

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
 STATE OF HAWAI'I
 HAWAI'I CIVIL RIGHTS COMMISSION
 830 Punchbowl Street, Room 411
 Honolulu, Hawai'i 96813
 Telephone: (808) 586-8636

CONSTANCE YONASHIRO #10018
 APRIL L. WILSON-SOUTH #6346
 ERIC PILILAAU #10219

Attorneys for WILLIAM D. HOSHIJO,
 Executive Director, Hawai'i Civil Rights Commission

HAWAI'I CIVIL RIGHTS COMMISSION
 STATE OF HAWAI'I

WILLIAM D. HOSHIJO , Executive)	FEPA No. 19008
Director, on behalf of the complaint filed by)	EEOC No. 37B-2016-00001
)	
JOELSON G. IBALIO,)	NOTICE OF FINDING OF REASONABLE
)	CAUSE TO BELIEVE THAT UNLAWFUL
Complainant,)	DISCRIMINATORY PRACTICES HAVE
)	BEEN COMMITTED
vs.)	
)	
STRUCTURAL SYSTEMS, INC.,)	
)	
Respondent.)	
)	

**NOTICE OF FINDING OF REASONABLE CAUSE TO BELIEVE
 THAT UNLAWFUL DISCRIMINATORY PRACTICES HAVE BEEN COMMITTED**

WILLIAM D. HOSHIJO, in his official capacity as the Executive Director of the Hawai'i Civil Rights Commission (hereinafter "Executive Director"), issues this Notice of Finding of Reasonable Cause to Believe that Unlawful Discriminatory Practices have been Committed (hereinafter "Notice") to and against STRUCTURAL SYSTEMS, INC. (hereinafter "Respondent").

INTRODUCTION

1. By this Notice, the Executive Director finds that there is reasonable cause to believe that Respondent committed unlawful discriminatory practices against Complainant JOELSON G. IBALIO (hereinafter “Complainant”), on the basis of disability in violation of Hawai‘i Revised Statutes (hereinafter “H.R.S.”) § 378-2, and Hawai‘i Administrative Rules (hereinafter “H.A.R.”) § 12-46-181 *et seq.*

JURISDICTION

2. The Hawai‘i Civil Rights Commission (hereinafter “Commission”), is empowered by H.R.S. § 378-4 to take jurisdiction over complaints of unlawful discriminatory practices in employment.

3. On January 1, 2016, Complainant filed a complaint in writing with the Commission, alleging Respondent committed unlawful employment practices against him based his on disability. The complaint was timely filed.

4. The Commission, through its Enforcement Section, conducted an investigation pursuant to H.R.S. §§ 368-3, 368-13, and 378-6 and now finds there is reasonable cause to believe unlawful discriminatory practices have occurred.

PARTIES

5. Respondent is an “employer” within the meaning of H.R.S. § 378-1, and is an entity conducting business in the State of Hawai‘i.

6. Complainant was employed by Respondent and has a physical impairment that substantially limits one or more of his major life activities, and was harmed by unlawful discrimination in employment due to his disability pursuant to H.R.S. §§ 378-1, 378-2(1), and H.A.R. § 12-46-181 *et seq.*

STATEMENT OF UNLAWFUL DISCRIMINATORY PRACTICES IN EMPLOYMENT

7. Complainant began working for Respondent as a Laborer on or about October 19, 2005.

8. On or about October 3, 2010, Complainant was injured in a work-related accident and suffered injuries to his right eye. He immediately had surgery by Jeffrey Wong, M.D.

9. On or about November 11, 2010, Complainant had a second surgery performed by Raymond Wee, M.D.

10. Complainant's injuries to his eye resulted in a permanent physical impairment that substantially limit major life activities including seeing with his right eye. Complainant is an individual with a disability, as defined in H.A.R. § 12-46-182.

11. On or about January 2, 2011, Complainant returned to work full-time.

12. On or about January 26, 2011, Complainant provided Respondent with a doctor's note to excuse him from work after he had a follow-up appointment with Dr. Wong, the ophthalmologist who performed his October 3, 2010 eye surgery. Dr. Wong's note had work restrictions, including restrictions on "any activities where something could fly into his eyes."

13. On or about June 2, 2011, Respondent received a letter from its insurance company from J. Scott Kortvelesy, M.D., who had performed an independent medical examination (hereinafter "IME") on Complainant on or about May 12, 2011. Dr. Kortvelesy performed "an assessment of the permanent impairment rating according to the AMA Guides to the Evaluation of Permanent Impairment, Fifth Edition, Chapter 12, The Visual System" and found Complainant had a 20% impairment rating, with a visual acuity of "zero in the right eye alone".

14. Respondent did not provide Dr. Kortvelesy with job specific information, as required by HAR § 12-46-191(d), during the medical examination of Complainant.

15. From January 2011 to September 2015, Respondent did not initiate the interactive process with Complainant to discuss the January 26, 2011 note from Dr. Wong, or to determine the precise limitations as a result of Complainant's disability after receiving the 2011 report from Dr. Kortvelesy, or whether Complainant required an accommodation so that he perform the essential functions of his position.

16. On or about August 13, 2015, Respondent received a letter from Percival H.Y. Chee, M.D., F.A.C.S., who performed another IME on Complainant on or about August 7, 2015, in connection to a workers compensation claim filed by Complainant. Mr. Chee found that Complainant had an acuity score related impairment of 19.8, and that Complainant "has lost all useful vision in his right eye."

17. Respondent did not provide Dr. Chee with job specific information, as required by HAR § 12-46-191(d), during the medical examination of Complainant, and Respondent did not provide the administrative rules and definitions found in HAR §§ 12-46-182 and 12-46-188(d) relating to "reasonable accommodation" and "direct threat" in employment.

