

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

CAROL MURRAY WESTWOOD and )  
MILDRED KREINBROOK NIST, )  
Complainants )  
v. ) Docket No. E-5643  
HEMPFIELD TOWNSHIP and )  
TEAMSTERS, CHAUFFEURS, )  
WAREHOUSEMEN AND HELPERS )  
OF AMERICA, LOCAL NO. 30, )  
Respondents )

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

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FINDINGS OF FACT

1. Complainants herein are Mildred Kreinbrook Nist, of 315 N. Chestnut Street, Scottsdale, Pennsylvania, and Carol Murray Westwood, of R.D. 2, Jeannette, Pennsylvania.
2. Respondents herein are the Township of Hempfield, Pennsylvania (Township), and the Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local No. 30 (Union).
3. Complainant Nist has been employed by the Township as a clerical employee since 1964. (T. 49-50)
4. Complainant Westwood has been employed by the Township as a clerical employee since 1966. (T. 77-78)
5. The Union has represented the clerical employees of the Township as well as its road maintenance employees since 1965. (T. 50)
6. Two labor agreements were negotiated by the two Respondents affecting employees of the Township represented by the Union. One agreement was effective December 12, 1969; the other December 12, 1972. Employees were classified into two departments, clerical and road maintenance, for purposes of the agreements. (T. 10, 13, Exhs. C1, C2)
7. Under the agreements, all employees in each

department received a flat increase, equal to that received by each other employee in the same department. The increases, broken down into an hourly rate, are as follows:

	Clerical	Road maintenance
1970	7¢	30¢
1971	7¢	30¢
1972	20¢	30¢
1973	18¢	30¢

(T. 13-16, Exhs. C1, C2)

8. All road maintenance employees are male; all clerical employees are female. (T. 16)

9. Between 1969 and 1973, road maintenance employees received a total increase of \$1.20 per hour. Clerical employees received a total increase of 52¢ per hour.

10. In 1969, the highest paid road maintenance employee received \$3.40 per hour. In 1973, the highest paid road maintenance employee received \$4.60 per hour, an increase of 35%. (Exhs. C1, C2)

11. In 1969, the lowest paid road maintenance employee received \$2.50 per hour. In 1973, the lowest paid road maintenance employee received \$3.70 per hour, an increase of 48%. (Exhs. C1, C2)

12. In 1969, the highest paid clerical employee received \$3.03 per hour. In 1973, the highest paid clerical employee received \$3.52 per hour, an increase of 16%. (Exhs. C1, C2)

13. In 1969, the lowest paid clerical employee received \$2.50 per hour. In 1973, the lowest paid clerical employee received \$2.72 per hour, an increase of 24%. (Exhs. C1, C2)

14. Between 1969 and 1973, road maintenance employees received a percentage increase ranging from 35% for the



highest paid employee to 48% for the lowest paid employee. Clerical employees received a percentage increase ranging from 16% for the highest paid employees to 24% for the lowest paid employees.

15. In 1969, the highest paid clerical employee earned 53¢ more than the lowest paid road maintenance employee. In 1973, the highest paid clerical employee earned 18¢ per hour less than the lowest paid road maintenance employee.

16. Prior to 1969, there was a clerical employee in the position of cost clerk. When he left, his duties were assigned to the rest of the clerical staff, and the position was discontinued. (T. 34-35, 46-47, 152-153)

17. At the time the cost clerk position was discontinued, the cost clerk received \$3.72 per hour, making him the highest paid clerical employee by 63¢ per hour. The cost clerk was male. (T. 46, 153)

18. In 1969, just prior to the execution of the 1969 agreement, the clerical employees received a percentage increase of 22.14%. This was the largest increase received by clerical employees and was due, in part, to the elimination of the cost clerk and the assignment of his duties to the remainder of the clerical staff. (T. 47, 152-153, Exhs. C2, T3)

19. The employees of the road maintenance department, all male, and the employees of the clerical department, all female, were treated differently in the granting of annual increases, in that the clerical employees were granted smaller increases, both on a flat rate and a percentage basis.

