

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

FILMORE F. STEVERSON, Complainant

v.

BELL TELEPHONE LABORATORIES, INC., Respondent

DOCKET NO. E-2068

OPINION

FINDINGS OF FACTS

CONCLUSIONS OF LAW

COMMISSION'S DECISION

FINAL ORDER

Filmore F. Steverson, the complainant, a Negro, filed a complaint with the Pennsylvania Human Relations Commission ("Commission") on September 23, 1965 against Bell Telephone Laboratories, Inc. ("Bell") of Allentown, Pennsylvania. The complaint alleged that on August 17, 1965 Bell notified Steverson of his dismissal effective November 17, 1965, because of his race, a Negro, which constituted an unlawful discriminatory practice by Bell in violation of Section 5, Subsection (a) of the Act of October 27, 1955, P.L. 744, as amended by the Act of February 28, 1961, P.L. 47, Pennsylvania Human Relations Act.

On April 21, 1966, Bell filed an answer to the complaint denying that the complainant was dismissed for racial reasons, but, on the contrary, alleging that "...the complainant was notified that because of his inability to capably and satisfactorily perform his duties as a technical aide in the employ of the respondent, he would be released from the payroll if he had not prior to that resigned by November 17, 1965."

On January 25, 1966, the Commission, after investigation and a determination that probable cause existed to credit the allegations of the complaint, ordered a pre-hearing conference and designated Commissioner Edward M. Green who conducted the pre-hearing conference on March 9, 1966, but attempts to conciliate and adjust failed.

On March 22, 1966, the Commission ordered that a public hearing be held and delegated three Commissioners to conduct the hearing.

On the first day of the public hearings, held on April 29, 1966, in Allentown, Pennsylvania, counsel for both the respondent and the complainant joined in a request for a continuance for the purpose of again attempting to conciliate and adjust, which request was granted by the Hearing Commissioners and a continued public hearing set for June 9, 1966 in Allentown, Pennsylvania.

Efforts to conciliate and adjust were again unsuccessful whereupon the Hearing Commissioners conducted public hearings in the matter on April 29, 1966; June 9, 1966; July 11 and July 12, 1966; August 17, 1966; September 14, 1966; November 28 and November 29, 1966.

The Hearing Commissioners were Joseph X. Yaffe, Esq., Chairman; Edward M. Green and Dr. Robert Johnson Smith.

The complainant was represented by Herman Steerman, Esq., Assistant General Counsel and Arthur C. Thomas, Esq., Special Assistant, Deputy Attorney General.

The respondent was represented by O. J. Tallman, Esq., of the firm of Butz, Hudders and Tallman, Esquires, and Kimball Prince, Esq.

Upon the conclusion of the hearings, counsel for the respondent requested leave to file briefs and submit oral arguments before the Commission in accordance with Section 105.21 of the Regulations which was granted.

Briefs on behalf of the complainant and the respondent were duly submitted by their respective counsels and on February 28, 1967 before the full Commission, argument was made by the respective counsels.

OPINION

This case involves Filmore F. Steverson (hereinafter "Steverson"), a Negro, who was first employed by Bell at Murray Hill, New Jersey on June 19, 1955 as a technical aide (TA).

His stay at the Murray Hill location was of short duration due to the fact that in May 1956, he asked for and was granted a transfer to the respondent's plant at Allentown, Pennsylvania where he continued in his employment as a TA until his discharge which took place on November 30, 1965.

He was the only Negro employe during the entire period of his employment at the Allentown plant.

When the complainant first secured employment with the respondent, he appeared to be well qualified for the position of TA in view of the fact that his educational background consisted of an Associate Degree in Electronics from Temple Community College in 1955 and a certificate in

electronics from Temple Technical Institute and training as a diesel mechanic in the Williamsport Technical Institute and a course in electronics at the Kessler Air Force Base. His prior employment consisted of a Private First Class in the United States Army in 1943 - 1945, a truck driver for the Short Trucking Service from 1948 to 1949, a second hitch with the United States Air Force as a Private First Class from 1949 - 1952 and one-year's employment by Rayco Auto Seat Covers as an installer during the year 1955.

He also was the holder of a Radio Operator's Certificate in the United States Air Force and a First Class FCC License.

The complainant, being the first Negro to be employed at the Allentown plant, was a pioneer in the efforts of Negroes to enter the employment family of Bell. The opportunity afforded him was unique in that he was hewing a path for others to follow. His standard of performance in his job would have opened the doors for others of his race to follow.

In the early years of Steverson's employment with the respondent, the reports emanating from supervisory personnel were most glowing and looked toward a happy and successful career for the plaintiff with the respondent company.

