

the unlawful practice complained of by conference, conciliation and persuasion. These endeavors were unsuccessful and on January 31, 1976, a public hearing was convened pursuant to Section 9 of the Human Relations Act, supra. The hearing panel consisted of Commissioner Elizabeth M. Scott, Chairperson of the Hearing Panel, and Commissioners John Wisniewski and Doris Smith. The hearing was reconvened on May 12, 1976, before Commissioner Elizabeth M. Scott, both the Complainant and the Respondent having waived their right to having three Commission members sit upon that hearing panel. Gary Lancaster, Esquire, represented the Complainant and James A. Stranahan, III, Esquire, represented the Respondent.

The hearing panel, upon consideration of the transcript and the briefs submitted subsequent to the hearing by both parties, recommended that the Commission find in favor of the Complainant and order appropriate relief.

FINDINGS OF FACT

1. The Complainant herein is Pauline V. Rickert, who resides at R.D. #1, Fredonia, Pennsylvania, 16124.

2. The Respondent herein is the Lakeview School District, located at R.D. #1, Stoneboro, Pennsylvania, 16153.

3. Complainant was employed by the Respondent as a junior first grade teacher for the 1974-1975 school year.

4. The junior first grade in the Lakeview School District is a transition class from kindergarten to first grade for children who are emotionally or intellectually immature, and the Complainant's duties as teacher of that class involved a considerable degree of physical activity, including development of large and fine motor and perceptual skills through physical activity, full involvement with the children in playground activities, and frequent movement among the learning centers located in the classroom.

5. In July of 1974, the Complainant began a series of visits to Edmund B. Rowland, M.D., a specialist in obstetrics and gynecology, as a patient during her pregnancy.

6. Dr. Rowland determined that the Complainant's pregnancy was complicated primarily by varicosities of the lower extremities, commonly known as varicose veins.

7. As the Complainant's pregnancy progressed, Dr. Rowland noted that the veins in her legs became progressively more distended and that some swelling of the feet and lower legs resulted due to edema or tissue fluid.

8. Dr. Rowland's prescribed treatment for the Complainant's condition included a prohibition against standing or sitting for long periods of time, frequent rest, elevation of the feet above the heart level as often as possible and the wearing of leg supporting garments.

9. During Complainant's visit of December 10, 1974, Dr. Rowland noted that the Complainant's veins had become more distended and that there was more swelling in her lower extremities. He determined that if the Complainant's activities were not decreased, her vein condition could become worse and, accordingly, he provided the Complainant with a certification that she was in need of sick leave due to disability caused by pregnancy.

10. Dr. Rowland further recommended that the Complainant stop working during the first part of January, and that if she did not her veins and lower extremities could become progressively swollen and more painful and, if allowed to progress, inflammation could result with possible formations in the veins should they be injured by a blow or bumping against an article of furniture.

11. By letter of December 10, 1974, to Respondent's Superintendent Samuel Wilson, the Complainant requested a maternity leave from January 2, 1975, through June 30, 1975, and also requested the use of the sick days she had accumulated during her maternity leave. Attached to that request was the disability certification of Dr. Rowland dated December 10, 1974.

12. By letter of December 17, 1974, Ida R. Wright, Secretary of the Lakeview Board of Education, advised the Complainant that the Board, at its regular monthly meeting on December 16, 1974, granted her request for a maternity leave but denied her request for sick pay for a normal pregnancy.

13. As of January 2, 1975, the Complainant had accumulated a total of ninety-seven (97) days of unused sick leave benefits in accordance with Appendix B, Section 1 of the Agreement Between the Lakeview School District and the Lakeview Education Association/PSEA 1974-1977, which credits

each teacher with ten (10) days sick leave allowance on the opening day of the school year, the unused portion of which is allowed to accumulate from year to year without limitation, and in accordance with Section 1154 of the Public School Code of 1949, as amended.

