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COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

JOSEPH E. WILLIAMS,
Complainant

v.

HAHN MACHINERY CORPORATION,
Respondent

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: Docket No. E-8671D
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HISTORY OF THE CASE
FINDINGS OF FACT
CONCLUSIONS OF LAW
OPINION

RECOMMENDATION OF HEARING COMMISSIONERS
COMMISSION'S DECISION
FINAL ORDER

HISTORY OF THE CASE

The present proceeding was commenced by the Complainant, Joseph E. Williams, against his former employer, Hahn Machinery Corporation, for alleged unlawful discriminatory practices during the course of the employment and eventual termination of the Complainant. The Pennsylvania Human Relations Commission (PHRC) is vested with jurisdiction over this matter by virtue of 43 P.S. §951, et. seq. entitled "The Pennsylvania Human Relations Act."

On March 17, 1975, the Complainant filed his original complaint against Hahn with the PHRC, claiming therein that his

employer compensated him at a rate lower than other white employees of commensurate rank, duties and seniority, and that he and persons similarly situated did not receive certain benefits that were accorded to white employees such as equal hourly wages, compensation or reimbursement for transportation between home and work, and paid weekend work assignments, because of the race of the Complainant and other black employees similarly situated, all of which violated Section 5(a) of the Statute, 43 P.S. §955(a). The initial complaint was personally served by the PHRC representative upon Louis Hahn, Jr., of Hahn Machinery Corporation on April 7, 1975. Thereafter, on May 15, 1975, Louis Hahn, Sr., terminated the Complainant's employment with Hahn Machinery Corporation.

On or about August 11, 1975, the Complainant filed an Amended Complaint against his former employer averring therein the same allegations of 5(a) violations contained in the initial pleading but adding an allegation that the Respondent contravened Section 5(d) of the Act 43 P.S. §955(d) by harassing the Complainant and terminating him from employment in retaliation for filing the original complaint.

Thereafter, a representative of PHRC conducted an investigation of the allegations of violation of §5(d) of the Act. On March 25, 1976, the Commission representative submitted a Summary of her investigation of the Complainant's allegation of a §5(d) violation, and a formal finding of probable cause of a violation of Section 5(d) of the Act. She noted in her

investigation summary that no facts were found to support the first charge made by the Complainant of unequal pay and benefits for equal work and seniority. On June 21, 1976, the Respondent served the Commission with objections to the Findings of the PHRC representative.

On June 3, 1976, the PHRC served the Respondent with a second amended complaint of Joseph E. Williams, wherein the Complainant made the same charges of employment discrimination in contravention of §5(a) of the PHRA, but revised the allegations of violation of §5(d) of the Act to recite that the Respondent discriminated against him in the terms and conditions of work and work assignments, and otherwise harassed him, finally terminating him from employment on or about May 15, 1975, in retaliation for filing the original complaint. The Respondent submitted a formal answer to the charges on June 21, 1976, specifically denying the allegations of any discriminatory or retaliatory activity.

After the Commission's efforts to conciliate the problem as provided in 43 P.S. §959 failed, the matter proceeded to formal hearing before a Panel of two (2) Commissioners on September 28, 1977 and November 22, 1977.

hiring to train the Complainant to become a press repair mechanic. (Stip. 4, T. 64b)

6. The employment of Joseph E. Williams on June 10, 1973, marked the second time that Hahn Machinery Corporation hired that individual. The Complainant had initially been hired as a laborer between the period 1961 and 1963. (Stip. 5)

7. On July 7, 1973, the Complainant prepared and signed an Application for Employment with Respondent Company wherein he listed previous employment of thirteen (13) months between the date of termination of his initial employment with Hahn Machinery Corporation in 1963 and the date he was rehired in 1973. (T. 52a, 64b)

8. The Respondent, Hahn Machinery Corporation, has no formal, written policies regarding hiring, firing, grievances or other disciplinary matters; personnel decisions are within the discretion of Louis Hahn, Sr., and Louis Hahn, Jr. (Stip. 11)