At the time of his transfer to Allentown "He was then merit rated as an above average TA and his supervisor thought that he was an extremely nice person, very cooperative, was a bit shy and not aggressive, showed good initiative and had a steady businesslike approach."

In January of 1957, his supervisor's progress review appraisal indicated that the complainant was "Definitely superior in quantity of work and initiative toward job but is somewhat deficient in organization and his training is weak. His growth with the company will depend upon his ability to become more orderly on the job, organize his work more effectively and obtain additional training."

This was the first indication of faulty performance on the part of Steverson's conduct in his work as a TA. In February of 1957 the progress interview of Steverson's work indicated "...that Mr. Steverson does not plan his work as well as he should and sometimes overlooks details. Mr. Steverson's supervisor considered him to be a problem case, however, the interviewers felt that they were taking remedial steps and, therefore, no action by the Personnel Department was recommended at that time."

In 1961 his merit rating was 4H which represented the highest rating for that category.

In 1962 his merit rating was dropped to 4M, at which time his supervisor Mr. H. A. Watson reported "This man's responsibilities concern life testing and other electrical measurements on traveling-wave tubes. We have chosen to drop his merit rating from 4H to 4M at the recent merit rating because his work during the past year has been of poorer quality than that of other TAs in 4H. He has shown little initiative, and at best has performed as a measurements TA. His notebook records have been extremely sloppy despite continued prodding by his supervisor. We feel that Mr. Steverson needs to be stimulated to greater effort on his assignments, and we propose that passing him would aid in this respect."

In December of 1963, Steverson was dropped from a 4M merit rating to a 4L merit rating which was the lowest merit rating that he could possibly receive. At that time, he was again passed for a raise. Mr. D. S. Peck in reporting concerning the reason for passing the complainant for a raise stated, "Mr. F. F. Steverson, although being a willing worker and showing a reasonable expenditure of energy, is of quite limited capability. The resultant limitation on kinds of jobs to which he can be assigned ranks Mr. Steverson in a 4L merit quartile. Since his present salary position is 4M he could not be given a raise without injustice to others in nearby positions."

It was quite apparent by this time from the various reports of supervisory personnel that Steverson was not keeping up with the requirements of the duties of a TA and despite efforts on the part of supervisory personnel to indicate to him the errors in his working performance, he refused to take heed, recognize or pay any attention to them, but felt that he was doing his job as a TA.

During the 1964 merit review, although given credit for handling recurring test set troubles well, Steverson nevertheless had difficulty with new ones. It was also pointed out that his additional accomplishment was that he "has done adequate work in set modifications and rack construction and that on surveillance of set operation and determination of device aging conditions, performance has been good." Nevertheless, he required constant and detailed supervision, did not take criticism easily and attempted to cover up mistakes and was not very bright.

On February 1, 1965, Steverson was given an increase of \$15 per month.

Mr. F. A. D'Altroy, in his discussion with Mr. Steverson concerning the \$15 monthly increase, reported on February 1, 1965 concerning this discussion that supervisory personnel was not at all unhappy with the effort Steverson put into his work but rather they felt that Steverson did not have the abilities which are required of a TA and was not properly suited to work effectively in their kind of environment; that an effort was being made by Bell to place him in a position where his skills could be more properly utilized and the job demands on him would be more consistent with his capabilities. It was Mr. D'Altroy's opinion at the time of the report, as it was a year ago, that Steverson is not "Laboratories material," that he had been told this but that it was almost impossible to reach Steverson and make him aware or at least give any recognition that he has any shortcomings prejudicial to the laboratories.

Despite the interviews that Steverson had with supervisory personnel, his work performance did not improve. On the contrary, it became worse to such an extent that on May 4, 1965, Mr. E. R. Schmid, one of the supervisors, reported specific incidents concerning his lack of comprehension and ability to carry out his duties as a TA.

Such specific instances were on or about March 20, 1965, Steverson was asked to set up devices in connection with plastic transistors by providing an oven with a provision for reverse biasing. Mr. Schmid pointed out to Steverson the need to be certain the bias was on while devices were in the oven. On April 5, 1965, Mr. Schmid noticed that devices which were supposedly going from 48 to 96 hours had been annealed. On checking, he found that the reverse biasing was not there because the battery which supposedly supplied it was dead. When this was brought to

Steverson's attention, the complainant said he could not understand how this could have happened and denied that it was his duty to supervise the operation since he was working with a Mr. Jones. Such denial was made despite specific instructions to Steverson that he was in charge of the ovens and contrary to his work instructions as given to him by Mr. Jones and Mr. C. H. Zierdt, Department Head.