14. The "Maternity Leave" provision of the Agreement Between the Lakeview School District and the Lakeview Education Association/PSEA 1974-1977, is contained in Appendix B, Section 5, and provides as follows:

The district agrees that it will adopt a maternity leave policy that conforms to applicable state and federal laws.

15. Complainant ceased work on January 2, 1975, and gave birth to her child on January 22, 1975.

16. Following the birth of her child, the Complainant remained under Dr. Rowland's care and, additionally, was treated by him for a low blood count.

17. Complainant remained absent from work due to her pregnancy and childbirth-related disability, and under Dr. Rowland's care, through March 17, 1975.

18. On April 30, 1975, Dr. Rowland issued a "disability certificate" to the Complainant and Respondent certifying that the Complainant was under his professional care from January 2 to March 17, 1975, inclusive, and was totally incapacitated during that time. Dr. Rowland further certified that the Complainant had recovered sufficiently to be able to return to regular work duties on March 18, 1975.

19. Respondent's maternity leave policy is one by which, upon request, the Board of Education will grant a leave of absence without pay for a requested period of time. Pregnant teachers are permitted to teach until they deliver and can return to their teaching duties immediately thereafter.

20. Respondent requires medical disability certification only for absence due to pregnancy-related temporary disabilities, and not for other temporary disabilities.

21. The Complainant's salary for the 1974-1975 school year was \$11,594, prorated for a 183 day working schedule at 63.35 per day.

22. The Complainant received no salary from the Respondent for the period of January 2, 1975, through March 17, 1975.

23. For the period of January 2, 1975, through March 17, 1975, the Complainant was absent 52 working days which resulted in a salary loss to her of \$3,394.20.

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission has jurisdiction over the Complainant, the Respondent and the subject matter of the Complaint herein under the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §951 et seq.

2. Pregnancy-related disabilities are temporary disabilities which must be treated in the same manner as any other temporary disabilities. Since pregnancy-related disabilities are disabilities common only to women, to treat them differently from other disabilities by extending inferior or unequal compensation, terms, conditions and privileges of employment constitutes sex discrimination in violation of Section 5(a) of the Pennsylvania Human Relations Act, supra, 43 P.S. §955(a).

3. By denying its female employees the use of their accumulated sick leave only for pregnancy-related disabilities, and by requiring medical certification only of pregnancy-related disabilities, Respondent Lakeview School District is in violation of Section 5(a) of the Pennsylvania Human Relations Act, supra, 43 P.S. §955(a).

4. The action of Respondent Lakeview School District in denying to Complainant Pauline V. Rickert the use of her accumulated sick leave for her pregnancy-related disability constitutes a violation of Section 5(a) of the Pennsylvania Human Relations Act, supra, 43 P.S. §955(a).

5. Respondent Lakeview School District is liable to Complainant Pauline V. Rickert in the amount of \$3,294.20 as compensation for the 52 working days during which Complainant was absent due to her pregnancy-related disability, and for

which Respondent did not permit the Complainant to utilize her accumulated sick days.

6. The Pennsylvania Human Relations Commission has the authority under Section 9 of the Pennsylvania Human Relations Act, supra, to order Respondent Lakeview School District to compensate Complainant Pauline V. Rickert for the wages she lost due to Respondent's unlawful discrimination in compensation, terms, conditions and privileges of employment, because of her sex, and to add simple interest at the rate of six percent per year to that amount.

RECOMMENDATION OF HEARING COMMISSIONERS

AND NOW, this 11th day of August, 1976,
upon consideration of the Findings of Fact and Conclusions
of Law, the testimony and evidence presented at the public
hearing in this matter and upon the briefs submitted by
counsel for both parties, the Hearing Commissioners recommend
to the entire Commission that an Order be entered against
the Respondent Lakeview School District finding that it
has violated Section 5(a) of the Pennsylvania Human Relations
Act, supra, and providing for appropriate relief.