9. While the employer representatives, Louis Hahn, Sr. and Louis Hahn, Jr. did not have any written employment policies, they have maintained certain unwritten employment policies which they have adhered to for many years. (T. 66b)

10. Messrs. Hahn Sr. and Jr. had no set policies as to increases in employee wages; the employer representatives would meet periodically during any given year to review the levels of compensation of the various employees and discuss increases in those levels of compensation. (T. 68b, 127b)

11. The discussions relative to employee wages usually took place on a calendar basis when Mr. Hahn obtained reports from their accountant as to the financial shape of the Company, or in response to a direct request from an employee for a raise in wages. (T. 128b)

12. Louis Hahn, Jr. normally researched the current cost of living index published by the United States Department of Labor prior to engaging in discussions with his father relative to employee compensation. (T. 128b)

13. On August 10, 1973, one month after he was rehired, Joseph E. Williams received a raise of \$.25 from his employer pursuant to an agreement between Louis Hahn, Sr. and the Complainant on the date he was rehired. (T. 70b-71b, 129b)

14. On March 8, 1974, Louis Hahn, Sr. and Jr. provided the Complainant with a cost of living increase of \$.10 in his wages. (T. 71b-72b, 130b)

15. On June 1, 1974, the Complainant, Joseph E. Williams, requested and was given a raise of \$.10 in wages. (T. 72b, 130b)

16. In January of 1975, the employer gave Joseph E. Williams a \$.20 increase in wages which represented a cost of living increase and not a raise. (T. 73b, 131b)

17. Prior to increasing the Complainant's wages in January of 1975, Messrs. Hahn, Sr. and Jr. conferred to discuss increases in compensation levels to all shop employees of Hahn Machinery Corporation. (T. 76b, 131b)

18. In January of 1975, all other shop employees of Hahn Machinery Corporation except Joseph E. Williams and Les Gade, received both a cost of living increase and a raise in wages. (T. 74b)

19. During their meeting in early January of 1975, Louis Hahn, Sr. and Louis Hahn, Jr. discussed the Complainant's job performance and decided he was not performing his job satisfactorily. Accordingly, they endeavored to downgrade his wages with respect to other employees they considered better. (T. 131b-132b)

20. On or about January 2, 1975, Louis Hahn, Sr. rehired one Willie Sellers as a mechanic. The employer considered Mr. Sellers to be a reliable and experienced mechanic who was more capable than Joseph Williams. (T. 77b, 132b)

21. During their discussions in January of 1975, Louis Hahn, Sr. and Jr. concluded that Joseph E. Williams was not performing the way he should and that he was causing difficulties with Hahn customers. Messrs. Hahn, Sr. and Jr. determined that with the hiring of Willie Sellers as a mechanic, they would no longer have to make the same type of job assignments to the Complainant; and they thereupon decided to begin assigning Joseph Williams to perform less complex tasks, including cleaning and painting machinery in the shop. (T. 77b, 132b)

22. The discussions between Messrs. Louis Hahn, Sr. and Jr. regarding Joseph Williams took place prior to the date that Joseph Williams filed a wage discrimination complaint against Hahn with either the United States Equal Employment Opportunity Commission (EEOC) or the Pennsylvania Human Relations Commission. (T. 76b, 126b)

23. Approximately two (2) weeks after Willie Sellers was rehired as a mechanic at Hahn Machinery Corporation, he asked Joseph E. Williams to fill out certain papers for him. Mr. Sellers' wages appeared on one of the documents, and the Complainant remarked to Mr. Sellers that Sellers earned more than he did. Sellers replied that he did not return to Hahn Machinery as a helper but rather as a machine repairman. Shortly thereafter, on January 30, 1975, the Complainant filed a wage discrimination complaint with EEOC. (T. 38b)

