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LETTERS From CAMP Rehoboth

VIEWPoint

by Andrew Keegan

The Final Frontier-Equal Rights

Delaware's House Bill 99 sought to navigate uncharted territory; to boldly go where few gay-friendly bills have gone before. Its mission; to seek out fair and equal employment protection for all citizens of the First State. Unfortunately, HB 99 encountered an unmovable force, Senator Robert L. Venables.

On June 30, HB 99, authored by Rep. William Oberle, (R-Newark), which would have provided protection against sexual discrimination in employment, housing and public accommodations and insurance, vaporized without ever reaching the Senate floor for a vote. Sen. Venables, (D-Laurel), chair of the Senate Small Business Committee that controlled the bills fate, refused to release HB 99 for a full Senate vote. The explanation given by Venables indicated a "myriad" of problems with the bill, problems which the House, which passed the legislation 21-20, did not foresee.

Organizations like the Delaware chapter of the American Civil Liberties Union and the Washington-based Human Rights Campaign lobbied Venables to allow the entire Senate access to the legislation. Sen. Venables would not budge.

Sen. Venables also refused to listen to the passionate plea of Lisa Venables, his daughter-in-law.

Earlier this year, Lisa Venables submitted a guest commentary speaking in favor of HB 99 to SussexCountyonline.com.

"I am writing to express my support of HB 99-as a concerned Delawarean, crisis counselor and in honor of my late gay brother," wrote Lisa Venables. "Like many, I had many misconceptions and did not realize just how necessary its passage is, to protect everyone equally."

Lisa Venables pointed out that in her profession as a crisis counselor, she had counseled many suicidal teens struggling with harassment at school due to their sexual orientation.

However, the memory of her late brother stood at the forefront of her conviction for the passage of HB 99.

"I want to honor the life of my brother, who proudly served our country in the Air Force, yet experienced discrimination because he was gay," she wrote. "I challenge my fellow Delawareans to read the bill for themselves and they will see it's not about 'special treatment,' but basic human and civil rights we're all supposed to have."

Lisa Venables chose not to criticize her father-in-law, Sen. Venables, referring to him as "an honorable man who just can't believe that such discrimination is still occurring."

Well, there are at least three gay Delawareans who have experienced discrimination in the workplace and would disagree with the Senator.

In March 1997, Walter Decyk, an employee with the Delaware River and Bay Authority, suffered a brutal attack, away from work, that left him with a fractured leg and back injuries. As a result of this hate crime, a supervisor discovered he was gay and began taunting him with verbal slurs and threats of termination, according to Decyk. Shortly after the verbal abuse began, Decyk was accused of theft and terminated, despite a five-year record as a diligent and exemplary employee.

Required by law to give employees the option of continuing medical coverage after leaving the company, the Bay Authority denied Decyk's request to continue his health insurance, which he still needed to cover the treatment of his injuries.

Decyk filled a lawsuit against the agency and reached a confidential settlement before the case went to court.

Another victim of employment discrimination is Douglas Marshall-Steele, who followed the proper procedure in lodging a grievance against a co-worker, and was subsequently fired.

A registered nurse at Nanticoke Memorial Hospital, Seaford, from 1993-1998, Marshall-Steele became the target of a male physician who complained to fellow hospital staff that he "didn't want to have to speak with that queer nurse."

Additionally, the same physician was sexually harassing female workers, according to Marshall-Steele, who lodged a complaint detailing homophobic harassment as well as sexual harassment, on behalf of his co-workers.

"I followed the chain of command in filing a complaint and after a hap-hazard investigation, the hospital asked the physician to apologize to me, which he did," said Marshall-Steele. "However, soon after that, I was fired for initialing my check sheet before rounds instead of after."

Marshall-Steele indicated it's common practice among RN's to initial paperwork before making rounds, as they become extremely busy and can forget to note it afterwards.

"The hospital was just looking for an excuse to fire me," he said.

Realizing he was falsely terminated, Marshall-Steele took the hospital to court, with several agencies in his corner, including the Delaware Department of Labor and the EEOC.

An out of court settlement was reached.

Case number three involved James Welch, one of only two applicants who applied for the position of AIDS Coordinator with the Division of Public Health in 1990. Not only was he denied the promotion, Welch was not even granted an interview. Additionally, the selected applicant did not even want the position but had been asked by the administration to apply, simply because they did not want a gay person in the position, according to Welch.

Welch initiated a grievance process and following a year-long investigation was subsequently awarded the position as AIDS Coordinator.

In case you're thinking, "Well, these three guys suffered no real hardship because they eventually won their cases," think again. Three individuals, all whom faced employment discrimination due to sexual orientation, were only able to prevail through other circumstances.

Decyk's claim was based on denied medical coverage, Marshall-Steele had to rely on being terminated for reporting sexual harassment, whereas, Welch applied the state's merit rules, which had nothing to do with sexual orientation.

"HB 99 really has a dual purpose, to protect the basic rights of citizens and likewise, to heal the fractures in our society caused by discrimination," summed up Welch, who holds no animosity toward the administration that initially denied his application.

So you see Senator Venables, discrimination does still exist. Perhaps it's time you opened your eyes and mind.

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