

Just news

AIDS discrimination suit pending

A supervisor told Vince Wetzler, "Since you're gay, you're a second-class citizen and you have to work twice as hard to keep your job." A few months later he was fired.

BY ANNDEE HOCHMAN

A former employee of a large Oregon paper and packaging plant is suing the company, claiming he was fired in January 1987 not for poor performance but because he had tested positive for HIV four months before he was dismissed.

The \$2 million lawsuit against the James River Corporation (formerly Crown Zellerbach), which will be formally filed in Multnomah County Circuit Court by October 12, will be an important courtroom test of an Oregon statute protecting people with AIDS and related conditions from employment discrimination, according to a lawyer involved in the case.

Vince Wetzler worked for Crown Zellerbach for 22 years and says he would have been happy



to stay in the closet. He had no plans to come out to co-workers or supervisors at the division where he worked, the flexible packaging plant on North Marine Drive. But when a colleague learned he was gay and spread the news to other workers about ten years ago, Wetzler said he was relieved that he no longer had to hide.

"I was content to be private — but I knew, sooner or later, [disclosure] was bound to happen. I was really glad when it did. It was a big relief," he said.

The lawsuit will outline the following course of events, according to Wetzler and his attorney, Brad Woodworth:

Following the disclosure of his homosexuality, Wetzler endured a difficult six months at work, he said. "It was an opportunity for people to tell jokes. They wrote graffiti on the walls every day. I started carrying around a can of spray paint to block it out."

Eventually co-workers "grew accustomed to it," Wetzler said, and the talk of his sexuality died down. Then, in October 1985, news of Rock Hudson's death from AIDS splashed onto newspaper front pages. About three weeks later, Wetzler said, he reported to work one night to ready the plant for the graveyard production shift. On the main bulletin board and two smaller bulletin boards, as well as in his mailbox, were photocopied fliers with the words, "Hey Vince, Got AIDS yet? Know what I mean."

"I didn't show anybody I was upset," Wetzler said. "But I was. I put up a good front. Everyone's afraid of AIDS. I am, too."

In January 1986, Wetzler said, a supervisor told him, "Since you're gay, you're a second-class citizen and you have to work twice as hard to keep your job." In April, Wetzler said, he was placed on probation and asked to attend weekly meetings to discuss his progress and receive critiques of his job performance.

In October, Wetzler tested positive for HIV and told his superiors of the test results. A few months later, he was fired. His last day of work was January 15, 1987, one month short of his 22-year anniversary with the company.

An official at James River Corp. refused to discuss the case or Wetzler's employment. "If it's in litigation, it would be highly improper to talk about it," said Richard A. Brown, human resources manager. He confirmed the dates of Wetzler's hiring and firing but would not say why he was dismissed. "That's confidential information — it's our company policy," he said. "We really respect people's right to privacy."

Woodworth said the suit's primary claim is illegal discrimination based on HIV status. Oregon's civil rights statutes protect people with handicaps from discrimination in employment and public accommodations. The Bureau of Labor and Industries considers AIDS and related conditions as handicaps under the law.

John Hofer, lead intake officer with the Civil Rights Division of the state Bureau of Labor and Industries (BOLI), said several claims regarding AIDS-related discrimination in housing, public accommodations or employment have been filed with his office. He noted that the statutes also protect people from discrimination based on the perception that they are at risk of having or transmitting AIDS.

"If a person were gay and it was the perception that they were more susceptible to AIDS, we would take [the case] as a perceived physical handicap," he said.

Appealing to BOLI is the first step for employees who feel they have suffered AIDS-related discrimination, and Wetzler did so shortly after he was fired. The bureau determined that there was no discrimination based on his HIV status. Oregon law allows people to appeal the bureau's findings by filing a civil suit and seeking damages from the employer.

Woodworth said the lawsuit also will claim a breach of the standard employment contract to maintain "good faith and fair dealing," as well as for the intentional infliction of emotional distress.

If the case reaches trial, it will prove a public test of a statute that so far has received little publicity. A June report from the Metropolitan Human Relations Commission showed that many Oregon employers and workers are unaware that AIDS-related discrimination is covered under current civil rights statutes. Even fewer people realize that the Bureau of Labor and Industries is the place to bring such complaints, the report said.

"I've been surprised, in working on this case, how few employers and employees actually know that discrimination based on HIV status is illegal," Woodworth said.