ELIZABETH M. SCOTT
Presiding Commissioner


JOHN WISNIEWSKI
Hearing Commissioner


DORIS A. SMITH
Hearing Commissioner

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION


PAULINE V. RICKERT, :
Complainant :
v. : DOCKET NO. E-8714
LAKEVIEW SCHOOL DISTRICT, :
Respondent :

COMMISSION'S DECISION

AND NOW, this 11th day of August, 1976,
upon consideration of the Findings of Fact, Conclusions of
Law and the Recommendation of Hearing Commissioners, the
Pennsylvania Human Relations Commission finds and determines
that Respondent Lakeview School District 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, 43 P.S. §955(a), in that the Respondent
discriminated on the basis of sex by denying Complainant
Pauline V. Rickert the use of her accumulated sick leave for
the days she was required to be absent from work because of
her pregnancy-related disability, and in that the Respondent's
Maternity and Sick Leave Policies treat pregnancy-related
disabilities differently from other temporary disabilities,
thereby discriminating on the basis of sex.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

ATTEST:


Elizabeth M. Scott
Elizabeth M. Scott
Secretary

By: *Doris M. Leader*
Doris M. Leader
Vice-Chairperson

leave for the 52 working days that she was required to be absent from work because of her pregnancy-related disability, plus simple interest at the rate of six percent per year.

3. Respondent Lakeview School District shall, within 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.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

By: Doris M. Leader
DORIS M. LEADER
Vice-Chairperson

ATTEST:

Elizabeth M. Scott
ELIZABETH M. SCOTT
Secretary

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PAULINE V. RICKERT, :
Complainant :
v. : DOCKET NO. E-8714
LAKEVIEW SCHOOL DISTRICT, :
Respondent :

OPINION

The issue presented by this case concerns the right of a female employee to use her accumulated sick leave for absence from work caused by pregnancy-related disability.

Complainant Pauline V. Rickert became disabled during her pregnancy by varicosities of the lower extremities and requested that she be allowed to use her accumulated sick leave for absence from work due to that condition. Despite medical certification of Ms. Rickert's disability, Respondent Lakeview School District denied her request, and thereby refused to continue her salary payments for the 52 working days that she was absent and disabled. Respondent's sick leave policy, in application, excludes only pregnancy-related disabilities from inclusion in the policy which allows employee compensated time off from work required by illness or disability.

Courts and fair employment practice agencies have required employers to treat temporary disabilities which accompany pregnancy in the same manner as any other incapacitating physical condition. Authority, federal and state, is overwhelming in holding that denial of sick leave or other benefits for absence from work caused by pregnancy-related

disability discriminates against women and denies them equal terms, conditions and benefits of employment.¹

Pennsylvania law requires that a pregnancy-related disability be treated as any other physically disabling condition. In Cerra v. East Stroudsburg Area School District, 450 Pa. 207, 299 A.2d 277 (1973), the Pennsylvania Supreme Court held that discharge because of pregnancy constituted sex

¹Wetzel v. Liberty Mutual Insurance Co., 511 F.2d 199 (3rd Cir. 1975), cert. granted, 421 U.S. 987, dismissed on other grounds, 44 U.S.L.W. 4350 (March 23, 1976); Gilbert v. General Electric Company, 519 F.2d 661 (4th Cir. 1975), cert. granted, 96 S.Ct. 36 (1975); Communications Workers of America v. American Telephone & Telegraph Co., Long Lines Department, 513 F.2d 1024 (2d Cir. 1975); Hutchinson v. Lake Osewgo School District, 519 F.2d 961 (1975); Holthaus v. Compton & Sons, Inc., 514 F.2d 681 (8th Cir. 1975); Satty v. Nashville Gas Company, 522 F.2d 850 (6th Cir. 1975); Farkas v. South Western City School District, 506 F.2d 1400 (6th Cir. 1974); Zichy v. City of Philadelphia, 393 F.Supp. 338 (E.D. Pa. 1975); Oakland Federation of Teachers v. Oakland Unified School District, 10 EPD 10,322 (N.D. Cal. 1975); Sale v. Waverly-Shell Rock Board of Education, 390 F.Supp. 784 (D.C. Iowa 1975); Polston v. Metropolitan Life Insurance Company, 11 EPD 10,826 (W.D. Ky. 1975); Liss v. School District of Ladue, 396 F.Supp. 1035 (E.D. Mo. 1975); Vineyard v. Hollister Elementary School District, 64 F.R.D. 580 (N.D. Cal. 1974); Lillo v. Plymouth Board of Education, 8 EPD 9510 (N.D. Ohio 1973); Dessenberg v. American Metal Forming Company, 8 EPD 9575 (N.D. Ohio 1973).

