10 reservation have such high percentages of Native American
11 women is because, first of all, they have less resources
12 than white women. And secondly, Native American women are
13 more accustomed to using Social Services.

14 I mean, that's the biggest industry on the
15 reservation in the first place, but domestic violence ^{cuts} ~~comes~~
16 across all economic lines, all racial lines, all religious
17 lines. That we do know for a fact and alcohol doesn't cause
18 it. I want to make that clear, too. It's a factor, but it
19 doesn't cause it.

20 And the reason I can that say that with assurance
21 is that in communities, for instance, where there is no
22 drinking, the domestic violence rate is just as high as it
23 is in any other community.

24 What I would like to talk to you about today is
25 policy makers. I would like to talk about that aspect of

1 this whole thing, and then I would like to talk a little bit
2 about what I know about locally.

3 In all my years of working, I always thought: ~~it~~ it
4 was just one more thing, if I could just get one more law
5 passed, that would solve the problem. If I could just do
6 one more education program that would solve the problem.
7 I've come to realize now that all these wonderful programs
8 we've heard about are not going to solve the problem. We've
9 got to have a change in our leadership and we've got to have
10 a change in the will of our policymakers.

11 And to really bring home that point, I had a
12 conversation with a woman who worked, (she's retired now), for
13 the Bush Foundation. They give grants to nonprofits, huge
14 amounts of money in South Dakota, North Dakota, Minnesota,
15 and the eastern part of Wisconsin.

16 ~~They were considering and~~ they had a meeting to
17 consider just cutting out South Dakota for any funding
18 because our policymakers and our legislature were so in the
19 dark ages as far as keeping up with what the needs of the
20 people in this state were.

21 They felt that they were just throwing money into
22 a situation where they didn't have any partnership from the
23 government. They decided not to do that because we were so
24 pitiful over here, ~~that~~ they decided to wait and see if maybe
25 there could be some changes. So some of the grants that

1 Bush has given has been to towards that end as far as
2 helping the legislature to see.

3 So far it's not been successful. I don't think
4 it's benign neglect. I think that it's aggressive, and I
5 think it's purposeful sabotage, any kind of steps forward to
6 make our state more inclusive as far as sharing our
7 resources here in this state.

8 I have many examples of that, but I'm not going to
9 bore you with them. But I think the barriers to employment
10 for women in this state, number one, is the violence against
11 women. We have such a high instance of violence against
12 women. We've had five rapes in just weeks here in Rapid
13 City but that's not unusual.

14 And even one of the police officers said, "Well,
15 we expect that many rapes anyway." But the reason it's on
16 the front page of the paper today is because they think they
17 may have a serial, a couple of serial guys. It's just not
18 the common ordinary rape. The cavalier attitude toward
19 violence against women just enrages me and I need to get my
20 anger -- I keep trying to direct in constructive ways, but
21 --

22 MR. MULDROW: How does that tie-in directly with
23 employment? Violence is a serious problem, but can you tie
24 it in? How does that affect employment?

25 MS. MAICKI: I have a quote here and I don't have

1 the cite, but I can get it for you. "Battering is an
2 important cause of female absenteeism in the work place.
3 Battering, not pregnancy or motherhood, is the main reason
4 women leave the work force altogether." For starters,
5 that's one.

6 My experience in working with battered women in
7 the shelters here in Rapid City and in Sturgis, all around
8 the state, really, and in Wyoming tells me that if you're in
9 a battering situation in your relationship, there are women
10 that work in spite of that, even though their husbands know
11 when they're on break.

12 They make sure they don't speak to co-workers. In
13 some cases it's as bad as that. I've had employers call and
14 say, "Do something about this guy. She can't get her work
15 done. He's harassing everyone else here." And, of course,
16 we can't. As an employer he can say that he's not allowed
17 on the premises.

18 Now that we have the stalker law, that helps a
19 little bit, also. But my point is that this permeates all
20 of our society here and starts at the top. I believe that.
21 I've seen incidents of battering, if you will, on the senate
22 floor. Until our numbers are equalled out, we're going to
23 have this situation. As long as you have one group of
24 people controlling all of the resources, making all of the
25 policy decisions, you're going to have this situation. It's

1 as simple as that as far as I'm concerned.

2 ~~Just before some of the specific incidents that~~ I
3 get phone calls all the time all across the state even
4 though I'm not a senator anymore; ~~but~~, for instance, a nurse
5 was being slapped and hit by her surgeon whenever he would
6 have a temper tantrum, and I know we have these laws in
7 place, but I know that our laws are not working.

8 And I know that there is ~~an~~ access and I know that
9 women are terrified of using those processes here in the
10 state. I know a teacher here in one of our higher
11 institutes of learning who was being harassed by a fellow
12 teacher and these are professors, by the way, and she did
13 start with her first ^{option where} ~~she~~ you're supposed to go to your
14 immediate supervisor, and she did that and then things
15 really got bad for her. Her health suffered.

16 She was on the verge of a nervous breakdown. He
17 would walk into her class when she was presenting something
18 and whisper something obscene in her ear on the pretense of
19 coming in to have a conference with her. If that isn't a
20 barrier to employment, her only recourse she thought -- she
21 knew she would be blackballed and there would be no job for
22 her in her field, and it was pretty specific, and so she
23 just waited her time until she could find another position.

24 It didn't solve the problem. That man is still
25 there. He's still doing it. There are no full-time jobs

1 for women in this community. They work part-time jobs and
2 you heard today that some of them work two and three
3 part-time jobs. Tourism is one of our biggest industries,
4 and the women who are at the bottom of that industry who
5 clean motel rooms are the ones that are most exploited, as
6 far as I'm concerned.

7 They have a little scheme now in some of the
8 places where the women are not paid by the hour, they're
9 paid by the room. And when you equal it all out, they're
10 making less than minimum wage. I don't know how they get
11 around the laws, but that's how they do it. There are so
12 many women lined up for those jobs that they'll give them
13 two hours a piece.

14 You cannot support a family, you can't even buy
15 cereal on the hours that they're giving them, so they'll
16 clean here for a couple of hours and clean over there for a
17 couple of hours. And, of course, child care. I won't go
18 into that. You've heard that. That is another barrier, but
19 back to the policymakers again, and my statement that it
20 isn't benign neglect but that it really is purposeful and it
21 is planned.

22 Money that comes into the state from the federal
23 government, if it's based on population, my experience has
24 been on funds that come in here for battered women and
25 sexual assault. Under Governor Janklo, we started getting

1 the bulk of money, which is the Victims of Crime Act money
2 and it was very clear.

3 The federal government said, "This money -- (it
4 comes from fines, by the way that criminals pay). It doesn't
5 come out of tax dollars and it was based on, as I say,
6 population, so our ~~state~~^{Share} was less than \$200,000. The first
7 priority was for sexual assault victims; second, priority
8 was battered women; third was child sexual abuse.

9 Rather than giving that money to the programs who
10 were providing those services, he created a job -- and her
11 name was Laska Showenfelder, so she took all of that money
12 for the first couple of years until the local programs
13 started making some noise. Now, that money is being
14 disbursed.

15 That's just one example. There's plenty of them.
16 The money that comes to the Domestic Violence Programs is in
17 the Department of Commerce. That makes no sense to me at
18 all. We have tried to get it moved out of there, and it's a
19 temporary appropriation that they have to go every year and
20 beg and plead to the legislature to get their measly
21 \$125,000.

22 I do think that we're the lowest state as far as
23 commitment from state government. To me it's a matter of
24 priorities. It's not that the state is broke. The state is
25 in good shape. But the priorities are not our women and our

1 children. I believe we can only go as fast as the slowest
2 of us and it's to all of our benefit to have healthy,
3 involved people. and I don't understand why the powers ^{that} ~~to~~ be
4 don't understand that. It's an us and them kind of
5 proposition.

6 It's ours to accumulate and the rest of you to
7 scramble as best you can. That really is the attitude, I've
8 even heard, when I was serving, "Hey, look, you already got
9 your one ~~loan~~ ^{Bill} through this year. What do you want another
10 one for?" As though women's and children's issues were
11 something like the dessert after we've taken care of our
12 good old boy things. And it's not just men that belong to
13 the "Good Old Boy" club. There's lots of women that belong
14 to that club also. And it's a matter of survival.

15 I believe that they think that that's where their
16 best interests lie, so I don't blame them. but I think until
17 we have more people speaking out, it's going to remain that
18 way because there is no reason to change. What is the
19 reason to change, and when I thought about coming here and
20 someone said, "What good is that going to do, Carol? It's
21 just another committee."

22 But the commission did some wonderful work in the
23 field that I'm interested in, and that's domestic violence.
24 When this commission 10 years ago came out with seven
25 criticisms of State Attorney's Offices or District

1 Attorney's Offices. It's taken 10 years, but now, all the
 2 new legislation~~s~~ that's popping up all over this country is
 3 from those first seven criticisms and how they wouldn't
 4 prosecute domestic violence cases and how they had barriers
 5 up to women in saying, "Well, she won't sign the complaint
 6 so, I'm not going to do it."

7 ~~Rather than them taking on the responsibility, and~~
 8 we have some wonderful prosecutors here in our state that
 9 are fore~~fronters~~^{runners}, and one is Jeff Bloomberg, who is up in
 10 Deadwood. So what you do may not seem like you have an
 11 effect in the beginning, but I'm envisioning 10 years from
 12 now if I'm still walking around, I'm going to be, like,
 13 "Look what the Commission on Civil Rights said. They
 14 recommended this."

15 As far as violence against women, racism, and
 16 sexism, I don't know if I finished saying it. Those are, in
 17 my opinion, the three biggest barriers to employment. We
 18 have, ~~o~~^o people in South Dakota want to work. We have a lot
 19 of working poor, and it is true that people who are on
 20 welfare, the average time spent on it for a family is two
 21 years in South Dakota.

22 That's not outrageous. We don't have a
 23 generational problem like they do in maybe inner-city
 24 New York or L.A. People only use it when they absolutely
 25 have to. And I don't believe that it is being abused, but

1 the general feeling out there is, "Well, I saw this woman
2 and she was in the grocery store and she was buying,
3 whatever."

4 But that's all part of this -- I think it's a
5 conspiracy. You just take their mind off of what's really
6 going on and get them all fighting with each other, and then
7 they won't notice how we're slipping money out the back
8 door, which goes on, and as a legislator, I know it, and
9 I've seen it and I know about it. That may be why I'm not a
10 legislator anymore.

11 I heard someone mention ^{women} resource centers, that
12 that would be a good place to do ^{assistance} a job. ~~you know~~ finding
13 these pools of people; and I agree, it would be a wonderful
14 place and the shelters would love to do it but they just
15 can't do it with the burden that they have now and they're
16 scraping for existence.

17 If the state would fund them, ~~so that -- and we're~~
18 ~~not asking the state to~~ ^{when we wrote up the original}
19 enabling legislation, we said that the state could not fund
20 them more than ⁴⁰ ~~20~~ percent of their total budget, because we
21 wanted them to be autonomous and to have local support so
22 there's not ever going to be a danger of the state having to
23 put too much money into those programs, but that would be a
24 good place.

25 There are now close to 30 of these domestic

1 violence shelters across the state, and where they're,
2 situated, it would make good sense, because women who decide
3 to leave, if they don't have a job the first thing, of
4 course, they have to look for is a job. And if there were a
5 way that they could know about nontraditional jobs, ~~and~~ I
6 don't think it's that women don't want to do that work.

