

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

**TYLER DAVIS, Complainant**

**vs.**

**FAYETTE COUNTY BOARD OF ASSISTANCE, FRANK AL BOCK, CHAIRMAN,  
JOSEPH J. BLEILEVENS, EXECUTIVE DIRECTOR, Respondents**

**Docket No. E-4196**

**FINDINGS OF FACT**

**CONCLUSIONS OF LAW**

**COMMISSION'S DECISION**

**FINAL ORDER**

**FINDINGS OF FACT**

1. Complainant herein is Tyler Davis, residing at 32 McCormick Avenue, Uniontown, Pennsylvania.
2. Respondents herein are the Fayette County Board of Assistance, Frank Al Bock, Chairman, and Joseph J. Bleilevens, Executive Director, all of Fayette County, Pennsylvania.
3. Complainant has thirty-four (34) years service with the Fayette County Board of Assistance.
4. Complainant is only one of four black professional employes of the Fayette County Board of Assistance which is comprised of a total number of 128 professional employes.
5. Complainant is the most qualified candidate for the position of Executive Director IV of the Fayette County Board of Assistance.
6. Rules and regulations of the Pennsylvania Civil Service Commission, Chapter 99, Subchapter B, Section 99.11(b), require that service ratings shall be based upon inter alia the quality and quantity of work performed.
7. The aforementioned regulation was not complied with by Respondent, Joseph J. Bleilevens, Executive Director of the Fayette County Board of Assistance, in the instant case.

8. The Pennsylvania Department of Public Welfare has adopted an Affirmative Action Program to ensure an integrated work force throughout the Commonwealth.
9. Considering the qualifications of Complainant, the Affirmative Action Program was not complied with because Complainant was not appointed Executive Director IV by the Fayette County Board of Assistance.
10. The members of the Fayette County Board of Assistance were not informed of the existence and details of said Affirmative Action Program at the time Complainant was receiving consideration for appointment to the position of Executive Director IV.
11. The method of presentation of candidates to the Fayette County Board of Assistance by its Executive Director for supervisory positions is improper and in the instant case had a discriminatory effect.
12. There are no standardized and relevant criteria used by the Fayette County Board of Assistance or its Executive Director to ensure proper appointments and promotions.

### **CONCLUSIONS OF LAW**

Upon all the evidence in the Public Hearing and in consideration of the foregoing Findings of Fact, the Pennsylvania Human Relations Commission makes the following Conclusions of Law:

1. At all times herein mentioned, the Pennsylvania Human Relations Commission had and still has jurisdiction over Complainant and Respondents and the subject matter of the Complaint herein.
2. The unlawful discriminatory practice involved herein has occurred and is still occurring within the Commonwealth of Pennsylvania and deprives the Complainant of his civil rights as defined in Section 5 of the Pennsylvania Human Relations Act.
3. Complainant filed his Complaint against the Respondents within ninety (90) days of the time Complainant's grievance arose.
4. The Respondents have committed an unlawful discriminatory practice in violation of Section 5 of the Pennsylvania Human Relations Act in that Respondents refused to promote Complainant because of his race, although the Complainant was the best able and most competent to perform the services required.

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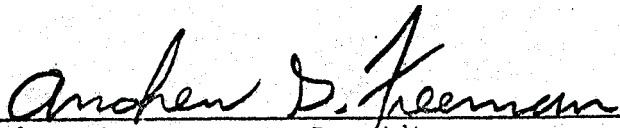
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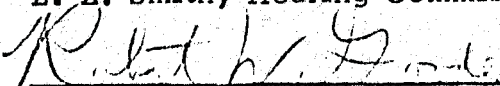
COMMISSION'S DECISION

AND NOW, this 10<sup>th</sup> day of January, 1972, upon the recommendation of the Hearing Commissioners, and upon and in consideration of the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission finds and determines that Respondents, Fayette County Board of Assistance, Frank Al Bock, and Joseph J. Bleilevens, have committed an unlawful discriminatory practice in violation of Section 5(a) of the Pennsylvania Human Relations Act in that they have refused to promote Complainant from Casework Supervisor III to the position of Executive Director IV, the best candidate available, because of his race.

It is, therefore, recommended that the Commission enter an Order against Respondents requiring them to promote Complainant to the position of Executive Director IV.

  
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Andrew G. Freeman, Presiding  
Commissioner

  
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E. E. Smith, Hearing Commissioner

  
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Robert W. Goode, Hearing Commissioner

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**FINAL ORDER**

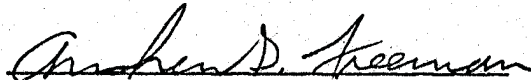
AND NOW, this 10<sup>th</sup> day of January, 1972, upon consideration of the foregoing Findings of Fact and Conclusions of Law and pursuant to Section 9 of the Pennsylvania Human Relations Act, the Pennsylvania Human Relations Commission.

**ORDERS**

1. Respondents shall approve the appointment of Complainant, Tyler Davis, to the position of Executive Director IV, said appointment being made retroactive to February 11, 1971.
2. Respondents shall immediately take all necessary procedures to reimburse Mr. Davis the difference in salary between his current earnings and the amount he would have earned in the position of Executive Director IV retroactive to February 11, 1971.
3. All personnel records pertaining to Tyler Davis reflect his appointment to the position of Executive Director IV retroactive to February 11, 1971.
4. Respondent shall strike and delete from all records any and all performance evaluation reports on Mr. Davis which are dated subsequent to February 11, 1971.
5. In considering candidates for promotion of hire, the names and qualifications of each candidate be presented to each Board member by the Executive Director for their careful review and objective selection based on the individual candidate's qualifications and potential to performing the duties of the position to be filled. Each candidate for promotion to supervisory positions shall appear before the entire Board or a quorum of the Board for a personal interview.
6. No retaliatory action of any nature shall be taken by Respondents against Mr. Davis or any other person who cooperated in the investigation which led to or the Public Hearing itself or testified therein.
7. Respondents shall prepare annual performance evaluations in all relevant classifications with the assistance of the Department of Public Welfare, Bureau of Personnel, and submit to the Pennsylvania Human Relations Commission for approval all relevant criteria to be used in said evaluation for approval of the Commission.


8. The Respondents' Executive Director and all those connected in any capacity with the Fayette County Board of Assistance shall adhere to and follow the prescribed rules, regulations and procedures established by the Department of Public Welfare as an integral part of this Order.

Attest:

  
Andrew G. Freeman,  
Assistant Secretary

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION

By:

  
E. E. Smith, Chairman