On the state level, the New York State Division on Human Rights has been particularly active in vindicating the rights of pregnant employes. See, e.g., Board of Education, City of New York v. State Division of Human Rights in which the Appellate Division held:

We are of the opinion that the determination that petitioner is guilty of discriminatory practices in its maternity leave policies has been established and that a pregnant teacher who goes on maternity leave should be permitted to use sick leave and sabbatical leave to the same extent as other teachers suffering from a temporary disability for the duration of such disability.

42 A.D.2d 854, 346 N.Y.S.2d 843, _____ A.2d _____ (1973), aff'd, 35 N.Y.2d 675, _____ N.Y.S.2d _____, _____ A.2d _____ (1974); Union Free School District No. 6 v. New York State Human Rights Appeal Board, 35 N.Y.2d 371, _____ N.Y.S.2d _____, _____ A.2d _____ (1974). See also, Wisconsin Telephone Company v. Department of Industry and Human Relations, 68 Wis.2d 345, 228 N.W.2d 649 (Wis.C.Ct. 1975); Black v. School Committee of Malden, 8 EPD 9659 (Mass. Sup.Jud.Ct. 1975), rev'd on other grounds, 341 N.E.2d 896 (Mass. Sup.Jud.Ct. 1976).

discrimination in violation of the Pennsylvania Human Relations Act and stated:

...Ms. Cerra's contract was terminated absolutely, solely because of pregnancy. She was not allowed to resume her duties after the pregnancy ended, even though she was physically and mentally competent. There was no evidence that the quality of her services as a teacher was or would be affected as a result of the pregnancy. Male teachers, who might well be temporarily disabled from a multitude of illnesses, have not and will not be so harshly treated. In short, Mrs. Cerra and other pregnant women are singled out and placed in a class to their disadvantage. They are discharged from their employment on the basis of a physical condition peculiar to their sex. This is sex discrimination pure and simple. Id. at 280.

After the decision in Cerra, the Attorney General of Pennsylvania issued Opinion No. 9, 1974, concerning several provisions of the Unemployment Compensation Law which governed pregnant employes. Applying the holding and rationale of Cerra the Attorney General declared that, since it is illegal under the Human Relations Act for an employer to treat pregnant employes differently from employes otherwise temporarily disabled, the Human Relations Act impliedly repeals those sections of the Unemployment Compensation Law allowing differential treatment for pregnancy-related disability. Henceforth,

...a pregnant woman should be treated exactly the same as any other member of the work force. When she is physically able to work, she should be considered 'able and available,' and when she is not, she should be treated the same as any other ill or disabled person. Office of the Attorney General, Opinion No. 9, Pennsylvania Bulletin, Vol. 4, No. 8, February 23, 1974.

Subsequent to Attorney General Opinion No. 9, the General Assembly eliminated and revised sections of the Unemployment Compensation Law applicable to pregnant employes, thereby adopting the Cerra rationale.

In two recent cases, the Commonwealth Court of Pennsylvania has held that "pregnant women may not be treated differently from any other employee suffering under a physical disability." Freeport Area School District v. Pennsylvania Human Relations Commission, 18 Pa. Cmwlth. Ct. 400, 335 A.2d 873, 877 (1975), Leechburg Area School District v. Pennsylvania Human Relations Commission, 19 Pa. Cmwlth. Ct. 639, 339 A.2d 850 (1975). See also, Unemployment Compensation Board of Review of the Commonwealth of Pennsylvania v. Perry, 22 Pa. Cmwlth. Ct. 429, 349 A.2d 531 (1975).

