

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

PENNSYLVANIA HUMAN RELATIONS COMMISSION

GOVERNOR'S OFFICE

Linda K. Wagner,  
Complainant

: Docket No. E-9619

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vs.

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Perk Dog Food Company,  
Respondent

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CONCILIATION AGREEMENT

WHEREAS, on the 15th day of September, 1975, a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against: Perk Dog Food Company

(hereinafter called the "Respondent" whether singular or collective) by: Linda K. Wagner

(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.

Effective date of this Order January 25, 1976.

BY THE RESPONDENT:

Peck Foods Co., Inc.  
Thomas Williams, Plant Mgr.

ATTEST:

Robert E. Smith

BY THE PENNSYLVANIA HUMAN RELATIONS COMMISSION:

Joseph W. Yaffe  
Joseph W. Yaffe, Chairperson

ATTEST:

Robert Johnson Smith  
Dr. Robert Johnson Smith, Secretary



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION  
GOVERNOR'S OFFICE

Linda K. Wagner, : Docket No. E-9619  
Complainant :  
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 vs. :  
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 Perk Dog Food Company, :  
 Respondent :

COMPLAINANT'S ALLEGATIONS

The Complainant alleges that beginning on and/or occurring on and/or beginning prior and continuing on or about/to wit August 4, 1975, the Respondent discriminated against her on the basis of her sex, female, and her race, white, by refusing to hire her for a position of laborer. The Complainant further alleges that:

- 1). On August 4, 1975, Complainant filed an employment application for a position of laborer with Respondent.
- 2). Respondent gave Complainant a book to sign her name in, indicating Complainant's sex and race.
- 3). An unknown white female personnel office employee acting individually, and as an agent for Respondent, told Complainant that there were four (4) or five (5) job applicants ahead of her for hire.
- 4). During the week of August 11, 1975, Complainant's husband, William Wagner, who is employed by Respondent, informed Complainant that the Respondent hired three (3) males for laborer positions.
- 5). During the week of August 18, 1975, Respondent hired two more males for laborer positions.
- 6). On August 21, 1975, Complainant contacted Respondent's personnel office by telephone about employment, and was told by an unknown female believed to be a secretary/receptionist, that jobs were being filled according to how applications came up.
- 7). On August 22, 1975, a Mr. Kimmel, white male personnel office employee informed Complainant that the company hired people through the State Bureau of Employment Security.
- 8). During the month of July 1975, Respondent hired approximately four (4) black females for laborer positions.
- 9). Respondent did not have a white female employed in a laborer's position as of the date of September 15, 1975.

COMMONWEALTH OF PENNSYLVANIA  
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TERMS OF ADJUSTMENT

Respondent shall hire the Complainant into the next  
laborer position that becomes available.





