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Gay rights taking two historic steps

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Kurt Koester was a groundskeeper at Lewis & Clark College in Southwest Portland when his supervisor said something about gays that scared him.

"Where I come from, we string those people up and hang them," the supervisor said, according to Koester, who is gay.

Public records show that Koester complained to the college, which investigated and disciplined the supervisor by placing him on unpaid leave. When college officials later questioned Koester about his employment application, he suspected retaliation --so he pursued a claim with state investigators.

Until now, laws that allow gays and lesbians in Oregon to seek protection from discrimination have been limited to residents of 10 cities, including Portland, and two counties, including Multnomah. In those two jurisdictions, such laws enabled Koester to take his claim to a higher authority.

But such limitations on gay and lesbian Oregonians will dissolve after Gov. Ted Kulongoski signs into law two bills that gay-rights advocates praise as historic. One grants **domestic partnerships**. The other protects individuals from discrimination based on sexual orientation at work, in housing or in public places --no matter where in the state they live.

Publicity surrounding the anti-discrimination law could encourage more gays and lesbians to report bias, and it should prompt employers to invest in more training to ensure that employees understand what behavior is unacceptable, said Rudy Asunsolo of the Oregon Bureau of Labor and Industries.

But the bigger impact may be on societal attitudes, he said. He drew a parallel with sexual harassment, which was tolerated in many workplaces before tougher laws and court rulings took effect in the 1990s. Now employees don't have to put up with suggestive comments --and others know it. A similar shift is likely to benefit gays and lesbians, Asunsolo said.

In Koester's case, state investigators dismissed his claim after finding no evidence that Lewis & Clark retaliated against him, and they determined that the college took "immediate and appropriate corrective action" to deal with Koester's supervisor, whom the college ultimately fired. Koester, 40, who no longer works at Lewis & Clark and has filed a second claim against the college, declined to comment.

Discrimination of any kind can be tough to prove because individuals must do more than

prove they suffered harm --they must link the harm to a protected status, such as sexual orientation, race or age.

Oskkar Walker, 33, filed a complaint in 2004 against his employer, a Home Depot in Clackamas, public records show. Walker, whose former name was Bekke Walker, had begun taking hormones to change his gender identity from female to male. As his voice deepened and he grew a beard, his supervisors started to treat him differently by giving him unfair evaluations and falsified write-ups, his complaint said. Eventually, he was fired.

Home Depot attorneys denied discriminating against Walker, arguing that he was fired for poor performance. Walker --who later sued Home Depot in Multnomah County Circuit Court and lost a jury trial --now works for a competing chain of home improvement stores and said he couldn't comment on the case. But, in general, he said, without specific laws against discrimination, "it's scary" to come out as a transgendered person at work.

"That means that any moment I could be fired, and there doesn't have to be an explanation for it," Walker said.

Other complaints to state investigators include one from a gay salesman at a Portland auto parts store who said he was harassed and ultimately fired because of his sexual orientation. The harassment included a boss who asked "if I could put on a pretty dress and pose for glamour shots."

In another case, a gay man who worked at a Portland grocery store complained that his manager made frequent off-color comments about gays and once joked about "gay-bashing queers." When the store closed, the man complained that straight employees received transfers to other branches, while he was fired.

An Oregon Court of Appeals ruling in 1998, Tanner vs. OHSU, prohibited employment discrimination on the basis of sexual orientation, but attorneys for some employers continue to argue that it does not, said Susan K. Eggum, an attorney who handles discrimination and retaliation claims.

The new state law, she said, "will certainly shut down that element of the community."

News researcher Lynne Palombo and reporter Bill Graves of The Oregonian contributed to this story.

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