7 I don't think it's anything that's ever been
8 presented to them as a viable occupation. I know years ago
9 in a small farming community, where we were in Wyoming I ran
10 a small youth center ^{there were who want to} ~~so the kids that~~ didn't go to college.
11 I thought: How can I expose them to what jobs there are,
12 and so I said to them, "If you could go and spend a day with
13 anybody, who would it be?".

14 And all the boys wanted to go to a car dealership,
15 and all the girls wanted to be with a hairdresser. Now,
16 that's what they knew. When they went to town, ~~you know,~~
17 they saw these guys strutting around selling cars or the
18 girls saw hairdressers.

19 That's all they saw, and so I let them do that and
20 they all decided -- (this is a small high school only 20
21 kids), ~~but~~ it's tough work standing on your feet all day and
22 the boys saw how tough it was to sell cars and that you had
23 to not always be totally honest. And so then they said,
24 "Well, what else is there out there." And so I'm just
25 saying, presenting the opportunity is half of the battle, I

1 think. I think I've covered about everything I want to say.

2 MS. KIM: I'm real impressed with your statement
3 and could you sort of give us some suggestions about what
4 would be an active solution or any idea to help out women's
5 problems. Especially with your wisdom, can you shed any
6 lights on the American women's problems. It seems they are
7 in double jeopardy.

8 MS. MAICKI: It's true they are. I think we're
9 making some baby steps towards dealing with our racism, and
10 I speak to you as a White person. I believe it's our
11 problem it is not Native American people's problem. It's
12 ours and learning to undue our own racism is the challenge.
13 And I see community groups who are starting to do that now.

14 And I've been a part of that group. I learned a
15 lot about myself. I think it's good. That's where it has
16 to start neighbor-to-neighbor, household-to-household. I
17 don't think the state or this group can do anything about
18 ~~the~~ racism, but I do know that in this area where I live
19 here in the Black Hills, it's so overt. if you lived
20 anywhere else in the world and come here, I heard people
21 remark: It's right out there in the open it wasn't that
22 long ago that there were signs in our stores that said: No
23 dogs or Indians allowed. And those people are still around.

24 So it was not very long ago. Phyllis, you don't
25 see any brown faces in the stores, in the local stores.

1 That's where the problem is. And people who come from the
 2 reservation here, we have a population I believe it's about
 3 6,000 permanent residents who are urban Indian people.

4 They've lived here for many years and with the
 5 movement around ~~there~~ at any given time could be eight or
 6 9,000 Indian people. That's a significant minority that you
 7 don't see anywhere, but ironically, ~~whereas~~ the tourists
 8 come in and they're in love with "Dances with Wolves," maybe
 9 it wouldn't be a bad idea to have an Indian person up front.

10 So I think that's going to happen, but as far as
 11 the larger ~~percent~~ ^{picture}, if this group could recommend that ~~they~~ ^{the State}
 12 reactivate, ^{the 800 #} that would be a huge step. There's an 800
 13 number or there used to be ~~an 800 number~~ that citizens could
 14 call. It's closing up more and more all the time rather
 15 than the opposite. I think the legislature just might do it
 16 just to save face.

17 MS. BURNETTE: When you talk about when you
 18 address the purposeful neglect of public policymakers where
 19 I sat here listening and say they represent all of us. Is
 20 the South Dakota they represent constituents and bring to
 21 the policy-making forum the attitudes of there
 22 constituencies. And true, we all should know better but can
 23 you, from your legislative days, other than the Bush
 24 Foundation, recall possible withdrawing from the state
 25 because of policymaker's inability to recognize serious

1 issues?

2 Can you think back of any other specific incidents
3 that during your term, perhaps with appropriations that
4 dealt with women, that could have perhaps been attached with
5 women in the work place, whether it's empowering, giving
6 more money to -- moving anything other than -- more
7 specific, that's more blatant from a policy standpoint,
8 because when you address policy makers, you really address
9 the citizen of South Dakota in general, because they carry
10 to legislature, so is there anything specific dealing with
11 women?

12 MS. MAICKI: Every year the children's ^{agenda.} ~~the~~
13 Advocacy Network for Women sponsors ~~they have~~ what they call
14 the children's agenda, and this would be the third year.
15 Not one part of that has ever been ~~refunded~~. The bulk of it
16 is federal money, and the state's share is so little. It's
17 just this meanness of spirit that we have here, ~~that they'll~~
18 ~~listen.~~ ^{the legislature 5 years ago}

19 The shelters; [^] ~~they recently~~ appropriated \$250,000
20 of state money and found this federal money and rather than
21 adding onto it, took away the state money which requires
22 tons of paperwork. I could go on and on. And I would be
23 glad to list some of the examples where it is, to me,
24 purposeful and blatant.

25 MS. BURNETTE: From the testimony that we heard in

1 Sioux Falls and here today, it seems as though the programs,
2 state programs in particular that are designed to address
3 some of the barriers, they're out of federal legislation and
4 federal mandates from highways to the Carl Perkins Act. I
5 mean, they're here in South Dakota only because of that
6 federal legislation and mandate. Is there anything that you
7 can think of that the state of South Dakota, through their
8 own initiative, developed in terms of policy for women and
9 children with their own dollars?

10 MS. MAICKI: No, I can't think of a single
11 instance.

12 MR. MULDROW: I just want to say before you leave
13 the stand that your advocacy for women have not gone
14 unnoticed with this state. I've talked to a lot of people
15 in connection with this project, and your name keeps coming
16 up over and over as a person who has been a tremendous
17 source of encouragement and support for women, and I commend
18 your efforts.

19 MS. MAICKI: I thank you for saying that, but I
20 also have to let you know that I have nothing to lose. My
21 husband and I own an electrical engineering firm, so I'm not
22 afraid of losing my job. A lot of people speaking today are
23 terrified that they may say the wrong thing. They did
24 punish me, because as a senator they told me I had a
25 conflict of interest. As far as I know there were only

1 three legislators who were told: You choose between your
 2 job and ^{legislative} duties. All three of them woman; all three
 3 Democrats, and all three senators and all within the last
 4 three ~~or four~~ years.

5 MR. POPOVICH: I just wanted to comment that I
 6 had, since our last meeting, received our newsletter and
 7 Carol is quoted in this issue and I wondered how widespread
 8 this is or whether the legislature briefed this or had
 9 access to it?

10 MS. MAICKI: They didn't publish it for a couple
 11 of years, because they didn't have any money. They just got
 12 some money from U.S. West and ^{yes} they do read it. ~~All of the~~
 13 ~~legislators you meet~~ ^{The Legislators say,} also. ~~ph,~~ yes, it's a terrible
 14 problem. None of them argue on the floor. It's all done
 15 underground, ~~and I was one of the people that -- and that~~ ^{It} was
 16 just three years ago when we got rid of the "exemptions for
 17 husbands" is what I call it, in the rape statutes. Then it
 18 was out in the open, but the press picked them up. So now,
 19 they're smart so you don't hear them out in the open. You
 20 won't hear a legislator that says, "Well, I think domestic
 21 violence is okay." They may think it, but they don't say it
 22 anymore.

23 MR. POPOVICH: We also heard that 90 percent of
 24 the laws that are out there on domestic violence are good
 25 laws but no enforcement.

1 MS. MAICKI: That's changed because of what you
 2 people did on one of those commissions that had those seven
 3 points. The police are arresting; the prosecutors are
 4 prosecuting. From my perspective it's light-years.

5 MS. BURNETTE: So judicially it's made a
 6 difference, not necessarily administratively or otherwise.
 7 Thank you very much.

8 Our next presenter is Nadine Zeller, FIND
 9 counselor, at Job Service of South Dakota.

10 MS. ZELLER: I'm Nadine Zeller and I'm a Rapid
 11 City Native, so I'm well aware of ^{what} ~~everything that~~ goes on in
 12 Rapid City, ~~and just~~ as a point of interest, I think you
 13 might like to know that I, too, at one point was a single
 14 mother ^{with} ~~and had~~ five children, and for seven years ^{had to work} ~~worked~~ two
 15 jobs in order to support my children due to lack of child
 16 support.

17 My job primarily is ~~to make and~~ to help welfare
 18 clients become self sufficient, and free of the welfare
 19 system with the ultimate goal of full-time employment. And
 20 I want to preface everything by saying that I feel like I
 21 have to say exclamation point, exclamation point,
 22 exclamation point, because everything I'm probably going to
 23 say you've heard so maybe just by hearing it again and again
 24 it's like an exclamation point.

25 ~~But to say that I'm self-sufficient and free of~~

*To help clients become self-sufficient and
 free of*

1 the welfare system with the ultimate goal of full-time
 2 employment seems like it should be simple. ^{Hopefully,} Well, ~~the first~~
 3 ~~thing that we do when we get our clients in is we do an~~ *after listening to what I have to say, it will*
 4 ~~assessment. And one thing that you'll hear differently from~~ *help you realize it is not always so*
 5 ~~me, everybody has been saying: Barriers.~~ *simple. You will hear me speak of barriers affecting*
 6 *success instead of barriers.*

7 We used to say barriers and we decided for us that
 8 was too negative, so we talk~~d~~ about factors, factors that
 9 affect their employment, when I speak of factors, think of
 10 your barriers. ~~That's what it is.~~ ^{The first thing we do is} ~~And we do this~~ *an*
 11 assessment and we do it to determine work experience,
 12 education, child care and transportation needs and other
 13 factors that are inhibiting their success.

14 From that we determine the factors that need to be
 15 worked on and make a plan to try and overcome those factors.
 16 ~~And before I go on, one thing I'd like to address, and it's~~
 17 ~~kind of been hinted at a little bit,~~ is the statement that
 18 many of you'll hear people say, "Well, they're on welfare.
 19 Why don't they just get a job and get off welfare?"

20 Hopefully, by the time you've heard everybody
 21 today and by the time I'm through you'll understand~~s~~ that
 22 many of these people have so many factors that they deal
 23 with, ^{because of the backgrounds} ~~that just coming from the backgrounds that~~ they come
 24 from, ~~many of them come from backgrounds of alcoholism, the~~
 25 ~~physical abuse we've been hearing about.~~ ^{and sexual abuse, that it isn't that cut and} ~~And I might~~ *dried,*
^{P.O.K.} ~~highlight on the physical abuse.~~

1 ~~about that. We heard Bobbi Brown talk about it.~~

2 Many of our clients, particularly our Native
3 American clients who come here from the reservation come all
4 alone with no one else. They have no family. They have no
5 friends. They have nobody to rely on, and if you come from
6 a background of being sexually abused or any other kind of
7 abuse, you're very protective of your children.

8 You're afraid to just leave them with anyone. So
9 that makes it very difficult for them to be able to ~~get it~~ ^{find}
10 *suitable daycare.* Then if you can find child care, it's many times
11 cost-prohibitive. Child care is expensive. If you get with
12 a day care or some private day care providers, they
13 expect a deposit. You pay for the days your child or
14 children are there, whether they're there or not, ~~and you~~
15 ~~have to pay all the time.~~ Many of the jobs that we have are
16 part-time jobs, so it's hard to find day care. *they can afford*

17 Many of the jobs that we have are evening and
18 weekend jobs. ~~That's~~ ^{it is} almost impossible to find day care for
19 evening and weekend jobs. When a client is on AFDC, if
20 they're going to school, we pay a dollar and a quarter an
21 hour per child while they're in school. That rarely covers
22 it. Lots of times they have to use either their grant or
23 their student loan to help pay for it.

