

PENNSYLVANIA HUMAN RELATIONS COMMISSION

GOVERNOR'S OFFICE

Carol A. Dundore, : Docket No. E-9232  
 Complainant :  
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 :  
 vs. :  
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 Martin's Farm Market, Inc., :  
 Respondent :

CONCILIATION AGREEMENT

WHEREAS, on the 22nd day of July, 1975, a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against: Martin's Farm Market, Inc., RD 2, Lebanon, Pennsylvania, 17042

(hereinafter called the "Respondent" whether singular or collective) by: Carol A. Dundore, Quentín, Pennsylvania, 17083

(hereinafter called the "Complainant" whether singular or collective) alleging that the Respondent had violated Section(s) 5(a) & 5.2(b)(3) 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 has advised the Respondent formally after investigation that it has found probable cause to credit the allegations of Exhibit "A" which are contained in the aforementioned Complaint, to which the Respondent has objected as being unsupported in fact and/or law, and

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.

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

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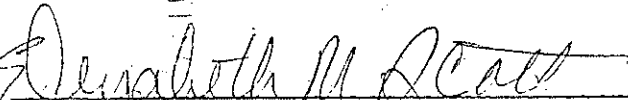
FINAL ORDER AND DECREE

AND NOW, this 23rd day of May, 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,  
to be given the same force and effect as if entered after a  
Public Hearing.

BY:

  
\_\_\_\_\_  
Joseph X. Yaffe, Chairperson  
Pennsylvania Human Relations Commission

ATTEST:

  
\_\_\_\_\_  
Elizabeth M. Scott, Secretary  
Pennsylvania Human Relations Commission

GOVERNOR'S OFFICE

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RELEASE

Know all persons by these presents that upon the condition that Respondent(s) shall fully comply with all the Terms of Settlement set forth in Appendix "B" of this Agreement, I do hereby release and forever discharge Respondent(s) from all manner of actions and causes of action and all suits, debts, claims and demands whatsoever based upon the allegations set forth in Appendix "A" of this Agreement, including the present action, except as described below. This release shall in no way discharge, release or absolve Respondent(s) from liability for any violation of Section 5(d) of the Act (relating to retaliation) which may occur after execution of this Agreement, nor in any way limit my rights to bring suits or actions or file Complaints based in whole or in part on any violation of the Act or other applicable law which may occur in the future.

Dated:

June 2, 1976

Carol A. Dundore  
Complainant

COMMONWEALTH OF PENNSYLVANIA )

COUNTY OF Lebanon )

SS:

On the 2nd day of June, 1976, the Complainant named above, CAROL A. DUNDORE personally appeared before me. He/she is known to me or proved his/her identity as the person who signed this release. He/she acknowledged that the release was freely signed, with full understanding of its contents and legal effect, and solely for the consideration and upon the conditions expressed therein.

Witness my hand and seal the day and year written above.

Helga M. Felty  
Notary Public

HELGA M. FELTY, Notary Public  
Lebanon, Lebanon Co., Pa.  
My Commission Expires Aug. 15, 1977

My Commission Expires

15th AUG. 1977

Appendix "C"

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION  
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TERMS OF ADJUSTMENT

(1) Complainant shall be offered reinstatement into her former position at the rate of pay she would be earning presently, had she not been terminated.

(2) Respondent shall tender complainant full back pay plus six percent interest for the period from May 16, 1975 through June 16, 1975, inclusive in the total amount of \$373.12 within thirty (30) days after the effective date of this Agreement.

(3) Respondent shall expunge from the complainant's personnel records all references to the complainant's abortion and/or intent to participate in an abortion, as well as all references to this Complaint.

(4) Respondent shall not state to any potential future employer of the complainant that the complainant was discharged from employment.

(5) Respondent shall post and keep posted the PHRC's standard Fair Employment Poster in a clearly lighted area, visible to the public, in the respondent's business establishment as required by Section 5(j) of the Pennsylvania Human Relations Act.

COMMONWEALTH OF PENNSYLVANIA  
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COMPLAINANT'S ALLEGATIONS

Complainant alleges that beginning on and/or occurring on and/or beginning prior and continuing on or about to wit May 16, 1975 the respondent discriminated against the complainant because of her sex, female, by imposing burdens in terms of conditions of employment by terminating her from her position as a cashier, because she had participated in an abortion. Complainant also alleges that the respondent discriminated against her because of her religious creed, Methodist, by objecting to the manifestation of her attitude with respect to abortion.

Complainant further alleges that:

(1) On or about May 12, 1975, she asked the respondent for a day off, to go to New York, on Saturday, May 17, 1975. The request was granted.

(2) On Friday, May 16, 1975, respondent, through respondent's agent, Ruth Ann Wise, told the complainant that if she was going to New York for an abortion, she should not come back to work on Monday, May 19, 1975.

(3) Respondent's religion is Mennonite which forbids female members to have abortions, whereas complainant is not a Mennonite and believes that she is free to decide what is best for her.

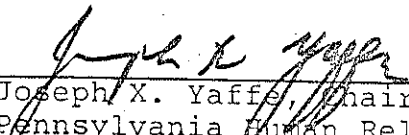
(4) Respondent wants to impose the manifestation of Mennonite's moral attitude on female employees.

(5) Complainant had abortion on May 17, 1975, which did not incapacitate her in any way and complainant was fully able and available for work on Monday, May 19, 1975.


Complainant further alleges that these actions were taken because of her sex, female and because of her religion, Methodist.

EXHIBIT "A"

Approved and ratified at a meeting of the Pennsylvania  
Human Relations Commission on the 23rd day of May  
19 76.

  
\_\_\_\_\_  
Joseph X. Yaffe, Chairperson  
Pennsylvania Human Relations Commission

ATTEST:

  
\_\_\_\_\_  
Elizabeth M. Scott, Secretary  
Pennsylvania Human Relations Commission

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 23rd day of May, 1976.

ATTEST:

James Martin  
President  
Martin's Farm Market, Inc.

Willis Z. Martin  
Secretary

Homer C. Floyd  
Homer C. Floyd, Executive Director  
Pennsylvania Human Relations Commission