

## PENNSYLVANIA HUMAN RELATIONS COMMISSION

Explanation of Conciliation Agreement

1. Consent order and Decree: This introductory statement explains that the employer wishes to accept the following agreement to accomplish the purposes the Pennsylvania Human Relations Act, to avoid the need for further litigation before the Commission, and to be bound by its terms to the same manner and the same extent as if the Agreement were a Commission Order following a public hearing.
2. General Principles: In this section, the purposes of the agreement are made clear, along with the statement that the signing of the agreement does not constitute any admission by the employer of any violation of Federal or State law.
3. Recruitment Practices: This section establishes a continuous relationship between the employer and various sources from which minority group applicants for employment may come. These sources include the Pennsylvania State Employment Service, and various private organizations which have as an object, the expansion of employment opportunities for minorities. In this relationship, the employer will notify the listed organizations in advance of expected vacancies, will also notify them of other vacancies as they develop. When the listed organization refers an applicant, records will be kept of the disposition of the application by both the employer and the sending agency.
4. Hiring practices: The employer agrees to the prompt and fair processing of applications of minority group members. Where no vacancy exists, but the applicant may be qualified, the employer will place the application in an Affirmative Action File, and when vacancies develop, will give every consideration to the hiring of applicants from this file, prior to seeking applicants from other sources.
5. Review of Qualifications: After a review of qualifications, certain requirements previously maintained by the employer may be changed. This section provides for the listing of such changes as are agreed to.
6. Reporting: This section deals with quarterly reports of compliance with the above provisions of the agreement. Reporting forms are included.
7. Other provisions: This section deals with the effect of the agreement, provides for reexamination of the agreement, and for procedures for enforcement of the agreement.

Appendices contain various forms related to carrying out the agreement.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Pennsylvania Human  
Relations Commission

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: Case Docket No. E- 3744

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Dravo Corporation

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CONSENT ORDER AND DECREE

WHEREAS a complaint has been filed against the Dravo Corporation, One Oliver Plaza, Pittsburgh, Pa. 15222, (hereinafter called the Respondent) on April 1, 1970 by the Pennsylvania Human Relations Commission alleging that the Respondents are in violation of Section 5 (a) and 5 (b) (4) of the Pennsylvania Human Relations Act on a continuing basis, and Human Relations Act on a continuing basis, and

WHEREAS, the Pennsylvania Human Relations Commission has found probable cause to believe that the Respondent is in violation of the Pennsylvania Human Relations Act, and

WHEREAS, the Pennsylvania Human Relations Commission and the Respondent hereby agrees to a waiver of any public hearing to which the Respondent may be entitled under the Pennsylvania Human Relations Act, and to the entry of the following Consent Order and Decree which shall have the full force and effect of a Commission Order following a public hearing:

Now therefore, this \_\_\_\_\_ day of \_\_\_\_\_ 1970, the Pennsylvania Human Relations Commission enters the following order and decree:

ORDER AND DECREE

A. General Principles:

1. The respondent and his agents and employees will fully comply with all sections of the Pennsylvania Human Relations Act, and will henceforth establish the specific program of affirmative action set forth below in addition to the Respondent's current equal opportunity program to assure that the recruitment and hiring practices of the respondent afford equal employment opportunity for minority group members in compliance with Title VII of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended and the regulations promulgated pursuant thereto.

2. All recruitment, hiring, promotions, practices and all other terms, conditions and privileges of employment shall be maintained and conducted in such a manner which does not discriminate on the basis of race, color, sex, religion or national origin in violation of Title VII of the Civil Rights Act of 1964, and the Pennsylvania Human Relations Act.

3. The signing of this agreement is not an admission by the respondent of any violation of said title and statute. It does reflect his desire to take the affirmative action agreed upon below to assure that employment opportunities are made available to minority group individuals. A statement of company policy to this effect is attached as Appendix 1 and will be distributed to all employees with their next pay check and posted on company bulletin boards.

4. The specific affirmative actions which are set forth in this agreement are appropriate to the objective of providing equal opportunities in recruitment and hiring.