The job at Crown Zellerbach was Wetzler's first; he was hired the day he stepped off a bus in Portland, following his third year of college at Gonzaga University in Spokane. Later he took night classes at Portland State University, and by the time he was fired, he had earned the title of plant night team supervisor and a salary of \$42,000.

The company, which employs 3,400 persons in Oregon, produces pulp, paper and food packaging such as the plastic wrappers on frozen food and toilet tissue. It is headquartered in Richmond, Virginia.

Although three years have passed, Wetzler still winces when he looks at copies of the flier that was posted on company bulletin boards. "It was up there for everybody to see. That was pretty bad. . . . It hurts your pride a lot.

Especially when you know you're a good person.

"I was a source of embarrassment to them, being gay and being in a fishbowl as a supervisor. I can hardly wait to defend myself because I was one of the best they had. . . . I think it's important for me to be part of the gay community and let people know how serious things can be. I might lose my current job [in construction] because of this. But I'm willing to take that risk."

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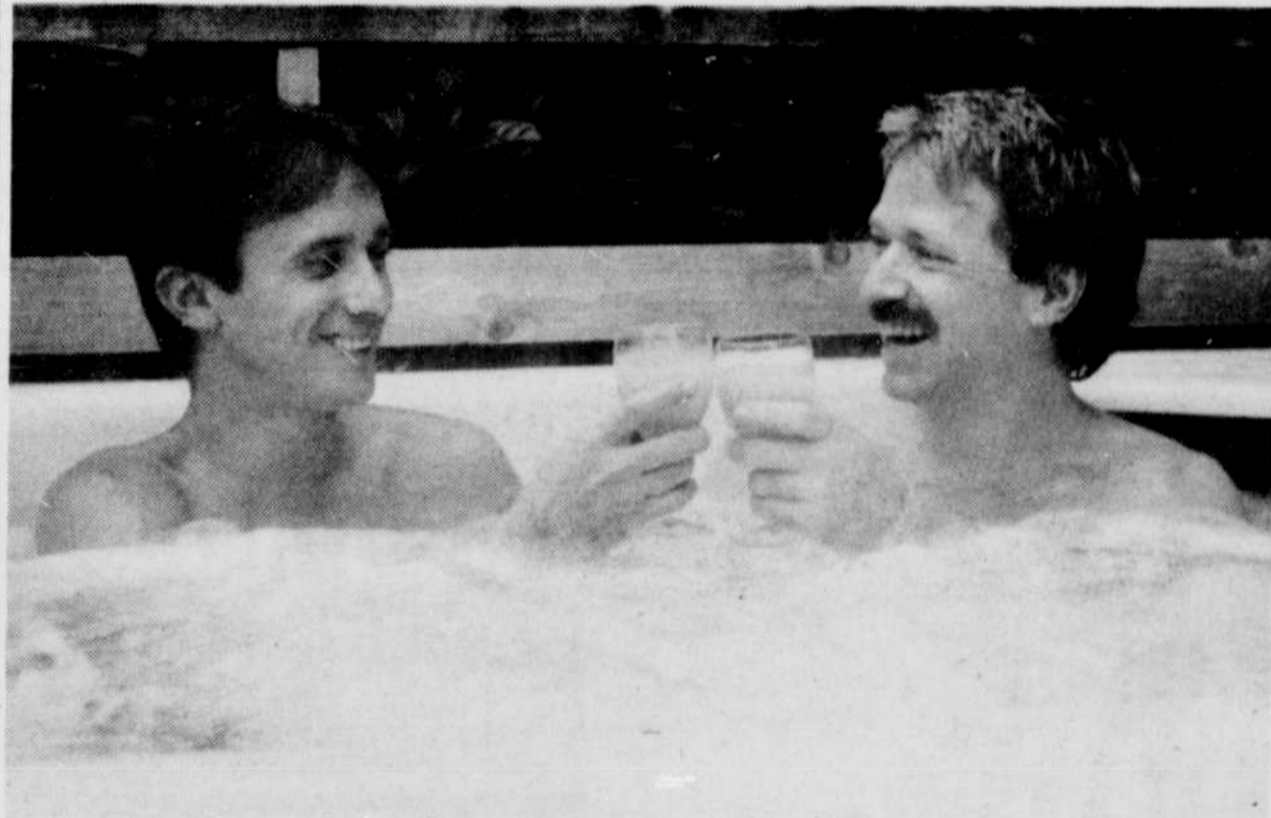
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