20. The Township's attempt to justify the difference in treatment was based upon differences in job duties performed by clerical and road maintenance employees,

comparable wages paid in other jurisdictions, and the cost of living. (T. 109-111, 121-127, 169,172-173,184-185,189-194)

21. Such justifications do not account for the fact that equal flat rate increases were granted to all employees in each department without regard to the specific job performed, and that the road maintenance employees received the same increase each year.

22. Supervisor Bricker told Field Representative Kathleen Guinn that, "A woman cannot negotiate like a man who has a family to support," as an explanation for the disparity in increases. Commissioner Bricker is Superintendent of Roads for the Township. (T. 20-21, 180)

23. Supervisor Miller told Complainant Nist, "If you are able to put on overalls and take a shovel and dig a ditch, then you would get the same as the men." Mr. Miller is employed by the township in the road maintenance department as a road master, responsible for keeping time records of employees. (T. 51, 194)

24. Supervisor Morrazza, who voted on these agreements, told Complainant Westwood that office girls should not receive as much in pay raises as men since they do not have families to raise. (T. 80-81)

25. The Township's granting of larger annual increases to all of the road maintenance employees, all of whom were men, than that received by all of the clerical employees, including Complainants and all of whom were women, was based upon consideration of the sex of the respective employees within each department, there being no other adequate justification to explain the difference in annual increases.

26. The Union put forth its best efforts to obtain larger increases for the clerical staff. (T. 52-61, 83)



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CAROL MURRAY WESTWOOD, and )  
MILDRED KREINBROOK NIST, )  
Complainants )  
v. ) Docket No. E-5643  
HEMPFIELD TOWNSHIP and )  
TEAMSTERS, CHAUFFEURS, )  
WAREHOUSEMEN AND HELPERS )  
OF AMERICA, LOCAL NO. 30 )  
Respondents )

CONCLUSIONS OF LAW

Upon all the evidence at the Public Hearing held at the Westmoreland County Courthouse, Greensburg, Pennsylvania, on June 29, 1974, and upon the foregoing Findings of Fact, the Pennsylvania Human Relations Commission makes the following Conclusions of Law:

1. The Complaint in this matter was properly filed and amended by Complainants, Mildred Kreinbrook Nist and Carol Murray Westwood, according to the Pennsylvania Human Relations Act.

2. At all times referred to herein, the Pennsylvania Human Relations Commission had jurisdiction over Respondents and the subject matter of this Complaint.

3. At all times referred to herein, Respondent Township was an employer as defined by section 4(b) of the Pennsylvania Human Relations Act.

4. At all times referred to herein, Respondent Union was a labor organization as defined by section 4(d) of the Pennsylvania Human Relations Act.

5. The Township's granting larger annual increases to all of the road maintenance employees, all men, than that received by all of the clerical employees, all women, for reasons of the sex of the respective employees within each department, constitutes a violation of section 5(a)

of the Pennsylvania Human Relations Act.

6. Respondent Union's representation of the clerical employees does not constitute a violation of any portion of the Pennsylvania Human Relations Act.

COMMONWEALTH OF PENNSYLVANIA

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WAREHOUSEMEN AND HELPERS )  
OF AMERICA, LOCAL NO. 30, )  
Respondents )

COMMISSION'S DECISION

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 1975,  
upon the recommendation of the Hearing Commissioners and  
upon all the evidence at the Public Hearing of this case,  
and in consideration of the Findings of Fact and Conclusions  
of Law, the Pennsylvania Human Relations Commission finds  
and determines that Respondent Hempfield Township engaged  
in an unlawful discriminatory practice in violation of  
section 5(a) of the Pennsylvania Human Relations Act,  
Act of October 27, 1955, P.L. 744, as amended, in that the  
Respondent Hempfield Township did discriminate on the basis  
of sex in the granting of annual increases to employees,  
and further, that the Respondent Teamsters, Chauffeurs,  
Warehousemen and Helpers of America, Local No. 30, did  
not engage in an unlawful discriminatory practice in violation  
of the said Pennsylvania Human Relations Act.



