

PENNSYLVANIA HUMAN RELATIONS COMMISSION

GOVERNOR'S OFFICE

Pennsylvania Human Relations Commission,	:	Docket No. E-9046
Complainant	:	
	:	
	:	
	:	
vs.	:	
	:	
	:	
Thomas C. Miller d/b/a Thomas C. Miller, Concrete Contractor,	:	
Respondent	:	

CONCILIATION AGREEMENT

WHEREAS, on the 16th day of June, 1975, a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against: Thomas C. Miller, d/b/a Thomas C. Miller, Concrete Contractor, 53 North Fourth Street, Hamburg, Pennsylvania, 19526 (hereinafter called the "Respondent" whether singular or collective) by: Pennsylvania Human Relations Commission

(hereinafter called the "Complainant" whether singular or collective) alleging that the Respondent had violated Section(s) 5(b)(2) 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 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 shall be 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 hereby.

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 employees, 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 terms of adjustment 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 which in such event, is incorporated as an integral part of this Agreement.

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 with the intent to be legally bound hereby. This Agreement shall not become final and binding upon all parties until approved by the Commission and a Final Order is thereupon issued; and thereafter shall be binding upon and inure to the benefit of the parties hereto, their and each of their respective heirs, legal representatives, successors and assigns.

In Witness Whereof, the Respondent, being duly authorized so to do, has executed the foregoing on the 5th day of ~~February~~ ¹⁹⁴⁶, 1946.

Thomas C. Miller
President

ATTEST:

Euphemia M. Scott
Secretary

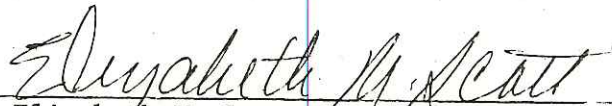
Homer C. Floyd
Homer C. Floyd, Executive Director
Pennsylvania Human Relations Commission

Approved and ratified at a meeting of the Pennsylvania
Human Relations Commission on the 28th day of March
1976.



Joseph X. Yaffe, Chairperson
Pennsylvania Human Relations Commission

ATTEST:



Elizabeth M. Scott, Secretary
Pennsylvania Human Relations Commission

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS - COMMISSION

GOVERNOR'S OFFICE

Pennsylvania Human Relations : Docket No. E-9046
Commission,

Complainant :

:

vs.

:

:

Thomas C. Miller d/b/a Thomas :
C. Miller, Concrete Contractor,
Respondent :

COMPLAINANT'S ALLEGATIONS

The Complainant alleges that on or about/to wit, April 16, 1975 and May 28, 1975 the Respondent, as an employer, did cause to be published or printed an advertisement in the Northern Berks Merchandiser of April 16, 1975 and May 28, 1975, for an employment opportunity which clearly indicated a preference, limitation or specification based on sex in that said advertisement denoted "men wanted."

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
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 Respondent :

TERMS OF ADJUSTMENT

(1) Respondent shall not advertise for prospective employees, agents, or contractors in any manner which indicates, directly or indirectly, a preference, limitation, specification or discrimination based on sex.

(2) In advertising for prospective employees, agents or contractors, Respondent shall use "sex-neutral" terms such as "maintenance person" and "supervisor" rather than "maintenance man" and "foreman."

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
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C. Miller, Concrete Contractor, :
Respondent :

FINAL ORDER AND DECREE

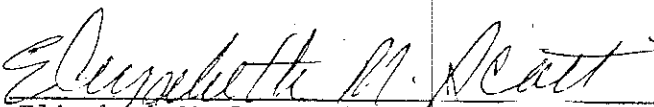
AND NOW, this 28th day of March, 1976, upon consideration of the Conciliation Agreement submitted in the above captioned case it is hereby ORDERED AND DECREED that said Conciliation Agreement be entered into the official record of the Pennsylvania Human Relations Commission as a Final Order, to be given the same force and effect as if entered after a public hearing.

BY



JOSEPH X. YAFFE, CHAIRPERSON
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY



Elizabeth M. Scott, Secretary
PENNSYLVANIA HUMAN RELATIONS COMMISSION