18. On or about September 1, 2015, Respondent terminated Complainant from employment based on the results of the IME performed by Dr. Chee.

19. On September 2, 2015, Respondent provided Complainant with a letter confirming his termination citing that he was terminated "for your safety and the safety of your coworkers." Respondent explained Complainant's termination was based on Dr. Chee's August 13, 2015 IME in which Dr. Chee advised that Complainant should not be "involved in activity requiring good depth perception." Respondent also cited that Complainant disclosed that he felt

“unsafe” while working on scaffolds. Respondent stated that it had no alternative positions or reasonable accommodations available “that would allow [Complainant] to perform [his] job without adversely affecting [his] safety and the safety of those around [him].”

20. For approximately 4.5 years, from January 2011 until Complainant’s termination, Respondent did not document any issue or incident with Complainant’s work performance or safety performance after he returned to fulltime work from leave due to his disability.

21. Respondent violated H.A.R. § 12-46-191(d) when it based Complainant’s termination on a medical examination by Dr. Chee and failed to provide Dr. Chee with an accurate written description of the essential responsibilities and functions of Complainant’s job, and the definitions of “reasonable accommodation” and “direct threat” found in H.A.R. §§ 12-46-182, 12-46-187, and 12-46-188(d) that would allow Respondent to make a determination of Complainant’s ability to perform the essential job functions of his position and whether Complainant’s disability posed a direct threat to himself or others.

22. Respondent violated H.A.R. § 12-46-191(d) when it failed to provide Dr. Kortvelesy with sufficient job information to assess Complainant’s ability to perform essential job functions or Complainant’s direct threat potential.

23. Respondent violated H.A.R. § 12-46-187(b) when it failed to initiate the interactive process with Complainant after receiving Complainant’s 2011 doctor’s note that identified that an adjustment or change was needed to do his job because of limitations caused by Complainant’s disability.

24. By failing to comply with H.A.R. § 12-46-191(d), Respondent did not perform an individualized assessment on whether Complainant’s disability posed a substantial,

current, and probable significant risk of substantial harm to himself or others, as required by H.A.R. §§ 12-46-182 and 12-46-188(d).

25. By failing to comply with H.A.R. §§ 12-46-187(b), and 12-46-191(d), Respondent did not attempt to eliminate or reduce any potential direct threat caused by Complainant's disability to an acceptable level through provision of a reasonable accommodation, as required by H.A.R. § 12-46-188(d).

26. As the result of being subjected to discriminatory practices, Complainant suffered emotional and mental distress, as well as actual damages.

PRAYER FOR RELIEF

WHEREFORE, IT IS PRAYED THAT Respondent be ordered to do the following:

1. Make timely payment to the Complainant for actual, compensatory, and punitive damages as adjudged;
2. Immediately cease and desist from discriminating against individuals on the basis of disability, pursuant to H.R.S. § 378-2 *et. seq.*;
3. Immediately develop and implement a written non-discrimination Employment Policy that complies with Hawai'i law, including the basis of disability and the interactive process;
4. Train all managers, supervisors, and employees in the Company's Non-discrimination in Employment Policy;
5. Disseminate the above-described non-discrimination Employment Policy to all employees;

6. Post in a conspicuous place notices that the Commission may publish or cause to be published setting forth requirements for compliance with civil rights laws or other relevant information that the Commission determines necessary to explain those laws;

7. Publish the results of the Commission's investigation in a press statement provided by the Commission in at least one newspaper published in the state of Hawai'i and having a general circulation in Hawai'i, in such manner and for such time as the Commission may order, but not less than once in the Sunday edition and once in that following week, in order to minimize or eliminate discrimination in employment.

8. Provide such other and further relief as is just and appropriate under the circumstances.

DATED: Honolulu, Hawai'i, September 9, 2021.



William D. Hoshijo,
Executive Director
Hawai'i Civil Rights Commission

HAWAI'I CIVIL RIGHTS COMMISSION

ANNUAL REPORT

JULY 1, 1990—JUNE 30, 1991

JOHN WAIHEE,
Governor

MARIO R. RAMIL,
Director, Department of Labor & Industrial Relations

AMY AGBAYANI,
Commission Chairperson

LINDA TSEU,
Executive Director

introduction

The Hawai'i Civil Rights Commission (HCRC) was established by the legislature in 1988 under Act 219. The Act and its subsequent amendments declare that discriminatory practices—based on race, color, religion, age, sex, marital status, national origin, ancestry, sexual orientation, or handicapped status in employment, housing, public accommodations or services receiving state financial assistance—are against public policy. The Commission's mandate is to provide a uniform procedure for the enforcement of the state's discrimination laws.

The Commission is comprised of five (5) members, all of whom are volunteers appointed by the Governor on the basis of their knowledge and experience in civil rights matters and on the basis of a demonstrated commitment to the preservation of the civil rights of all individuals. The members include persons from private sector business, the university, and disabled, and community groups.

The HCRC is attached to the Department of Labor & Industrial Relations for administrative purposes. The Commission oversees a staff of approximately twenty-six (26) persons who are divided into two separate sections (enforcement and adjudication) to carry out its functions. Pursuant to Hawai'i Revised Statutes (H.R.S.) section 368-3, these functions are to:

- 1) receive, investigate and conciliate complaints alleging any unlawful discriminatory practice under H.R.S. chapters 368 (programs and activities receiving state financial assistance), 489 (public accommodations), 515 (real estate transactions) and part I of chapter 378 (employment practices);
- 2) issue the right to sue in circuit court to a complainant;
- 3) hold administrative hearings on such complaints and order appropriate legal and equitable relief or affirmative action when a violation is found;
- 4) commence civil actions in circuit court to seek appropriate relief, including the enforcement of any commission order, conciliation agreement or predetermination settlement;
- 5) issue publications and results of investigations and research that, in its judgement will tend to promote goodwill and minimize or eliminate discrimination in employment, housing and public accommodations.