The rationale of Cerra, Freeport, Leechburg and Perry clearly prohibits Respondent's denial of Pauline V. Rickert's request to use her accumulated sick leave for absence from work caused by pregnancy.

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PAULINE V. RICKERT, :
Complainant :
v. : DOCKET NO. E-8714
LAKEVIEW SCHOOL DISTRICT, :
Respondent :

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

HISTORY OF THE CASE

This case involves a Complaint filed with the Pennsylvania Human Relations Commission at Docket No. E-8714, in which Complainant Pauline V. Rickert alleged that the Respondent had refused to grant her sick leave benefits in conjunction with maternity leave and that such action discriminated against her because of her sex, in violation of Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §955(a).

The Respondent filed an Answer to the Complaint denying any discriminatory treatment of the Complainant and claiming both that the Respondent's regulations allowed the Complainant to continue teaching although pregnant, and that the Complainant failed to furnish the Respondent with any sick leave excuse during her pregnancy.

An investigation of the allegations contained in the Complaint was made by representatives of the Pennsylvania Human Relations Commission and a determination was made that there was probable cause to credit the allegations contained therein. Thereupon the Commission endeavored to eliminate

the unlawful practice complained of by conference, conciliation and persuasion. These endeavors were unsuccessful and on January 31, 1976, a public hearing was convened pursuant to Section 9 of the Human Relations Act, supra. The hearing panel consisted of Commissioner Elizabeth M. Scott, Chairperson of the Hearing Panel, and Commissioners John Wisniewski and Doris Smith. The hearing was reconvened on May 12, 1976, before Commissioner Elizabeth M. Scott, both the Complainant and the Respondent having waived their right to having three Commission members sit upon that hearing panel. Gary Lancaster, Esquire, represented the Complainant and James A. Stranahan, III, Esquire, represented the Respondent.

The hearing panel, upon consideration of the transcript and the briefs submitted subsequent to the hearing by both parties, recommended that the Commission find in favor of the Complainant and order appropriate relief.

FINDINGS OF FACT

1. The Complainant herein is Pauline V. Rickert, who resides at R.D. #1, Fredonia, Pennsylvania, 16124.

2. The Respondent herein is the Lakeview School District, located at R.D. #1, Stoneboro, Pennsylvania, 16153.

3. Complainant was employed by the Respondent as a junior first grade teacher for the 1974-1975 school year.

4. The junior first grade in the Lakeview School District is a transition class from kindergarten to first grade for children who are emotionally or intellectually immature, and the Complainant's duties as teacher of that class involved a considerable degree of physical activity, including development of large and fine motor and perceptual skills through physical activity, full involvement with the children in playground activities, and frequent movement among the learning centers located in the classroom.

5. In July of 1974, the Complainant began a series of visits to Edmund B. Rowland, M.D., a specialist in obstetrics and gynecology, as a patient during her pregnancy.

6. Dr. Rowland determined that the Complainant's pregnancy was complicated primarily by varicosities of the lower extremities, commonly known as varicose veins.

7. As the Complainant's pregnancy progressed, Dr. Rowland noted that the veins in her legs became progressively more distended and that some swelling of the feet and lower legs resulted due to edema or tissue fluid.

8. Dr. Rowland's prescribed treatment for the Complainant's condition included a prohibition against standing or sitting for long periods of time, frequent rest, elevation of the feet above the heart level as often as possible and the wearing of leg supporting garments.

9. During Complainant's visit of December 10, 1974, Dr. Rowland noted that the Complainant's veins had become more distended and that there was more swelling in her lower extremities. He determined that if the Complainant's activities were not decreased, her vein condition could become worse and, accordingly, he provided the Complainant with a certification that she was in need of sick leave due to disability caused by pregnancy.