Another instance referred to by Mr. Schmid on faulty performance on the part of Steverson occurred on April 28, 1965, when Mr. Schmid, on checking to see whether or not there was any bias voltage in the ovens, found that there was no bias voltage on any of the devices on the three ovens due to the fact that a common lead, the base connection to all transistors, was tied to a blank terminal on one of the supplies. As a result, all of the devices involved which had been in the oven without bias for at least a week had been completely annealed resulting in the entire series of experiments being scrapped and the experiments started from scratch.

On Friday, April 30, 1965, Steverson had completed his re-arrangement of the wiring which, on being checked by Mr. Schmid, was again found to be defective in that the bias voltages were off again. Upon confronting Steverson with this fact, Steverson stated that he had checked everything, they had checked out "OK" and he didn't know how this wire had come off.

Another instance occurred on May 10, 1965 where once again Steverson set up a single oven with three plug-in panels wired with bias, which could be left in or out of the oven, which again, when checked by Mr. Schmid, was found to have no bias due to the fact that the unused panels stacked up outside the oven with bias voltages on the bias wires had shorted out the power supplies and tripped the circuit breakers.

Mr. Schmid concluded that "...it is far safer, faster, and certainly more reassuring to do everything myself than to trust him. If I forget to check everything on a given day, I'll never know whether I can trust the data the next day. (I found that he never leaves a setup alone for very long.) So, I'm back to doing my own setting up and tagging my setups with 'Hands Off' signs."

"This, by the way, is just how it happened two years ago when Mr. Steverson was supposed to help me with radiation work."

As a result of the poor performance by Steverson, Mr. Peck concluded that he was not capable of performing as required in his present position and initiated proceedings to terminate his employment with Bell.

It was quite clear from the testimony from various supervisors under whom Steverson worked that the complainant was retrogressive in his work and had serious shortcomings in his ability to function as a TA and that because of his failure to properly perform his duties it was decided most regretfully by the supervisory personnel of Bell to sever Steverson's connections with the company.

On June 18, 1965, Mr. Zierdt, on conferring upon Steverson his ten-year pin, informed Steverson that in the opinion of management he was "not capable of handling Laboratory TA work" and recommended that he seek other employment.

On August 17, 1965, Steverson was told that unless he resigned, his employment would be terminated on November 17, 1965. At that time Steverson was again told of his deficiencies but refused to accept them as reasons for his discharge and a few days later told Mr. Peck that he assumed that this action was on account of his race.

Steverson in his testimony attempted to prove that he was discriminated against because of his race and that management had him perform menial or janitorial jobs such as being responsible for the cleaning up of the entire work area, moving heavy equipment and cleaning oil pans. This, however, was refuted by a number of witnesses for Bell who testified that none of these jobs was exclusive with the complainant; that, in fact, all TAs were responsible for the cleanliness of their work area and at times other TAs were ordered to clean up the entire work area; that moving heavy equipment was not required of any TA since there were millwrights employed by Western Electric Company who could be called upon to move the heavy equipment if necessary; that at times in order to get a job started heavy equipment was moved without calling the millwrights and in fact, one of the supervisors testified that he assisted Steverson in moving one of the heavy ovens. It was also testified to by supervisory personnel that the cleaning of oil pans was an occasional thing and was in the requirement of a TA's duties as set forth in the "Green Book" company manual defining the duties of a TA.

In his efforts to prove that he was discriminated against, Steverson testified that while he would break a number of tubes this was not unusual in view of the fact that any TA in handling the tubes had breakages. However, it was pointed out that Steverson broke more tubes than any other TA, which tubes were usually the tubes in which the company had the greatest interest.

Steverson admitted that at one time he had difficulty in inserting tubes in a socket which resulted in a number of breakages as a result of which supervisory personnel relieved him of inserting these tubes in the socket by calling upon an experienced TA to handle the tube insertions.

Steverson further attempted to disprove the allegations that it was his responsibility to supervise the ovens which were being used by Mr. Schmid on the ground that it was not his duty to look after them once he set them up for Mr. Schmid. The testimony, however, clearly indicated that Mr. Jones and Mr. Zierdt had instructed Steverson that he was responsible to supervise the condition of the ovens whether such ovens were utilized by Mr. Schmid or Mr. Jones and that he had neglected his duties in failing to ascertain that the power supply had failed because of a dead battery. Steverson attempted to prove that the battery had not gone dead but, in fact, was still alive and in working condition, which the Hearing Commissioners have considered very carefully and find unworthy of belief in view of the testimony by Mr. Schmid.