24 However, when they go to work they have to cover
25 the day care themselves. When a client is on AFDC if

1 they've been on for four months and their grant closes to
2 due to employment, they get what we call continuing benefits
3 for a year. They get medical and child care. We don't
4 physically give them child-care money, but we give them
5 credit for it, so by the time you do your budgeting, they
6 end up with possibly some AFDC grant plus their wage.

7 ~~And~~ we do an orientation every week with our new
8 AFDC clients, ^{at this time} and we try and show them the reasons for
9 working, why it's more profitable for them to work. We talk
10 about fringe benefits. We just don't talk about the fringe
11 benefits that we think of, insurance and annual leave and
12 such.

13 We talk about the fringe benefits of being able to
14 better support yourself and feeling better about yourself,
15 about meeting new friends, about having a reason to wake up.
16 I have clients tell me, "I have no life. I have no reason
17 to get up in the morning." So we try to tell them why it's
18 profitable for them to go to work.

19 So we tell them ^{this} ~~that~~ and then they go out and they
20 get a job that's nothing but a minimum wage job and they're
21 paying day care for two or three kids. It doesn't take much
22 of a mathematician to realize that they're never going to
23 get anywhere and they're never going to make any money.

24 So it's easy for them to fall back on welfare.
25 We've been trying to do some things to cut down on the

1 recidivism. ~~You know~~ Social Services says we have to stop
2 the recidivism of people who keep falling back on welfare,
3 but it's very difficult when you have clients who probably ~~have~~
4 very little education or very little work history to get a
5 job that pays any more than minimum wage.

6 And regrettably in this day and age, a lot of
7 employers ~~hire~~ ^{hire} part-time, so ~~you~~ ^{they} don't have to pay the
8 benefits. You ~~don't~~ ^{then} have to pay the other things, and it's
9 just not possible to be self-sufficient that way. Bobbi
10 Brown did talk about her state program for the Child Care at
11 Risk. That's been a real boon. However, for the Child Care
12 at Risk, you have to have a licensed day-care provider.

13 That makes it even more difficult to find day
14 care, because there are not a lot of licensed day-care
15 providers. And then again, if you find them, they are
16 cost-prohibitive to be able to get them, but it is a step in
17 the right direction.

18 Lack of transportation has been mentioned before
19 and does pose a problem. They either don't have a vehicle;
20 they don't have a driver's license, or maybe they've had a
21 DUI, and they can't get it. Maybe they have no insurance,
22 so it would take paying a fine and having to get the
23 insurance. So it's like teaching our kids, it's not just
24 getting a car. It takes getting insurance and everything
25 else that goes with it.

1 We did fight hard in Rapid City and a year ago, we
 2 did get our bus system in Rapid City, which is a lot of
 3 help. Regrettably, it only covers the city limits. It
 4 doesn't go to Rapid Valley or to Box Elder or to Black Hawk
 5 where a lot of our low-income housing is, but it is a start.
 6 ~~And also~~ it doesn't ^{operate} ~~go~~ evenings ^{or on} ~~and it doesn't go~~ weekends,
 7 but it is a great improvement over what it used to be.

8 And it's really very low cost. For a \$20 bus pass
 9 you can ride unlimited rides, ~~for \$20~~. You can't operate a
 10 car for \$20, ~~but~~ one of the problems with parents who are
 11 working and ^{need} ~~with~~ day care, if you have to take a child to
 12 day care and then to a job ~~that~~ riding the bus; ^{can be difficult} we know when
 13 you ride a bus you don't just go from Point A to Point B,
 14 like in a taxi cab, so it's difficult to do it. So
 15 transportation still poses a problem.

16 One of the other reasons ^{I was asked to speak,} and the position I'm
 17 speaking from now, ^{is to tell you} ~~the information I received was asking~~ how we
 18 ^{help} welfare women moved ~~off~~ off of the welfare system. ~~so I'm~~ ^{been} I have
 19 trying to show you some of the problems that they face in
 20 moving off and ^{also} ~~then~~ some of the things that we try to do to
 21 help them.

22 One of the big things is the fear of losing their
 23 medical coverage, ~~and~~ ^{as} I said, if their case or grant
 24 closes due to employment, they'll have ^{the} ~~that~~ transitional ^{benefits} for
 25 a year. Toward the end of the year, you do have some

1 co-payment, but it's very minor. So ^{thus} ~~that~~ is a real fear, if
 2 you have children or if you have a child that has some
 3 medical problems or you do, moving off of anything where ^{there} is
 4 ^{not going to be} medical care is a real problem.

5 Being a single parent is a form of discrimination
 6 ~~or they face discrimination that way.~~ Employers think if
 7 you're a single parent you're a going to miss a lot of work
 8 because of sick children. ~~We've heard cases where people~~
 9 ~~have had to quit because of sick children.~~

10 They worry you're going to get pregnant. They
 11 don't think you're stable. Being divorced ~~is~~ ^{can cause}
 12 discrimination, a connotation that sometimes leads to forms
 13 of harassment that aren't always there. Regrettably, there
 14 are some employers who still direct-interview questions to,
 15 "I see you have children. Do you have day care problems?
 16 Do you plan to get married again?" I mean, questions that
 17 you can't believe employers ask, but they do ask those
 18 questions.

19 As I said, many of our clients have little or no
 20 work history and they lack even a high school diploma or a
 21 GED, which has been addressed. A lot of our clients have
 22 maybe an eighth grade education. That's a long ways to come
 23 from and things to get through. We have a really good GED
 24 program through our Adult Basic Education Program.

25 They're set up at the Jefferson Building, and they

1 meet Monday, Tuesday, Thursday, Friday, and Saturday
2 morning. Every day but Saturday morning they have ^{free} day care
3 provided and they have classes morning, afternoon, and
4 evening, and they also ^{offer} ~~do~~ remediation to help.

5 There are all kinds of assistance programs there
6 to help, and it's in a real nonthreatening situation, so we
7 really encourage our women to work on their GED. We can
8 help them by paying for the GED test when the time comes,
9 and then we also try to urge them to go on for education or
10 training if at all possible.

11 As I said, we pay day care for them, and we help
12 them fill out financial aide forms, ~~the different things~~
13 ~~they do~~. Before we urge them to do this, we do a lot of
14 testing in our office. We give an aptitude test. We give
15 an interest inventory. We do vocational counseling so that
16 when somebody is heading into a educational field or a
17 training field that we know, ~~that~~ they really have an
18 interest in that or that they have the aptitude for it.

19 Also, if we find they have a real need for some
20 remediation in math or reading, we can help them. I always
21 try to tell my clients that I'm here to help you be
22 successful, not to set you up for failure. And if I would
23 send somebody to college and they have a real math problem
24 or a reading problem, probably what would happen is that
25 they wouldn't call me until the damage was done and they

1 dropped out of school.

2 So there are a lot of things that you have to keep
3 on top of. Even clients with education and training face
4 the obstacle of finding employment that will support a
5 family. We've talked about that. Linda Lea spoke of that,
6 other people have, that women rarely command a salary that a
7 man does, and often when women, even though they have
8 education, when they go out to look for jobs they're
9 categorized into the clerical or less than management
10 positions, the old traditional stereotypes and they need to
11 earn the same amount of money that a man does, but they
12 still don't command the salary that a man does.

13 Many of our Native American clients face an even
14 greater problem becoming employed. Sometimes it's very
15 difficult for them to even get an interview, and then even
16 those with training and experience have difficulty securing
17 competitive jobs, ~~and~~ [≡] when I was doing orientation one
18 morning and in speaking to clients before this, I had one
19 young client say to me, ~~she said~~, "Please mention that even
20 when a client, ~~you know, when somebody~~ ^{o.k. ✓} really wants to work
21 that if you're pregnant, nobody is going to hire you." And
22 we know that's not a reason for not hiring, but we can do
23 things silently and not give the reason why.

24 Another major factor that's been mentioned briefly
25 and is really dear to my heart that we're working very hard

1 on is the lack of affordable housing. We have seen in Rapid
 2 City this year more people living in their cars ~~this summer~~ ^{and}
 3 in parks. There are more cardboard boxes up.

4 There are more things that are happening than
 5 we've ever seen before, and when you talk to people about it
 6 ~~and~~ they think it's just one more government handout we're
 7 looking at. I think we're looking at a lot of social issues,
 8 ~~a lot of things come~~ ^{created from these conditions.}

9 Phyllis touched on the fact that many people move
 10 here and all live together. We have found that when
 11 families move together, lots of times that's when the
 12 alcoholism, the abuse, everything else comes forward because
 13 it's just too many personalities, too many factors going on.
 14 And I will tell you, it's very hard for them to come into my
 15 office and ^{have me} say, "You are going to find a job today," ~~and~~
 16 ^{when} their main concern is where they're going to sleep with
 17 their kids tonight.

18 So we have to be real sensitive to everything
 19 that's goes on and we have to look at these issues. When I
 20 talked about the clients that deal with a lot of
 21 psychological problems, the alcoholism and all, I had to ^{these}
 22 ~~convince~~ ^{convince} ~~fight real hard with~~ my superiors, ^{to allow the time for} because, of course, they ^{to seek the help} ~~need~~
 23 think our job is that everybody just comes in. You send
 24 them out; they ^{get a} ~~have the~~ job and they're off welfare.

25 Well, let me tell you, that's not the way it goes.

With a

1 ~~a~~ lot of my clients, it takes them six months to a year to
2 help them become employable, ~~and I finally said, and I~~
3 ~~argued and I argued, because they kept saying, "We have all~~
4 ~~this recidivism to keep falling back on."~~ And I said,
5 ~~Unless you let ^{them} take the time to ~~help them~~ become~~
6 healthy, they are never going to stay off welfare. ~~x~~

7 I can send them out, and they'll get a job, but
8 then something will flare-up and they will be drinking or
9 there will be abuse or they will have a flashback of
10 something that's going on and the job is gone. I have a
11 real good relationship with several of the counseling
12 agencies and we make referrals.

13 We get people into counseling. We get them into
14 alcohol treatment. There is a lack of adequate alcohol
15 treatment available. It takes a long time sometimes to get
16 somebody in, ~~and we've worked real hard on that.~~

17 If somebody needs alcohol treatment, you have to
18 send them when they're ready. You can't have them say, ~~you~~
19 ~~know~~ "I'm ready to go." And then six months later, say,
20 "Well, we've got a place for you." Because maybe six months
21 later they're not ready to go, so we have all those things
22 that we have to work through to help make people
23 job-ready, ~~and we have to help involve the different things~~
24 ~~that are there.~~

25 Nonpayment of child support was brought up and

1 that puts many people in the position of having to work at
 2 low-paying jobs. They're left alone and they don't have a
 3 lot of experience and had they had some child support, maybe
 4 they could have ~~been~~ survived, and many times it means
 5 working two jobs and then that creates lots more problems,
 6 the day care and all the other things that I've already
 7 touched on.