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TEAMSTERS, CHAUFFEURS, )  
WAREHOUSEMEN AND HELPERS )  
OF AMERICA, LOCAL NO. 30, )  
Respondents )

FINAL ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 1975,  
upon consideration of the foregoing Findings of Fact,  
Conclusions of Law, and Commission's Decision, and pursuant  
to section 9 of the Pennsylvania Human Relations Act, as  
amended, the Pennsylvania Human Relations Commission hereby

ORDERS:

1. The Complaint shall be and is dismissed as to  
Respondent Teamsters, Chauffeurs, Warehousemen and Helpers  
of America, Local No. 30.

2. Respondent Hempfield Township (Township) shall  
cease and desist from discriminating on the basis of sex  
in the granting of annual increases to its employees.

3. Respondent Township shall pay Complainants  
a sum representing wages lost by them as a result of their  
not receiving annual increases equal to that received by  
road maintenance employees for the years 1970 through  
1973, plus interest at the rate of 6% per annum.

4. Respondent Township shall adjust present wage  
scales for clerical employees so that present wages reflect  
annual increases since 1969 equivalent to those received



by road maintenance employes.

5. Respondent Township shall, within thirty (30) days of the date of this Order, submit to the Pennsylvania Human Relations Commission notice and proof that the actions required by this Order have been performed, including disclosure of the method of computation of the amounts to be paid pursuant to sections 3 and 4 of this Order, and the amounts so computed.

6. The Commission retains jurisdiction of this complaint and reserves the right to order additional relief upon review of the Respondent's submission of its manner of compliance.

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION

ATTEST:

\_\_\_\_\_  
Dr. Robert Johnson Smith,  
Secretary

By: \_\_\_\_\_  
Joseph X. Yaffe,  
Chairperson

F. Law 3

June 4, 1975

Ms. Carol Murray Westwood  
R.D. #2  
Jeannette, Pennsylvania

and Mildred Kreinbrook Nist

RE: Docket No. E-5643, Carol Murray Westwood/vs.  
Hempfield Township and Teamsters, Chauffeurs,  
Warehousemen and Helpers of America, Local Union  
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Dear Ms. Westwood::

Enclosed is a copy of the Findings of Facts, Conclusions of Law, Commission's Decision, and Final Order issued by the Commission. As of the date of this Order please be advised that the respondent has thirty (30) days from the date of the Order to appeal from the Commission's Final Order.

You also have the right to appeal from the Commission's Final Order. This appeal can either be to the Commission to reconsider their Final Order, in accordance with 35,241 of the General Rules of Administrative Practice and Procedure or to the Commonwealth Court. If you are not satisfied, you may wish to consult your legal counsel in this matter.

The investigating Field Representative, Kathleen A. Guinn will be in touch with you during this period regarding the respondent complying with those terms outlined in the Final Order. Should the respondent not appeal this Final Order nor comply with the terms outlined in the Final Order, the Commission will petition Commonwealth Court for enforcement of the Order.

As explained above, you will be kept informed as to what is occurring as far as your case is concerned.

Thank you for your patience in this matter.

Very truly yours,

Joseph K. Yaffe  
Chairperson

JXY/cds

Enc.



June 4, 1975

Mr. James N. Falcon, Esquire  
14 West Pittsburgh Street  
Greensburg, Pennsylvania 15601

RE: Docket No. E-5643, Carol Murray and Mildred  
Kreinbrook Nist vs.  
Hempfield Township and Teamsters, Chauffeurs,  
Warehousemen and Helpers of America, Local  
Union 30

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Dear Mr. Falcon:

Enclosed is a copy of the Commission's Findings of Fact,  
Conclusions of Law, Commission's Decision, and the Final  
Order entered by this Commission at its official meeting  
on June 2, 1975.

You have thirty (30) days from the date the Commission en-  
tered this order, to notify the Commission, in writing,  
as to your compliance with the terms of this Order or to  
appeal same in the Court.