On behalf of the complainant, counsel introduced the records of other TAs identified as C-1-A to J to be used for the purpose of comparing the record of the work performance of Steverson with that of the other TAs.

Steverson testified that his work was as good as, equal to or better than the rest of the TAs. A comparison of the work performance records of the other TAs, as opposed to that of Steverson, indicates quite clearly that Steverson's work performance was not as good or better than the other TAs. In fact, Steverson was not the best able and most competent person to perform the services required of a TA.

The Pennsylvania Human Relations Act specifically provides under Section 5 that "It shall be an unlawful discriminatory practice...for any employer because of the race, color, religious creed, ancestry, age or national origin of any individual to...discharge from employment such individual...if the individual is the best able and most competent to perform the services as required." (emphasis supplied)

The Commission is powerless to take any action concerning discrimination exercised by the employer against an employee who is not best able and most competent to perform the services required.

The requirements of the Act are mandatory and, therefore, the Commission is obliged to dismiss the complaint because Steverson is very clearly not the "best able and most competent" person to perform the services required.

Although the decision of the Commission is based primarily on the defense raised by the respondent, the Commission is of the opinion that the evidence itself was insufficient to make a clear finding of racial discrimination.

However, the Commission cannot forego the opportunity of pointing out to the respondent that while the respondent is an "Equal Opportunity Employer", a participant in "Plans for Progress" and recruits broadly at Negro universities to bring young Negro technicians on a cooperative basis to its laboratories; and that while the respondent has instituted programs to enhance the educational opportunities by sponsoring fellowship, scholarship and loan funds for Negro students, the resulting accomplishments by the company in bringing Negro technicians into its employment family are very sad and lacking in progress. The fact that the respondent is a fair practices employer has apparently not filtered down to the lower level of supervisory personnel and although there was some evidence of prejudice at that level there was not enough upon which to make a clear finding of fact.

The Commission further recommends that the respondent should re-examine its personnel testing procedures in an effort to eliminate such portions thereof which may tend to discriminate against minority groups.

Out of 330 employes at the respondent's Allentown plant of whom 60 were TAs and 25 Associate Members of Technical Staff (AMTS) during the period of the complainant's employment from May 1956 until November 1965, there was only a single, solitary Negro employed, that one being Filmore F. Steverson, the complainant, and at the company plant at Reading, Pennsylvania, there wasn't a single Negro TA employed.

The Hearing Commissioners earnestly recommend that sincere and determined efforts represented by those things that Bell is now doing plus on-the-job training, the elimination of potentially discriminatory employe testing and merit reviews and effective implemented programs to attract and enlist the services of Negroes would result in a more meaningful integration of Bell's technical personnel.

The Commission further points out that in reviewing the work performance of employes on a regular, annual or other periodic basis, less emphasis be laid by the respondent upon subjective findings of supervisory personnel and that more objective criteria for advancement be employed.

The Commission desires to compliment Herman Steerman, Assistant Counsel, for the excellent manner in which he had presented the facts of the case; and also wishes to compliment Senator Tallman and his associates for their briefs of law and the manner in which they had presented their side of the case.

The Hearing Commissioners have had the opportunity of listening to and observing the demeanor and manner of the numerous witnesses testifying before them and have been greatly impressed with the sincerity and credibility of the witnesses for the respondent and that of the complainant. They have carefully reviewed the testimony in the light of the interest and bias that the several individuals might have and determined wherein the true facts existed.

FINDINGS OF FACT

1. Filmore F. Steverson, the complainant ("Steverson"), is a Negro, age 41, and resides at 608 E. Montgomery Street, Allentown, Pennsylvania.
2. On June 19, 1955, he joined the staff of Bell as a TA at Bell's Murray Hill plant in New Jersey.
3. His previous education and employment experience at the time of his employment was:

Education

Garber-Horn Elementary School	1930 to 1940 - Graduate
Fountain Hill High School	1940 to 1943 - Graduate
Williamsport Tech. Inst.	1946 to 1947 - Diesel Mech.
Kessler Air Force Base	1949 to 1950 - Electronics
Temple Tech. Inst.	1953 to 1954 - Cert. Electronics
Temple Community College	1954 to 1955 - Tech. Electronics

Former Employers

U. S. Army, Pfc.	1943 to 1945
Shorts Trucking Service, truck driver	1948 to 1949
U. S. Air Force, Pfc.	1949 to 1952
Rayco Auto Seat Covers, installer	1955 to 1955

He holds an Associate Degree in Electronic Technology from Temple Community College, a Radio Operator's certificate in the United States Air Force and a First Class FCC license.