24. On March 17, 1975, Joseph E. Williams filed a complaint against his employer, Hahn Machinery Corporation, with the Pennsylvania Human Relations Commission (PHRC) alleging a violation of Section 5(a) of the Pennsylvania Human Relations Act. Specifically, the Complainant averred that his employer compensated him at a rate lower than white employees of commensurate rank, duties and seniority and that he and persons similarly situated did not receive certain benefits that were afforded to white employees, such as, equal hourly wages, compensation or reimbursement for transportation between home and work, paid weekend work assignments, because of the race of the Complainant and other black employees similarly situated. (Stip. 6)

25. The complaint of Joseph Williams was personally served upon Louis Hahn, Jr. of Hahn Machinery Corporation by an investigator for the PHRC on April 7, 1975. (T. 100a-101a, 82b, 121b)

26. Prior to April 7, 1975, neither Louis Hahn, Sr. or Louis Hahn, Jr. had any knowledge or awareness that Joseph E. Williams had filed a discrimination complaint against Hahn Machinery Corporation with PHRC. (T. 79b, 122b)

27. On January 30, 1975, Joseph E. Williams filed a discrimination complaint against Hahn Machinery Corporation with the EEOC. (T. 80b)

28. On April 15, 1975, the EEOC served Notice of Discrimination charge of Joseph Williams to Hahn Machinery Corporation by registered mail, and said Notice was received by the employer several days later. (T. 80b, 122b-123b)

29. Neither Louis Hahn, Sr. or Jr. had any knowledge or awareness that Joseph Williams had filed a discrimination complaint with EEOC at any time prior to the date that Notice of that complaint was received in the Hahn business offices. (T. 82b, 123b)

30. Prior to the date that the employer representatives learned that Joseph Williams had filed a discrimination complaint against the employer Company with either the Federal or the State agency, both Louis Hahn, Sr. and Jr. had each verbally expressed to the Complainant-employee their dissatisfaction with his performance on numerous jobs and assignments both within and outside the employer's premises. (T. 98b, 134b)

31. On eleven (11) separate occasions between December of 1973 and April of 1975, either Louis Hahn, Sr. or Louis Hahn, Jr. had personally expressed his dissatisfaction to the Complainant regarding the Complainant's performance of a particular job assignment. In one particular incident which occurred in the summer of 1974, Louis Hahn, Jr. fired Joseph Williams, but

reinstated him after the Complainant apologized for his conduct. (T. 135b-148b)

32. In October of 1974, Joseph Williams was assigned to perform machine repair work at the site of the Sterling Lighting Division of Scovill Corporation, a customer of the Respondent. On or about October 16, 1974, the employer representative received a telephone call from George Niblock, the operation manager of Sterling and was informed that on October 11, 1974, Joseph Williams had left the job site early, yet Hahn had charged the customer an entire day of labor. The customer also complained that Williams had been fraternizing with some of the female employees of Sterling, and that Williams had been seen working on a car in the Sterling parking lot on two separate occasions while performing the job on the customer's premises. The time card submitted by Joseph Williams to his employer for hours he worked at Sterling on October 11, 1974, states that the Complainant called in 9 1/2 hours of labor at Sterling on that date, but also sets forth that the Complainant was paid for only 4 1/2 hours of work. (T. 13b, 21b, 55b-56b)

33. On October 17, 1974, George Niblock of Sterling sent a letter to the employer representative confirming their telephone conversation of the previous day and reiterating his complaints about the manner in which Joseph Williams had conducted himself on the Sterling job site. (T. 14b-15b)

34. Approximately three (3) weeks after Willie Sellers was rehired by Louis Hahn, Sr. in early January of 1974, he tried to assist Joseph Williams to perform a particular task on a machine in the Hahn premises, but the Complainant insulted and cursed at Mr. Sellers, prompting that employee to ask Louis Hahn, Sr. not to assign him to work on any jobs with Joseph Williams because of the latter's attitude toward him. (T. 41b)