5. The Pennsylvania Human Relations Commission hereby certifies that the execution and implementation of this Agreement are proper under the Pennsylvania Human Relations Act.

B. Recruiting:

1. Establishing Continuing Relationships -- In order to recruit minority group applicants for employment the employer agrees to establish continuing relationships as defined below with the Pittsburgh office of the Pennsylvania State Employment Service and the organizations listed in Appendix 3A, all of which have as an object, the improvement of employment opportunities for minority group persons.

2. Notification of Expected Vacancies in Coming Quarter -- Within 30 days of the date of this agreement, the respondent shall estimate the number of vacancies expected during the coming three-month period in each job which will not be required to be filled by promotion from within under a valid individual or collective contract. The respondent will notify the York office of the Pennsylvania State Employment Service, and each organization listed in Appendix 3A, of the title of each such job, the expected number of vacancies, the qualifications required and the starting pay, on a form to be provided by the Commission, which is

attached hereto as Appendix 2. A similar estimate and notification shall be made in each succeeding three-month period until this agreement is revised in accordance with the provisions of Section F, (3).

3. Notification of Unexpected Vacancies -- Whenever a vacancy occurs in any job which (1) was not included in the quarterly estimate described in paragraph 2, and (2) is not required to be filled by promotion from within under valid individual or collective contract, the respondent will notify the Pittsburgh office of the Pennsylvania State Employment Service, and each organization listed in Appendix 3A. If practical, the notice will be by mail on a form to be provided by the Commission which is attached hereto as Appendix 3. Otherwise the notice will be by phone, and the respondent will keep a record of each such notification.

4. Forms to be Given Applicants -- Each listed organization will be supplied by the Commission with forms in triplicate, as described in Appendix 4. Upon making a decision to refer an applicant to the respondent, the organization will fill out said form, which will contain the name, address, phone number, job for which referred and qualifications of the applicant, and give two copies to the applicant with instructions that he deliver both to the respondent when he applies. The copy retained by the organization will be placed in a file under the name of the respondent, which will be available as a basis for Commission review of the operation of this agreement. The Pennsylvania State Employment Service will use its own standard form in carrying out this agreement.

5. Processing of Forms

- a. When the applicant delivers copies of the form to the respondent the respondent shall process the application in accordance with the provisions of Part C of this agreement, and will distribute written instructions on that procedure to appropriate company personnel. The respondent shall note in a summary manner on the form, the disposition of the application: (i.e., hired, pending, rejected, and if rejected, the reason). The respondent shall retain one copy and shall mail the other back to the sending organization, which shall place same in its file.
- b. The respondent will follow the procedures of the Pennsylvania State Employment Service with respect to notification concerning the disposition of applicants referred by the service. The regulations of the service with respect to such reporting are hereby incorporated into this agreement as if fully set forth herein. The respondent will retain in its own files a record of the reason for rejection and such other information as required by this agreement.

6. Private Employment Services -- With respect to private employment agencies presently used, or which may be used by the respondent, the respondent agrees to send a letter to each such agency, requesting each said agency to send him minority group applicants, and advising each said agency that if it does not do so, he might have to terminate his relations with it because he could not lawfully utilize a referral agency which he knew would refer only white employees. The form of the letter is contained in Appendix 5. The respondent agrees to keep a record of the race, color, and national origin of applicants sent from each such agency and of the disposition of each such application: and to report same as provided, on a form attached hereto as Appendix 6.

7. Advertising

The respondent agrees:

- a. To identify itself as an equal opportunity employer in advertising.
- b. To advertise in the minority group media described in Appendix 7A in proportion to its other advertising efforts and to report each 90 days on its general advertising and its minority media advertising activities in the preceding 90 days; and further to include in its advertising a selection of radio and television stations which the Commission and the Respondent agree are generally agreed or listened to by a high proportion of minority group members; and
- c. To review its advertising practices during the 90 days following the effective date of this agreement to determine if it is adequately meeting the requirement of fair dissemination of information to the minority community, to submit a report of its advertising practices, if any, along with each 90-day report, and to make such reasonable changes and additions to its advertising practices as the Commission suggests in light of the aforesaid review and report.