Jurisdiction over H.R.S. chapters 368, 489, 515, and part I of 378 was transferred to the Commission on January 1, 1991. The accompanying report is submitted pursuant to H.R.S. sections 368-4 and 515-9, and to give a review of the major accomplishments of the Commission during the 1990-91 fiscal year.

history & administration

FY 1990-91 was a significant year for the Commission in terms of setup of operations. The Commission found itself operating under a very compressed timeframe in readying itself for the transfer of jurisdiction over discrimination complaints. Prior to the start of the fiscal year, five commissioners were appointed by the Governor on November 20, 1989. The Commission's first Executive Director was then selected and began her duties on April 2, 1990.

Among the most significant accomplishments during FY 1990-91 were the following:

- New staff was hired and transferred employees from the Department of Labor and Industrial Relations (DLIR), Fair Employment Practices were acquired in accordance with Section 31, Act 386, Session Laws, 1989 Legislature.
- Commissioners and staff received in-service training from staff from the California Department of Fair Employment & Housing, and the California Commission on Fair Employment & Housing.
- Formal organization and classification of staff positions began and is ongoing.
- Commission staff assisted DLIR in investigating employment discrimination complaints through December 31, 1990. The Commission accepted the transfer of 266 open employment discrimination complaints from DLIR on December 31, 1990.
- After a long search, easily accessible and affordable office space was acquired in September 1990, at the Kendall Building, 2nd Floor, 888 Mililani Street, Honolulu. An office blessing was held on April 5, 1991.
- Administrative rules were promulgated and adopted on December 31, 1990.
- The Commission assumed jurisdiction and began accepting discrimination complaints on January 2, 1991.
- A Project Valuation Assessment for the Commission's computer information system was completed and approved. Bids were closed for the Commission's LAN (local area network) computer system in April and a contract was awarded in May 1991. Installation of the computer network system followed.
- A workshare agreement was signed by the Commission and DLIR with the federal Equal Employment Opportunity Commission for processing employment discrimination complaints.
- Contact was initiated with the federal Department of Housing and

Urban Development to explore entering into a workshare agreement to process housing discrimination cases.

- Since the HCRC has no neighbor island offices, arrangements were made with DLIR and the Governor's Office of Information to provide a conference room one day a month for investigators to conduct intake and receive complaints in Hilo, Kona, Wailuku, and Lihue.

The staff of the HCRC is comprised as follows:

- Executive Director

Enforcement Staff:

- Deputy Executive Director
- Enforcement Attorneys (3)
- Information Officer
- FEP Specialist VI
- HCRC Investigator Supervisors (2)
- Investigators (8)
- Secretary III
- Legal Stenographer I
- Clerk Typists (4)

Adjudication Staff:

- Chief Counsel
- Hearings Examiner
- Secretary II

administrative procedure

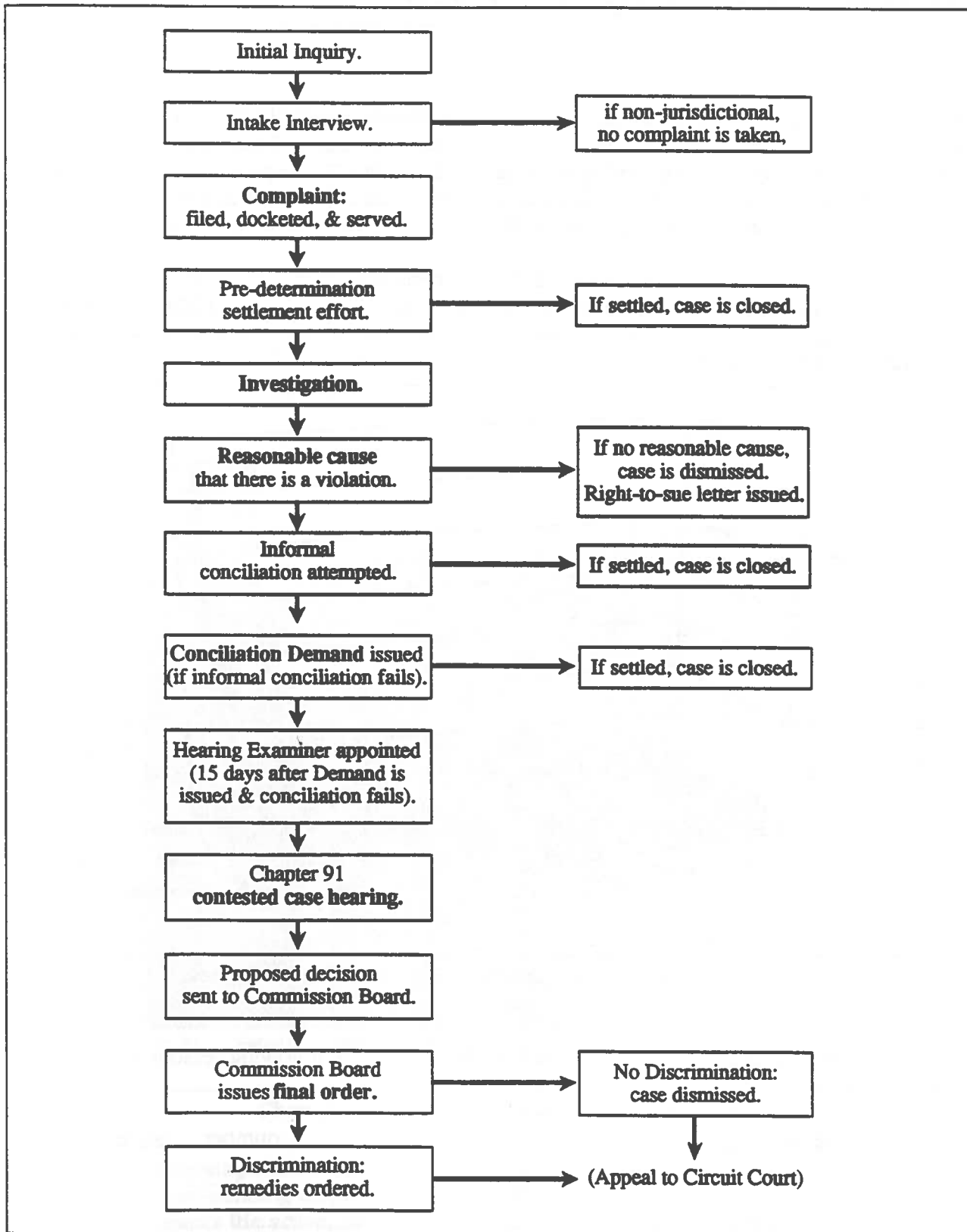
Two requirements must be fulfilled before the HCRC can accept a complaint of discrimination:

- there must be a “basis” for the alleged discriminatory action; the complainant has to have been treated in an unequal, “disparate” manner because of race, sex, or other protected basis.
- the complaint must be filed with the HCRC within 180 days of the alleged incident (or most recent incident if there is a recurring pattern of discrimination).

When a **complaint** is filed, a HCRC investigator will begin a neutral, fact-finding **investigation** and will collect evidence and contact witnesses from both the complainant’s and respondent’s sides. The likelihood of resolving the complaint early in the investigation through a pre-determination settlement will also be explored. If there is no evidence of “reasonable cause,” the case is closed and a right-to-sue letter is issued. A right-to-sue letter can also be issued to the complainant at any time if they wish to file their own civil suit. Should “reasonable cause” be determined, the HCRC enforcement staff will attempt to reach terms of **settlement** through conference, conciliation, and persuasion.

If conciliation is unsuccessful, a **hearing** is scheduled and the case is referred to a HCRC enforcement attorney. This attorney will present the case in support of the complaint before an impartial HCRC hearings examiner; the complainant may also be represented by private counsel, if so desired. The respondent (represented by themselves, or any counsel of their choice) will also present their case at this time. The hearings examiner will issue a **proposed decision** based on the evidence.

The proposed decision and the hearing record are reviewed by the HCRC five-member Board. The parties will also be able to file written exceptions and present oral arguments to the Board. The Board will accept/reject/modify the decision, issue the **final order**, and award remedies if appropriate. This decision is legally binding. If either party feels that the decision is unfair, they have 30 days to file an **appeal** with the Circuit Court. This will be the first time that the case will be in the judicial arena. This procedure is outlined in the chart on the following page.



Flowchart 1: HCRC Administrative Procedures

caseload demographics

There were 476 cases under investigation by the Commission during the first six months. There were also 1,975 telephone inquiries to the HCRC during this period. This led to 328 intake interviews between investigators and complainants, of which 178 complainants were women (54.3%). These interviews resulted in 210 cases of discrimination being actually accepted in addition to the 266 cases transferred from the DLIR.

176 cases were closed during this period. 283 cases remained open at the end of the fiscal year (with 40 cases pending investigation by the EEOC). Case closures averaged 306.75 days per case, but this figure is somewhat skewed due to the fact that the caseload also included backlog cases transferred from the DLIR.