4. After his employment he voluntarily took courses at Lafayette College, Easton, Pennsylvania and numerous courses offered by the company in mathematics, transistors, scientific measurements for engineers and calculus, all of which he passed successfully.
5. Steverson's duties as a TA were to engage as an engineer in experimental development, experimental measurements, taking of data, wiring of circuits and checking test equipment.
6. In May of 1956, Steverson requested and was granted a transfer to the respondent's plant at Allentown, Pennsylvania where he was employed as a TA until his discharge which took place on November 30, 1965.
7. Bell is a corporation organized under the laws of the State of New York. It is one of a number of organizations of the Bell System having a specific responsibility in research, development and design of the products provided by the Bell Telephone System for communications in the United States and world wide.
8. Bell operates major locations in New York City and in the State of New Jersey; namely, Murray Hill, Whippany and Holmedale and has approximately 15 branch laboratories some of which are located at Merrimack Valley, Massachusetts; Baltimore, Maryland; Winston-Salem, North Carolina; Indianapolis, Indiana; Columbus, Ohio; White Sands, New Mexico; Kwajalen Island; Ascension Island; Reading, Pennsylvania; and Allentown, Pennsylvania.
9. The total number of Bell's employes is approximately 14,500 of which on December 31, 1962, there were 385 non-white employes of whom 310 were Negroes, 45 of whom were technicians.
10. On June 30, 1966, out of the total number of employes there were 492 non-whites of whom 378 were Negroes, 38 of whom were technicians.
11. The number of Negro employes employed at the respective plants operated by Bell as of June 30, 1966 were:

2 in Burlington, North Carolina and 2 in Greensboro, North Carolina out of 330 technicians,
0 in Winston-Salem, North Carolina, out of 150 technicians,
0 in Merrimack Valley, Massachusetts,
0 in White Sands, New Mexico,
0 in Dwajalen Island,
0 in Ascension Island,
0 in Reading, Pennsylvania,
1 in Allentown, Pennsylvania, and

the balance distributed among Bell's plants in the metropolitan area of New Jersey and New York City.

12. Bell is engaged in the performance of contracts with the United States Government through the Department of Defense which in dollar volume amounts to more than a quarter of a billion dollars. These contracts contain "non-discriminatory clauses" which provide that there shall not be any discrimination with respect to race, color, creed, national origin or sex as to employes engaged in the performance of the contracts.

13. Semi-annual reports are presented by Bell to the Office of Federal Contract Compliance under the United States Department of Labor which indicate the Negro population of the laboratories.
14. Bell is an Equal Opportunity Employer and a participant in Plans for Progress. It recruits broadly at Negro universities such as Howard, Hampton Institute, Tuskegee, Morehouse College, Central State and Morgan State, to bring young Negro technicians on a cooperative basis to its laboratories so that they can learn the nature of the technical work and then go back and finish their education.
15. Bell has recently instituted programs to enhance the educational opportunities of Negroes by sponsoring a fellowship at Brooklyn Polytechnic Institute whereby Negro graduates of universities which have lower accredited curricula, are enrolled in Brooklyn Polytechnic Institute for extension of their undergraduate education to a degree which would qualify them for admission to graduate schools and advanced study.
16. Bell has also sponsored National Achievement Scholarships which are four-year undergraduate scholarships for deserving Negro students which program is administered by the National Merit Scholarship Foundation.
17. Bell has also set up scholarship loan funds at technical institutes under which deserving disadvantaged students could undertake full-time, day, two-year courses of study in a technical institute under a low interest rate wherein if the student successfully completes the program, one-half of the loan is forgiven.
18. Bell employed 330 employees at the Allentown plant of whom 60 were TAs and 25 AMTSs.
19. Steverson was the only Negro employed at the Allentown plant during the period of his employment from May, 1956 until November 30, 1965.
20. The work at the Allentown Laboratory involves research, development and design of a variety of electrical components, which are manufactured by Western Electric Company, including transistors, diodes, electric tubes and memories, some of which were used in the Comsat Satellite Program, the Tratstar Program and the Titan Guidance System involved in the Outer Space Program.
21. The duties of TAs are spelled out in a company manual known as the "Green Book" which is set forth as Exhibit R-1 as follows:

"Technical aides are employees who, under technical supervision, perform a wide variety of technical operations, usually on a task basis.

"The work assignments in this classification may be entirely of the single task variety in any scientific or mathematical field.

Also included are those involved in assisting in the preparation of engineering information, and those who regularly perform combinations of the following types of work: mechanical, experimental measurement, mathematical, or drafting.

