

## Your rights as a person with AIDS

*In spite of labyrinthine bureaucratic procedures, laws exist to protect citizens. PWAs must exercise these protections afforded by the Constitution of the United States*

BY DORIS WISHER

Persons with acquired immune deficiency syndrome or persons perceived as having AIDS have rights and protections under federal and state law plus free technical assistance at the local level.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons who are regarded as having a handicapping condition. The Supreme Court's Arline decision in March 1987 deemed the dismissal of a Florida schoolteacher with tuberculosis to be discriminatory and illegal. Acquired immune deficiency syndrome, also a communicable disease, falls within the protection of the Arline decision.

Section 504 applies to employers and organizations that receive funding from any federal department or agency.

"As long as we can trace just \$1," said Carmen Rockwell, Health and Human Services regional manager, "you are within our jurisdiction and have the right to file a claim."

PWAs who have been discriminatorily terminated from their jobs or denied access to services, housing or medical treatment because of their handicap should file a claim.

To file a complaint, provide the following information in writing:

- your name and address;
- how, why, and when you believe you were discriminated against;
- the name and address of the institution or organization that discriminated against you;
- any other relevant information you have.

Send this documentation to: Carmen Rockwell, Regional Manager, Office for Civil Rights, Department of Health and Human Services, 2901 Third Avenue, Mail Stop 510, Seattle, Wash. 98121.

"Our goal for processing time from receipt of claim to resolution is 90 days," Rockwell said. "Often, people come to us after trying to talk to employers. When we step in, the discriminating party settles."

No AIDS claims were filed in 1986 in the Seattle region (Northwestern United States), but 40 claims were filed in 1987. Twenty AIDS claims are now pending in the Seattle office.

PWAs who feel they have been discriminated against by an organization or company not receiving federal funds can file a discrimination

complaint on the state level. Twenty-five states see AIDS as a handicap for which discrimination is prohibited.

In Oregon, telephone the Civil Rights Division of the Bureau of Labor and Industries at 229-6601.

According to Raleigh Lewis, administrator, "It's a simple matter of calling and describing the situation. We set up an intake appointment, during which we ask for a written statement by the complainant."

The Civil Rights Division of the Oregon Bureau of Labor and Industries is required by law to resolve each discrimination case within one year or lose jurisdiction over the case.

Currently, information about civil rights complaints in Oregon is public. The name of the complainant and the basis for filing is open to anyone.

"PWAs are just not coming forward for fear of personal information being made public," Lewis said. "Nobody filed in 1986, while two filed in 1987. Our single case in 1988 is still pending. That's only three cases."

CRD is seeking a confidentiality ruling from the Attorney General's office, Lewis added.

If all of this seems too bureaucratic and overwhelming, there is hope at the local level, specifically at the Metropolitan Human Relations Commission.

According to Greg Gudger, Executive Director at MHRC, "The Civil Rights Division doesn't provide technical assistance to claimants, only to respondents. We step in and prepare the claimant for CRD's administrative process."

Call 796-5136 for technical assistance such as advice on what documents are needed and content of those documents, explanation of filing timelines, gathering of witnesses, arranging presentations at hearings and specifics on laying out the discrimination case. After receiving technical assistance, PWAs have the option of filing with the CRD at the Bureau of Labor or taking the discrimination case to District Court.

In spite of labyrinthine bureaucratic procedures, laws exist to protect citizens. As for all of us, PWAs must exercise these protections afforded by the Constitution of the United States. They are not favors or preferential treatments, but inalienable rights.

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