## PENNSYLVANIA HUMAN RELATIONS COMMISSION

#### GOVERNOR'S OFFICE

Christina P. Cobourn and Melissa A. McCollom,

Docket No. E-9293

Complainants

VS.

Glen Summit Company, Respondent

## CONCILIATION AGREEMENT

WHEREAS, on the 20th day of June , 1975 a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against: The Glen Summit Company, Glenside Road, Glen Summit, RD 3, Mountaintop, Pennsylvania, 18707

(hereinafter called the "Respondent" whether singular or collective) by: Christina P. Cobourn, RD Box 392, Glen Summit, Mountaintop, Pennsylvania, 18707; and Melissa A. McCollom, RD 3, Box 362A, Glen Summit, Mountaintop, Pennsylvania, 18707 (hereinafter called the "Complainant" whether singular or collective) 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 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 or 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 2nd day of February , 1976.

President

ATTEST:

Jatharine arlifon Buckman Secretary

> Womer 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 19 76.

Joseph X. Yaffe Chairperson
Pennsylvania Human Relations Commission

ATTEST:

Elizabeth M. Scott, Secretary
Pennsylvania Human Relations Commission

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vs.

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## COMPLAINANT'S ALLEGATIONS

The Complainants allege that beginning on and/or occuring on and/or beginning prior and continuing on or about to wit June 12, 1975 the Respondent's white male, Lake Chairman, Jack Wambold, discriminated against them because of their sex, female, by allowing them to file employment applications for the position of Lifeguard and Lake-keeper, Fountain Lake, and then by disqualifying them for the position on the basis of their failure to meet the Respondent's qualifying height and weight standards of five feet nine inches, one hundred sixty pounds.

The Complainants allege that on June 12, 1975, the Respondent's all white male Board members voted by a four to one majority vote to uphold their Lake Chairman's decision to hire a white male, Leo Karasinski, who had equal or less qualifications than Complainants, for the position of Lifeguard and Lake-keeper at Fountain Lake.

The Complainants allege that the Respondent's height and weight requirements for the position of Lifeguard and Lakekeeper, has detrimental effects on all females as a class of people, since historically the average American female does not grow to such heights and weights (160 pounds and five feet nine inches).

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### TERMS OF ADJUSTMENT

- (1) The Respondent agrees henceforth to discontinue use of height/weight requirements as a condition for employment of lifeguards and to consider all applicants for this position solely on the basis of their qualifications for the position and appropriate certification or proof of proficiency.
- (2) The Respondent agrees not now or in the future to institute any qualification for employees that would have discriminatory effect on any class protected by the Pennsylvania Human Relations Act.
- (3) The Respondent agrees not to discriminate against the Complainants or to retaliate in any way against them because they have filed this Complaint with the Pennsylvania Human Relations Commission.

## PENNSYLVANIA HUMAN RELATIONS COMMISSION

## GOVERNOR'S OFFICE

Christina P. Cobourn, : Complainant :

Docket No. E-9293

vs.

Glen Summit Company, Respondent

# CERTIFICATE OF SATISFACTORY ADJUSTMENT

I, Christina P. Cobourn , Complainant, in the above-docketed case, do hereby certify that my Complaint has been adjusted to my satisfaction and I hereby request the Pennsylvania Human Relations Commission to close the above-docketed case.

Complainant P. Coloure

Date: ( January 26, 1976)

# PENNSYLVANIA HUMAN RELATIONS COMMISSION

# GOVERNOR'S OFFICE

Melissa A. McCollom, Complainant

Docket No. E-9293

Glen Summit Company, Respondent

# CERTIFICATE OF SATISFACTORY ADJUSTMENT

Melissa A. McCollom , Complainant, in the above-docketed case, do hereby certify that my Complaint has been adjusted to my satisfaction and I hereby request the Pennsylvania Human Relations Commission to close the abovedocketed case.

Melissa A. Milouon Complainant

Date: Feb. 6, 1976

# PENNSYLVANIA HUMAN RELATIONS COMMISSION

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Respondent

FINAL ORDER AND DECREE

AND NOW, this 28th day of March 19 76, 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.

JOSEPH X. YAFFE CHAIRPERSON PENNSYLVANIA HUMAN RELATIONS COMMISSION

Elizabeth M. Scott, Secretary

PENNSYLVANIA HUMAN RELATIONS COMMISSION