35. On May 29, 1975, Willie Sellers signed a statement prepared by his employer and providing the specific facts relative to his aforementioned incident with the Complainant, Joseph E. Williams. The statements set forth that the Complainant performed a drilling job improperly and that the Complainant refused assistance by Sellers with a very insulting remark. (T. 41b-42b)

36. On February 18, 1975, Louis Hahn, Jr. assigned the Complainant, Joseph E. Williams, to clean and paint a 1 1/2 Bliss Toggle Press which was located in the Hahn premises. (T. 123b)

37. The assignment of cleaning and painting the Bliss Toggle Press was made before Joseph E. Williams had filed his original complaint with the PHRC and before the employer representatives had any knowledge that the Complainant had filed a discrimination complaint with EEOC. (T. 124b)

38. The press in question was purchased by Hahn from Laneko Engineering Company in November of 1974, and had been delivered by the Worthington Riggers, Inc. to the Hahn business premises during that month. (T. 84b-87b, 123b)

39. The press in question had remained inside the business premises of Hahn Machinery Corporation for a period of approximately three (3) months prior to the date that the Complainant was assigned to clean and paint it. (T. 84-87b, 123b)

40. Neither Louis Hahn, Sr. nor Louis Hahn, Jr. had ever assigned any other employees to clean and paint the press in question prior to assigning the job to the Complainant. (T. 88b)

41. The assignment of cleaning and painting presses was not an unusual or unique assignment, and the employer had assigned the other employees of his company to that same task from time to time. (T. 25b, 28b-29b, 83b)

42. John "Luke" Smith, a former employee of Hahn Machinery Corporation observed the Complainant cleaning a machine at the Sterling Lighting Company in October of 1974. (T. 139a)

43. The Complainant was repairing the press in addition to the assigned task of cleaning and painting the press. (T. 31a, 62a)

44. While the press in question was dirty, it was not impossible to clean and Les Gade, another employee of Hahn, stated that if he were given the same assignment, he would have been able to clean the press without difficulty in three or four days. (T. 29b)

45. The Complainant spent three or four weeks cleaning the press in question. (T. 31a)

46. When Louis Hahn, Jr. first received notice of the original complaint with PHRC, the Complainant had already spent 23 hours on the job of cleaning and painting the press in question. (T. 124b)

47. The employer representative gave the job assignment of cleaning and painting the press in question so that the press would make a better presentation for sale. (T. 125b)

48. Louis Hahn, Sr. returned from vacation about one week after his son had received notice from PHRC of the discrimination complaint filed by Joseph Williams. When he returned, the Complainant was still working on the assignment of cleaning and painting the 1 1/2 Bliss Toggle Press. (T. 88b)

49. After he returned from his vacation, Louis Hahn, Sr. approached the Complainant to verbalize his dissatisfaction with the manner the Complainant was performing the assignment of cleaning and painting the press. The first time he walked into the shop after his return, Mr. Hahn, Sr. observed the Complainant painting the machine before cleaning it. The employer instructed the Complainant that he had to wash the machine before painting it. The Complainant told his employer to get off his back and accused his employer of "picking on him." (T. 89b)

50. On another occasion after he had returned from vacation, Louis Hahn, Sr. observed the Complainant painting the press at a spot that required cleaning on the inside and to paint it without first cleaning the inside would result in damaging the paint he had already put on. The employer advised the Complainant of this fact and in reaching to show him a spot, the employer got grease on his shirt. The Complainant again demanded that his employer get off his back and accused Mr. Hahn, Sr. of picking on him. (T. 92b)

51. The PHRC investigator had advised the employer representative Louis Hahn, Sr. that he could not talk to the Complainant about the discrimination complaint, he could not fire Complainant, and that he could not lay the Complainant off. (T. 92b-93b)

52. Neither Louis Hahn, Sr. or Louis Hahn, Jr. discussed the discrimination complaint with Joseph Williams, from the date they were served with the complaint till the date the employee was terminated. (T. 89b, 154b)

