

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

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

IDA J. WILLIAMS, on behalf of
her deceased husband, ALONZO
WILLIAMS, JR.,

Complainant

vs.

Docket No. E-6847

PENNSYLVANIA DEPARTMENT OF
JUSTICE, BUREAU OF CORRECTIONS,
STATE CORRECTIONAL INSTITUTION
- HUNTINGDON,

Respondent

CONCILIATION AGREEMENT

WHEREAS, on the 7th day of March, 1974, a verified Complaint was filed with the Pennsylvania Human Relations Commission ("Commission") against: Pennsylvania Department of Justice, Bureau of Corrections, State Correctional Institution - Huntingdon, ("Respondent(s)") by: Alonzo Williams, Jr., and on the 15th day of September, 1975, amended by Ida J. Williams, on behalf of her deceased husband, Alonzo Williams, Jr., ("Complainant(s)"). This Complaint alleged that Respondent(s) had violated Section(s) 5(a), 5(d) and 5(e) of the Pennsylvania Human Relations Act, 43 P.S. §§951 et seq, as amended ("Act"), in that Respondent(s) committed or caused to be committed certain acts set out in said Complaint and now contained in Appendix "A", hereof; and

WHEREAS, Respondent(s) do(es) not admit any violation of the Act but wish(es) to avoid litigation; and

WHEREAS, Commission finds that the settlement terms, as set forth in Appendix "B" hereof, are reasonable under the circumstances and finds further that the public interest will be served by settlement of the case; and

WHEREAS, Respondent(s) for the reasons set forth above do(es) hereby waive all rights to a public hearing under Section 9 of the Act and the Regulations promulgated by the Commission, and do(es) hereby consent to the entry of this

Conciliation Agreement as a Consent Order and Decree of the Commission, which shall have the same force and effect as a Commission Order and Decree following a Public Hearing by the Commission and shall be enforceable as such under Section 10 of the Act:

NOW, THEREFORE, Respondent(s) and Commission hereby agree to be legally bound as follows:

1. The foregoing preambles shall be included herein as if fully set forth.
2. The Respondent(s) admit(s) the jurisdiction of the Commission in this matter and hereby waive(s) all objections thereto.
3. All appendices annexed hereto are incorporated into this Agreement as integral parts hereof, as if fully set forth.
4. The term "Respondent(s)" as used herein shall include all agents, servants and employees of the Respondent(s) named above, in addition to the principal(s).
5. The execution and implementation of this Agreement shall not constitute any waiver of powers and duties conferred upon the Commission, nor shall this Agreement be deemed a declaration of policy or precedent by the Commission. This Agreement shall in no way affect the intake, processing, adjudication or disposition of future Complaints involving the Respondent(s), except that the Respondent(s) may in the course of any proceedings refer to this Agreement and to its(their) performance thereunder to the extent relevant to such proceedings.
6. Respondent(s) shall hereafter fully comply with all of the provisions of the Act and the Regulations promulgated by the Commission and shall fully comply with each of the terms of settlement set forth in Appendix "B" hereof.
7. It is expressly understood by the Respondent(s) that any violation of infraction of the terms and conditions set forth herein by Respondent(s) shall constitute a violation of an Order of the Commission pursuant to Section 11 of the Act.
8. The relationship between Complainant(s) and Respondent(s) shall be subject to and defined by Appendix "C" if attached hereto.
9. If any portion of this Agreement, or the application thereof to any person or circumstance, should for any reason be adjudged by any court of competent jurisdiction to be invalid or unenforceable, in whole or in part, such judgment shall not affect, impair or invalidate any other portion of this Agreement.
10. Commission and Respondent(s) enter into this Agreement with the intent to be legally bound hereby. This Agreement shall become final when approved and ratified by the

Commission; and thereafter shall be binding upon and inure to the benefit of each of the parties hereto, and each of their respective heirs, successors and assigns, effective immediately from the date of such approval. If not so approved and ratified, it shall be null and void from its inception.

