

Commonwealth of Pennsylvania

Governor's Office

Pennsylvania Human Relations Commission

Donald Enix
Complainant

vs

Mack Trucks Incorporated
Respondent

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Docket No. E-5258

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Consent Order and Decree
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WHEREAS, a complaint has been filed by Donald Enix, (hereinafter referred to as the Complainant) 734 Walnut Street, Allentown, Pennsylvania against Mack Trucks Incorporated (hereinafter referred to as the Respondent), P. O. Box M, Allentown Pennsylvania, alleging that the Respondent is in violation of Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended; and,

WHEREAS, for the purpose of avoiding further litigation before the Pennsylvania Human Relations Commission, the Respondent does hereby agree to waive its right to a public hearing under Section 9 of the Pennsylvania Human Relations Act and agrees to the entry of the following Consent Order and Decree which shall have the full force and effect of an Order of the Pennsylvania Human Relations Commission issued after full public hearing; and,

WHEREAS, the Commission and the Respondent enter into this Agreement without duress and without any admission by the Respondent of any violation of the provisions of the Pennsylvania Human Relations Act, and with the intent to be legally bound thereby;

Now wherefore, this 1st day of November, 1973, the Respondent and the Complainant stipulate and agree as follows:

- A. That the Respondent shall make its best efforts to rehire the Complainant as a new employe within 60 days from the execution of this Agreement and if said efforts are unsuccessful after 90 days of the execution of this Agreement, the Respondent shall submit to the Pennsylvania Human Relations Commission a detailed report of any and all efforts made toward the goal, to include the reasons for their inability to rehire the Complainant within the aforementioned time period. Further, the Complainant shall be rehired without seniority and without any special considerations emanating out of his former employment except as herein set forth.
- B. That the Complainant shall be rehired when the appropriate opening is realized in the Respondent's employment lists; the Complainant will not be expected to work the same assembler's position from which he was disqualified in August of 1972, an appropriate opening to mean a job which is comparable in status and salary, subject to discussion with and the approval of the Pennsylvania Human Relations Commission.
- C. That the Complainant shall receive the starting pay applicable to the position at the time of his re-employment, but will be reinstated, with respect to all fringe benefits (with a 26-day waiting period) and hospital and accident insurance, as if his employment had continued from August of 1972.
- D. That the Complainant's probationary period to be served as a new employe shall be limited to twenty-six days in consideration of his previous employment during August, 1972.
- E. That the Complainant agrees to perform his work function in a manner consistent with Respondent's rules and regulations and at a level of competence judged satisfactory by the Respondent's supervisory personnel.

- F. That the Respondent will expunge from all records any indication that the Complainant was dismissed and will not write or discuss this case in any reference concerning the Complainant.
- G. That the Respondent agrees not to engage in or allow any of its employees to engage in any conduct against the Complainant or any party to or participant in these proceedings in the nature of which conduct might be construed as retaliatory.
- H. That the Respondent will not discharge the Complainant without just cause.
- I. That the Respondent shall contribute the sum of Two Thousand Seven Hundred Dollars (\$2,700.00) to the Complainant, payable upon settlement in accord herewith.
- J. That the Commission shall instruct Mr. Enix to refrain from any and all utterance or other publication of this settlement, his re-employment and the terms and conditions there of. Further, that the Commission will inform Mr. Enix of the terms and conditions pursuant to which he will be re-employed.

Respondent

By Robert L. Burgraff
 Robert L. Burgraff
 Vice President - Industrial Relations

Date June 11, 1973

Witness

[Signature]
 Counsel for Mack Trucks, Incorporated

Complainant

By David Enix

Date June 11, 1973


Witness

[Signature]
 Date June 11, 1973

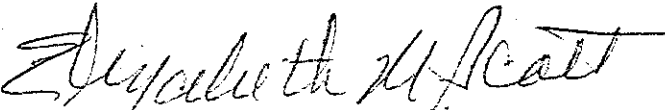
PENNSYLVANIA HUMAN RELATIONS COMMISSION

By [Signature]
 Homer C. Floyd, Executive Director

Ratified by the Pennsylvania Human Relations Commission on
this 29th day of October, 1973.

By 
E. E. Smith
Chairman

Attest:

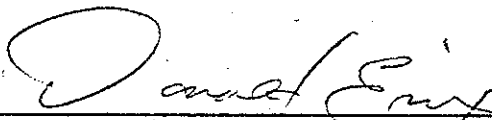
By 
Elizabeth M. Scott
Acting Secretary

Release

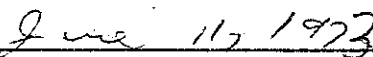
WHEREAS, Donald Enix filed a complaint (Docket No. E-5258) against the Respondent, Mack Trucks Incorporated with the Pennsylvania Human Relations Commission.

WHEREAS, the Respondent has agreed to enter into a Consent Order and Decree in adjudication of the aforementioned complaint with the Pennsylvania Human Relations Commission

Now therefore, the Complainant, Donald Enix agrees to release the said Respondent from all claims of whatever manner of form against the said Respondent arising out of the said complaint which release shall be effective upon the completion of all terms of said Consent Order and Decree a copy of which has been provided to the Complainant.



Donald Enix



Date