

# Just news

## Tri-Met appeals discrimination case

*"A lot of work goes into a trial. It boils down to a question of your life and your job."*

BY ANNDEE HOCHMAN

For Joe Griffin, a former Tri-Met bus dispatcher who won the state's first AIDS-discrimination case to come to trial, the bumpy legal ride isn't over yet.

In January, a Multnomah County Circuit Court jury decided 9-3 that Tri-Met discriminated against Griffin after learning in 1987 that he had tested positive for HIV. The jury awarded him \$500,000, but a law limiting the amount of damages that can be won against a public agency reduced that sum to \$100,000.

Last month, an attorney for Tri-Met filed an appeal in the case.

"The major grounds are that he did not have facts to support his claim," said Harnden. "He has to prove wrongful termination, and my position is that he didn't."

Janice Wilson, Griffin's attorney, said she was disappointed that Tri-Met did not accept the jury's verdict. "I still think that [Tri-Met] thinks they can carry this thing out until he dies," she said. "They're still saying they didn't do anything wrong. They're saying it was a 'fluke.'"

For Griffin, the jury verdict was the happy outcome of a two-and-a-half year battle that began in late 1987 when his supervisors learned that he had tested positive for HIV. Griffin, who had worked for Tri-Met since 1976, was then a bus dispatcher who worked mostly with a computerized system to coordinate bus repairs, driver changes and other problems on Tri-Met routes.

In the months that followed, according to the lawsuit, Griffin's supervisors watched his work more closely than that of other dispatchers, tried to cut him off from health insurance benefits, tried to change his shift assignments in a way that conflicted with his medical appointments and, finally, fired him on December 1, 1989.

Oregon and federal laws that prevent

discrimination against people with handicaps also apply to persons with HIV and AIDS. The Oregon Bureau of Labor and Industries handles civil rights complaints stemming from those laws; plaintiffs also may pursue their claims through civil lawsuits. But until Griffin's case, no challenge to that law had reached the state's courts.

"It was a complex case because there was a whole pattern of harassment and discriminatory treatment," said Wilson. "We had to establish that it wasn't just Joe's imagination that he was being picked on."

At first, Griffin said, he was baffled by the scrutiny he felt from supervisors. "I didn't know what was happening to me," he recalled. "But if there was anything out of the normal routine, I made notes, which meant that later I could look back and see a pattern of discrimination."

Griffin, 44, was fired for the first time in May 1988, then reinstated to his \$31,500-a-year job that November after filing a grievance. In December 1989 he was fired for the second time when he did not return to work by a deadline imposed after he had exhausted his sick time. Griffin said in court that he felt qualified for an "extraordinary circumstances" exemption to the sick-time limit.

Harnden, the attorney for Tri-Met, disputes that claim. "My position is that he did not prove he was terminated... but left work and didn't return."

Griffin said he felt disillusioned by his treatment from Tri-Met, the first instance he could recall of discrimination because of his homosexuality or health status.

"It makes you feel really left out, after you've worked so long for somebody," he said. "A lot of hard work goes into a trial. I'd never want to do it again. But I would if I felt I was being discriminated against because of my HIV status. It boils down to a question of your life and your job."

## State OKs foster parent status for lesbian couple

*"The social worker asked Dee if this was a gay relationship. We said yes. She said, 'That's no problem.'"*

BY ANNDEE HOCHMAN

Tracy Henson and Dee Ferguson already knew they could be good parents; they were raising Ferguson's three teenagers, ages 13, 15 and 17.

But they were pleasantly surprised last month when Children's Services Division agreed, certifying the couple as foster parents to a 14-year-old girl.

"We'd considered it before and thought that because we were a gay couple it would be harder," said Ferguson. "But we found we could legitimately be foster parents."

Although the two had considered becoming foster parents before, the circumstances took them by surprise. An acquaintance who was having a difficult time getting along with her 14-year-old daughter brought the youngster to their house eight months ago, unannounced and packed for a long visit.

Ferguson, 40, and Henson, 27, said they welcomed the girl to their household; but without CSD's stamp of approval, they could not act as her guardian, sign school forms or afford her medical care.

"The social worker [who visited the home] asked Dee if this was a gay relationship," recalled Henson. "We said yes. She said, 'That's no problem.'"

The couple attended a six-week CSD training course mandated for all potential foster parents, installed fire prevention measures in their home and nervously awaited the agency's decision.

"We didn't know if it was going to damage

our family life," said Ferguson. "It was scary to have this big agency decide if we were fit parents." In March, the official certification arrived.

Ferguson suggested that placement with a lesbian couple might be a particular benefit for their foster daughter, whose mother is also a lesbian. "I wonder how many kids come from broken and dysfunctional homosexually-oriented families, and then have a harder time after being placed in a heterosexual foster home?" she said.

Foster parents in Oregon provide care that ranges from several days of "safe" housing to longer-term commitments of six months or more. The children placed with them often have suffered physical, sexual or emotional abuse; they may be drug-addicted infants, pregnant teenagers or siblings who need to stay together.

The state especially needs minority foster parents and families willing to take siblings, troubled teens and babies with medical problems.

Ferguson and Henson said that while they were glad to receive CSD's endorsement, the real rewards come in their day-to-day relationship with their foster daughter. Eventually, they hope, she and her mother will be able to live together.

"She's changed so much in eight months," Ferguson said. "When she came, she was so low; now she's applying at Benson High School. She gets notes from school about her improvement... The support we get from CSD is really good. They supply all of your needs. We just get to watch her grow."

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