"The specific operations may be: laying out and cutting chassis and panels; assembling apparatus; wiring circuits; preparing test specimens; assisting in experimental measurement; the repair, adjustment, calibration or operation of experimental or laboratory equipment; constructing curves and graphs; preparing

simple mechanical and electrical drawings and sketches and programming defined problems for application on computing machines and devices, including coding, flow charting, debugging, and documentation."

22. The major tasks at the Allentown Laboratory are assigned to one of a number of departments into which it is divided. The department is headed by an individual who is responsible for the broad execution of the development tasks and he divides his personnel into supervisory groups, each of which is headed by a technical man who is known as the supervisor. The supervisors in turn manage the business of their groups with considerable leeway for assignment of people within the group to various projects which arise and which typically have from four to six members of technical staff and an equal number of technicians.

The supervisor and the department head may not consult about specific and detailed assignments of people, depending upon the importance of the project or the degree, the ease, with which he can make his own assignments. The direct assignment of the TAs is entirely within the prerogative of the supervisor so long as the projects are being adequately staffed and the results forthcoming to the satisfaction of the head of the department.

23. The responsibility for the work done by a group is placed upon the supervisor.
24. The department keeps informed in respect to the progress of the work and the performance of the people by means of reports which come from the supervisor to the department head through frequent discussions between the department head and the supervisors regarding the progress of their work, and also, in some cases, by oral reports rendered directly by the people under the supervisor. In addition, the department head reviews technical memoranda prepared by the persons under the supervisor who have been doing the work.
25. The merit performance and salary position of every employe, including its officials are reviewed once each year. The two reviews do not occur concurrently.
26. The merit review procedures in respect to the complainant as well as all other employes of Bell is described as consisting of a conference between the department head and the supervisors of the various employes. All of the supervisors, prior to the meeting with the department head, have an opportunity to discuss with their technical staff under them their opinion in respect to the work performance of the people working under the technical staff. The conference with the department head is attended by all people in supervision, and any people in supervision who have had any given employe under their supervision are entitled to express their opinions in respect to any individual's performance.. These meetings are held for the purpose of establishing a consensus within the department of the relative value, of each of the TAs to Bell and it takes into account their actual performance over the past year, but obviously includes in the consideration whatever performance is within the knowledge of the people making up the consensus. In these discussions, the department head acts as the moderator in respect to the opinions stated by the supervisors regarding the different people.

This having been achieved in respect to each department, the evaluation is then continued at the level of the entire laboratory by a series of two meetings. The first meeting being a meeting of all of the supervisors in the entire laboratory with their knowledge of the

people in their respective departments and with the additional background of each of them having prepared on paper information listing the accomplishments of their own TAs during, essentially, the past year, and giving details in respect to their education, classification, and listing the weak points and strong points as judged by the supervisors. This meeting is moderated by the Director of the Laboratory or by the staff head working with him. The department heads are present, but do not participate in the discussion. The second and next meeting is a meeting of the department heads with the Director of the Laboratory, at which time the results of the meeting with the supervisors are reviewed, and possibly modified, and in which consideration is given, among other things, to the knowledge which the department heads have of their own supervisors.

The final judgment is based upon the opinion of the many persons who are involved in the discussions.

27. The merit review is separate and apart from the salary review, but the procedures for the salary review are similar, if not almost identical, to those...described in respect to the merit rating.
28. Steverson was given merit increases for each year of his employment with Bell to and including the year 1962. He was passed and denied merit increases in 1963 and 1964 and given a \$15.00 monthly increase for 1965 to bring him on the same salary level as other TAs in the 41 merit classification in which he was then rated.
29. During 1956 and 1957, while under the supervision of Mr. Moose, Steverson was criticized concerning his work performance in that he broke a considerable number of test tubes, kept very poor records and notebook entries and insufficient in his evaluation of data as a result of which his supervisor recommended that he be passed for a raise. Mr. Moose's judgment in the salary review procedure was, however, overruled and the complainant was given a raise at that time.
30. During the years 1958 to May 1962, Steverson was under the supervision of Mr. Watson, during which period the complainant's work performance did not improve. Steverson had the reputation of having broken more tubes than anyone else in the group, and in fact, managed to break some of the tubes in which Bell was most interested.
31. As a result of his poor work performance and lack of initiative, Steverson, in the fall of 1962 review (which affected his salary for 1963) was passed and his merit rating dropped from 4H to 4M.
32. Mr. Rutter, who became Steverson's supervisor in 1959 characterized his work performance as "...such that I consistently rated him in the lower or nearer lower categories at merit rating time."
33. During Steverson's work performance under Mr. Rutter, he continued to break more tubes than other TAs and in addition, exercised "unwarranted stubbornness".
34. Despite Steverson's contention that he was unfairly assigned the menial task of cleaning up the entire work area, it was each TA's duty to clean up his own work area and at times, other TAs were required to clean up the entire work area.
35. The instructions to Steverson to be responsible for the cleaning of the work area was unrelated to Steverson's race.
36. In addition to the cleaning up duties, Steverson was required to move equipment which equipment, if too heavy, could be moved by Western Electric mill-wrights upon

Steverson's request. Such requests were not made to Steverson because of his race but similar requests were made to all TAs.