53. The Complainant was discharged by Louis Hahn, Sr. on May 15, 1975, on the Respondent's premises after a verbal altercation between the Complainant and the Respondent. (Stip. 13)

54. The argument between Complainant and his employer which preceded the termination of the Complainant commenced when the employer, Louis Hahn, Sr., expressed his dissatisfaction with the job the Complainant had just completed. Mr. Hahn, Sr. advised the Complainant that he was going to assign him to another job, but if the Complainant took the same length of time that he had taken on the previous job or if Complainant did not do it the way he was told, Mr. Hahn would have to fire him. The Complainant responded that he was doing dirty work, he was not being paid the same as the other employees, and that he was going to get the same rates that other mechanics in the shop were paid, as it was the law that he be paid the same rate. The employer representative, Louis Hahn, Sr., stated that there is no law that says he had to pay the Complainant the same as the man who has been with the

employer for 10 or 12 years, that he was entitled to pay the Complainant what he thought that employee was worth, and if Mr. Williams didn't like it, he could leave at any time he wanted. The Complainant stated that he would not quit, that Hahn had to fire him. He then proceeded to castigate the other employees in the shop by saying they were thieves and liars, and by referring to them in a foul and abusive manner. When he finished his statements, Louis Hahn, Sr. advised the Complainant that he was fired. (T. 90b-91b)

55. There were no witnesses to the altercation between the Complainant and Louis Hahn, Sr. other than the participants themselves. (T. 91b)

56. John "Luke" Smith, another former employee of Hahn Machinery Corporation did not witness the argument between the Complainant and the employer representative on May 15, 1975. (T. 91b)

~~57. No other employee of Hahn Machinery Corporation had ever used foul and abusive language during direct conversation with Louis Hahn, Sr. (T. 26b, 93b)~~

58. John "Luke" Smith, while employed at Hahn, had cursed Mr. Hahn, Sr. many times out of the hearing of his employer, but never cursed or used foul and abusive language while conversing directly with his employer. (T. 146a)

59. On one occasion, Louis Hahn, Sr. threatened to fire John "Luke" Smith when he overheard that employee use foul language while attempting to open the door to the company truck. (T. 135a-136a)

60. Louis Hahn, Sr. discharged Joseph E. Williams on May 15, 1975, because he had reached the limit of his endurance of the Complainant hollering at him, telling him what Mr. Hahn was going to do, castigating his co-workers, and using foul and abusive language in referring to his fellow employees. (T. 100b)

61. The employer representative, Louis Hahn, Sr., did not terminate the Complainant from employment on May 15, 1975, in retaliation for the Complainant's having filed a discrimination complaint with PHRC against the employer on March 17, 1975.

62. The employer representatives, Louis Hahn, Sr. and Louis Hahn, Jr., did not discriminate against the Complainant in the terms and conditions of work and work assignments or otherwise harass Complainant in retaliation for his filing a discrimination complaint against the employer on March 17, 1975.

thus far in which the Commonwealth Court has dealt with an issue of alleged employment discrimination under Section 5(d) of the Statute, the Court stated:

"...An unlawful, discriminatory practice may be established upon a well supported finding that an employer has taken any manner of discriminatory action against an individual because he or she has filed a charge under the Act, and that neither animosity nor resentment need be shown to establish a violation." (emphasis supplied)

The question of whether the Respondent violated 5(d) of the Act is essentially a question of fact. [See Barnes v. Lerner Shops of Texas, Inc., 323 F. Supp. 616, 620; S.D. Texas, 1971, applying Section 703, 704 and 706 of the Civil Rights Act of 1964, 42 U.S.C.A. §2000 e-2(a), 2000 e-3(a), 2000 e-5(e-g)]. And the Administrative Agency Law of June 4, 1945, P.L. 1388; 71 P.S. 1710, 1 et. seq. requires that the findings of fact rendered by this Panel be supported by "substantial evidence." Sanitary Water Board v. West Kittaning Borough, 80 Dauph 261 (1964); State Board of Pharmacy v. White Cross Stores, Inc. 35 D & C 2d 343, 83 Dauph 179 (1965). Substantial evidence has been construed by the Courts as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Sanitary Water Board v. West Kittaning Borough, supra.

