

SENATOR McFARLAND: Mr. President, as an attorney, I haven't dealt with, really, inmate suits. I...my primary contact with this area has been in representation of state employees and they involve state employees not only in the Department of Corrections but also in the Department of Labor, Department of Public Institutions, Department of Social Services. And a lot of times state employees bring claims against their supervisors and their department heads for various reasons, for violation of constitutional rights, violation of the law with regard to sex discrimination, race discrimination, discrimination on the basis of religion, handicapped, and so on. And what happens in those cases, of course, is that there can be individual liability on the part of the supervisor or the department head or whomever has committed the offense. And I think the problem perhaps is illustrated by the recent case that has been a focus of the Business and Labor Committee's attention in the past week and that involved a case of a woman at the Department of Corrections who applied for an assistant director position. She was fully qualified, trained, competent, able to handle the position. She applied. She had had the necessary experience there and the supervisors, the two supervisors, who were making the determination as to who would get the job ended up hiring one of their best friends, one of their buddies, and so she sued them and said that that was sex discrimination. And they went to court and it was filed in federal court and, in fact, she got a judgment from Judge Urbom and he said it was, indeed, sex discrimination and that, indeed, the individuals had been responsible for making degrading and demeaning comments about women, that they had treated this particular female employee in a very discriminatory manner, that they had hired their friend, not on the basis of his qualifications but on the basis that they would feel less threatened if they had their best...one of their best friends hired into the position rather than the woman who deserved the appointment and was fully qualified for it. As a result of that litigation, there was a settlement reached and the settlement was generally this, as I understand it, that the state would pay to the woman \$25,000 in damages and that 22,500 would be the state's responsibility and that the individual defendants would be responsible for \$2,500 of that damages, but that the...as a part of that agreement that the woman would not oppose the Attorney General's office coming before the Business and Labor Committee and requesting indemnification and payment of the total \$25,000 from state funds even though those individual defendants had been held liable for \$2,500 jointly or