Very truly yours,

Joseph X. Yaffe  
Chairperson

JXY/cds

Enc.

cc: Larry Chrzan, President  
John M. Felice, President

June 4, 1975

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Jeannette, Pennsylvania

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F. B. ...  
Final Order # 5643

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Jeannette, Pennsylvania

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14 West Pittsburgh Street  
Greensburg, Pennsylvania 15601

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FINDINGS OF FACT, CONCLUSIONS OF LAW,  
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FINDINGS OF FACT

1. Complainants herein are Mildred Kreinbrook Nist, of 315 N. Chestnut Street, Scottsdale, Pennsylvania, and Carol Murray Westwood, of R.D. 2, Jeannette, Pennsylvania.
2. Respondents herein are the Township of Hempfield, Pennsylvania (Township), and the Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local No. 30 (Union).
3. Complainant Nist has been employed by the Township as a clerical employee since 1964. (T. 49-50)
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5. The Union has represented the clerical employees of the Township as well as its road maintenance employees since 1965. (T. 50)
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11. In 1969, the lowest paid road maintenance employee received \$2.50 per hour. In 1973, the lowest paid road maintenance employee received \$3.70 per hour, an increase of 48%. (Exhs. C1, C2)

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19. The employees of the road maintenance department, all male, and the employees of the clerical department, all female, were treated differently in the granting of annual increases, in that the clerical employees were granted smaller increases, both on a flat rate and a percentage basis.

20. The Township's attempt to justify the difference in treatment was based upon differences in job duties performed by clerical and road maintenance employees,

comparable wages paid in other jurisdictions, and the cost of living. (T. 109-111, 121-127, 169,172-173,184-185,189-194)

21. Such justifications do not account for the fact that equal flat rate increases were granted to all employees in each department without regard to the specific job performed, and that the road maintenance employees received the same increase each year.

22. Supervisor Bricker told Field Representative Kathleen Guinn that, "A woman cannot negotiate like a man who has a family to support," as an explanation for the disparity in increases. Commissioner Bricker is Superintendent of Roads for the Township. (T. 20-21, 180)

23. Supervisor Miller told Complainant Nist, "If you are able to put on overalls and take a shovel and dig a ditch, then you would get the same as the men." Mr. Miller is employed by the township in the road maintenance department as a road master, responsible for keeping time records of employees. (T. 51, 194)

24. Supervisor Morrazza, who voted on these agreements, told Complainant Westwood that office girls should not receive as much in pay raises as men since they do not have families to raise. (T. 80-81)

25. The Township's granting of larger annual increases to all of the road maintenance employees, all of whom were men, than that received by all of the clerical employees, including Complainants and all of whom were women, was based upon consideration of the sex of the respective employees within each department, there being no other adequate justification to explain the difference in annual increases.

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Respondents )

CONCLUSIONS OF LAW

Upon all the evidence at the Public Hearing held at the Westmoreland County Courthouse, Greensburg, Pennsylvania, on June 29, 1974, and upon the foregoing Findings of Fact, the Pennsylvania Human Relations Commission makes the following Conclusions of Law:

1. The Complaint in this matter was properly filed and amended by Complainants, Mildred Kreinbrook Nist and Carol Murray Westwood, according to the Pennsylvania Human Relations Act.

2. At all times referred to herein, the Pennsylvania Human Relations Commission had jurisdiction over Respondents and the subject matter of this Complaint.

3. At all times referred to herein, Respondent Township was an employer as defined by section 4(b) of the Pennsylvania Human Relations Act.

4. At all times referred to herein, Respondent Union was a labor organization as defined by section 4(d) of the Pennsylvania Human Relations Act.

5. The Township's granting larger annual increases to all of the road maintenance employees, all men, than that received by all of the clerical employees, all women, for reasons of the sex of the respective employees within each department, constitutes a violation of section 5(a)

of the Pennsylvania Human Relations Act.

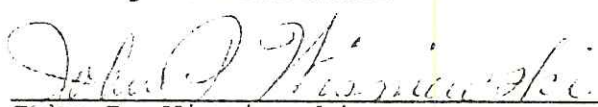
6. Respondent Union's representation of the clerical employees does not constitute a violation of any portion of the Pennsylvania Human Relations Act.