C. Hiring Process

1. Prompt Processing of Applicants

All persons of minority group status, whether contacting the respondent pursuant to the arrangements of Section B or by other means, who wish to make an application for employment with the respondent will be specifically requested to file an application regardless of whether vacancies exist. All such applications for employment will be promptly reviewed by the respondent. All such applications will either be accepted, rejected, or held pending a vacancy or further evidence of qualifications. No such applicant will be rejected because the position applied for has been filled. All such applications will be reviewed to determine if some position other than that applied for is available, either presently or prospectively for the applicant. If it is or may be, he shall be so advised. If the applicant is not hired at once, the application will be placed in an Affirmative Action File for continuing consideration for such position and processed in

accordance with Section (2) below. Applicants will be notified in writing of the employer's decision within five working days of the making of the application.

- a. Minority group applicants who are hired will be treated with respect to all terms, conditions and privileges of employment without discrimination on the grounds of race, color, or national origin.
- b. If minority group applicant is rejected the respondent will:
  1. Advise him in writing of the reason;
  2. Send a copy of that rejection notice and information on the reason for rejection to any listed organization which referred said applicant;
  3. Retain a copy of the rejection notice as required by the regulations of the Equal Employment Opportunity Commission (29CFR 1602.14); and
  4. Submit a copy of the rejection notice to the Commission in its quarterly report.
- c. If the minority group application is held pending a vacancy, or for other cause not involving the disqualification of the applicant, it shall be processed in the manner described below in Paragraph 2.

2. Affirmative Action File:

- a. Applications of members of minority groups which are not accepted or rejected shall be placed in a separate file, to be known as an Affirmative Action File. This file shall consist of the applications of all minority group applicants who are qualified for any position with the respondent, and those applicants whose qualifications have not yet been established.
- b. As job vacancies occur for which no minority group applicant is then presently available, the employer will first consult the Affirmative Action File to determine if qualified applicants are available from the minority group member listed therein.

c. Before consulting other sources for applicants, the employer will give every consideration to the hiring of applicants from this file.

d. If, after further review at the time a vacancy is available, the respondent concludes that the applicant is not qualified, and cannot become qualified, he should remove his name from the file and notify him and the appropriate organization and agencies in accordance with paragraph (c) (1) (b) above. If the applicant is still considered qualified, the employer shall note on the file the date of each review and the reason for rejection. If the respondent is of the view that certain steps taken by the applicant could qualify him for employment, he shall inform the applicant and the referring or sending organization, in writing, maintaining a copy in the applicant's file.

e. The operation of the file shall be reported as provided in Section E, infra.

f. The maintenance and use of the affirmative action file does not require exclusion from consideration of other applicants, nor does it imply a quota system for the hiring of any racial or ethnic group.

3. All interviewers at colleges or other educational institutions will be instructed:

- a. To interview all minority group persons who may be potential applicants; and
- b. To give an application form to each such person and request the applicant to complete it and submit it;
- c. To place such applications in the Affirmative Action File if the person is not hired.

D. Qualifications for Employment

1. In recognition of the fact that requirements which appear to be fair on their face may:
  - a. Not be related to the job or jobs for which they are applied, and
  - b. May have the effect of denying access to employment opportunities to minority group members in greater proportion than the majority. A careful review of the requirements for each job of the respondent which is usually filled by hiring from outside the establishment has been undertaken on the basis of information supplied to the Commission by the respondent. On the basis of this review, it is agreed that certain entry level qualifications heretofore required by the respondent shall be suspended and that no other requirements shall be imposed without prior consultation with and approval by the Commission. There is attached hereto and made a part hereof, a list identified as Appendix 7, of the entry level qualifications which have been modified after the above review. It is understood by both parties here to that the employer will carefully review the operation of the revised qualification system and may, pursuant to Paragraph F (2), request a reconsideration of these revisions at any reasonable time.
  