8 The treatment of women in the work field is often
 9 so subtle that you can't put your finger on it. Women feel
 10 threatened to stand up for higher wages or their rights for
 11 fear of losing their job. Consequently, they are willing to
 12 work for lower wages and in less than desirable situations.
 13 Women feel a lot of discrimination, things in subtle ways
 14 that aren't mentioned either. They feel that because they
 15 may be a little fat, too old, ~~some of these~~ things that
 16 possibly, ~~that~~ a man wouldn't feel. *they are not hired*

17 ~~Those things are situations.~~ When they go to
 18 interview, maybe the employer will write back and say: Did
 19 not fit the employment setting they were going to be in.
 20 They didn't say anything about ~~what~~, *Why* but it's not hard to
 21 figure that out. I mentioned to you several of the factors
 22 that I see that are of concerns ~~for~~ why women have a hard
 23 time transitioning off welfare, but I'd like to mention a
 24 few of the things that we try to do to help them get past
 25 this.

1 For one thing, we have a Job Search Assistance
 2 class. We have a two-day class where, they come in and they
 3 learn how to interview, how to effectively fill out a
 4 resume, how to effectively fill out applications, and I say
 5 that, effectively, because lots of people don't even know
 6 how to do that right.

7 We do a videotaped interview where they ^{can} ~~could~~ see
 8 how they come across in an interview. When I teach the
 9 class, I spend a lot of time working on self-esteem, all of
 10 the things ^{that help} ~~that are~~ bolsters ~~to~~ them, because those are the
 11 things that they probably are lacking the most. We have
 12 what we call Community Service. That's where our clients
 13 aren't paid but they're given a stipend of \$25 a month[^] ^{for volunteer} ^{work}

14 ~~This is to me~~ I equate it to the old
 15 apprenticeship program, and I see it as so valuable, ~~because~~
 16 when you have people that have no work experience or no
 17 training or not much education, but they're interested in
 18 ~~maybe~~ learning a job, we ^{find} ~~get~~ an employer who is willing to ^{work}
 19 ~~work, and it's like volunteer time, but they're given that~~ ^{with them.}
 20 ~~stipend for a bus pass or to use it for whatever.~~

21 ~~and~~ we do help them with day care while they're on
 22 the program. ~~it,~~ but it gives them some valuable work experience so they
 23 can ~~know that~~ ^{use it on an application.} -- because so many job orders say, "Must have
 24 steady work history. Must have reliable work experience."
 25 ~~And how do you get that if you can't. I mentioned to you~~

1 ~~about adult basic education.~~ We ^{also} provide supportive
2 services. ~~Rhyllis, again, touched on the fact of clothing.~~

3 A lot of our clients when they come in, ^{have not} ~~it's taken~~
4 ~~everything they can get to get their children clothed to go~~
5 ~~to school.~~ We can help them buy an interview outfit. ^{if they} ~~they~~
6 get a job that requires ^{additional clothing for} ~~that they address for~~ a job, ~~then~~ we
7 can help them put together a wardrobe.

8 We can help buy uniforms. We can help buy gas or
9 bus passes until ~~you~~ ^{they} get ^{their} first paycheck. We do
10 one-time car repairs, ^{When they have obtained} ~~and that's only when it's kind of like~~
11 ~~the last vestige that we do to make them self-sufficient~~
12 ~~when they're going into employment. There are a lot of~~
13 ~~things that we can do to help them.~~

14 Also, there is the JTPA ^{program} which has been touched
15 on, the Job Training Partnership Act and on-the-job
16 training ^{is} where the government pays 50 percent of the wage
17 during the training period. After we've done ~~the~~ testing
18 and ~~find~~ ^{found} ~~out somebody~~ ^{a client} has the ability and the interest for a job
19 ~~something~~ we can ~~sell~~ ^{refer} them to an employer ~~that way~~. We ^{we have}
20 also then, of course, have ~~the old~~ job referral where ~~we've~~
21 ~~get them coming in weekly to get them in the field.~~ ^{the client} ^{for job search.}

22 And I would like to ~~probably~~ end by again
23 emphasizing that most welfare clients would rather be
24 working than be on welfare. They don't want to be on
25 welfare. They want a better life for themselves. We do

1 still have generational welfare clients ~~here~~, but that is *x*
 2 ~~the cycle we are trying to break,~~ *are*
 3 ~~we're trying to break the cycle,~~ *we're* trying to reach the
 4 clients at a younger age. We're trying, through
 5 legislation, to not allow them to be on ^{welfare} so long. But most
 6 of them would rather be working ^{to better be able to take} ~~to take care of their kids,~~
 7 *care of their kids*
 8 ~~Then I heard you ask some people what you thought~~
 9 *You have asked for* recommendations and I thought of two things, ~~and I guess,~~
 10 *First*
 11 ~~if anything, it~~ would be to encourage affordable day-care
 12 centers. If there could be some day-care centers that could
 13 be located ~~that would be~~ at an accessible point, ~~where people~~
 14 ~~could then drop them off.~~ ~~But~~ more people are going to be
 15 kept out of the work force because of day care.

16 And then one thing that ~~I think, that~~ I would
 17 charge you all to do and that I try to do every chance I
 18 get, ~~and that~~ is to educate the public about the plight of
 19 the welfare client. Again, ~~they don't want to,~~ most of them
 20 *don't want to be on welfare.*
 21 ~~time, be there.~~

22 A lot of them are put there due to circumstances
 23 that were totally out of their control, ~~and they're trying to~~
 24 ~~get off.~~ They're overcoming major factors. I think ^{about} when we
 25 fought for the bus system, we had a lawyer that was on our
 board and he said, "I'm a single man. I have two cars in my
 driveway. I didn't know that we had a transportation
 problem in Rapid City." And I think that's the problem that
 we have with a lot of things is people don't know that we

1 have a problem in Rapid City, that we have a housing problem,
2 and that we have clients who are fighting to survive.

3 I think a lot of it is that we just need to
4 educate people that when you hear the old saw, "Well,
5 they're on welfare. Why aren't they out working?" And you
6 can say: Well, maybe they didn't get out of a warm bed this
7 morning, and maybe their tummies aren't full, and maybe they
8 didn't have a car to drive to the job, and maybe they didn't
9 have a day-care provider when they got there.

10 And maybe all they had to put on this morning was
11 a light sweater and it's snowing out. So maybe we need to
12 educate people that there are reasons why this happens and
13 that we are all working very hard to try to change that.

14 MS. BUTLER: I have one recommendation. Number
15 one, was affordable day-care center. Somehow I missed
16 recommendation number two.

17 MS. ZELLER: The other one was my charge to you to
18 help educate ~~the public about how difficult it is to~~
19 ~~become self sufficient and free the welfare system~~
20 ~~the reason why.~~ *and that most clients would not choose to be on welfare*

21 MR. POPOVICH: Two things. Do you believe that
22 the National Health Care Plan being proposed will help or
23 will it hurt? Will people want to regress back and stay on
24 welfare, or do you believe that this will actually help them
25 get out into the work place?

MS. ZELLER: I think the fear of losing health

1 care would be eliminated. There is so much to this health
 2 care plan, and I don't feel that I'm an expert to speak on
 3 it, but I think when you have a health care plan so that
 4 people feel that there is something, ^{won't be so worried about} ~~one thing that we do~~
 5 ~~have, you know,~~ ^{leaving welfare.} we have a lot of doctors in Rapid City that
 6 won't accept Title 19 so even though they have Title 19 they
 7 can't find health care.

8 We do have a Rapid City Community Health Center
 9 now, which has been great, and they have five or six doctors
 10 on staff and a couple of P.A.'s, and a couple of nurses, ~~and~~
 11 they're going to build a new facility, ^{in the near future}

12 So again, we're making some strides, ~~but I think~~
 13 ~~from the standpoint if it allowed affordable day care,~~ ^{* does not}
 14 ~~there's always the old saw the other way, and that's that a~~ ^{make sense}
 15 ~~lot of small employers say they can't stay in business in~~ ^{some}
 16 ~~their jobs. I did want to touch, too, about, and then I'll~~ ^{left on,}
 17 ~~get back to that, when~~ ^{on what} Jim Walsh said this morning, "There's
 18 all kinds of jobs around." There are a lot of jobs in Rapid
 19 City, but ~~they're~~ ^{many are} minimum wage. ^{and part-time}

20 And the thing that's very discouraging to us when
 21 we sit and watch economic development brings employment into
 22 Rapid City, a company will look at Rapid City and they were
 23 talking, when they talked about coming, about paying six and
 24 \$7.00 an hour. All of a sudden, they're in Rapid City and
 25 they're here and what are they paying? Four and a half an

This section is so confusing. To make sense of it, would be just to say - There is a need for creating about minimum wage jobs. Economic development.

should concentrate on securing jobs that will pay a living wage.

1 hour and that's really discouraging because economic
2 development money is going into it and all other things.

3 And they talk about management positions. Very
4 rarely do these jobs bring in management positions. They
5 bring management in. They're coming in here for the
6 laboring force, so granted, it is creating jobs, but it's
7 creating minimum wage jobs. And I would like to see anybody
8 take care of a family on it.

9 I mean, I, speaking from experience, worked 40
10 hours a week for the state and 25 hours a week for Sears for
11 seven years, to try and ~~take care of my family~~ *Didn't really say that*, because it
12 just needed to be taken care of. My kids were getting to be
13 teenagers by the time I was alone and getting ready for
14 college and they're not cheap at that age, so it took a lot
15 of money.

16 MS. KIM: I'm so touched because of your
17 compassion for welfare people. It's really wonderful, and
18 what's your workload? Sometimes don't you feel like you get
19 burned out?

20 MS. ZELLER: Very much. And, you know, it's funny
21 when you asked that because the burnout comes ~~lots of times~~ *not from the clients*
22 *but* from the bureaucracy and the paperwork that we've heard
23 about. There are times when you don't see an end to
24 anything, but I have lots of success stories. They talked
25 about the 38,000. There are a lot of people that use the

1 welfare system right.

2 I had a little young lady walk in ~~when~~ with a six
 3 week old baby in her arms, ~~and we got her going to the~~ *She began at the* School
 4 of Mines. Fours years later she graduated and moved to
 5 Denver with a \$40,000 a year engineering job. Lots of them
 6 use the welfare system as it should be used. They use it as
 7 a transition period into ~~it~~, *a better life* but people don't see that.

8 *Was I really confusing??* ~~And they don't know and they're tax payers and~~
 9 *this* ~~they're the ones who are willing to do it.~~ Anything in the
 10 human services field is burnout. I've been at this for 10
 11 years and I have a caseload that's right now ~~it's~~ probably
 12 around 120 cases. It used to run around 200, and you do get
 13 overwhelmed, but what overwhelms me is the paperwork ~~and the~~
 14 ~~scrap~~ more than anything else.

15 MS. BURNETTE: Are there more questions?

16 MS. BLACK ELK: We're looking at the change in
 17 federal law that's going to require employers to deduct
 18 child support, and hopefully, that will clear up some of
 19 those problems, but is your organization looking at
 20 adjusting so that the person who may get child care or child
 21 support, still will need that transition and the support
 22 maybe the GED's or learning to get out in the work force.