10. Dr. Rowland further recommended that the Complainant stop working during the first part of January, and that if she did not her veins and lower extremities could become progressively swollen and more painful and, if allowed to progress, inflammation could result with possible formations in the veins should they be injured by a blow or bumping against an article of furniture.

11. By letter of December 10, 1974, to Respondent's Superintendent Samuel Wilson, the Complainant requested a maternity leave from January 2, 1975, through June 30, 1975, and also requested the use of the sick days she had accumulated during her maternity leave. Attached to that request was the disability certification of Dr. Rowland dated December 10, 1974.

12. By letter of December 17, 1974, Ida R. Wright, Secretary of the Lakeview Board of Education, advised the Complainant that the Board, at its regular monthly meeting on December 16, 1974, granted her request for a maternity leave but denied her request for sick pay for a normal pregnancy.

13. As of January 2, 1975, the Complainant had accumulated a total of ninety-seven (97) days of unused sick leave benefits in accordance with Appendix B, Section 1 of the Agreement Between the Lakeview School District and the Lakeview Education Association/PSEA 1974-1977, which credits

each teacher with ten (10) days sick leave allowance on the opening day of the school year, the unused portion of which is allowed to accumulate from year to year without limitation, and in accordance with Section 1154 of the Public School Code of 1949, as amended.

14. The "Maternity Leave" provision of the Agreement Between the Lakeview School District and the Lakeview Education Association/PSEA 1974-1977, is contained in Appendix B, Section 5, and provides as follows:

The district agrees that it will adopt a maternity leave policy that conforms to applicable state and federal laws.

15. Complainant ceased work on January 2, 1975, and gave birth to her child on January 22, 1975.

16. Following the birth of her child, the Complainant remained under Dr. Rowland's care and, additionally, was treated by him for a low blood count.

17. Complainant remained absent from work due to her pregnancy and childbirth-related disability, and under Dr. Rowland's care, through March 17, 1975.

18. On April 30, 1975, Dr. Rowland issued a "disability certificate" to the Complainant and Respondent certifying that the Complainant was under his professional care from January 2 to March 17, 1975, inclusive, and was totally incapacitated during that time. Dr. Rowland further certified that the Complainant had recovered sufficiently to be able to return to regular work duties on March 18, 1975.

19. Respondent's maternity leave policy is one by which, upon request, the Board of Education will grant a leave of absence without pay for a requested period of time. Pregnant teachers are permitted to teach until they deliver and can return to their teaching duties immediately thereafter.

20. Respondent requires medical disability certification only for absence due to pregnancy-related temporary disabilities, and not for other temporary disabilities.

21. The Complainant's salary for the 1974-1975 school year was \$11,594, prorated for a 183 day working schedule at 63.35 per day.

22. The Complainant received no salary from the Respondent for the period of January 2, 1975, through March 17, 1975.

23. For the period of January 2, 1975, through March 17, 1975, the Complainant was absent 52 working days which resulted in a salary loss to her of \$3,394.20.

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission has jurisdiction over the Complainant, the Respondent and the subject matter of the Complaint herein under the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §951 et seq.

2. Pregnancy-related disabilities are temporary disabilities which must be treated in the same manner as any other temporary disabilities. Since pregnancy-related disabilities are disabilities common only to women, to treat them differently from other disabilities by extending inferior or unequal compensation, terms, conditions and privileges of employment constitutes sex discrimination in violation of Section 5(a) of the Pennsylvania Human Relations Act, supra, 43 P.S. §955(a).

3. By denying its female employees the use of their accumulated sick leave only for pregnancy-related disabilities, and by requiring medical certification only of pregnancy-related disabilities, Respondent Lakeview School District is in violation of Section 5(a) of the Pennsylvania Human Relations Act, supra, 43 P.S. §955(a).

4. The action of Respondent Lakeview School District in denying to Complainant Pauline V. Rickert the use of her accumulated sick leave for her pregnancy-related disability constitutes a violation of Section 5(a) of the Pennsylvania Human Relations Act, supra, 43 P.S. §955(a).