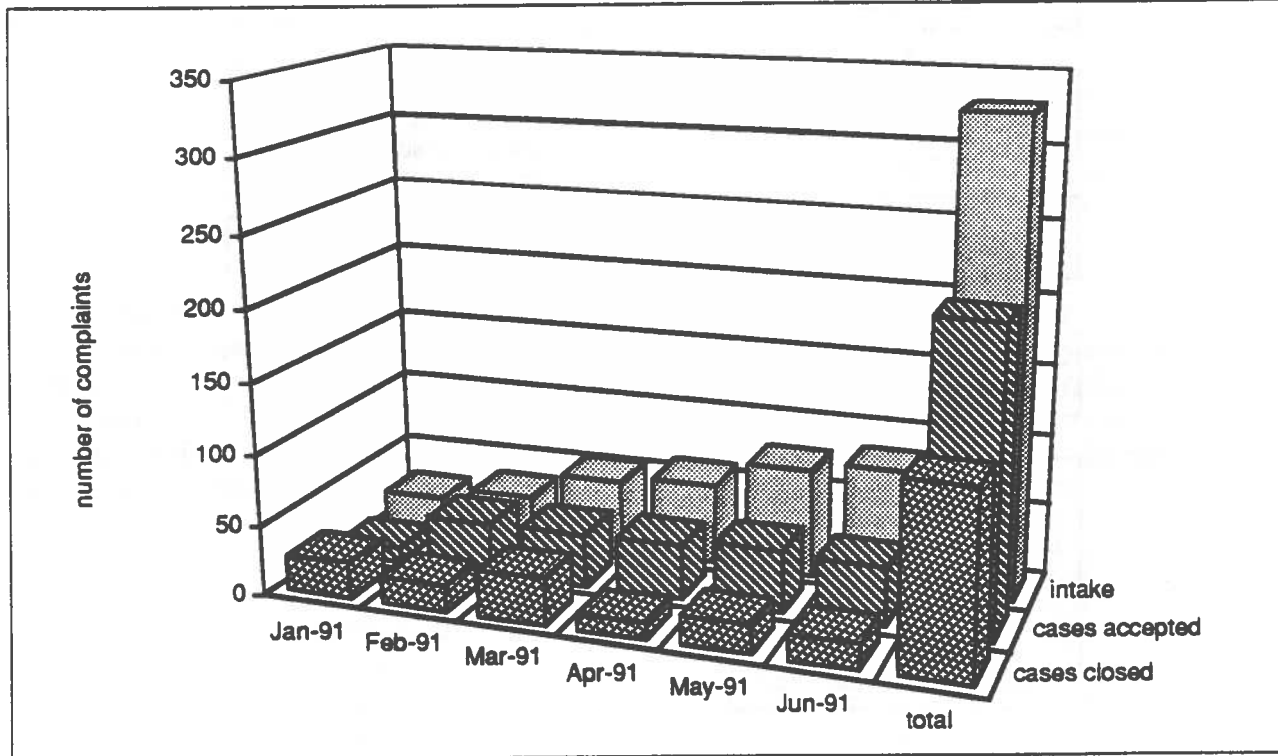


Chart 1: Intake interviews, accepted cases, and closed cases.

A review of case closures during the first half of 1991 shows the following reasons for the closure of cases:

<u>type of closure</u>	<u>number</u>	<u>percentage</u>
01) no jurisdiction	3	1.7%
02) complaint withdrawn	10	5.7%
03) complainant not available	8	4.5%

04) complainant failed to cooperate	22	12.5%
06) complaint withdrawn—court action by complainant	11	6.3%
07) complaint withdrawn—resolution by parties	5	2.8%
09) negotiated settlement or field resolution	36	20.5%
12) complaint withdrawn—successful conciliation	4	2.3%
13) insufficient evidence to prove violation of statute	29	16.5%
14) “cause” determination	5	2.8%
15) “closed” to EEOC investigation	43	24.4%

The monthly caseload status for all types of discrimination is shown below:

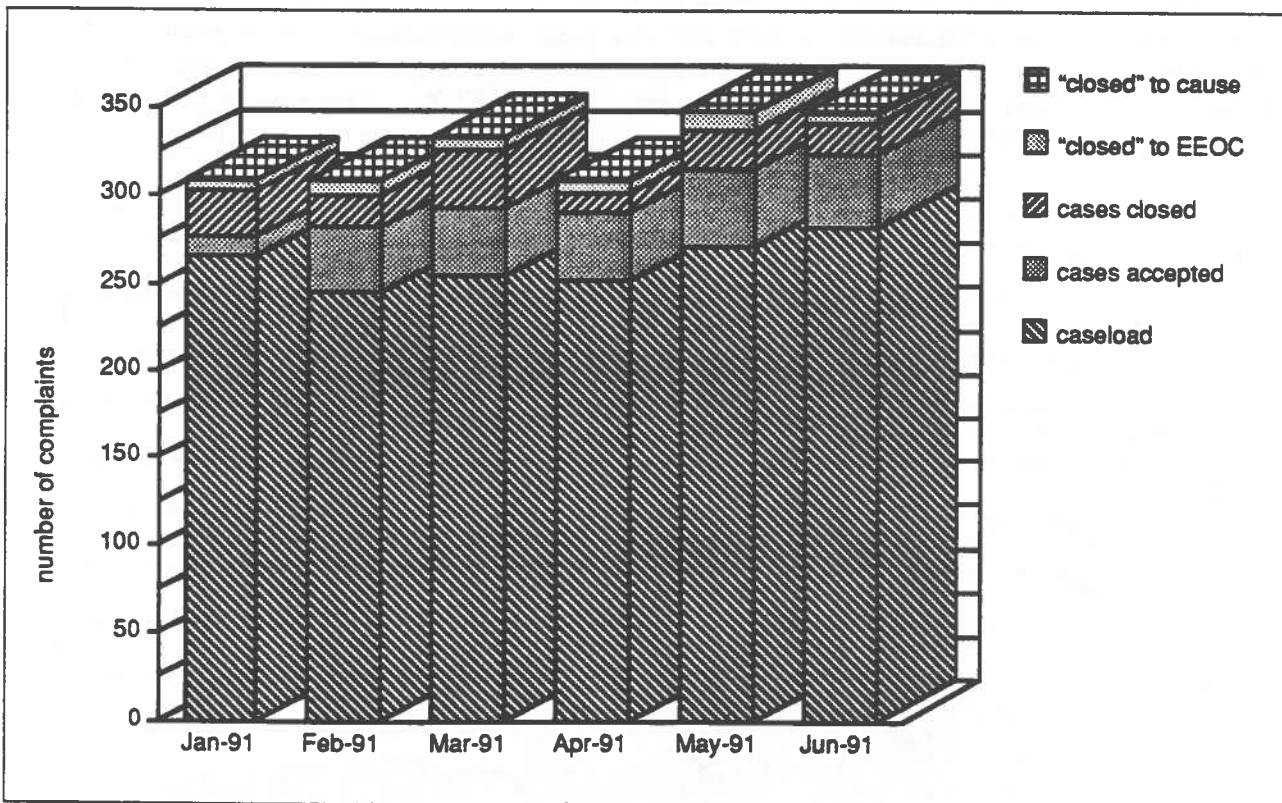


Chart 2: Caseload of all cases of discrimination.

The legend abbreviations are: “cause” for cases where reasonable cause has been determined; “to EEOC” are dual-pending employment cases that the EEOC (not HCRC) will investigate; and “caseload” represents the active, pending caseload from the previous month.

employment discrimination

H.R.S. Chapter 378, Part I, prohibits discriminatory employment practices based on race, sex, sexual orientation, age, religion, color, ancestry, handicapped status, marital status, arrest and court record, assignment of income for child support obligations, or National Guard participation. Examples of such unlawful practices are listed in H.R.S. section 378-2.

