

PENNSYLVANIA HUMAN RELATIONS COMMISSION

GOVERNOR'S OFFICE

Howard Ebner, Jr., Complainant : Docket No. E-9904
: :
: :
: :
: :
: :
: :
: :
: :
: :

vs.

County of Lycoming, Respondent
: :
: :

CONCILIATION AGREEMENT

WHEREAS, on the 8th day of January, 1976, a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against: County of Lycoming, Robert W. Bitter, Paul K. Bloom and Henry F. Frey, County Commissioners, 48 West Third Street, Williamsport, Pennsylvania, 17701 (hereinafter called the "Respondent" whether singular or collective) by: Howard Ebner, Jr., RD 4, Box 535, Williamsport, Pennsylvania, 17701 (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 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 day of March 12, 1976.

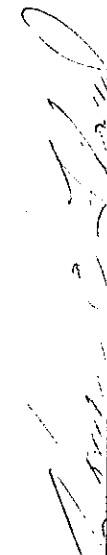


President

ATTEST:



Secretary



Homer C. Floyd, Executive Director
Pennsylvania Human Relations Commission

Approved and ratified at a meeting of the Pennsylvania
Human Relations Commission on the 22nd day of August
1976 .

Joseph X. Yaffe

Joseph X. Yaffe, Chairperson
Pennsylvania Human Relations Commission

ATTEST:

Elizabeth M. Scott
Elizabeth M. Scott, Secretary
Pennsylvania Human Relations Commission

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Howard Ebner, Jr.,
Complainant

vs. Docket No. E-9904

County of Lycoming,
Respondent

COMPLAINANT(S) ALLEGATIONS

The Complainant alleges that beginning or and/or occurring on and/or beginning prior and continuing on or about to wit late September 1975, the Respondent discriminated against the Complainant because of his age, forty-seven (47), and of his disability and/or handicap, an amputated left hand, by refusing to hire him.

The Complainant further alleges that:

- (1) He has been out of work since August 1973 because the position he had held for ten (10) years, as a Procurement-Clerk, was discontinued.
- (2) Since then, he has applied on numerous occasions for a similar office position with the County of Lycoming.
- (3) On September 12, 1975, he responded to an ad in the Williamsport Sun which offered county jobs in many categories.
- (4) He went to the Bureau of Employment Security in Williamsport, as directed, and was interviewed by Mr. Gage, who stated that he was qualified for the position of Emergency Services Clerk II, or for that of Dispatcher.
- (5) He filled in two written applications for the above positions on Lycoming County employment application forms.
- (6) He was told by Mr. Gage that he would receive the first priority on these jobs due to the fact that he had been unemployed for two (2) years.
- (7) Although he has excellent recommendations, and has been in contact with the Bureau of Employment Security on several occasions, he has not heard anything from the County of Lycoming.
- (8) He feels that the reason he is denied a job is because of his age, forty-seven (47), and his handicap and/or disability, an amputated left hand. He also feels that neither his age nor his physical handicap would interfere with the performance of these jobs. His left hand was amputated when he was sixteen (16) years of age, and he has always been capable of performing his job.

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Howard Ebner, Jr.,
Complainant

.....

vs.

Docket No. E-9904

County of Lycoming,
Respondent

TERMS OF ADJUSTMENT

(1) The Respondent represents and warrants that it has hired the Complainant for the position of Juvenile Counselor's Aid at Achievement Place beginning February 23, 1976, at a salary of \$6,707 per year based on 52 weeks of 37 1/2 hours each. Such job will have full county benefits except for pension plan which will begin when the position is transferred from CETA to County Funding. When such transition occurs, the Complainant will receive an automatic salary increase. The Complainant will normally use the county van to transport juveniles and when personal car is required to be used for such transportation, he will be reimbursed at the rate of 15 cents per mile.

(2) The Respondent agrees that there should be no retaliation of any kind against the Complainant in terms and conditions of employment because he has filed this Complaint with the Pennsylvania Human Relations Commission.

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

Howard Ebner, Jr.,
Complainant

vs. Docket No. E-9904

County of Lycoming,
Respondent

CERTIFICATE OF SATISFACTORY ADJUSTMENT

I, Howard Ebner, Jr., 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.

Howard Ebner, Jr.
Complainant

Date: 3-12-76

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

Howard Ebner, Jr.,
Complainant

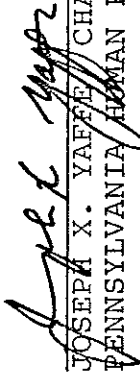
vs. Docket No. E-9904

County of Lycoming,
Respondent

FINAL ORDER AND DECREE

AND NOW, this 22nd day of August, 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

ATTEST

ELIZABETH M. SCOTT, SECRETARY
PENNSYLVANIA HUMAN RELATIONS COMMISSION