23 MS. ZELLER: Right. And you mean even if they
 24 weren't on AFDC?

25 MS. BLACK ELK: Even if they didn't qualify for

1 AFDC, are those services still available?

2 MS. ZELLER: Sure. Everything with the state is
 3 *available to the public.* ~~I mean,~~ the Job Search class, the career counseling, the
 4 testing all of that is free. Adult basic education is free
 5 the only difference ~~is~~ *with the AFDC clients* ~~when they come~~ *with us we can do the* ~~supporting~~ *provide* services. We can give more
 6 individualized time to them. But somebody that's there --
 7 that's one of the regrettable things, too, about child
 8 support. If somebody receives child support, ~~lots of times~~ *doesn't make sense*
 9 it cuts them off and it's not quite enough and if their AFDC
 10 case closes due to child care, they lose all the
 11 transitional benefit of child support.

12 ~~So~~ there are a lot of things that we fight for.

13 One thing that we fought for and just got that's really *positive*
 14 *is the new Transitional Employment Allowance.* ~~positive.~~ Many times clients would fail in their first
 15 month of work, because Social Services figures on
 16 prospective wages. ~~so you get a job and they prospect that~~ *When a client got* ~~they~~
 17 ~~you're going to maybe make \$600 next month? so they say,~~ *would* ~~it would be~~ *enough income to close their case.*
 18 ~~Okay. That's too much. You're AFDC closes.~~

19 ~~So~~ the AFDC closes right now but the first
 20 paycheck doesn't ~~maybe~~ come for three weeks and in that
 21 three-weeks time you had to pay your rent; you had to get
 22 clothing for the kids. You had to do things, so ~~they~~ *the client* quit.

23 They have just instituted ~~now~~ the TEA, the
 24 Transitional Employment Allowance, and what happens is when
 25

1 their grant closes due to a job, they get ~~it~~, one more *check*
 2 *like a* grant check, so it transitions them through. ~~And we fought~~
 3 ~~long and hard to get that, because we could see, you know,~~
 4 lots of times the system sets itself up for people to fail.
 5 Everything about the system isn't right. ~~There is a lot of~~
 6 ~~glitches that are there and the same thing with grants~~ *Another problem is when a case*
 7 ~~closes~~ *closed* due to child support, and then ~~denying~~ those mothers *are*
 8 *denied* their continuing benefits for that reason. If it closes for
 9 any reason, they should get ~~the~~ *continuing benefits*.

10 MS. BURNETTE: I have one question, and you're an
 11 appropriate last speaker, if you will, after what we've
 12 heard all day today, and it seems as though your task is
 13 awesome, and I was waiting for you to dispel the myth for
 14 me, to dispel the myth that that it's better to stay on
 15 welfare than to go to work.

16 And you talked about some of the things that your
 17 office tries to do or does, on the AFDC, but I still didn't
 18 hear enough information for me, given the economic climate
 19 of South Dakota, to get women off of welfare, and I'll tell
 20 you why. And I believe you've probably been here in the
 21 state as long as I have, but for a period in South Dakota we
 22 heard leadership, talked about how we needed to address the
 23 brain-train in South Dakota and how all of our best people
 24 were leaving the state and then through economic
 25 development, a great effort on behalf of the state

1 leadership for economic development. We heard today, as
2 part of that, we're now -- we're more of a
3 service-orientated industry with the minimum wage jobs
4 coming in that don't offer the benefits.

5 It seems as though there are some contradictions
6 here in what our government programs are trying to
7 accomplish, with all good intent aside to what the reality
8 is. And I know that there's some talk in the state about
9 some welfare reform. Keeping that welfare reform in mind,
10 that, you know, people are talking about welfare reform and
11 recognizing the status of jobs and economic climate and all
12 the factors that you talked about, what are your solutions?

13 MS. ZELLER: I wish I really had a viable solution
14 and, I guess, maybe, the solution is to get more people
15 educated better to hopefully move into better jobs, to get
16 them the work experience, their on-the-job trainings. The
17 welfare reform that you speak about, that I'm kind of aware is the

18 ~~of~~ TEA ~~is one~~ ^{and limiting the time a client can be on}
^{welfare.}

19 One part of welfare reform ~~was~~ ^{is} that no one who ~~was~~ ^{is}
20 job-ready would be on welfare more than two years. Anyone
21 who ~~was~~ ^{is} in a four-year educational plan would not be on
22 welfare more than five years, ~~and so I guess that's positive~~
23 ~~ways of getting people off welfare that it's doing.~~ I

24 wished that the climate was such here that the jobs were ^{better}
25 ^{paying} and it's not just ~~my~~ welfare clients ~~that do that~~
^{who feel this.}

1 As we worked to get the bus system and as we're
 2 working on the housing problem, there are a lot of working
 3 poor in Rapid City, ~~(and that's kind of just a label, who~~
 4 ~~could qualify for a lot of programs, but aren't on AFDC, but~~
 5 ~~it's very difficult.)~~ ^{Confusing} I guess what I would like to see is I
 6 would really encourage the state in using their economic
 7 development money, ~~and that they really do see about~~
 8 ~~bringing~~ in jobs that create more than minimum wage jobs.
 9 In western South Dakota, primarily, the job industry is
 10 service-oriented jobs and they are seasonal jobs. ~~(And so a~~
 11 ~~lot of things do go. We do have a lot of people who move~~
 12 ~~off the welfare role.)~~ ^{Something missing}

13 And it's through getting jobs that do pay more.
 14 ~~Even the Career Learning Center with their short-term~~
 15 ~~skills, we update clerical skills and things like that, and~~
 16 ~~they can command \$6.00 an hour, but that's, again, if they~~
 17 ~~can find day care. And that's why I think we really have to~~
 18 ~~look at affordable day care.~~

19 MS. BURNETTE: Can you access information that
 20 will tell this community how many of these women come off of
 21 welfare that go into -- I mean, can you share at some point
 22 with Bill, give us that kind of information?

23 MS. ZELLER: Sure. I will try and get that
 24 information. I'm sure we can. I didn't come loaded with
 25 statistics today, because I thought I wanted to present the

1 story as it was without statistics. Sometimes I think they
2 become skewered to fit whatever.

3 MS. BURNETTE: I think what's important is that
4 this committee is charged in fact-finding to present an
5 objective picture of what's going on in South Dakota for
6 women in the work place. And sometimes how we feel and what
7 we sense is out there --

8 MS. ZELLER: So you want to know how many people
9 are moving off?

10 MS. BURNETTE: Your assumption is that, we have, I
11 don't know what percentage of women coming off of the
12 welfare system. Now, whether those women are leaving the
13 state would be interesting to look at.

14 MS. ZELLER: I will do that and I'll get it to
15 you, Bill.

16 MS. BURNETTE: Thank you very much for sharing
17 with us. John Van Patten has --

18 MR. VAN PATTEN: An antidote.

19 MS. BURNETTE: We'll let him do it.

20 MR. VAN PATTEN: I just wanted relate to the
21 committee part of a conversation that I had at lunch with
22 Pat Duffy, who is a lawyer in Rapid City, and he said that
23 he handled a matter that could have gone to the Human Rights
24 Division, but he decided this was a pro bono matter, which
25 he took directly to court.

1 And he said that he called up the Human Rights
2 Division in Pierre and said, "I've got the case." And
3 describes it and says, "Do you know how long would it take
4 for me to get a hearing?" And he was told by the office
5 that it would take 17 months if he filed the charges today.
6 And I thought in light of the statement this morning that --
7 well, there were a few cases over 270 days this was a
8 statement that was made by the office back in February that
9 -- I take it that the average waiting period was 17 months.
10 So I thought I'd at least report that to the committee.

11 Also, on a different but a related matter, and
12 that is a different case, Pat also said that when the
13 investigators came and did their work on a case that they
14 were extremely good. He was very complimentary of the
15 investigators.

16 MS. BURNETTE: When did the case get reported or
17 when was the inquiry made?

18 MR. VAN PATTEN: He made the inquiry in February
19 of this year.

20 MS. BURNETTE: Of '93?

21 MR. VAN PATTEN: Yes. And actually, it was part
22 of the finding of the court that judge -- I can't remember
23 now the name of the judge, but the judge made a finding that
24 because of the lack of a viable remedy through the state
25 that the legal remedies were inadequate that he was issuing

1 the injunctions, because that's one of the showings that you
2 have to make is that legal remedies were inadequate and so
3 he made a finding, a specific finding that they were not
4 viable remedies. And I asked him to send me that transcript
5 and I would pass that along to Bill.

6 MS. BURNETTE: Thank you. And in adjourning this
7 part of our session today, I would ask all the committee
8 members, I know some of you can't come back. I think we
9 have one open testimony tonight beginning at 7:00.

10 MR. MULDROW: We have one scheduled testimony
11 tonight.

12 MS. BURNETTE: We have one scheduled testimony
13 tonight. I think it's from the Military Women's Group and
14 encourage all of us as much as possible, each and every one
15 of us, to come back at 7:00 for that. It will only be an
16 hour at most to end this, and in Sioux Falls we had not as
17 full a slate as we did in the morning here. And we will
18 adjourn this second session of the meeting and reconvene at
19 7:00 in this room, Bill?

20 MR. MULDROW: Yes.

21 (Dinner Recess.)

22 MS. BURNETTE: I'd like to reconvene the third
23 session. This is the Committee on Civil Rights and I know
24 that we have one speaker and that has signed up to speak to
25 us tonight in our open forum. Thank you for being patient

1 all day. Introduce yourself and where you live, and
2 welcome.

3 MS. CATHY: My name is Cathy. I live on base and
4 I'm a military suppose. I would like to thank this
5 committee for the opportunity to address you, and I've
6 wanted to tell you some of the experiences that I, as a
7 military spouse have experienced. I can't speak for
8 everyone, only for myself, only from my own personal
9 experiences. I agreed with Mrs. Viken earlier about the
10 positive legislation that has come about in various places.
11 I have had very many obstacles. Anything from when you
12 apply for a job, if you are pregnant, strike one. If you're
13 a military spouse, strike two. A lot of people have had a
14 little bit of a difficulty with that.

15 MR. MULDROW: Give us a little background. How
16 long have you been here?

17 MS. CATHY: Six years, sir.

18 MR. MULDROW: You've worked or you're trying to
19 find a job while your husband is in service?

20 MS. CATHY: Yes, sir.

21 MR. MULDROW: What is your profession?

22 MS. CATHY: Well, I'm a paralegal as far as that's
23 my degree, in paralegal science. However, I haven't pursued
24 that. I have this thing, once I've met my qualifications, I
25 want to go on to something else. Many of the problems that

1 I've experienced is like job applications where they ask you
2 your marital status and your husband's job and things like
3 that, which to me, that's kind of a little bit too personal.
4 And it's still out there and it's not an option. It's
5 something that you don't fill in as an option.

6 MR. MULDROW: What kind of applications? For
7 large companies?

8 MS. CATHY: No, sir, no, sir, just employment
9 applications, and that, to me, is embarrassing.

10 MR. MULDROW: Could even be illegal, I don't know.

11 MS. CATHY: Yes, sir, it is. It's something that
12 should be optional. Another problem we face is the fact
13 that because we are transient, people don't want to hire us
14 because we're only here for a certain time, and I understand
15 that. I respect that view, because they have incurred
16 expenses training us, so I do understand that. But I also
17 wish they would understand our point of view.

18 We're pretty lucky on base. We do have the
19 resources available when we do come face to face with
20 obstacles such as this. They work with us and try and help
21 us to overcome the situation that may be at hand. Another
22 thing that we face and I don't -- I'm not proposing
23 preferential treatment, is the fact that if I had the same
24 qualifications as a local here and they knew the people,
25 then their chances of being hired would be a little bit

1 greater than mine.