The HCRC has a work share agreement with the federal Equal Employment Opportunities Commission (EEOC). Where there is concurrent jurisdiction, the case is "dual-filed" with both the receiving agency and the other agency. The HCRC began 1991 with a backlog caseload of 266 cases from the DLIR. In the first half of 1991, there were 456 employment cases within the total HCRC caseload. Of these, 348 (75.2%) were dual-filed with the EEOC.

The primary bases of discrimination are shown below for the total employment caseload. Sex was the largest category with 185 cases accounting for 40.6% of all employment discrimination cases. Within the sex category, 39 cases were based on pregnancy (21.1% of all sex discrimination cases) and 38 cases (20.5%) were based on harassment. Race was the second largest basis with 140 cases accounting for 30.7%. Race and sex bases accounted for over two-thirds (71.3%) of all cases of discrimination in employment practices. Handicapped status was the basis for 42 cases (9.2%), and there were 32 age discrimination cases (7.0%). There were 17 cases of retaliation (3.7%), and the remaining categories had 10 or fewer cases per basis.

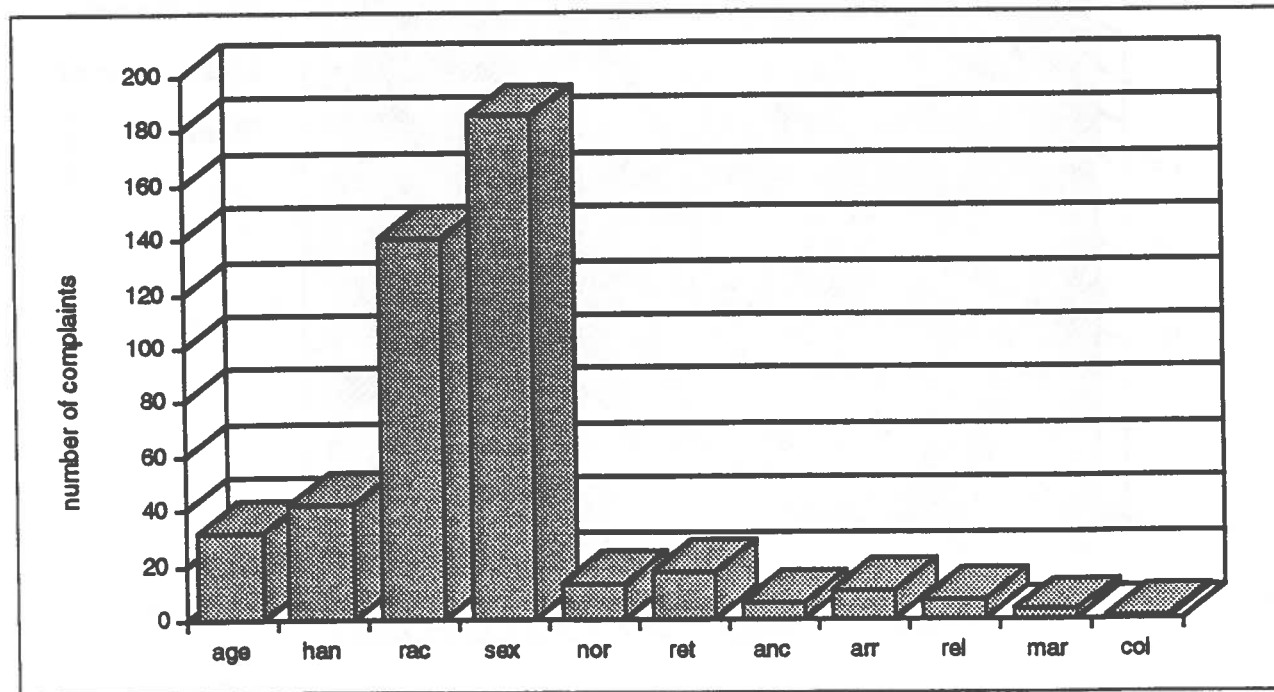


Chart 3: Primary basis of discrimination in employment practices.

The label abbreviations are: "han" for handicapped status (both mental and physical); "rac" for race; "nor" for national origin; "ret" for retaliation; "anc" for ancestry; "arr" for arrest and court record; "rel" for religion; and "col" for color.

discrimination in public accommodations

H.R.S. Chapter 489 prohibits unfair discriminatory practices which deny, or attempt to deny, a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodation on the basis of race, sex, color, religion, ancestry, or handicapped status.

Although it has been unlawful to discriminate in public accommodations since 1986, no state agency was ever charged with the enforcement of this law, although individuals could proceed directly to state court. This changed when the HCRC received enforcement jurisdiction over public accommodations on January 1, 1991.

During the first half of 1991, ten cases of public accommodations discrimination were accepted. The bases for discrimination are shown below. Handicapped status was the basis for 40.0% of the cases, with ancestry, race, and sex following at 30.0%, 20.0%, and 10.0% respectively.

