

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

Judith A. West, :
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Complainant

vs.

Docket No. E-8020

Interstate Systems, Division :
of Frugal Industries, :
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Respondent

CONCILIATION AGREEMENT

WHEREAS, on the 15th day of October, 1974, a verified Complaint was filed with the Pennsylvania Human Relations Commission ("Commission") against: Interstate Systems, Division of Frugal Industries, Old Route 15, Watsontown, Pennsylvania ("Respondent(s)") by: Judith A. West, Front Street, Washingtonville, Pennsylvania

("Complainant(s)"). This Complaint alleged that Respondent(s) had violated Section(s) 5(a) 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):

D. H. Verburg

Title: D. H. Verburg
Director of Labor Relations

May 14, 1976

Date

Title:

Date

ATTEST:

Craig A. Peterson

Title: C. A. Peterson
Office Manager

STATE OF MICHIGAN)
~~COMMONWEALTH OF PENNSYLVANIA~~)

COUNTY OF KENT) SS

On the 14th 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.

Constance Ann Swattout

Notary Public

My Commission Expires:

Constance Ann Swattout
Notary Public, Allegan County, Mich.
Acting in Kent County, Mich.
My Commission Expires 6-27-73

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

ATTEST: *Elizabeth M. Scott*
Elizabeth M. Scott, Secretary
Pennsylvania Human Relations Commission

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

Judith A. West,
Complainant

vs.

Docket No. E-8020

Interstate System, Division
of Fuqua Industries,
Respondent

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TERMS OF SETTLEMENT

(1) Respondent shall pay as settlement to Complainant the sum of one thousand dollars (\$1,000) within (30) days after the effective date of this Agreement.

(2) Respondent shall post and maintain the Pennsylvania Human Relations Commission'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.

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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:

April 28, 1976

J. A. West
Complainant

COMMONWEALTH OF PENNSYLVANIA)

SS:

COUNTY OF)

On the 28th day of April, 1976, the Complainant named above, Judith A. West 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.

Margaret J. Nicholas
Notary Public

My Commission Expires

January 2, 1978

Notary Public
Lancaster, Pennsylvania
My Commission Expires Jan. 2, 1978

Appendix "C"

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

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Docket No. E-8020

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 K. Yaffe, Chairperson
Pennsylvania Human Relations Commission

ATTEST:


Elizabeth M. Scott, Secretary
Pennsylvania Human Relations Commission