By the Respondent(s):

X Charles L. Coan _____ Date _____
Title: Executive Deputy Attorney General for Administration
Pennsylvania Department of Justice

X William B. Johnson _____ Date _____
Title: Commissioner
Bureau of Corrections

ATTEST:
X AME. CURR _____
Title: Director, Office of Management Services
Pennsylvania Department of Justice

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF DAUPHIN) SS

On the 3rd day of May, 1976, each of the persons who have signed their names above personally appeared before me and, if not already known to me, satisfactorily proved identity as the persons whose names are signed above. Each of them signed this agreement freely and with full intent to be legally bound thereby, and clearly understanding that they are waiving their rights to a hearing, by signing this agreement.

In testimony whereof, I have hereunto set my hand and seal on the day last above written.

Beverly J. Darway _____
Notary Public

My Commission Expires:
NOTARY PUBLIC
My commission Expires December 24, 1979
Harrisburg, Pa. Dauphin County

Recommended for approval by the Commission:

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

Approved and ratified at a meeting of the Pennsylvania Human Relations Commission on the 27th day of June 1976.

Joseph E. Yaffe _____
Joseph E. Yaffe, Chairperson
Pennsylvania Human Relations Commission

ATTEST: Elizabeth H. Scott _____
Elizabeth H. Scott, Secretary
Pennsylvania Human Relations Commission

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COMPLAINANT(S) ALLEGATIONS

1. The Complainant alleged the Respondent discriminated against Alonzo Williams, Jr., and other members of the class he represented, in terms and conditions of employment, because of their race, Black. The Complainant further charged that the Respondent denied Black employees, as a class, the opportunity for promotion and advancement in the methods, policies, and practices of employment as that of White employees similarly situated in the Respondent's work force, and that the lines of progression for White employees are more rapid than that of Blacks. The Complainant avered that there were wage differentials that adversely affected Black employees, as a class, who did the same or similar work as White employees, and that such wage differentials, with respect to the seniority of the Black employees was a pattern and practice of discrimination.
2. It was further alleged that prior to Alonzo Williams, Jr.'s death he was subjected to harassment caused and contributed to by officials of the Respondent, as a result of his opposition to practices forbidden by the Pennsylvania Human Relations Act and/or for his having filed a charge with the Pennsylvania Human Relations Commission
3. It was the belief of the affiant that the subsequent discharge of Alonzo Williams, Jr. from employment was in retaliation for his having opposed practices forbidden by the Pennsylvania Human Relations Act and/or for his having filed a charge with the Pennsylvania Human Relations Commission.
4. The affiant alleged as executrix of the estate of Alonzo Williams, Jr. that back pay was due and owing to said estate as a result of the Respondent's refusal and/or failure to promote him on a timely basis, because of his race, Black.

COMMONWEALTH OF PENNSYLVANIA

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TERMS OF SETTLEMENT

1. The Respondent shall promote/upgrade Alonzo Williams, Jr., retroactively to the position of corrections officer 2 (sergeant) effective November 1, 1973 and pay the back pay difference between what he would have earned as a corrections officer 2 and what he did earn as a corrections officer 1, less standard deductions, between November 1, 1973 and July 10, 1974, the latter date being when his promotion/upgrading to corrections officer 2 previously became effective. Said payment shall be by the Respondent through the Pennsylvania Human Relations Commission to Ida J. Williams, within thirty (30) days of the Respondent's receipt of the Final Order and Decree of said Commission entering the Conciliation Agreement of which these terms are Appendix B as a Final Order.
2. The Respondent's files shall show that Alonzo Williams, Jr. died during suspension, rather than his having been terminated, and Ida J. Williams shall receive whatever benefits to which she may be entitled as his surviving wife, accordingly.

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EEOC Deferral
Case No. TPA4-0796

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; nor shall this release in any way limit my rights to seek additional relief for the acts complained of herein in a forum having jurisdiction and power to grant additional or greater relief.

Dated: 4/8/76

X Ida J. Williams
Complainant

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF Huntingdon)

SS:

On the 8th day of April, 1976, the Complainant named above, Ida J. Williams, 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.

Kathryn M. Smith
Notary Public

My Commission Expires

KATHRYN M. SMITH, NOTARY PUBLIC
MCURT UNION BOROUGH
HUNTINGDON COUNTY
MY COMMISSION EXPIRES APR. 22, 1978

COMMONWEALTH OF PENNSYLVANIA

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FINAL ORDER AND DECREE

AND NOW, this 27th day of June, 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