

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

NOLA A. HARRIS, Complainant

vs.

**PENNSYLVANIA DEPARTMENT OF INSURANCE, DIVISION OF COMPANIES,
AUDITING SECTION, Respondent**

DOCKET NO. E-4260:

FINDINGS OF FACT

CONCLUSIONS OF LAW

COMMISSION'S DECISION

FINAL ORDER

This proceeding arose from a complaint filed by Nola A. Harris charging the Respondent with refusing to promote her because of her sex, female. A hearing pursuant to Section 9 of the Pennsylvania Human Relations Act was held on June 8, 1972, and after a careful review of the evidence the Commission makes the following:

FINDINGS OF FACT

1. The Complainant herein is Nola A. Harris, a female, who resides at 204 Park Street, Harrisburg, Pennsylvania.
2. The Respondent is the Pennsylvania Department of Insurance, Division of Companies, Auditing Section with offices at 401 Finance Building, Harrisburg, Pennsylvania.
3. The Complainant was employed by the Respondent as an Insurance Examiner I in May of 1967.
4. Except for a period of approximately one year during which the Complainant served in the position of Auditor for the Respondent, she has been and continues to be employed by the Respondent as an Insurance Examiner I in Harrisburg.

5. Between April 1970 and the latter part of May 1971, the Respondent promoted four individuals from the position of Insurance Examiner I to the position of Insurance Examiner, II in Harrisburg.
6. Although Complainant under Civil Service Rules had been eligible for the Insurance Examiner II position on three of these occasions, the Respondent chose other individuals who were also qualified under Civil Service Rules to fill these positions.
7. The individuals selected by the Respondent to fill the aforesaid positions all had qualifications which were equivalent to or superior to those possessed by the Complainant.
8. In January of 1971 the Complainant, after passing the requisite examination, became eligible under Civil Service Rules for the position of Insurance Examiner III.
9. The Complainant, however, was not selected by the Respondent to fill this position.
10. The Respondent in April of 1971 selected a Mr. Lauver who held a college degree and who had been working as an Insurance Examiner II for the Department of Insurance to fill the position of Insurance Examiner III.
11. None of the above decisions were motivated by considerations of the sex of any applicant including that of the complainant.

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission has jurisdiction over the parties and subject matter of this controversy.
2. The Respondent did not violate any provision of the Pennsylvania Human Relations Act in failing to promote the Complainant to the positions specified in Findings of Fact #5-11.
3. An order should be entered in favor of the Respondent dismissing the Complaint.

DISCUSSION

In reaching the above decision, the Commission can not shut its eyes to evidence introduced early in the proceedings indicating the composition by sex of insurance Examiners employed by the Pennsylvania Department of Insurance. Because the testimony at the hearing was confined to discrimination in promotion, the Commission feels that it would be inappropriate at this time to make any formal determination or formal order concerning the Respondent's hiring policies.

The Commission does note that as of the date of the hearing, the Respondent employed a total of 49 Insurance Examiners in the Commonwealth of Pennsylvania, of which only 5 were women. The five females were all at the entry level position of Insurance Examiner I, while more than half of the 44 males employed by the Respondent as Insurance Examiner held positions ranging from Insurance Examiner II through Insurance Examiner IV. It also appeared that only males occupied executive level positions in this department and only they held decision-making power over hiring and promotion within the department.

That such a situation warrants immediate remedial action is obvious. The Commission, therefore, strongly urges the Pennsylvania Department of Insurance to give this matter the highest priority. It is respectfully suggested that the Insurance Department work closely with the Commission on the Status of Women in implementing an adequate affirmative action program to recruit women

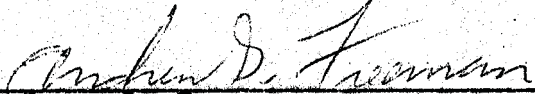
for Insurance Examiner positions and insure their advancement within the department as rapidly as possible.

The Commission has one additional observation to make relative to the instant proceeding. Subsequent to the hearing, it has come to the attention of the Commissioners that the Complainant has filed a charge under 5(d) of the Pennsylvania Human Relations Act alleging intimidation as a result of her original charge against the Respondent. The instant decision is, of course, made without regard to that charge and without prejudice to the rights of the parties thereto.

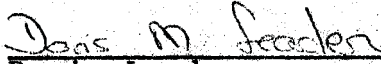
COMMISSION'S DECISION

AND NOW, this 24th day of October, 1972 upon the recommendation of the Hearing Commissioners and upon and in consideration of the foregoing Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission finds and determines that the Commission failed to prove the allegations charging the Respondent with committing an unlawful discriminatory Practice in violation of the Pennsylvania Human Relations Act; and therefore, enters an order in favor of the Respondent, dismissing the Complaint.

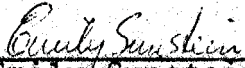
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Andrew G. Freeman
Presiding Commissioner



Doris Leader
Hearing Commissioner



Emily Sunstein
Hearing Commissioner

COMMONWEALTH OF PENNSYLVANIA
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PENNSYLVANIA HUMAN RELATIONS COMMISSION

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vs.

PENNSYLVANIA DEPARTMENT OF INSURANCE, DIVISION OF COMPANIES,
AUDITING SECTION, Respondent

DOCKET NO. E-4260:


FINAL ORDER

AND NOW, this 24th day of October, 1972, upon consideration of the foregoing Findings of Fact, Conclusions of Law, Commission's Decision and pursuant to the provisions of Section 9 of the Pennsylvania Human Relations Act, it is hereby

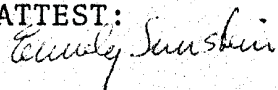
ORDERED:

1. That an order be entered in favor of the Respondent, the Pennsylvania Department of Insurance, Division of Companies, Auditing Section.
2. That the Complaint be dismissed.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

By: 
E. E. Smith
Chairman

ATTEST:



Emily Sunstein
Assistant Secretary