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Will court ruling spur harassment complaints?

By Carolyn Smith
special writer

Sexual harassment on the job is not new, but a U.S. Supreme Court ruling last month is expected to find employers more watchful and advocacy groups more supportive of victims' rights.

In a new twist, the court said victims may sue bosses and employers for creating an "abusive working environment" even if the claims do not involve loss of a job or a promotion. Before, victims generally felt too intimidated to file lawsuits, unless they could link their bosses' behavior to specific changes in job status.

The court also said employers are not always legally liable when supervisors sexually harass workers. But ignorance does not excuse employers from taking appropriate actions when necessary. Justice William Brennan, who wrote the opinion, declined to issue a definitive rule on employer liability.

What is sexual harassment? The Equal Opportunity Commission issued 1980 guidelines describing it as:

- Unwanted verbal or physical sexual attention, explicitly or implicitly made a condition of employment;
- A basis for employment decisions whether the victim accepts or rejects such advances; and
- Interference with the victim's work performance.

THE MICHIGAN Task Force on Sexual Harassment in the Workplace has adopted the EEOC definition, but further describes such conduct as sexual propositions or physical contact, verbal abuse such as graphic comments about the victim's body and sexually suggestive objects and pictures.

Men are sometimes sexually harassed by women and homosexual men. But most victims are women. With increasing numbers of women in the workplace — most of them undergoing a probationary period for review of job performance — their vulnerability to unwanted sexual advances is increased, experts say.

Some of them, often as single parents, would rather submit to sexual harassment than risk losing their jobs.

Justice Moore, assistant director of the complaint investigation bureau of the state Civil Rights Department, said the Detroit office does not keep statistics by type of claim, so couldn't predict a rise or fall in sexual harassment cases.

"We'll just have to wait and see about complaints resulting from the court's ruling," Moore said.

CALLING THE court's decision "a major coup," Dottie Jones, assistant director of the Women's Department of the United Auto Workers-International, said, "We'll see an increase in the number of complaints. It's already happened the last few days."

Jones narrates a UAW film depicting six women who tell how sexual harassment brought fear into their lives. Shown so far to about 5,000 men and women across the country, the film "has helped educate them on the hazards of this very emotional type of thing," Jones said.

In 1979, the request of vice president Odessa Komer (now director of the Women's Department), the UAW took the sexual harassment issue to the bargaining table. The UAW won contractual language in talks with Ford and Chrysler, Inter with General Motors.

AREA COMPANY spokesmen said a push to rid the problem from the workplace has spurred strong management policies.

Edd Snyder of American Motors said a 1981 management directive "suffices today." The memo asks managers to be alert to incidents of sexual harassment and "to pass the information on to higher-ups. We don't get that many complaints, but the ones we do we take care of," he said.

A 1980 written policy in store manuals states K Mart employees "should be able to work in an environment free from all forms of discrimination, including sexual harassment," said public relations spokeswoman Leslie Kota from Troy headquarters. "We don't foresee a change in policy," she said.

'A steelworker recalls that when women were first hired in her mill, men had a habit of howling at them like dogs. So she brought a bag of dog biscuits to work and tossed them to the men every time they howled.'

— from 'Stopping Sexual Harassment: A Handbook' by Elissa Clarke

Like K Mart, the Automobile Club of Michigan employs a large number of female employees. Of its total full-time work force of 3,974, more than 65 percent are women.

AAA Michigan adopted a policy in late 1981 that discourages any form

of sexual harassment affecting a worker's employment.

"Our policy has always been very direct," Thomas Freese, public relations manager, said. "It has always protected all our employees, male and female alike."

Where to go for help

Victims of sexual harassment may seek outside help from:

• The Women's Resource Center, Schoolcraft College, Livonia, 591-6400, Ext. 430.

• Michigan NOW (National Organization for Women) Feminist Network of North Oakland County (651-8328); Northwest Wayne County (478-3352); remainder of Oakland County (846-5559).

• Women's Department, UAW-International, 8000 E. Jefferson, Detroit 48214, 928-5259.

• Women's Justice Center, 651 E. Jefferson, Detroit 48226, 961-7073.

• Michigan Department of Civil Rights, 231 W. Lafayette, Detroit 48226, 226-7636.

• Michigan Task Force on Sexual Harassment in the Workplace, 309 N. Washington, P.O. Box 30015, Lansing 48909, 517-373-9475.