Complainant's Proof

The Complainant's case consisted of the testimony of the Complainant himself, the PHRC investigator, John "Luke" Smith,

another former employee of Hahn Machinery, and the introduction of the original Complaint and two Amended Complaints (C-1, C-2, C-3), the report and findings of the PHRC investigator (C-4), the typewritten statement of Willie Sellers of Hahn Machinery Corporation (C-5) and an affidavit prepared by the PHRC investigator and signed by John "Luke" Smith (C-6).

Joseph Williams testified that after he filed his initial Complaint, his employer assigned him to clean and paint a press which had been sitting around for some months in the shop (T. 26a, 29a). He stated that he had never performed this type of work before (T. 26a). He later admitted that in addition to cleaning and painting he was also performing repairs on the press (T. 31a, 62a), which was the same job stated that he had performed before he filed his first complaint with PHRC.

The Complainant testified that he did not use foul and abusive language during his conversation with Mr. Hahn, Sr. on May 15, 1975, until he was off the premises (T. 65a). He later stated that another employee, John Smith, was not fired for using foul, abusive language to the employer, but that he himself was fired for using such language, thereby inferring that he did, in fact, use foul and abusive language during the conversation with Mr. Hahn, Sr. on May 15, 1975 (T. 73a). Mr. Williams testified that John "Luke" Smith directed foul and abusive language toward his employer many times during conversations between the employer and that employee (T. 73a). Yet, Mr. Smith testified that while

he had cursed his employer many times behind his back, he had never cursed his employer to his face (T. 146a).

Mr. Williams testified that he had never been assigned the task of cleaning and painting machinery by his employer at any time before he filed his initial complaint with PHRC (T. 26a-29a). However, John "Luke" Smith testified that he had observed the Complainant cleaning and painting a press at the Sterling Lighting Company in October of 1974 (T. 138a-139a). The Complainant testified the foul and profane language is commonly used by everyone in the shop from Hahn, Sr. on down (T. 72a). However, Mr. Smith testified that on one occasion, Louis Hahn, Sr. threatened to fire him for using foul and profane language while attempting to open a door to the company truck (T. 135a-136a).

Mr. Williams testified that his employer assigned him to dirty and demeaning jobs after he had filed his original discrimination complaint in March of 1975 (T. 25a-26a). There was no evidence introduced on behalf of the Complainant to establish that the employer had knowledge of the discrimination charges when he assigned him to the alleged "demeaning" and "dirty" tasks. The only evidence relative to when the employer had knowledge of the original discrimination charges was introduced by the employer representatives Louis Hahn, Sr. and Louis Hahn, Jr. (T. 78b-79b; 121b-122b), and the Affidavit of Service of the complaint (R-4), which is dated April 7, 1975.

In short, the Complainant's proof with all its inherent factual contradictions and inconsistencies is unpersuasive and the Complainant has failed to meet his burden of proving a violation.

Respondent's Defenses

On the other hand, the Respondent's documentary and testimonial evidence effectively rebuts each specific factual contention of the Complainant.

The documentary evidence is particularly significant in establishing the employer's lack of knowledge of the discrimination charges when he assigned the Complainant to clean and paint the Bliss Press (R-4; R-16). The testimony of the Hahn employees, Richard Molletta and Les Gade, that the job of cleaning and painting machinery was not an abnormal assignment and that all employees performed that particular task (T. 24b-25b; 78b), demonstrates that the Complainant was not being assigned to the worst and dirtiest jobs, but to normal everyday tasks.