37. Steverson was instructed to clean oil pans and baths, which duty was not exclusive with Steverson since other TAs were also required to perform the same function.
38. In 1963, Steverson joined the Tischendorf group and was assigned principally to assist Mr. Jones, a Senior TA, under whom he worked until his discharge.
39. Mr. Jones assigned Steverson to provide aging facilities; to see that the devices were put on the aging facilities; to see that they were given to the girls for testing and to return them to the aging facilities, which Steverson thought was work that was too routine and which hampered his advancement. Mr. Jones found that Steverson had trouble getting started, didn't seek aid and when in trouble, reported "progress" when, in fact, he was in trouble, was slow and could not justifiably claim the work as his own.
40. During January of 1964, Mr. D'Altroy became Steverson's supervisor, who after discussing his work performance with his prior supervisor and others, recommended to the department head, Mr. Peck, that Steverson's services be terminated.
41. On February 1, 1964, Mr. Peck informed Steverson that because of his "general poor ability to carry out the duties of technical aide," and his lack of ability to work with circuits and follow through, he was again being denied a salary increase.
42. During the latter part of 1964, Steverson performed poorly in a large evaluation program under Mr. Jones. Steverson failed to notice the abnormalities he was supposed to look for, was unable to understand what was wanted, couldn't correct his work, and the data was not useful and was incomplete, making it necessary to redo the program as a result of which Mr. Jones had to request another TA to assist him in performing his responsibilities.
43. During 1964, Mr. D'Altroy was critical of Steverson's inability to repair an automatic test set.
44. During 1965, Mr. Zierdt noted that Steverson was not performing satisfactorily in respect to biasing of integrated circuits because he had not obtained the proper internal wiring diagram and made a wrong assumption about the biasing arrangement, and had not been able to diagnose the trouble.
45. During 1965, Steverson assisted Mr. Schmid in setting up an oven aging test with a battery supplying the voltage. After it was in operation, the data was found to be faulty which resulted from the battery having failed. Mr. Schmid reprimanded Steverson for failing to observe that the battery had gone dead, but Steverson claimed it was not his duty to supervise the job, although he had been placed in charge of all the aging ovens in the area.
46. One of the aging tests conducted by Steverson for Mr. Jones was found to be defective in that there were no voltages on the device because a wire leading from a distribution panel to the power supply was connected to the wrong terminal.
47. In late April 1965, Steverson devised spring latches to hold oven doors tightly shut, which proved unworkable and had to be redesigned.
48. In May 1965, Mr. Peck on checking faulty data emanating from a test ascertained that the data resulted because of a battery ceasing to function and that Steverson did not observe the malfunction until it was brought to his attention by Mr. Schmid.