2. The respondent agrees that, during the first 90 days following the signing of this agreement, he will review all requirements for all jobs at all levels which:
  - a. Are not required to be filled by promotion from within under a valid collective or individual contract; and
  - b. Were not included in the detailed information previously submitted to the Commission. The purpose of this review will be to determine whether the qualifications are validly related to the performance on the job within the meaning of the Guidelines on Testing issued by the Federal Equal Employment Opportunity Commission on August 23, 1966 and the Affirmative Action Guidelines for Employment Testing of the Pennsylvania Human Relations Commission. Following this review, the respondent will remove or modify any of such requirements as do not meet the Guidelines. As part of its first quarterly report to the Commission, the respondent will submit the data on which the above review was based, including:

- (1) Job descriptions;
  - (2) Qualifications;
  - (3) Analysis of relations between qualifications and elements of the job. The Commission will review this analysis and make reasonable recommendation to the respondent with respect to changes in these requirements which he will after consultation, implement.
3. Guidelines: The respondent agrees to comply in all respects with the Guidelines on Employment Testing Procedures issued by the Federal Equal Employment Opportunity Commission on August 24, 1966, and the Affirmative Action Guidelines for Employment Testing of the Pennsylvania Human Relations Commission, which are incorporated herein and made a part hereof.
4. Additional Training Periods and Programs: It is recognized that the revision of entry level requirements accomplished under Paragraph 1, above, may require the introduction or expansion of training programs by the respondent. The Commission hereby undertakes to provide the respondent with continuing technical assistance to facilitate the introduction and financing of such programs as may be necessary or appropriate; and any such other programs as may be necessary or appropriate; and any such other programs as upgrading training for his employees. In his quarterly reports, the respondent will identify any new or proposed training programs.

E. Reporting

Ninety days from the date of this agreement, and each 90 days thereafter for a total of two years, the respondent shall send to the Commission a written report which shall include the following information:

1. Copies of all correspondence with the Pennsylvania Human Relations Commission and the organizations listed in Appendix 3A, and of correspondence from such organizations to the employer.
2. A report on the operation of the recruitment and hiring program outlined in Sections B and C of this agreement which shall be submitted on a form to be supplied by the Commission, such as the one shown as Appendix 9.
3. A statistical summary as provided in Appendix 8.
4. Copies of all correspondence with minority group applicants required under Section C of the agreement.

5. Copies of company statements circulated as in Section A (3).
6. Copies of notices to employment services as required in Section B (6).
7. A summary of referrals by private employment agencies as provided in Appendix 6.
8. Report on advertising practices as required in Section B (7).
9. Other appropriate documents.

F. Other Provisions

1. The execution and implementation of this agreement shall have no effect upon the handling or disposition of individual complaints of employment discrimination against the respondent filed with the Federal Equal Employment Opportunity Commission or the Pennsylvania Human Relations Commission nor before any other tribunal, federal, state, local or private, except that the respondent may, in the course of any proceeding, refer to the same, and to his performance thereunder, to the extent that it is relevant to such proceedings.
2. Review of Effectiveness of Procedures: The Commission may review the course of the relationships established under this agreement at reasonable times, and shall do so promptly at the request of the respondent or any organization participating in the relationships defined herein. This review will have as its objective, the determination of whether these procedures are achieving the results of improving employment opportunity for minorities, and if the procedures require modification or abandonment, the Commission will so advise the respondent. To the extent that weaknesses in the supply side of the labor market impede the operation of these procedures, the Commission will endeavor to:
  - a. Identify these weaknesses;
  - b. Communicate them to the institutions which influence them; and
  - c. Use its good offices to seek improvement.

The review will also take into account the changing conditions of the labor market, and the changes, if any, in the organizations which have, as an object, the supplying of minority applicants for employment. The Commission may, after this review, and after consultation with the respondent, recommend such changes in the organizations to which the above relationship applies as are reasonable and necessary in light of the experience of the respondent, the organizations and the Commission under this agreement. The employer agrees to make such changes. Two years from the date of this agreement, the respondent and the Commission shall review the experience obtained thereunder to determine whether the agreement should be continued, modified or terminated.