A National Organization for Women pamphlet offers the following advice for dealing with sexual harassment:

- Keep a daily log including names, dates and short descriptions

of relevant information. Discuss the discriminatory practice with your immediate supervisor in the presence of a witness if possible.

• Describe in writing the discriminatory situation and the relief sought. Request a written reply. Send copies to all relevant personnel and keep your original copy.

• Talk to other employees about the possibility of filing a class action complaint.

• Contact your bargaining unit and if recommended file a grievance through the union/organization.

• If dissatisfied with internal procedures, file complaints with the Michigan Department of Civil Rights and the U.S. Equal Employment Opportunity Commission.

Complaints with enforcement agencies must be filed within 180 days. Records for documentation should be provided. Documentation includes: letters between you and the employer, job postings, seniority lists, dates and contents of phone conversations. Informal meetings and copies of any grievances. Keep all original documents.

Beware of taxes on home sale

Your home can be an excellent tax shelter and an asset that is increasing in value. Selling it may give you a handsome gain but a hefty tax bill unless you're aware of the way capital gains are treated when a home is sold.

Under current tax law, the entire gain on the sale of your home may not be taxed if you buy or build and occupy a new principal residence two years before or after the sale. The new residence must cost at least as much or more than the adjusted selling price of your old home — the tax on the gain is deferred, not forgiven.

Any gain that is not taxed must be subtracted from the cost of the new home giving you a lower "basis," defined as the amount you are considered to have paid for the new home. If you sell the new home later and buy another one, you may continue to defer the tax.

If you do not buy a new home or if the cost of the new home is less than the adjusted sales price of the original home, then all or part of your gain is taxable as long-term or short-term capital gain, depending on how long you owned your home.

The profits on home sales are

\$70,000 basis in your new home.

If within two years you did not buy a replacement home, you would be taxed on the \$10,000 gain. If you must sell your home at a loss, the loss is generally not deductible by federal income tax standards.

The capital gain from a prior sale can be reduced or eliminated by increasing what you originally paid for the home by amounts paid out within the 24-month reinvestment period through home improvements. The resulting figure is the adjusted basis. If you added to your home a porch that cost you \$10,000, you can add that to your basis. If you don't have receipts for your home improvements, you should ask the company that did the work to write an estimate of the cost or retrieve the original receipt. It's smart to keep receipts on all capital improvements.

HOME SELLERS can also benefit by sprucing up their old place. Maintenance or "fix-up costs" can be subtracted from your home's selling price if they're done within 90 days of the sale and paid for within 30 days of the sale. But you must have receipts to document the costs.

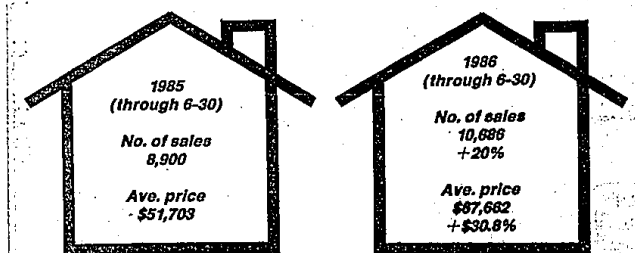
— Michigan Association of CPAs

taxed the same way as capital gains on other investments — such as stocks or bonds. If you own the home for more than six months, it is taxed as a long-term investment, thus only 40 percent of the gain you make on the sale is taxable. But if you own the home for six months or less, all of the profit is taxable.

THE SAME TAX laws apply if your new home is a condominium, a co-op, trailer, houseboat or other type of principal residence. A home you constructed can also be considered a replacement residence.

An example: You sold your home in 1984 and gained \$10,000. Within two years you bought and occupied a new home for \$40,000, which is more than you were paid for the sale of the original home. You won't be taxed for the \$10,000 gain in 1984, but you must subtract the untaxed gain from the \$40,000, giving you a

Housing prices, sales soar



Source: Michigan Association of Realtors

Sales of homes rose 20 percent and prices jumped 30.6 percent in the Western Wayne-Oakland County Board of Realtors area since June 30, 1985. The price rise is the largest in the state and marks the area as having the most expensive average priced homes based

on the year's sales figures. In 1985, six other statewide boards of Realtors reported higher average prices. Two boards reported decreased sales — Greater Lansing (-2.8 percent) and South Oakland (-4.3 percent). Prices in both areas rose — 2.3 percent in Lansing and 18.7 percent in South Oakland.

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