2 And that's a fact. That's everywhere, so it's not
3 just a regional thing and those are basically the only
4 things that have really concerned me, but like I said, it's
5 come a long way, but we do need some more legislation and I
6 would like to help. Thank you very much.

7 MR. MULDROW: Well, have you found a job?

8 MS. CATHY: No, sir, I haven't. I've had a lot of
9 obstacles. A lot of it probably is, I am have from a
10 different region. I know I'm different in several respects,
11 more outgoing, but that's not a problem, I hope. And so I'm
12 working with the people on base, and they're helping me to
13 put my portfolio together so that I could be more targeted
14 for the area.

15 MR. FEINSTEIN: What type of jobs -- I don't mean
16 specific employers, but what type of work were you looking
17 for where you've been denied? Any particular trend?

18 MS. CATHY: I don't want to go into that, because
19 the ground rules basically stated we weren't supposed to
20 slam or we weren't supposed to defame anyone.

21 MR. FEINSTEIN: I guess my question is whether it
22 was government? Whether it was retail? Factory work?

23 MS. CATHY: No, sir, it was not government nor was
24 it retail or factory.

25 MS. BURNETTE: Was it the private sector?

1 MS. CATHY: Yes, ma'am.

2 MS. BURNETTE: Was it administrative or middle
3 management? Clerical? I mean, can you help us in job
4 classifications here without naming?

5 MS. CATHY: Okay. I'm sorry. I just didn't want
6 to -- I would say more clerical. I know I have the skills.
7 I just have to prove it, I guess.

8 MS. BUTLER: You are proving it. You are proving
9 it by the mere fact that you're here and that you've made
10 the presentation. I am very much impressed, when you said
11 earlier that you were different, but you know that you are
12 qualified for the type of work that you're seeking. Have
13 you had interviews or are you stopped at the application
14 stage?

15 MS. CATHY: I'm stopped at the resume, yes, ma'am.

16 MS. BUTLER: And the six-year term is still called
17 transient?

18 MS. CATHY: Well, actually, I've gone some places
19 where -- I've been there for six months. I have been to
20 other bases for eight months. I have been to places for 13,
21 22 months, 29 months. This is the longest I've ever been
22 anyplace, so you know I have a lot of variety that I can
23 bring to the job with me. I have been everywhere.

24 MR. POPOVICH: You stated that the base was
25 working with you on a portfolio --

1 MS. CATHY: Yes, sir.

2 MR. POPOVICH: -- and helping you develop that.
3 I'm curious. They have people all over the world that they
4 go to different bases. Isn't there a program established
5 for women like yourself within the base that would help you
6 understand what the local community needed or wanted --

7 MS. CATHY: Yes, sir.

8 MR. POPOVICH: -- and try to fit you back in?

9 MS. CATHY: Yes, sir.

10 MR. POPOVICH: Are you using that?

11 MS. CATHY: Yes, sir, I certainly am.

12 MR. POPOVICH: But it hasn't helped?

13 MS. CATHY: Well, I go, "Okay. I'm not getting
14 anywhere, so let me reevaluate and start from ground zero."

15 So I started taking the seminars and workshops, and the
16 next step I have to take is targeting to look at my resume
17 to see what's wrong with it. Is there something -- am I
18 overqualified trying for a less qualified job? Am I not
19 qualified enough for the jobs that I'm targeting, but I'm
20 not trying to be a paralegal. I love it. I'm not knocking
21 it. It's something I would like to do, but I'm like every
22 mom. I want to spend time with my children as well, and
23 that's -- to me, they are my prime interest.

24 MR. POPOVICH: Does the base have child care
25 available for working women?

1 MS. CATHY: Yes, sir, they do. And they are very
2 heavily regulated. I mean, they're more regulated out there
3 on base than they are downtown. My children are of the age,
4 they're past the need of child care. So I was out of the
5 job market for a while and I'm trying to get back in.
6 That's my biggest problem. I have the experience and
7 everything. It's just that it was awhile back.

8 MS. KIM: Most of the standard resumes I have
9 reviewed doesn't reveal marital status. Could it be an
10 option for you not to state that?

11 MS. CATHY: Oh, I don't put marital status. To me
12 that's private. That's something that I don't want to
13 stress to them. The only thing that probably hurts me is my
14 professional affiliations OWC, things like that, that would
15 target me for being base personnel. That's basically it,
16 but I don't think there's a discrimination in that respect.

17 I just think that the biggest obstacle I've faced
18 during interviews is: When are you going to get your
19 orders? And that's like pulling a rabbit out of a hat. You
20 can't determine when you're going to leave.

21 MR. MULDROW: Is that a general problem on base?

22 MS. CATHY: Some of them -- some of them take the
23 option to stay at home and be with their children. And
24 others, we want to get back into the work force. My oldest
25 son is 21. I want to get back in. I hear some of them talk

1 about it and they do work with us. and we have a good
2 rapport with the downtown.

3 Most of the places do help and they're welcome to
4 see us because they know we're dedicated hard workers. So
5 I'm not trying to say that it's a bad, bad problem, but it
6 does exist.

7 MR. MULDROW: Just one suggestion. One of the
8 presenters, two of the presenters that we had today, Elaine
9 Kohler and Gloria Pluimer, have programs that work with
10 situations like yours, helping women to get back into the
11 work force that have been out for a while. I don't know if
12 you heard of them, but I would suggest you might get some
13 help or suggestions from them. Especially Gloria Pluimer,
14 and we would have her address back there. I'm sure she
15 would be very glad to help you.

16 MS. BURNETTE: Are there any other questions? I
17 have a couple of questions. How large is the Ellsworth Air
18 Force Base community?

19 MS. CATHY: I haven't kept up with it because at
20 the time I know there has been a little bit of a scale-down.
21 I believe when I came here, there were approximately 8,000
22 people as far as the working force of the base itself, not
23 including spouses. We're basically a community on our own.

24 MS. BURNETTE: Right. And I can only guess what
25 some of the organizations are that you cited with your

1 acronyms. What was that, Officer's Wives Club?

2 MS. CATHY: Yes, ma'am.

3 MS. BURNETTE: Is there any networking between the
4 civic organizations or, if you wanted -- I call them civic
5 organizations, where you might call them military civic
6 organizations, is there any networking that occurs between
7 the military base organizations, such as your women's group,
8 with local Rapid City township women's groups or other civic
9 organizations that you may be interested in?

10 MS. CATHY: I'm probably too base oriented. I
11 mean, I've been with it for 13, almost 14 years.

12 MS. BURNETTE: Do you feel the Rapid City
13 community as a whole embraces that base population --

14 MS. CATHY: Yes, ma'am.

15 MS. BURNETTE: -- in all areas other than, perhaps
16 employment?

17 MS. CATHY: I didn't mean, specifically, but to me
18 that was the biggest obstacle that I had was the employment.

19 MS. BURNETTE: How many women in your Officers'
20 Wives Club -- do you know other women that are experiencing
21 the same difficulties that you are in accessing jobs?

22 MS. CATHY: Well, that's why we have the workshops
23 out there and they want to make sure that we're aware of the
24 situations that do take place. And it's basically to get
25 you back in, too, because when you've been out of the work

1 force, I mean, FAX's and everything that never existed when
2 I first entered, you know, that's out there.

3 I have computer experience. I have three of them
4 at home, so at least I can keep abreast in that respect.
5 But then there are a lot of women that don't have that
6 opportunity. They work with us. They don't do anything
7 negative. They enforce the positive. And, like I say,
8 we're lucky. Whereas another woman that would be in this
9 area wouldn't have those opportunities that I'm enriched
10 with.

11 MS. BURNETTE: Finally, you may not be prepared to
12 do this this evening, but could you supply the Regional
13 Office with a contact person and the appropriate office out
14 at the base where we could perhaps follow up and discover
15 some of our own facts regarding military wife's, you know,
16 attempts or how -- I mean, what's the office that you work
17 with? Could you give us that contact?

18 MS. CATHY: It's the Family Support Center and
19 they did an excellent job. In fact, she said she felt that
20 -- she and I worked together Monday, I would probably be
21 employed. I told her I was at the point to do volunteer
22 work again just to get back into the swing of things.

23 MS. BURNETTE: But that might be worth getting
24 just to see what the problem is.

25 MS. BUTLER: If you'll be here for another couple

1 of minutes, I'd like to just mention a couple of ideas
2 privately.

3 MS. CATHY: Yes, ma'am. I don't want to get into
4 trouble.

5 MS. BUTLER: When my husband was in the military,
6 we were stationed at Ellsworth and I remember being a member
7 of the OWC also. But, you see, I worked as a classroom
8 teacher in the Douglas School System.

9 MS. CATHY: Well, see, I don't have the skills. A
10 lot of us have -- we should get jobs that compliment our
11 husband's jobs.

12 MS. BUTLER: But you have three computers in your
13 home, and I'm thinking, have you ever thought about starting
14 your own business, because there are some small business
15 administrations. They're called mini-loans for women, and
16 that maybe something you will want to investigate.

17 I know it doesn't solve the immediate problem, but
18 it appears to me that you are a self-initiator and that you
19 could probably set up a modem system or some sort of network
20 and do wonderful things from your home until you did find
21 employment.

22 MS. CATHY: I'm definitely -- I enjoy staying
23 busy. That's not a problem.

24 MS. BUTLER: There is the Office of Minority
25 Business Enterprise and sometimes they will provide

1 assistance for you in the form of resource people who can
2 show you how to set up a business plan, how to do
3 projections and so forth.

4 MS. CATHY: Well, see, I do live in base housing
5 also, so I would have to fall into their guidelines.

6 MS. BUTLER: I understand.

7 MS. CATHY: So you understand.

8 MS. BURNETTE: I'm sure you and Dorothy can visit
9 after we adjourn our meeting about Dorothy's insights into
10 all of your potentials, so if there aren't any more
11 questions, thank you very much for coming back and sharing
12 with us. I do have one question: What brought you to the
13 hearing today?

14 MS. CATHY: Actually, I read it in the paper and
15 then I spoke with Mrs. Harris out at the Job Service. It's
16 basically, it's a liaison with Job Service and that, and
17 they gave me some more information, so I said, "I might as
18 well try this and see what exactly it's composed of."

19 MS. BURNETTE: We appreciate it. Thank you. Are
20 there any other people in the audience that would like to
21 provide testimony to our committee regarding women in the
22 work place? Yes, ma'am come forward and tell us who you are
23 and as much as you would like us to know about you.

24 MS. SCHULZ: Thank you, Madam Chairperson, members
25 of the Committee: My name is Sue Schulz, and I'm here this

1 evening --

2 MR. MULDROW: Could you give your full name, ma'am
3 and your address for the record.

4 MS. SCHULZ: Okay. My name is Sue Schulz and my
5 address is P.O. Box 842 Sturgis, South Dakota, 57785. I am
6 the executive director of Crisis Intervention Shelter
7 Service in Meade County, and our shelter is located in
8 Sturgis, South Dakota. I'm also one of the co-chairs of the
9 South Dakota Coalition Against Domestic Violence and Sexual
10 Assault. Our coalition is -- I'm just going to read this.
11 I just try to ad-lib too much and I lose my place.

12 Our coalition of women is a coalition of women
13 united together to fight for the rights of battered women
14 and children. We're working to try to end violence in our
15 state. We're working to advance the awareness of the
16 problems of violence against women. I'm also here tonight
17 as a woman. I am a single mother of three children and I
18 have lived some of the difficulties here in South Dakota.