49. Steverson denied being at fault claiming that this test was conducted by Mr. Schmid and that it was Mr. Schmid's responsibility to supervise the test although the supervisor had put Steverson in charge of the tests conducted in his room.
50. Mr. Peck discussed Steverson's work performance with his supervisors, Messrs. D'Altroy, Zierdt and other personnel, and also with Mr. Early, as a result of which, on May 15, 1965, Mr. Early and Mr. Peck decided to terminate Steverson's employment.
51. On June 18, 1965, Mr. Zierdt, on conferring upon Steverson his ten-year pin, informed him that in the opinion of management, Steverson was "not capable of handling Laboratories grade TA work" and recommended that he seek other employment.
52. On August 17, 1965, Messrs. Peck, Gauch and Zierdt notified Steverson that unless he resigned, his employment would be terminated on November 17, 1965. At that time, Steverson was told of his deficiencies.
53. At Steverson's request, another meeting was held on September 14, 1965 with Messrs. Peck, Gauch and Zierdt.
54. At the meeting of August 17, 1965, Steverson asked for a face-to-face confrontation with his accusers and was told by Mr. Peck that "No matter what I said or did, I could never change his mind. I was going. That was it...I would be dropped from the payroll..."
55. At the same meeting, Mr. Zierdt told Steverson to look for another job and when the complainant asked to be confronted by his accusers was told by Mr. Zierdt, "'You cannot beat city hall,'" to which Steverson replied, "Well, I know you can't beat city hall but a man must do what he must."
56. A few days after the August 17 meeting, Steverson met with Mr. Peck and stated to Mr. Peck that he still could not understand the charges, and that he would have to assume that this action was on account of his race.
57. Steverson admitted that there was possibly some area in which he could be at fault and that his supervisors did have the right to evaluate his work.
58. Steverson's work performance record compared unfavorably with the work performance of other TAs.
59. Steverson's work performance record indicated that he had little initiative, was unable to work carefully, kept sloppy notebook records, did not take criticism easily, attempted to cover up his mistakes, required constant detailed supervision, was unable to diagnose and correct a problem submitted to him, and was not capable of understanding his orders and carrying on the technical services required of him as a TA.
60. The work records of other TAs, all of whom were white and still employed by Bell, while showing some of the shortcomings of Steverson, were of a lesser degree than Steverson's.
61. The work records of other TAs, all of whom were white and whose services had been terminated prior to Steverson's because of shortcomings, indicated that such shortcomings were of a lesser degree than Steverson's.
62. Steverson's work performance record clearly indicated that he was not the best able and most competent TA to perform the services required of a TA.

CONCLUSIONS OF LAW

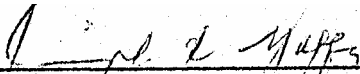
1. At all times herein mentioned, the complainant, Filmore F. Steverson was a citizen and resident of the Commonwealth of Pennsylvania.

2. At all times herein mentioned, the respondent, Bell Telephone Laboratories, Inc. was a corporation organized under the laws of the State of New York and lawfully engaged in business in the Commonwealth of Pennsylvania.
3. At all times herein mentioned, the Pennsylvania Human Relations Commission had, and still has jurisdiction of the complainant and the respondent.
4. At all times herein mentioned, the Pennsylvania Human Relations Commission had and still has jurisdiction of the subject matter of these proceedings.
5. Section 5 of the Pennsylvania Human Relations Act of October 27, 1955, P. L. 744, as amended provides:

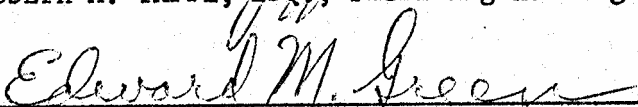
"It shall be an unlawful discriminatory practice,...

(a) For any employer because of the race, color, religious creed, ancestry, age or national origin of any individual to refuse to hire or employ, or to bar or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is best able and most competent to perform the services required..." (Underlining supplied)

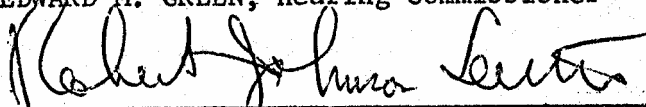
1. The complainant, Filmore F. Steverson, was not the best able and most competent technical aide employed by the respondent and the discharge from his employment was not an unlawful discriminatory practice in violation of the Pennsylvania Human Relations Act.
2. The complaint was properly made, signed and filed in accordance with Section 9 of the Pennsylvania Human Relations Act.



 JOSEPH X. YAFFE, ESQ., Presiding Hearing Commissioner



 EDWARD M. GREEN, Hearing Commissioner



 DR. ROBERT JOHNSON SMITH, Hearing Commissioner

COMMISSION'S DECISION

AND NOW, this 17th day of October A.D. 1967, upon recommendation of the Hearing Commissioners, upon all of the evidence taken at the public hearing of the case and in consideration of the Findings of Fact and Conclusions of Law by the Hearing Commissioners, the Pennsylvania Human Relations Commission finds and determines:

1. The Commission has jurisdiction over the complainant and the respondent.

2. The Commission has jurisdiction over the subject matter of the complaint.
3. The respondent has not committed any unlawful discriminatory practice in violation of the Pennsylvania Human Relations Act.

FINAL ORDER

AND NOW, this 17th day of October A.D. 1967, upon consideration of the foregoing Findings of Fact and Conclusions of Law and Commission's Decision, and pursuant to Section 9 of the Pennsylvania Human Relations Act, it is hereby

ORDERED by the Pennsylvania Human Relations Commission

that the complaint heretofore filed by Filmore F. Steverson, complainant, against Bell Telephone Laboratories, Inc., Docket No. E-2068, be and the same is hereby dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By Harry Boyer
Harry Boyer, Chairman

Attest:

Edward M. Green
Edward M. Green, Secretary