Louis Hahn, Jr. testified as to eleven separate incidents of employer dissatisfaction with the Complainant's job performance or conduct exclusive of the incident at Sterling Lighting Company in October of 1974 (T. 135b-149b). The testimony was offered to refute the Complainant's contention that before he filed his initial complaint his relationship with his employer had always been tremendous (T. 26a), and his assertion that his employer had never criticized him or verbalized dissatisfaction with his job

performance prior to the filing of the original complaint (T. 59a-60a). The employer even recalled an incident in the summer of 1974, when he fired Joseph Williams for engaging in a verbal trade, but reinstated him after the Complainant apologized for his conduct (T. 140b-141b).

Respondent's decision in early January of 1975 to downgrade Complainant's pay and to give him less involved work assignments was consistent with their evaluation of his work and conduct. Thereafter, when the Complainant demonstrated he was incapable or unwilling to properly perform the uncomplicated tasks, his employer expressed further dissatisfaction and annoyance to the Complainant (T. 89b, 92b), but continued to give him the opportunity to perform the task satisfactorily. Finally, on May 15, 1975, after the employee indulged in a verbal altercation with Mr. Hahn, Sr. and referred to his co-workers in a foul and abusive manner, the employer testified that he had reached the limit of his endurance with Mr. Williams (T. 100b).

While the testimony of the Complainant and Louis Hahn, Sr. is sharply conflicting as to the substance of their conversation immediately preceding the firing, the Complainant's recollection of the verbal exchange is not plausible or credible (T. 33a). Mr. Williams failed to testify that the parties did, in fact, engage in an argument; he instead recalled only that Mr. Hahn advised that he was going to assign the Complainant to another job, that the Complainant was not going to take as much time on this job

as he had spent on the press, that the Complainant replied that he did not care what job the employer assigned him to do, he would do it properly, and that Mr. Hahn thereupon fired him (T. 33a).

The employer, Louis Hahn, Sr. provided the substance of that conversation during his testimony (T. 90b-91b). The employer related the verbal exchange in detail and even reiterated the specific profanity which the Complainant used to refer to his fellow employees. The Commission views this more detailed version of the pre-firing conversation as the accurate statement of what transpired immediately prior to the Complainant's dismissal.

Conclusion

The Complainant has failed to sustain his burden of establishing discrimination by retaliation. The Commonwealth Court of Pennsylvania has set forth the requirement that the Complainant-employee establish that an employer has taken discriminatory action against the employee because he filed a charge under the PHRA.

In deciding a case brought under Section 703a of the Civil Rights Act, 42 U.S.C.A. 2000 e-3(a), the Federal counterpart to the Pennsylvania Human Relations Act, the Federal District Court for the Eastern District of Missouri recited that it is important to note that an employer may discharge an employee for any reason except discrimination or because of an employee's opposition to any practice made unlawful under the Act. Christian v. General

Motors Corp. 341 F. Supp. 1207, 1214 (1972). The employer in the present case presented ample evidence of the reasons he discharged the Complainant (T. 100b). Accordingly, the Commission enters the attached Final Order.

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

JOSEPH E. WILLIAMS,
Complainant

v.

HAHN MACHINERY CORPORATION,
Respondent

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Docket No. E-8671D

COMMISSION'S DECISION

AND NOW, this day of , 1978, upon
consideration of the record in this case and upon consideration
of the foregoing recommendation of the Hearing Commissioners,
the Pennsylvania Human Relations Commission hereby adopts the
foregoing ~~History of the Case, Findings of Fact, Conclusions of~~
Law and Opinion and enters the attached Final Order.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: Joseph X. Yaffe, Esq., Chairperson

ATTEST:

By: Elizabeth M. Scott, Secretary

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

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Docket No. E-8671D

FINAL ORDER

AND NOW, to wit, this day of , 1978,

upon consideration of the Findings of Fact, Conclusions of Law,
and the Commission's Decision and pursuant to Section 9 of the
Act, 43 P.S. 959, the Pennsylvania Human Relations Commission
hereby

ORDERS:

that the Complaint in the above-docketed matters be dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: Joseph X. Yaffe, Esq., Chairperson

ATTEST:

By: Elizabeth M. Scott, Secretary