19 First of all, as a director of the Shelter for
20 Battered Women, I see the barriers to woman on a daily basis
21 who come to the shelter who face extreme danger in their own
22 homes. They come trying to start a new life without their
23 abuser. They're trying to start with hopes that they will
24 be able to start over again.

25 I see women who are battered and abused forced to

1 leave their jobs because they are battered and abused.
2 Their employers are afraid to help them. They will
3 terminate women who are being harassed at the work place
4 because of the interferences with their jobs and so on.
5 Again, the employers are afraid of what is going on. They
6 refuse to intervene.

7 They also refuse to seek help for themselves and
8 trying to understand what is going on with the battered
9 women in the work place. I see other woman who have somehow
10 gained the strength that it takes to go back to school and
11 to further their education, only to have their books and
12 work, after work at 2:00 in the morning literally thrown out
13 the window and dashed, because their abuser cannot stand to
14 have them trying to empower themselves to maybe get away
15 from that situation or to be able to help their families
16 with the financial situation.

17 I see the same women in the shelter who would like
18 to go back to school and that's some of the things that we
19 offer these women is educational counseling to get them back
20 on the road again, but they have so many more barriers.
21 Women come in the shelter who have old school loans they
22 have defaulted on, and the default is because the abusers
23 have not allowed them to pay or keep up payments on them, so
24 they are not able to go back to school.

25 I see women in shelter who are unable to get a job

1 while they're in shelter or what we call in transitional
2 housing. Again, it's because the employer or the potential
3 employer is looking at the potential risks of that abuser
4 coming back and hurting her or possibly hurting other people
5 in the work place. When a battered woman is forced into the
6 job market too soon because of financial constraints, it is
7 very dangerous for her, for her children and for all others
8 involved.

9 The statistics show that one out of four women are
10 involved in abusive relationship today, and that statistic
11 is dropping. Some studies show that one out of three women
12 are involved in an abusive relationship. Many women find it
13 hard to get out of this type of relationship. They have
14 nothing to go to.

15 Another problem that we have as a woman in South
16 Dakota is we have come to rely too much on Social Services.
17 However, it's one of those damned if you do and damned if
18 you don't situations. They get on Social Services and then
19 stop the system to jobs which just do not pay enough to
20 support a family.

21 Guess what happens to woman like this? They often
22 will go back to their abusers or find another man to help
23 them and be back in the cycle once again. Child care is a
24 problem and I think that's something that you heard all day
25 long. Take a woman, for example, an average job is about

1 \$6.00 an hour, and she has two children that she has to
2 support in day care, and she's not receiving her child
3 support. And she's trying to support herself and those two
4 children on \$6.00 an hour.

5 After her disposable income, after day-care costs,
6 is what ADC pays in South Dakota right now. You can't live
7 on what ADC pays for two children for a single mother in
8 South Dakota. You can't live on \$6.00 an hour and try to
9 support a family. A woman who is presently working is
10 caught up in this exact same situation.

11 Then it comes to the employment problem. Her boss
12 has told her now. "The next time you have to take off for
13 court or you have anything to do with that ex-husband of
14 yours, you'll lose your job."

15 He hadn't paid dime one in child support. The
16 divorce has only been over for about a month and a half. He
17 picks the child up for visitation and doesn't return the
18 child. So she has to get ahold of the sheriff. She has to
19 go through the whole hassle of trying to find the baby and
20 bring the child back home.

21 And if she goes to her lawyer, it's going to cost
22 her another \$500 up-front just to get child support from
23 this guy. She needs to take off to go to Social Services to
24 Child Support Enforcement, which meets here on Tuesday
25 mornings.

1 She can't take off work because her boss has
2 already told her, "One more hour off because of this mess
3 you're in, you lose your job." This woman needs to get that
4 child support. She deserves that child support. She has no
5 system that is willing to work with her.

6 She's the working poor that falls in between those
7 cracks. We found that women in South Dakota are not
8 compensated for their skills that she has developed by being
9 a homemaker. The husbands divorcing women in South Dakota
10 are able to show that she has not contributed financially to
11 that marriage, and she becomes a loser in property
12 settlements.

13 Often times there is not anything there to further
14 her education or further or advance her in a job situation
15 so she can be independent. She is systematically denied,
16 even entry-level positions, because she is a mother and I've
17 seen this happen many, many times with women in shelters.

18 Many women are looked at as unreliable workers
19 because, guess what, kids need go to doctors once in a
20 while, and if you're a single mom, you're the only one that
21 can do that. Bosses around here don't like to see that.
22 They become be labeled unreliable workers. Men don't have
23 to take off as much, and they don't have to take off work
24 for family matters.

25 They don't have job history interruptions, where

1 women who are trying to raise their children, even married
2 woman who are trying to raise children often have job
3 interruptions more than men do.

4 And since South Dakota is a right-to-work state
5 and there is no enforcement of discrimination laws an
6 employer can hire and fire at will and they do. Many women
7 lose their jobs because of family matters or other
8 situations such as domestic violence. This is not reported,
9 work history. What is recorded is they are unreliable. The
10 true picture is never really documented.

11 One of the things which I had encountered which
12 hits close to my heart is that because I've become an
13 activist for women's rights in South Dakota, I really
14 believe that I am going to be limited to what I can do once
15 burnout hits me as a director of a battered women's shelter.
16 Even with my education attained today, and what I can do in
17 the future, it is still going to be very difficult for me,
18 because I am labeled a radical. I am labeled an activist
19 and heaven forbid, a feminist, but I'll wear that label
20 proudly.

21 And most certainly, the job I do today as a
22 director, I should be getting paid anywhere from \$35,000
23 probably up to fifty or \$55,000 a year. But what I do,
24 people don't want to do. I'll work with victims of
25 violence, rape victims, battered women, battered and abused

1 children.

2 I'll tell the awful, lurid truth of what is
3 happening in our state with violence. I'll remind people of
4 the deaths, and we've had many this year. The death toll
5 due to domestic violence in South Dakota is incredibly high.
6 Twelve people have died to date.

7 I personally worked with a woman who was in my
8 shelter and who was shot and her three children were also
9 killed that same day by her abuser. I also, in providing
10 direct services, I also administer a budget, a personnel
11 director in the form of: Well, I'm volunteering. And for
12 the young woman who was just talking, I have a volunteer
13 position for her, always looking for volunteers.

14 I'm also the one that does the schedule in the
15 shelter in needs such as maintenance, quality control, food
16 and equipment, fund raising. I need to understand the
17 intricacies of grant writing, lobbying, and I also work as a
18 occasional director in our community. And for this, I get
19 paid \$15,000 a year, if my small nonprofit has the money.
20 That is what is unfortunate, 60 hours a week, telephone
21 constantly ringing, but I believe in what I'm doing.

22 These nonprofits have to be looked at and looked
23 at with the same credibility as United Way nonprofit does,
24 for instance, or other nonprofits that have men as executive
25 director, for instance. Women's projects in the state of

1 South Dakota are the first to be abandoned. At this point
2 in time, we do not have a Commission on the Status of Women.

3 It was abandoned years ago by this state. The
4 state has not made an attempt to fully compensate women. We
5 have not made an attempt to fully utilize -- harassment of
6 women in the work place and not fully realized the impact of
7 battered women or women who are being raped in their homes
8 not by strangers on a daily basis.

9 Our state in the last four years has only
10 appropriated \$125,000 each year to put into our battered
11 women shelters. To date, we have 32 of them in the state of
12 South Dakota. New programs are opening up almost every day
13 and West River is getting more and more of them finally.
14 And this \$125,000 is all the state has appropriated for all
15 of these people.

16 We have sheltered over 3,000 women and children in
17 the state of South Dakota. And according to the status
18 report of South Dakota Women and Children Issues Digest
19 South Dakota Women's Network Foundation, Incorporated,
20 during 1993, South Dakota has the highest percentage of
21 working women with young children in the United States.

22 Yet 11.6 percent of all South Dakota families are
23 living below poverty level. One in five children live in
24 poverty and 66.2 percent of those households are headed by
25 women. Women's unemployment rates for all women in 1990 was

1 4 percent, while the unemployment rate for all men was 4.3
2 percent in 1990.

3 What this tells me is that women are working, but,
4 obviously, not making enough to adequately support their
5 families. This is enough evidence for me to see that
6 there's a disparity in the income in the state of
7 South Dakota. I believe our medium income last year was
8 like \$16,000.

9 The women who are delegated to what I call the
10 "pink ghetto jobs" are not making this in a year.
11 South Dakota has jobs for women, but these jobs have no
12 security, no chance for advancement or further education.
13 These jobs are just jobs. There's no incentive to anything
14 more, and after years of doing this type of employment,
15 these types of jobs, many women are resigned to that's it.
16 That's all they can do.

17 The problem that I've encountered also, which is
18 real evident in Western South Dakota is what I call the
19 "boot strapper cry." I take that from my dad, because he's
20 one of those, "You pull yourself up, by golly. You get an
21 education and you be someone." And to quote the marines,
22 "Be all that you can be." Go for the gold. Go for the
23 gusto. Get a piece of the American dream.

24 Well, for women especially here in South Dakota, I
25 believe that the American dream is still finding the right

1 man, getting a house with a white picket fence, 2.7
2 children, two and a half cars in the driveway, and retiring
3 to Florida. That's about all women can really hope for.
4 That's how the women that I deal with every day, that's all
5 they can hope for.

6 Women are still looked at as odd around here if
7 they're not married by age 25, and if they get a divorce by
8 golly, there better be a good reason, and it better be
9 something like he's not supporting you. People still don't
10 use battering and marital rape as a problem. Women are
11 often still asked by potential employers what they plan on
12 doing if they don't have any children.

13 How many do you plan on having? If you're not
14 married, are you planning on getting married? And also in
15 that same vein if you're single what is your sex life like.
16 You know, it's not on the application but it's asked. And
17 they also want to know things about significant others.
18 What is that relationship like and how stable is it, etc.

19 And if a woman complains about this, again, that.
20 right-to-work state comes back in, don't need to have a
21 reason to hire and fire. And if a woman complains, she will
22 lose her job because there are plenty more to take her
23 place. That is the mentality. Women are going back to
24 college later in life. Campuses in South Dakota have large
25 increases in nontraditional students, most of which are

1 women.

2 It's hard to encourage women sometimes to go back
3 to college when they're in the shelter when I see that
4 they're not going to be able to get a job where they're
5 going to have to incur \$15,000 worth of student loans.
6 Clinton has something new out that's not available at this
7 point in time, and it's hard to see a woman want to do
8 something if she's got children, and guess what happens?

9 Her dream gets dashed because she's not allowed to
10 leave the state of South Dakota if she has job dreams or if
11 she wants to go outside the state of South Dakota to go to
12 school. The civil courts do not look favorably upon women
13 who leave with children who want to go back to school and
14 have jobs.

15 So she has a choice: Either give her children up
16 or give her up her dream of that particular education or
17 that job. Women with children find it very difficult to
18 complete an education. It takes them longer to get through
19 college. It takes them longer to get a master's degree or
20 attain professional-level programs. The last point that I
21 want to make is that women working in South Dakota really
22 are the working poor.