5. Respondent Lakeview School District is liable to Complainant Pauline V. Rickert in the amount of \$3,294.20 as compensation for the 52 working days during which Complainant was absent due to her pregnancy-related disability, and for

which Respondent did not permit the Complainant to utilize her accumulated sick days.


6. The Pennsylvania Human Relations Commission has the authority under Section 9 of the Pennsylvania Human Relations Act, supra, to order Respondent Lakeview School District to compensate Complainant Pauline V. Rickert for the wages she lost due to Respondent's unlawful discrimination in compensation, terms, conditions and privileges of employment, because of her sex, and to add simple interest at the rate of six percent per year to that amount.

RECOMMENDATION OF HEARING COMMISSIONERS

AND NOW, this 11th day of August, 1976,
upon consideration of the Findings of Fact and Conclusions
of Law, the testimony and evidence presented at the public
hearing in this matter and upon the briefs submitted by
counsel for both parties, the Hearing Commissioners recommend
to the entire Commission that an Order be entered against
the Respondent Lakeview School District finding that it
has violated Section 5(a) of the Pennsylvania Human Relations
Act, supra, and providing for appropriate relief.


ELIZABETH M. SCOTT
Presiding Commissioner


JOHN WISNIEWSKI
Hearing Commissioner


DORIS A. SMITH
Hearing Commissioner

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PAULINE V. RICKERT, :
Complainant :
v. : DOCKET NO. E-8714
LAKEVIEW SCHOOL DISTRICT, :
Respondent :

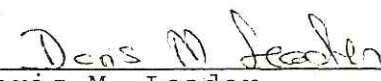
COMMISSION'S DECISION

AND NOW, this 11th day of August, 1976,
upon consideration of the Findings of Fact, Conclusions of
Law and the Recommendation of Hearing Commissioners, the
Pennsylvania Human Relations Commission finds and determines
that Respondent Lakeview School District 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, 43 P.S. §955(a), in that the Respondent
discriminated on the basis of sex by denying Complainant
Pauline V. Rickert the use of her accumulated sick leave for
the days she was required to be absent from work because of
her pregnancy-related disability, and in that the Respondent's
Maternity and Sick Leave Policies treat pregnancy-related
disabilities differently from other temporary disabilities,
thereby discriminating on the basis of sex.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

ATTEST:


Elizabeth M. Scott
Secretary

By: 
Doris M. Leader
Vice-Chairperson

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PAULINE V. RICKERT, :
Complainant :
v. : DOCKET NO. E-8714
LAKEVIEW SCHOOL DISTRICT, :
Respondent :

FINAL ORDER

AND NOW, this 11th day of August, 1976,
upon consideration of the Findings of Fact, Conclusions of
Law, Recommendation of Hearing Commissioners and the
Commission's Decision, and pursuant to Section 9 of the
Pennsylvania Human Relations Act, as amended, 43 P.S. §959,
the Pennsylvania Human Relations Commission hereby

ORDERS:

1. Respondent Lakeview School District shall cease and desist from discriminating on the basis of sex by treating pregnancy-related disabilities differently from other temporary disabilities and by extending inferior and unequal compensation, terms, conditions and privileges of employment to women with pregnancy-related disabilities, and shall otherwise maintain a childbirth or maternity leave policy that is in compliance with the provisions of the Pennsylvania Human Relations Act, supra, and the regulations issued pursuant thereto.
2. Respondent Lakeview School District shall pay Complainant Pauline V. Rickert the sum of \$3,294.20, representing the amount of pay to which she is entitled due to the Respondent's refusal to allow her to use her accumulated sick

leave for the 52 working days that she was required to be absent from work because of her pregnancy-related disability, plus simple interest at the rate of six percent per year.

3. Respondent Lakeview School District shall, within 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.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

By: Doris M. Leader
DORIS M. LEADER
Vice-Chairperson

ATTEST:

Elizabeth M. Scott
ELIZABETH M. SCOTT
Secretary