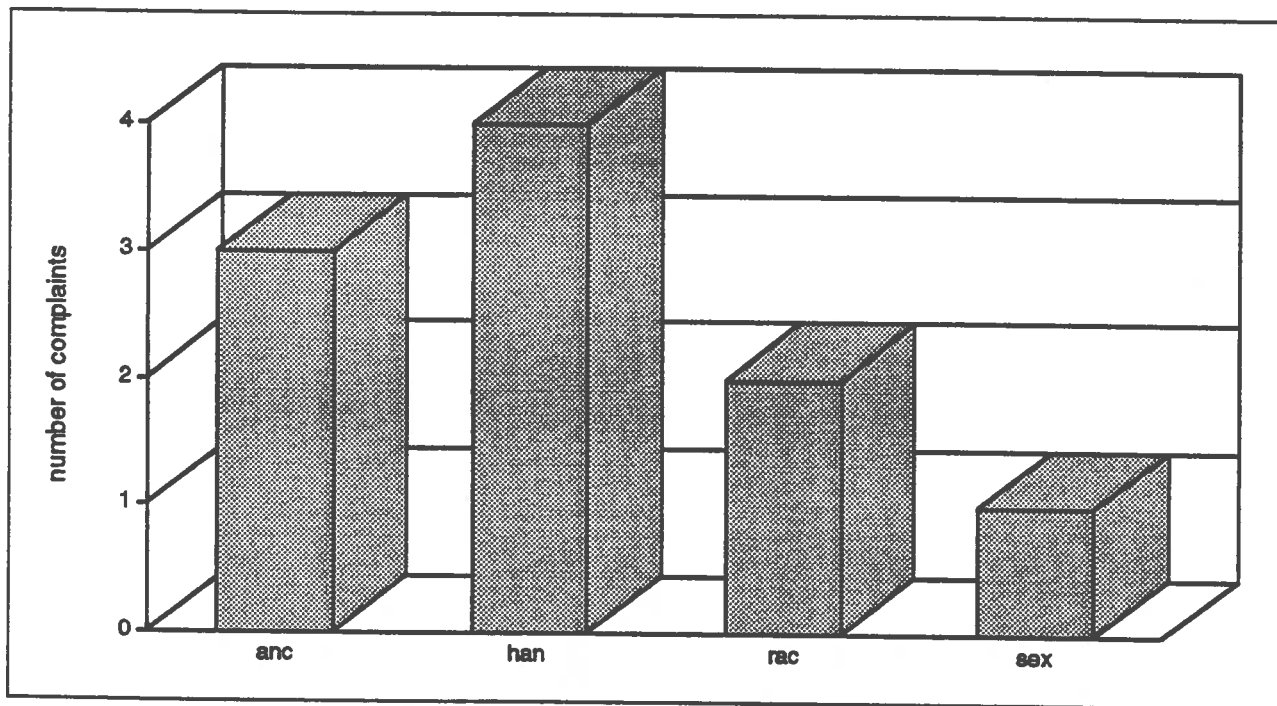


Chart 4: Primary basfs of discrimination in public accommodations.

The label abbreviations are "han" for handicapped status (both mental and physical), "rac" for race, and "anc" for ancestry.

access to State and State-funded services

H.R.S. Section 368-1.5 prohibits state agencies or any program or activity receiving state financial assistance from excluding from participation, denying benefits or otherwise discriminating against persons based on their handicapped status (the only protected class in this area of jurisdiction).

The HCRC received enforcement authority in this area on January 1, 1991. As of June 30, 1991, there was one case of this type of discrimination filed with the HCRC.

discrimination in real property transactions

H.R.S. Chapter 515 prohibits discriminatory real estate practices based on race, sex, color, religion, marital status, parental status, ancestry, handicapped status of HIV infection. Examples of such unlawful practices are listed in H.R.S. section 515-3 and include discriminatory actions such as refusing to rent, sell, or enter into financial transactions with an individual because of a protected basis (as listed above).

The HCRC received jurisdiction of housing discrimination cases on January 1, 1991. Prior to that date, the state Department of Commerce & Consumer Affairs, Office of Consumer Protection (OCP) handled housing discrimination complaints. No cases were transferred to the HCRC from the OCP when jurisdiction was transferred.

During the first half of 1991, the HCRC accepted nine cases of housing discrimination. The primary bases for housing complaints are shown below. Handicapped status was the basis for 44.4% of these cases with parental status, race, and marital status following at 22.2%, 22.2%, and 11.1% respectively.