The Commission is considering the establishment of a plan of processing applications for employment inside the urban areas. The employer agrees to cooperate in such an endeavor, if undertaken, at least to the extent of placing a person with authority to hire in the office one day per week.

3. Review of Compliance: The Commission may review compliance with provisions of this agreement at reasonable times. It is expected that the first stages of review will consist of an examination of the reports which will be filed under the agreement. The parties shall first attempt to resolve any disputes concerning the interpretation or application of this agreement informally by means of conference, conciliation and persuasion. In the event this is unsuccessful, the Commission shall issue written determination as to whether there is a violation of the agreement and what precise steps are necessary

to correct said violations of the agreement. Thereafter, the respondent shall have ten days in which to comply with the direction to correct violations and to so notify the Commission. If, at the conclusion of this period, the violations have not been corrected, the Commission may take appropriate action, including the institution of judicial proceedings to secure compliance with this agreement.

Respondent agrees to the entry of the foregoing order and decree with intent to be legally bound thereby.

ATTEST:

\_\_\_\_\_  
Secretary, PHRC

\_\_\_\_\_  
Chairman, PHRC

\_\_\_\_\_  
Title, Respondent

APPENDIX 1

STATEMENT OF COMPANY POLICY AND  
NOTICE TO COMPANY EMPLOYEES\*

The company has just entered into an agreement with the Pennsylvania Human Relations Commission which emphasizes our fundamental policy of providing equal opportunity in all areas of employment practices, and assuring that there shall be no discrimination against any person on the grounds of race, color, religion, sex or national origin.

This policy extends to recruiting and hiring, to working conditions, training programs, promotions, use of company facilities and all other terms, conditions and privileges of employment. The importance of fulfilling this policy cannot be overemphasized. Any violation of the letter or spirit of this policy by any employee of this company shall result in disciplinary action including, where appropriate, discharge. Specific instructions for affirmative action to implement this policy will be issued.

In cooperation with the Commission, we are actively seeking to employ more Negroes and other minority group members. I urge you to refer minority group persons to us for employment, and to encourage your friends and associates to do the same.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Title

\*Copy to be distributed to all employees with next pay check and copy to be placed on all bulletin boards.

APPENDIX 2

NOTICE TO AGENCIES AND ORGANIZATIONS  
REFERRING MINORITY GROUP  
PERSONS

To: (Name of Referral Agency)

From: Dravo Corporation  
One Oliver Plaza, Pittsburgh, Pa. 15222

In cooperation with the Pennsylvania Human Relations Commission and for the purpose of providing equal opportunity to all persons seeking employment, we hereby request that you refer applicants, including minority group applicants, for employment with us. Each quarter we will send you an estimate of the number and type of jobs expected to become open with us, and their requirements. When circumstances require that we fill additional positions of which we have not advised you, we will notify you by letter, if practical; otherwise, by phone. When you send applicants to us, we hope you will use the form which is enclosed.

<u>Job Title</u>	Estimated Vacancies in next <u>3 months</u>	<u>Qualifications</u>	<u>Starting Pay</u>
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Enclosure: Form and instructions for use.

APPENDIX 3

To: (Name of Referral Agency)

From: Dravo Corporation  
One Oliver Plaza, Pittsburgh, Pa. 15222

We have need to fill the following vacancies which are beyond those estimated in our last quarterly estimate:

<u>Job Title</u>	<u>Number of Vacancies</u>	<u>Qualifications</u>	<u>Starting Pay</u>
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APPENDIX 3-A

LIST OF REFERRAL SOURCES

The organizations as to which a continuing relationship is to be established by the Employer pursuant to Paragraph B1, of this agreement are:

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Contact Person</u>
Bureau of Employment Security	915 Penn Avenue	565-7645	Mr. David Shaffelo
National Alliance for Businessmen (Nabs)	915 Penn Avenue	565-2768	Richard Mottu Robert Stampahar
Manpower Development & Training	300 Liberty Avenue	565-5331	Louis Valicenti
Concentrated Employment Program	915 Penn Avenue	391-6300	Guy Tumolo
Urban League of Pittsburgh	200 Ross Street	261-6010	Charles Coston Dolores Nisby
Opportunities Industrialization Center	1901 Fifth Avenue	391-9630	Rev. Alfred W. Pew
N.A.A.C.P.	-	471-1024	Mrs. Fox & Mr. McCo
Forever Action	571 Bruston Ave.	243-8044	James Givner
Bidwell Cultural Center	-	322-8703	Mike Desmond John Morton
Community Action Program	-	391-6300	Hollis Davidson

APPENDIX 4 - Referral Card

(Note: This will be a three-layer printed form to be provided by the Commission.)

Instructions: Copy 1 and 2 are to be given to applicant to be handed to employer. Employer will mail copy 1 back to referral source, retain copy 2. Copy 3 to be retained by organization. Information to be included will be as follows:

To: Dravo Corporation  
One Oliver Plaza, Pittsburgh 15222

From: (Name of Agency or Organization)

Under a program of cooperation with the Pennsylvania Human Relations Commission we hereby refer the following for consideration for employment.

<u>Name</u>	<u>Job</u>	<u>Qualifications</u>	<u>Remarks</u>
<u>Address</u>	<u>Applied For</u>		
<u>Telephone</u>			

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(To be completed by the respondent)

This applicant has been processed by us under the terms of our agreement with the Pennsylvania Human Relations Commission with the following disposition:

- Hired for the position of \_\_\_\_\_ . Starting date \_\_\_\_\_ .
- Rejected, reason: \_\_\_\_\_
- Pending, placed in affirmative action file in anticipation of:
  - Vacancy, expected position: \_\_\_\_\_
  - Achievement of following qualifications: \_\_\_\_\_
  - Other, Specify: \_\_\_\_\_

APPENDIX 5

NOTICE TO PRIVATE EMPLOYMENT AGENCIES

To: (Name of Agency)

From: Dravo Corporation  
One Oliver Plaza, Pittsburgh, Pa. 15222

In cooperation with the Pennsylvania Human Relations Commission we are taking affirmative action to recruit qualified minority applicants for employment. Please refer such persons for our consideration. You are advised that in the event you do not refer such persons for our consideration, it may be necessary for us to terminate our relations with your organization because we may not lawfully utilize a referral agency which we know refers no minority group persons. A record of the race, color, national origin of applicants sent by you will be maintained by us. Your cooperation in this effort will be greatly appreciated.



APPENDIX 7

JOB QUALIFICATIONS MODIFIED

The qualifications for certain jobs at the above establishment, described by the employer in a written submission to the Commission, have been reviewed by the Commission and the employer. As a result of this review, it is agreed that certain requirements for certain jobs are changed as follows:

<u>Job Title</u>	<u>Qualification (s) or Requirements Removed</u>	<u>Substitute Qualification, if any</u>
Mail Messenger	High School Graduate	Ability to follow simple instructions
Clerk Typist	High School Graduate	1-2 years general office experience or ability to absorb training appropriate to job

APPENDIX 8

AFFIRMATIVE ACTION FILE REPORT

To: Pennsylvania Human Relations Commission

From: Dravo Corporation  
One Oliver Plaza, Pittsburgh, Pa.

Part I:

	Total	Non-Minority	Negro	Other
Number of applicants during period				
Number of those hired				
Number rejected				
Number of applications transferred to Affirmative Action File				
Number of individuals terminated during first 90-days of employment				

Part II: (Do a separate calculation for Negro and Spanish Surname)

1. Number of applicants in file at beginning of period \_\_\_\_\_
2. Number of applicants added during the period \_\_\_\_\_
3. Cumulative total (#1 + #2) \_\_\_\_\_
4. Number hired from file during period\* \_\_\_\_\_
5. Number removed for other reasons \_\_\_\_\_
6. Total hired or removed from file during period (#4 + #5) \_\_\_\_\_
7. Total in file at end of period (#3 minus #6) \_\_\_\_\_

\*See attached list of reasons

