

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

ERIC D. BELL, :
Complainant :

vs. : Docket No. E-4572

FRANKLIN COUNTY VOCATIONAL :
TECHNICAL SCHOOL, WILLIAM :
OWENS, DIRECTOR, :
Respondent :

FINDINGS OF FACT, CONCLUSIONS OF LAW,
COMMISSION'S DECISION AND FINAL ORDER

FINDINGS OF FACT

1. The Complainant herein is Eric D. Bell, 611 South Main Street, Chambersburg, Pennsylvania, who alleges discrimination on the basis of his race, black, and his sex, male.

2. Respondent herein is Franklin County Vocational Technical School, William Owens, Director, Chambersburg, Pennsylvania.

3. At all times pertinent hereto the Director of the Franklin County Vocational Technical School has been William Owens (R 208).

4. Eric D. Bell applied for a clerical position with the Franklin County Vocational Technical School on November 11, 1971.

5. The position for which Complainant Bell applied was made possible through the Public Employment Program operating under the Emergency Employment Act of 1971 (R 76).

6. The Franklin County Vocational Technical School originally requested three positions under the Public Employment Program (R 103). One of these positions was receptionist and one clerical (R 95).

7. Due to funding considerations the Franklin County Vocational Technical School was allocated two positions under the Emergency Employment Act of 1971, one maintenance and the other clerical (R 103-104).

8. The original clerical job description required shorthand (R 111, R 206).

9. When Franklin County Vocational Technical School was limited to two positions, its clerical job description required shorthand or an alternative (R 112).

10. The latter part of the clerical job description which stated that an employee "may not take dictation" is language provided by the Pennsylvania State Employment Service the purpose of which is to allow flexibility in the event an applicant cannot be found who possesses a specific qualification and such qualification may be unnecessary to effective job performance (R 205-206).

11. Eric Bell's educational and work related experience are as follows: educated in the Chambersburg school system (R 6); three years in the Armed Forces (R 6); four weeks of Administrative Clerk School during which he was required to type twenty words per minute and studied correspondence, filing and orders (R 8); four weeks of Administrative Specialist School during which he studied supply and maintenance (R 9); serving as clerk to the Chief Clerk of the Nurse's Office at Madegan General Hospital in Tacoma, Washington; a course in Introduction to Psychology at the University of Puget Sound Night School (R 9); eighteen months service in Mannheim Germany as Chief Publications of Blank Forms Clerk (R 10) where he worked stocking and restocking two hundred thousand blank forms (R 10);

and was a member of the Command Inspection Team (R 10); earned of nine credits with the University of Maryland Overseas Campus while in Germany (R 13); received twelve credits in Social Studies History in the college Level Entrance Examination Program (R 13); two summers -1966 and 1967- as a student aide clerk typist at Letter Kenny Army Depot where he ran an addressograph operation and did time cards (R 14).

12. Eric Bell's application to Franklin County Vocational Technical School did not indicate that he was capable of taking shorthand (R 178).

13. The application of Susan Marie Gift, the person hired to fill the position in issue, indicated that she was capable of taking shorthand (R 179).

14. Respondent maintains no guidelines for interviewing job applicants (R 164, 177).

15. William Owens, School Director, who interviewed for the position in issue, could not recall asking Complainant whether he was capable of taking shorthand (R 177).

16. William Owens could not recall whether he asked Susan Marie Gift, the individual hired to fill the position in issue, whether she were capable of taking shorthand (R 177).

17. Complainant could not recall the specific questions asked by William Owens during his interview for employment at the Franklin County Vocational Technical School (R 22).

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission has jurisdiction over Complainant and Respondent and the subject matter of the complaint herein under the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended.
2. The Pennsylvania Human Relations Act at 43 P.S.


Section 954(b) provides as follows:

It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification... (a) For any employer because of the race... sex of any individual to refuse to hire or employ... such individual... if the individual is best able and most competent to perform the services required.

3. The allegation of Eric D. Bell, the Complainant, that he was not hired by the Franklin County Vocational Technical School, William Owens, Director, because of his race, Black, and his sex, Male, is not sustained by the evidence.
4. Respondent did not commit an unlawful discriminatory practice in violation of Section 5(a) of the Pennsylvania Human Relations Act by not hiring Complainant.



E. E. Smith
Presiding Commissioner



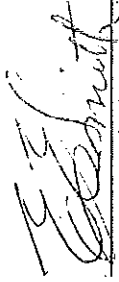
Doris M. Leader
Hearing Commissioner



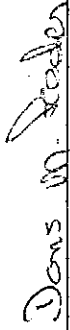
Dr. Robert Johnson Smith
Hearing Commissioner

RECOMMENDATIONS OF HEARING COMMISSIONERS

AND NOW, this 4th day of November, 1974,
upon consideration of all the evidence presented at the
hearing on the above matter, the Findings of Fact and
Conclusions of Law, the Hearing Commissioners recommend to the
entire Commission that the complaint filed by Eric D. Bell
against Franklin County Vocational Technical School be
dismissed.



E.E. Smith
Presiding Commissioner



Doris M. Leader
Hearing Commissioner



Dr. Robert Johnson Smith
Hearing Commissioner

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COMMISSION'S DECISION

AND NOW, this 4th day of November, 1974,
upon consideration of the Findings of Fact, Conclusions of Law
and transcript of testimony, and recommendations of the hearing
commissioners, the Pennsylvania Human Relations Commission finds
and determines that Respondent, Franklin County Vocational
Technical School, William Owens, School Director, did not
commit an unlawful discriminatory practice in violation of
Section 5(a) of the Pennsylvania Human Relations Act, cited
supra, by not hiring Complainant, Eric D. Bell. The Commission
notes, however, the irregularity of Respondent's hiring and
interviewing practices and suggests that Respondent stabilize
its hiring and interviewing procedures to assure future compli-
ance with the Pennsylvania Human Relations Act.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

ATTEST:

By: Joseph X. Yaffe Chairperson

Robert Johnson Smith

Dr. Robert Johnson Smith
Secretary

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FINAL ORDER

AND NOW, this 4th day of November, 1974,
upon consideration of the foregoing Findings of Fact and
Conclusions of Law, and pursuant to Section 9 of the Pennsylvania
Human Relations Act, cited supra, the Pennsylvania Human
Relations Commission

ORDERS

That the complaint filed by Eric D. Bell, and
the same is hereby dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: J. R. X. Yaffel Chairperson

ATTEST:

Robert Johnson Smith

Dr. Robert Johnson Smith
Secretary