RECOMMENDATION OF HEARING COMMISSIONERS

AND NOW, this 2nd day of June, 1975  
upon consideration of all the evidence presented at the  
Hearing on the above matter and the argument of Counsel and  
of the briefs and proposed Findings of Fact and Conclusions  
of Law, the Hearing Commissioners recommend to the entire  
Commission that an order be entered against the Respondent  
holding it in violation of Section 5(a) of the Pennsylvania  
Human Relations Act and providing for appropriate relief. \*

  
Elizabeth M. Scott  
Presiding Commissioner

\_\_\_\_\_  
Hearing Commissioner

  
John P. Wisniewski  
Hearing Commissioner

\*Commissioner Goode, the third member of the Hearing Panel,  
participated in the deliberations and decision of the Panel but  
resigned from the Pennsylvania Human Relations Commission prior  
to the adoption of the Final Order by the Commission.



COMMONWEALTH OF PENNSYLVANIA

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PENNSYLVANIA HUMAN RELATIONS COMMISSION

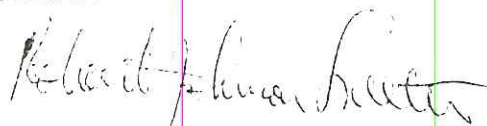
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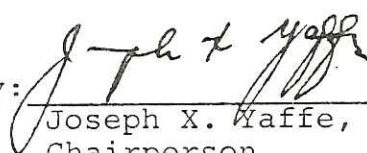
COMMISSION'S DECISION

AND NOW, this 2nd day of June, 1975,  
upon the recommendation of the Hearing Commissioners and  
upon all the evidence at the Public Hearing of this case,  
and in consideration of the Findings of Fact and Conclusions  
of Law, the Pennsylvania Human Relations Commission finds  
and determines that Respondent Hempfield Township engaged  
in an unlawful discriminatory practice in violation of  
section 5(a) of the Pennsylvania Human Relations Act,  
Act of October 27, 1955, P.L. 744, as amended, in that the  
Respondent Hempfield Township did discriminate on the basis  
of sex in the granting of annual increases to employees,  
and further, that the Respondent Teamsters, Chauffeurs,  
Warehousemen and Helpers of America, Local No. 30, did  
not engage in an unlawful discriminatory practice in violation  
of the said Pennsylvania Human Relations Act.

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION

ATTEST:

  
\_\_\_\_\_  
Dr. Robert Johnson Smith,  
Secretary

By:   
\_\_\_\_\_  
Joseph X. Waffe,  
Chairperson

COMMONWEALTH OF PENNSYLVANIA

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HEMPFIELD TOWNSHIP and )  
TEAMSTERS, CHAUFFEURS, )  
WAREHOUSEMEN AND HELPERS )  
OF AMERICA, LOCAL NO. 30, )  
Respondents )

FINAL ORDER

AND NOW, this 2nd day of June, 1975,  
upon consideration of the foregoing Findings of Fact,  
Conclusions of Law, and Commission's Decision, and pursuant  
to section 9 of the Pennsylvania Human Relations Act, as  
amended, the Pennsylvania Human Relations Commission hereby

ORDERS:

1. The Complaint shall be and is dismissed as to Respondent Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local No. 30.
2. Respondent Hempfield Township (Township) shall cease and desist from discriminating on the basis of sex in the granting of annual increases to its employees.
3. Respondent Township shall pay Complainants a sum representing wages lost by them as a result of their not receiving annual increases equal to that received by road maintenance employees for the years 1970 through 1973, plus interest at the rate of 6% per annum.
4. Respondent Township shall adjust present wage scales for clerical employees so that present wages reflect annual increases since 1969 equivalent to those received

by road maintenance employes.

5. Respondent Township shall, within thirty (30) days of the date of this Order, submit to the Pennsylvania Human Relations Commission notice and proof that the actions required by this Order have been performed, including disclosure of the method of computation of the amounts to be paid pursuant to sections 3 and 4 of this Order, and the amounts so computed.

6. The Commission retains jurisdiction of this complaint and reserves the right to order additional relief upon review of the Respondent's submission of its manner of compliance.

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION

ATTEST:

Robert Johnson Smith  
Dr. Robert Johnson Smith,  
Secretary

By: Joseph X. Yaffe  
Joseph X. Yaffe,  
Chairperson