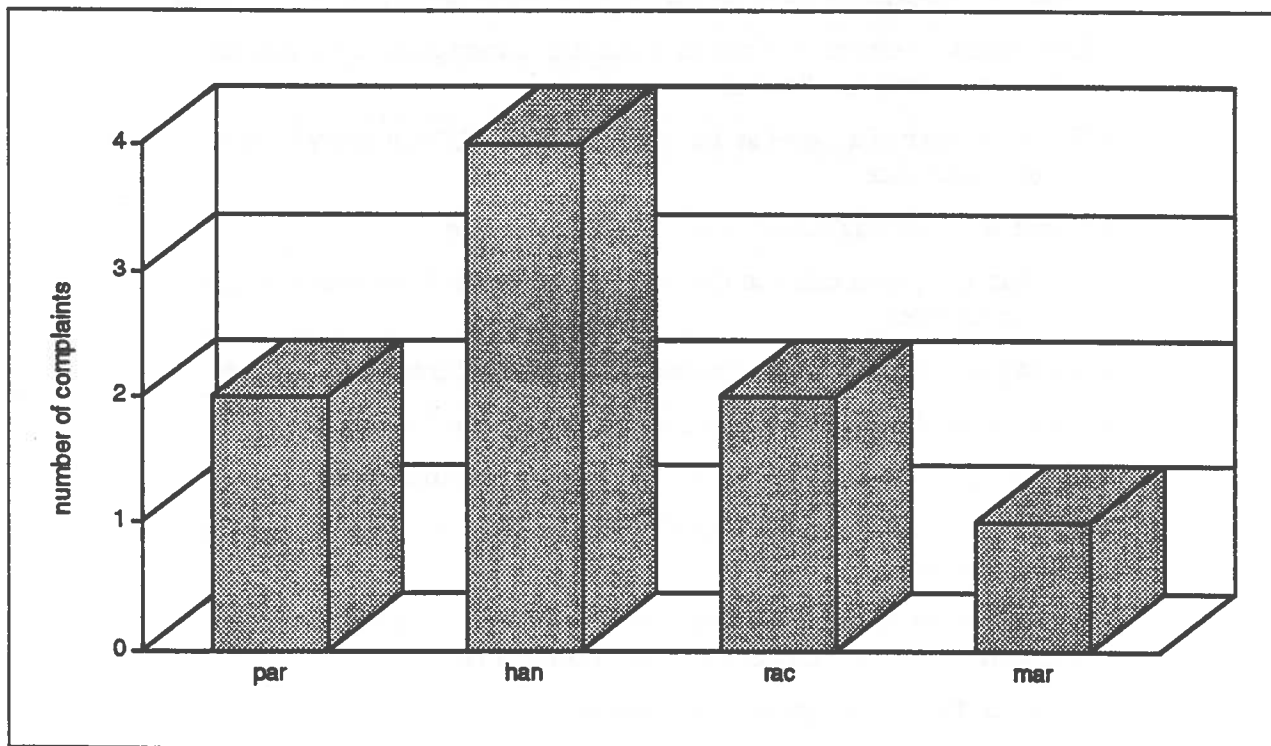


Chart 5: Primary basis of discrimination in housing transactions.

The label abbreviations are: "par" for parental status; "han" for handicapped status (both mental and physical); "rac" for race; and "mar" for marital status.

education & outreach

It is important to conduct public education and outreach activities in order to inform the public of their rights and responsibilities under state law, especially during the Commission's first year of operation. It is hoped that public education will also serve as a preventative measure with the Commission eventually seeing a gradual decline in the number of complaints filed.

During FY 1990-91, commissioners and staff participated in the following public education and outreach activities:

- Developed and published two brochures regarding the operations of the HCRC: "A Guide For Respondents," and a general information pamphlet on the jurisdiction, history, and procedures of the Commission. The general information pamphlet is currently being translated into some of the more frequently used languages in the community.
- Sat on a panel discussing the new Hawai'i Civil Rights Commission at the American Association for Affirmative Action conference held in Honolulu.
- Distributed brochures and talked about the Commission at the African-American Association Festival.
- Was a member of a panel at the Maui County OFCCP Industry Liaison Group conference.
- Spoke at the Hawaii Employers Council conference.
- Conducted a presentation at the Society for Human Resources Management conference.
- Was a panel member at the "Judiciary in the 21st Century" conference.
- Spoke at the Pacific Rim Conference on Developmental Disabilities.
- Appeared on the Channel 5 television program "Island Issues."
- Spoke at the Hawaii Institute for Continuing Legal Education "Breakfast Club" seminar.
- Was a panelist at a seminar sponsored by the Employees Association and Department of Civil Service, City and County of Honolulu.
- Spoke at the Cambridge Institute seminar.
- Conducted a presentation before the Hawaii State Bar Association's Labor and Employment Law Section.
- Spoke at the Chamber of Commerce of Hawaii's "Good Morning Hawaii" program.
- Was a speaker at the National Federation of the Blind State Convention.
- Began planning for a civil rights conference to be held in late 1991.

legislative highlights

Commissioners and staff members testified before several committees, in both the Senate and House of Representatives, in support of the following civil rights legislation that was enacted/adopted:

- Legislation which extended the protections of Hawai'i employment discrimination laws to persons who have suffered discrimination on the basis of their sexual orientation.
- Legislation which extended the protections of the Hawaii real estate transaction law to allow persons with physical disabilities to have service dogs in their homes.
- Legislation establishing a permanent Martin Luther King Commission.
- Legislation to conform the various civil rights laws under the Commission's jurisdiction by clarifying minor inconsistencies and ambiguous language.
- Legislation to clarify that the Commission's Deputy Executive Director was exempt from civil service requirements.
- A concurrent resolution which expressed strong support for the passage of the Civil Rights Act of 1991 by Congress.

As we look toward future legislative sessions, the HCRC will be supporting changes in H.R.S. Chapter 515, "Discrimination in Real Property Transactions," which will conform state law to Title VIII of the federal Civil Rights Act, as amended.

commission board members

AMY AGBAYANI: chairperson, (term 1989-93).

Dr. Agbayani was educated at the University of the Philippines and the University of Hawai'i-Manoa. She holds a Ph.D. in political science and is currently Director for Minority Student Affairs at the University of Hawai'i-Manoa. Dr. Agbayani was previously the Director of Operation Manong at the UH, and Chair of the Inter-Agency Council for Immigrant Services.

DAPHNE BARBEE-WOOTEN: commissioner, (term 1989-91; 1991-95).

Ms. Barbee-Wooten was educated at the University of Wisconsin and the University of Washington, where she received a law degree. She currently is an attorney in private practice. In the past, she worked in the Office of the Public Defender and as independent grand jury counsel for the First Circuit Court. Ms. Barbee-Wooten is a member of the Afro-American Lawyers' Association, the Afro-American Association of Hawaii, and a Board Member of the Hawaii Association of Criminal Defense Lawyers.

JOSEPHINE EPSTEIN: commissioner, (term 1989-93).

Ms. Epstein was educated at the University of Hawai'i and is a retired LPN who worked at Leahi Hospital. In the past, she has served as a member of the Commission on the Status of Women, and the Commission on Persons with Disabilities. She currently is a member of the Coalition of Hawaii State & County Retirees, and the Hawaii AFSCME Retirees Chapter 646.

JACKIE MAHI ERICKSON: commissioner, (term 1989-92).

Ms. Erickson was educated at the University of Hawai'i. She is a vice-president, and has been the corporate counsel and head of the legal department, for Hawaiian Electric Company since 1981. Previous to 1981, she was a deputy attorney general with the Office of the Attorney General, and also worked as a law clerk for the Hawaii Supreme Court.

RICHARD J. PORT: commissioner, (term 1989-92).

Mr. Port was educated at Boston College and Columbia University where he received a Master of Arts degree. He is currently employed as an education specialist with the Department of Education, and has also worked for the U.S. Agency for International Development in Nigeria and was a member of the Peace Corps in Ghana.