

Discrimination cases —

Complaint is a long process

In September, 1975, Darlene Herbert filed a complaint with the State Human Rights Commission, claiming that she was discriminated against when her luggage was searched before she left Isabel pipeline camp.

Of about 20 other people leaving Isabel on the bus for Fairbanks, Ms. Herbert was the only Native in the group and the only person whose bags were searched. She has never received an explanation for the search. And she has never been told why her termination papers were stamped "not eligible for rehire" by her employer, Greyhound Support Services.

Ms. Herbert, an Athabascan from Fort Yukon, was employed as a bullcook for about eight weeks before her voluntary termination.

Today, more than 15 months after she filed the complaint, against Wackenhut Alaska, a security firm, Greyhound Support Services, Inc. and Alyeska Pipeline Service Company Ms. Herbert seems no closer to finding the truth. Queries by the Tundra Times



GUARD SEARCHES DARLENE HERBERTS BAGS

have been met with evasive answers or no comment at all.

It all started on September 16, 1975.

According to Ms. Herbert, she was already seated on the bus and her bags stowed in the back when a Wackenhut security guard stepped on and asked her by name to remove her bags so they could be searched. When

she refused to remove the bags, the guard, arguing with Ms. Herbert did so himself.

Once on the ground outside the bus, the careful search began. For what?

"That's what I was asking but nobody would tell me, nobody answer me, they just went on with their search," Ms. Herbert

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Discrimination complaint still pending ...

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said, "He must have been looking for something, but he didn't find anything though."

Her clothing some of which had been dropped on the ground were carelessly stuffed back into their bags.

Strangely enough, Ms. Herbert had been told she would be searched by a woman at the camp housing office. When she asked the woman and a security guard in the office why she would be searched, "I did not receive any answer to my question."

In her affidavit filed with the Human Rights Commission, Ms. Herbert suggests the search might be related to a misunderstanding with a female security guard about two weeks prior to her leaving.

Even if the search were some form of personal vendetta, it does not explain why Ms. Herbert was told she was not eligible for rehire.

Before boarding the bus, Ms. Herbert said she went to the Greyhound Support Services business office at Isabel to sign her termination papers. There she was told by them they had been mailed to Fairbanks and that she didn't have to sign them.

Back in Fairbanks, Ms. Herbert went to the Greyhound office and requested her termination slip. She said the secretary showed her two slips, one with and one without an explanation of why she was not eligible for rehire. Although she was told verbally that she would not be rehired because she had taken too many medical absences and had not given notice before quitting, the secretary did not give her the slip with the explanation, nor could she read it from where she was standing. "I was given by the secretary a copy of my termination slip which had no writing under the section Explanation and this copy was marked Resignation/No Rehire."

Although drunkenness, possession of drugs, alcohol and firearms and incompetence are common reasons for not rehiring none of these reasons were cited. Bill Webb, of Greyhound, refused to discuss his company's rehiring policies, stating that it is a personnel matter and would be "very inappropriate in any way for me to comment on."

Don White, an official of Wackenhut, the firm that handles security matters under contract to Alyeska for the southern half of the pipeline, seemed surprised when asked about the Herbert case.

"I thought it had been dropped," he said.

Although not at liberty to discuss the details, White commented, "Wackenhut has never discriminated against anyone on this project. I feel there was no discrimination in this particular case."

White suggested that the Tundra Times call Alyeska Pipeline Service Company. A secretary for Robert Sundberg of Alyeska's security department suggested we call Wackenhut or Greyhound.

Because Alyeska is the pipeline builder and overseer of its security policy, the Tundra Times tried repeatedly to reach Mr. Sundberg, but he was "very very busy" and apparently unavailable for comment.

Alyeska has been in touch with Ms. Herbert however. Someone from the company called to say she had no reason to complain against Alyeska and "kind of suggested that I drop that one Alyeska part, but I couldn't see dropping just that one, I might as well drop all the others."

Besides filing her discrimination complaint, Ms. Herbert went to her union for help. Bullcooks are represented by the Culinary Workers union. Again she was disappointed. "All they said was there wasn't much they could do about it."

Dale Parker, business agent for Culinary Local 879 in Fairbanks, pointed out that the "company is the sole judge of a person's qualifications" and if they determine that a person is not eligible for rehire, "they can make it stick." He explained that the union does have a procedure to help workers who feel they have been wronged.

"We try to listen to both sides. If we feel the person was right and the company was wrong, we try to work it out," Parker said.

After an initial interview dealing only with general union grievance practices, Parker could not be reached a second time for a comment on the Herbert case. One experienced observer of union practices, who asked not to be identified, said subtle relationships between unions and employers sometimes result in the type of response that Ms. Herbert got from the Culinary Union. He suggested "there's nothing in it for the unions" to help out someone in a discrimination situation.

Cathy Carr-Lundfelt, of the Human Rights Commission also alluded to unwritten understandings between unions and employers which the commission has discovered in the past and found to be "inappropriate."

Jerry Woods, the commission investigator currently working on the case, said the investigation is in its final stages and that he will be contacting the companies once more for informa-

tion. He admitted they "won't turn over anything that will cut their throats" but added that the three firms had been fairly cooperative.

Woods acknowledged that he has been unable to determine why Ms. Herbert was considered ineligible for rehire and Carr-Lundfelt said they could not say at this time if they knew who had ordered the search of her bags.

The information from the investigation will go to Carr-Lundfelt, who will determine if Ms. Herbert was discriminated against. If she finds for Ms. Herbert, she will try to bring the parties together to resolve differences before the case is heard before the actual Alaska State Commission on Human Rights.

An agreement before a commission hearing seems unlikely at this point because "both sides are sticking to their stories."

Failing successful negotiations or a favorable hearing, Ms. Herbert could take her case to court.

Booth Woods and Carr-Lundfelt explained that the slowness of their investigation was due to a backlog of over 300 cases in the Fairbanks office. If a comment by Woods is any indi-

cation, the backlog could have been even greater:

"During the last couple of years during the pipeline, people in the Interior, especially Alaska Natives, have in many cases been discriminated against without knowing it because they didn't know their rights and because of lack of communication. Even if they did know it, they didn't,

in many cases, know where to go for help."

Darlene Herbert agrees, sort of. She said nearly every Native she has met who has worked on the pipeline has felt discriminated against for one reason or another. But she said, "A lot of them won't come out and do anything about it because they feel that nothing will be done."