23 They fall in between the cracks and there isn't
24 much there to help them. When they're working they don't
25 get Social Services. They get cutoff ADC. We do have some

1 child care help, but that's not available to everybody, and
2 then this is the other thing that everybody's talked about
3 and we're finally getting some headway on is health
4 insurance.

5 The working poor don't have health insurance. I
6 personally don't have it. I have some real hopes for what's
7 happening right now, but what's going to happen between now
8 and the time we get this health insurance plan. I won't go
9 to the doctor unless I'm darned sick and hurting bad. I
10 know women who won't go because they can't find a doctor who
11 takes payments, or if they do find a doctor who takes
12 payments it takes forever or either it's constantly turned
13 over to collection agencies and women don't want to use the
14 emergency room. That's not adequate coverage here.

15 I'm willing to pay for affordable health premiums,
16 but what I'm concerned about is my small nonprofit might
17 have to reduce my wages to be able to pay for that premium,
18 so I'm wondering today how many women are going to die
19 because of insurance dilemma.

20 In closing, I believe that the state of South
21 Dakota needs to pull its head up and take a look at the
22 problems surrounding half of the adult population. We need
23 to protect our future by empowering women, better
24 enforcement of laws, more equity in divorce settlements, and
25 less hassle to woman trying to support themselves, more

1 education in equality in every aspect of our lives.

2 We need to also start looking at patriarchal
3 values and how our society no longer has room for such
4 values we need to start valuing women and providing the same
5 education of women, beginning in the elementary schools. We
6 need to begin educating our young men in how to be
7 responsible for their actions and holding them accountable
8 for their actions when they choose to act inappropriately.
9 "The New World Dictionary" states, "A dilemma is an argument
10 necessitating a choice between equally unfavorable or
11 disagreeable alternatives." This is where I see too many
12 women in South Dakota today, having dilemmas and not have
13 real viable choices. Do you have any questions?

14 MR. MULDROW: That pretty well sums it up. Do you
15 have any -- you mentioned divorce settlement but you didn't
16 say anything about that in your presentation. What is the
17 problem there?

18 MS. SCHULZ: We're seeing a lot of times because
19 of gender bias in our court system, we're seeing that when a
20 man is able to prove that a woman has not financially
21 provided to the home, she is, therefore, not getting the
22 property settlements which are due her. In other words,
23 what they're doing is not putting a financial equity on her
24 homemaking skills. We see them as primarily women who have
25 stayed home and raised the children and being the caretakers

1 in the home.

2 MS. BURNETTE: Sue, wouldn't you speculate a
3 little, I mean, to go beyond that on an economic or social
4 level? An example would be, it's my experience that a
5 couple going through a divorce who has inherited wealth or
6 made a lot of money for a duration of a 30-year marriage
7 that judges because of the attorney participation in it,
8 that there is a concerted effort on behalf of the two people
9 who can afford an attorney to go to court and really fight
10 for the money.

11 Even if the woman stayed home and had that luxury
12 of time. I mean, there's still money there, a divorce --
13 it's difficult in a home without any inherited wealth or
14 significant earned income throughout -- for lower income
15 people. For instance, a married couple that worked in the
16 service industry wouldn't -- do you see an equity as more
17 according to class bias as well in the system?

18 MS. SCHULZ: Oh, yeah, and I could give you an
19 example in my own situation. If you want to hear that, I'll
20 tell you.

21 MS. BURNETTE: I do think that class bias is
22 prevalent in this state, from the judicial aspects, towards
23 women.

24 MS. SCHULZ: I really believe that we suffer
25 highly in this state from sexism, classism, racism. I don't

1 know which one in your hand carries the most weight in that,
2 but those three things are rampant in the state. I believe
3 that. From my own personal experience, I saw how that class
4 system works my ex-husband who was my abuser at one time, I
5 am a former battered woman. He had the money. He had the
6 resources.

7 I was from Minnesota and my family was back there.
8 When we went through our divorce, I didn't have dime one.
9 And we did not have an equitable property settlement. I
10 ended up having to pay for my own attorney's fees. That
11 cost about \$8,000. His cost more, and that's the only
12 satisfaction I got out of that, I guess. But the property
13 settlement was because he had the money to pay his attorney
14 so his attorney could continue to work for him, and I did
15 not have that.

16 And this is something that I see constantly,
17 especially with battered woman who are looking to try and
18 get out of that marriage. They cannot afford a family law
19 attorney. We do not have resources through our legal system
20 -- through our legal services, I should say, to provide help
21 in obtaining a divorce and custody is even harder. And if
22 you have no money, I'm sorry, you know, you have no chance
23 is what it comes down to.

24 MS. BURNETTE: Are there any other questions?

25 MR. POPOVICH: Sue, first of all, I want to thank

1 you for condensing all of that into a workable speech, but I
2 think that we've heard all those problems before, but you
3 put them together very eloquently. There is a couple of
4 things I'd like to ask first and then I'll come up with the
5 second question. You mentioned that your salary comes from
6 a nonprofit organization is that the Women Against Domestic
7 Violence?

8 MS. SCHULZ: Well, it's a nonprofit called Crisis
9 Intervention Shelter Service.

10 MR. POPOVICH: And how is that funded?

11 MS. SCHULZ: We're funded primarily through small
12 pots of federal money. We get a piece of that whopping
13 \$125,000 from the state. We also have some user fees that
14 we collect through marriage licenses and divorce filing fees
15 within our counties, which is a state mandated funding tool
16 for the abuse shelters in South Dakota prime foundations,
17 donations, wherever we can find it from.

18 MR. POPOVICH: And the state pot of money, the
19 \$125,000, that is spread out among all 33 shelters?

20 MS. SCHULZ: Right.

21 MR. POPOVICH: How do they divide that?

22 MS. SCHULZ: They have a formula and a granting
23 system. The domestic violence shelters are city and state
24 government in the Department of Congress and Regulations,
25 Community Assistance Programs. I have a problem with where

1 that's at too, but that's different. And I should add in
2 there that the state has, up until just this year have also
3 found some federal matching money to that \$125,000 but
4 that's all the state is willing to put into it, and if we
5 don't get that \$125,000 matched throughout the areas next
6 year, all of our state funding will be cut in half.

7 And they have a formula in which they distribute
8 that money. We do -- our coalition right now does have a
9 problem with that formula because no one can figure it out.
10 We have math wizards that are trying to make these figures
11 work and it just doesn't work. Our coalition also has all
12 of the reservation programs, long-term coalition, and we're
13 seeing that there's also some problem coming from the state
14 in how the Native American programs are being treated by our
15 state.

16 MR. POPOVICH: My last question is: There's
17 another twist here that I hadn't thought about before and
18 you talked about the employers being afraid also, afraid to
19 lose probably the employees, I guess, somewhat as well, but
20 yet afraid to take that next step and help somebody. Are
21 there programs out there by anybody that is actually
22 addressing the employer's situation and trying to help them
23 through this terrible dilemma?

24 MS. SCHULZ: Right now, I am developing a program
25 that I can take to our Chamber of Commerce and deliver on to

1 the business people. I do a lot of public presentation and
2 awareness on domestic violence and I will go out at any
3 time. All shelters across our state will also go out and
4 address to anybody those kind of problems on a one-on-one,
5 if that's what it needs, or go and do a community
6 presentation if that's what it takes. But, yes, we do
7 address these problems. A lot of people don't want to come
8 to us, because heaven forbid they're going to have to admit
9 that there might be a problem in their employment arena,
10 where there might be some domestic violence or child abuse,
11 maybe sexual molestation or incest. It's tough, it really,
12 really is tough. These people don't want to see it.

13 MS. BUTLER: How wide an area does your shelter
14 serve and is there a limit to the number of days that you
15 can offer?

16 MS. SCHULZ: We're in Meade County, which happens
17 to be the largest geographical county in the state of South
18 Dakota. In fact, I think it's the number 10 largest county
19 in the whole United States. However, the population is only
20 20,000 people there. We service the entire county. We also
21 will go up -- we service in Butte County, which is a
22 neighboring county.

23 We do a little exchange work with the Lawrence
24 County program as well as Pennington County down here.
25 There's no limit to the amount of days the women can stay in

1 the shelter. They come in and if the work is being done and
2 it might take a woman maybe three months if she's going to
3 leave and wanted to go on to her own private living
4 arrangement, it takes at least three months for her to do
5 that.

6 Housing has become extremely difficult. We just
7 can't find enough housing. We can't get enough low-income
8 housing. My average shelter days, and it works out to be
9 about 11, is what my average stay is for the families that
10 come in.

11 MR. MULDROW: You must have a lot of dealings with
12 the courts, the judicial system in the state I'm told that
13 there are only two women circuit judges in South Dakota.

14 MS. SCHULTZ: And they're not here.

15 MR. MULDROW: Does that make a difference in the
16 way -- does it make a difference that most of the judges
17 feel -- does that show up that there is a bias there or lack
18 of sensitivity?

19 MS. SCHULTZ: I believe that there is, and that
20 there is a definite lack of sensitivity. A lot of it comes
21 down to the fact that there just hasn't been enough
22 education that the judicial system has been mandated to get.
23 It's real hard to make judges go to domestic violence
24 education courses. They're judges and they don't feel they
25 need to do that.

1 We've been trying to get some mandated education
2 for them. However, not to talk against our judges, I really
3 do believe they try the best that they can. However, it's
4 just like everybody else, and they don't have the proper
5 tools and without that education they cannot be sensitive to
6 the needs of a victim.

7 We've had some problems where the judges, and I
8 really believe it's a gender problem, is unable to see that
9 a woman is truly a battered woman if she's not showing
10 missing teeth or permanent debilitating injuries or
11 anything. A lot of times the judge won't ever see a woman
12 who has been battered or see the bruises or scarring or
13 whatever because that's all over with.

14 He sees the woman or he sees the criminal, the
15 perpetrator, and we have to remember our Constitution is
16 written for the rights of the accused. It's not written for
17 victims, so they have to also balance that. And I
18 understand that, the Constitutional rights that these people
19 have, but they also have to understand that the victims are
20 in great danger by their insensitivity, by not following
21 through on some of our mandated laws and also they put our
22 society at risk by putting these people, constantly putting
23 them back on the streets and letting them reabuse and
24 re-offend constantly. I don't know if that answered your
25 question or not.

1 MR. MULDROW: Thank you.

2 MS. BURNETTE: Thank you very much for preparing
3 your testimony and being here tonight.

4 Are there any other individuals in the audience
5 who wishes to make a public comment? With that I happily
6 call this meet to a close. Thank you for coming. For the
7 two of you, Sue, you will be receiving a copy of your
8 presentation for correction, and you will have a time frame
9 to make corrections to what has been recorded and send back
10 to Bill, is that correct, so you have that opportunity, to
11 review that. Thank you.

12 (Proceedings concluded.)

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COURT REPORTER'S CERTIFICATE

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STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF PENNINGTON)

I, Stephanie Levatino, a Court Reporter,
DO HEREBY CERTIFY that I acted as such Reporter
at the Proceedings of the within-entitled action, and that
the foregoing transcript, pages 1 to 159 inclusive, is a
true and complete transcript of my stenograph notes taken at
said hearing.

That I am not kin or in anywise associated with
any of the parties to said cause of action, or their
counsel, and that I am not interested in the event thereof.

Dated at Rapid City, South Dakota,
this 11 day of November, 1993.

Stephanie Levatino
Court Reporter

Stephanie Levatino