

C O M M O N W E A L T H O F P E N N S Y L V A N I A

PENNSYLVANIA HUMAN RELATIONS COMMISSION

GOVERNOR'S OFFICE

SUSAN J. BROWAND : Docket No. E-9401
Complainant

vs. :
LOWER ALLEN TOWNSHIP, VERNON C. :
WASS, SECRETARY-MANAGER, CIVIL :
SERVICE COMMISSION OF LOWER :
ALLEN TOWNSHIP, WILLIAM P. GRAHAM, :
SECRETARY, LOWER ALLEN TOWNSHIP: POLICE, MITCHELL L. SMITH, CHIEF
Respondent

CONCILIATION AGREEMENT

WHEREAS, on the 26th day of August, 1975, a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against: Lower Allen Township, Vernon C. Wass, Sec.-Mgr., Civil Service Commission of Lower Allen Township, William P. Graham, Secretary, Lower Allen Township Police, Mitchell L. Smith, Chief (hereinafter called the "Respondent" whether singular or collective) by: Susan J. Browand

(hereinafter called the "Complainant" whether singular or collective) alleging that the Respondent had violated Section(s) 5(A) of the Act of October 27, 1955, P.L. 744, more commonly known as the Pennsylvania Human Relations Act, Tit. 43, Pa. Stat. Ann. §§ 951 et seq, as amended (hereinafter called the "Act"), in that the Respondent committed or caused to be committed the acts or actions more specifically referred to as contained in Exhibit "A" which is attached hereto and incorporated herein as an integral part of this Agreement.

WHEREAS, the Commission and the Respondent, to avoid litigation, but without admission by the Respondent of any actions violative of the Act do hereby waive a public hearing under Section 9 of the Act and the Regulations promulgated by the Commission, and do hereby consent to the entry of this Conciliation Agreement as a Consent Order and Decree of the Commission. This Consent Order and Decree shall have the full force of a Commission Order and Decree following a Public Hearing by the Commission and shall be enforceable as such under Section 10 of the Act. The waiver of said Public Hearing is made knowingly, understandingly and voluntarily with an unqualified intent to be legally bound hereby.


NOW, THEREFORE, the Respondent and the Commission do hereby agree to be legally bound as follows:

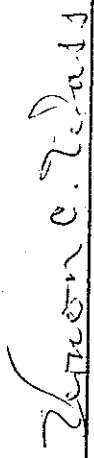
1. The foregoing preambles shall be included herein as fully set forth.

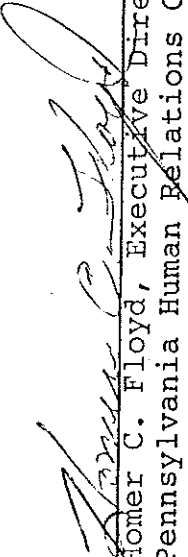
2. The Respondent admits the jurisdiction of the Commission in this matter and hereby waives all objections thereto.
3. All exhibits annexed hereto are to be incorporated into this Agreement as an integral part thereof.
4. The term "Respondent" as used in this Conciliation Agreement shall include the Respondent, its successors and assigns, agents, servants and employees, either and/or jointly and severally.
5. The execution and implementation of this Agreement shall in no manner or form constitute any waiver or powers and duties conferred upon the Commission, nor shall this Agreement be deemed as a declaration of policy or precedent by the Commission. This Agreement shall in no manner or form affect the intake, processing, adjudication and disposition of future complaints involving the Respondent, except that the Respondent may in the course of any proceedings refer to the same and to its performance thereunder to the extent relevant to such proceedings.
6. The Respondent shall fully comply with all of the provisions of the Act and the Regulations promulgated by the Commission and shall follow the terms of adjustment set forth in Exhibit "B."
7. It is expressly understood by the Respondent that any violation or infraction of the terms and conditions set forth herein by the Respondent, shall constitute a violation of an Order of the Commission pursuant to Section 11 of the Act.
8. The status of the relationship between the Complainant and the Respondent shall be subject to and defined by Exhibit "C" if attached hereto, and which in such event, is incorporated as an integral part of this Agreement.
9. If any portion of this Agreement, or the application thereof, to any person or circumstance, should for any reason be adjudged invalid, such judgment shall not affect, impair or invalidate the remaining portion of said Agreement.
10. The Commission and the Respondent enter into this Agreement with the intent to be legally bound hereby. This Agreement shall not become final and binding upon all parties until approved by the Commission and a Final Order is thereupon issued; and thereafter shall be binding upon and inure to the benefit of the parties hereto, their and each of their respective heirs, legal representatives, successors and assigns.

