

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
GOVERNOR'S OFFICE

NANCY J. DOBROWOLSKI :
Complainant :
 :
 :
 vs. : Docket No. E-7540-D
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CONSTRUCTION GENERAL :
LABORERS, LOCAL NO. 833 :
Respondent :

CONCILIATION AGREEMENT

WHEREAS, on the 23rd day of July, 1974, a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against: Construction General Laborers, Local No. 833 (hereinafter called the "Respondent" whether singular or collective) by: Nancy J. Dobrowolski (hereinafter called the "Complainant") alleging that the Respondent had violated Section(s) 5(a) 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 to 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 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 thereby.

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.

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 employes, either and/or jointly and severally.

5. The execution and implementation of this Agreement shall in no manner or form constitute any waiver of 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 guidelines 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 in that instance shall be incorporated as an integral part of this Agreement, only if specifically noted as applicable.

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 intending to be legally bound hereby. This Agreement shall not become final and binding until approved by the Commission and a Final Order is thereupon issued.

In Witness Whereof, the Respondent, being duly authorized
so to do, has executed the foregoing on March 27,
19 76.

Stanley Barbosky
Stanley Barbosky, President
Construction General Laborers
Local 833

ATTEST:

John H. Mason
John H. Mason, Secretary
Construction General Laborers
Local 833

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 23rd day of May
May, 19 76.

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

ATTEST:

Elizabeth M. Scott
Elizabeth M. Scott, Secretary

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The Complainant alleges the Respondent refused to provide her an application for membership, thus, preventing her from obtaining employment because of her sex, female.

EXHIBIT "A"

COMMONWEALTH OF PENNSYLVANIA
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LOCAL NO. 833 :
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1. The Respondent has effected placement of the Complainant in a job as laborer under jurisdiction of Local No. 833.

2. The Respondent will submit a proposed standard referral system, that does not discriminate on the basis of sex, to the Commission's Pittsburgh Regional Office. Said referral system will be designed to afford equal opportunity and access to available jobs without regard to sex.

3. Said referral system shall be submitted to the Commission for approval within 30 days of the signing of this agreement.

4. In the event that Commission staff does not approve the Respondent's system, Respondent shall submit an alternate referral system within 15 days of notice of said disapproval.

5. Failure to submit an acceptable agreement upon the expiration of 15 days, as set forth in #4 above, shall constitute a violation of this agreement.

EXHIBIT "B"

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Respondent :

GENERAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that I, Nancy J. Dobrowolski, for and in consideration of the Respondent's compliance with all of the terms and conditions set forth in the Conciliation Agreement herein of which this is a part thereof do hereby remise, release and forever discharge Construction General Laborers, Local No. 833, its successors and assigns of and from all and in all manner of actions and causes of actions, suits, debts, claims and demands whatsoever in law or equity arising from the transaction which is the subject matter of the Complaint filed with the Pennsylvania Human Relations Commission captioned and docketed as above, including any arising from any violations of the Pennsylvania Human Relations Act, tit., 43, Pa. Stat. Ann. §§ 951 et seq., which I have ever had, now have, or which I or my heirs, executors, administrators, successors or assigns, or any of them, hereafter can, shall or may have.

EXHIBIT "C"

In Witness Whereof, I have executed the foregoing this

6th day of March, 1976.

Nancy J. Dobrowolski
Complainant

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Allegheny

SS:

On the 6 day of March, 1976, before me, the subscriber, a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared the above named Nancy J. Dobrowolski, known to me to be the person whose name is subscribed to the foregoing Release to be a free act and deed.

WITNESS my hand and notarial seal the day and year aforesaid.

ROBERT D. LINDSAY, Notary Public
County of Allegheny Co., Pa.
My Commission Expires Jan. 19, 1979

Robert D. Lindsay
Notary Public

EXHIBIT "C"

COMMONWEALTH OF PENNSYLVANIA
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Construction General Laborers, :
Local No. 833 :
Respondent :

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
JOSEPH X. YAFFE, CHAIRPERSON
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY Elizabeth M. Scott
Elizabeth M. Scott, Secretary
PENNSYLVANIA HUMAN RELATIONS COMMISSION