In Witness Whereof, the Respondent, being duly authorized so to do, has executed the foregoing on the 10th day of November, 1978.

ATTEST:


President


Secretary


Homer C. Floyd, Executive Director
Pennsylvania Human Relations Commission

Approved and ratified at a meeting of the Pennsylvania
Human Relations Commission on the 25th day of January
1976 .



Joseph X. Yaffe, Chairperson
Pennsylvania Human Relations Commission

ATTEST:



Dr. Robert Johnson Smith, Secretary
Pennsylvania Human Relations Commission

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
GOVERNOR'S OFFICE

: mDocket No. E9401

Susan J. Browand
Complainant

vs.

Lower Allen Township et al.
Respondent

The Complainant(s) allege(s) that beginning on and/or occurring on and/or beginning prior and continuing on or about to wit August 8, 1975 the Respondent(s) discriminated against the Complainant because of her sex, female, by refusing proper consideration for the job of Policewoman because she did not meet certain requirements, which exclude most females from being hired, and which are not necessarily job related.

The Complainant further alleges that:

1. In mid-July 1975, she answered an ad in the Patriot News advertising for a position of Patrolman-woman in the ~~Lower~~ Lower Allen Township Police Department.
2. Although she did not meet the stated requirements of "a minimum of 5'6" in height and weigh a minimum of one hundred and forty (140) pounds", she filled in an application and sent it to Respondent Graham, along with a letter asking to be considered to compete for the job.
3. On August 8, 1975, Respondent Graham informed her that she did not qualify to take the Civil Service Examination for the ~~same~~ position of Patrolman-woman, because she did not meet the ~~minimum~~ minimum height and weight requirements.
4. These weight and height requirements are not job related and have the effect of excluding most females from the position because they cannot meet them.

The Complainant further alleges that these actions were taken because of her sex, female.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
GOVERNOR'S OFFICE

SUSAN J. BROWAND, : Docket No. E 9401
Complainant :

v. :

LOWER ALLEN TOWNSHIP, :
VERNON C. WASS, Secretary- :
Manager, et al., :
Respondent :

1. That the Respondent cease and desist from the use of five (5) feet, six (6) inches as a requirement for consideration for employment as a police officer; and that such requirement be replaced on an interim basis-until such time as Respondent is able to validate such requirements for job-relatedness-by a five (5) feet, two (2) inches height requirement with weight being proportionate to the height and frame of the applicant.
2. That Respondent conduct new tests as soon as possible for the position of police officer and that the Complainant be given the opportunity to compete in such tests.
3. That Respondent postpone the filling of at least one job slot for the position of police officer until such tests in which the Complainant has had the opportunity to compete have been completed.
4. That the Respondent report to the Commission until December 31, 1977 -on the 30th day of June and the 31st day of December of each year- the names, race and sex of each applicant for the position of police officer, identify those who took the tests and their scores; and identify those who were hired. If any applicant fails to qualify for the participating in the tests, indicate the reason for such failure.

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
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Susan J. Browand
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vs.

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Respondent

CERTIFICATE OF SATISFACTORY ADJUSTMENT

I, Susan J. Browand, Complainant in the above-docketed case, do hereby certify that my complaint has been adjusted to my satisfaction and I hereby request the Pennsylvania Human Relations Commission to close the above-docketed case.

Susan J. Browand

Date: 10/2/75

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

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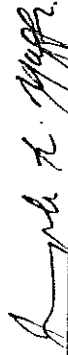
vs.

Lower Allen Township, Vernon C. Wass, Secretary-Manager, Civil Service Commission of Lower Allen Township, William P. Graham, Secretary, Lower Allen Township Police, Mitchell L. Smith, Chief Respondent

FINAL ORDER AND DECREE

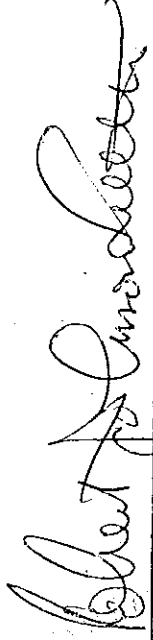
AND NOW, this 25th day of January, 1976, upon consideration of the Conciliation Agreement submitted in the above captioned case it is hereby ORDERED AND DECREED that said Conciliation Agreement be entered into the official record of the Pennsylvania Human Relations Commission as a Final Order.

BY



JOSEPH X. YAFFE, CHAIRPERSON
PENNSYLVANIA HUMAN RELATIONS COMMISSION

ATTEST



DR. ROBERT JOHNSON SMITH, SECRETARY
PENNSYLVANIA HUMAN RELATIONS COMMISSION