

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

NOV 27 1973

10-29-73
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RUSSELL E. HILL :
Complainant :
vs :
HOUSING AUTHORITY OF THE :
COUNTY OF LAWRENCE :
Respondent :

Docket No. E-4238

FINDINGS OF FACT, CONCLUSIONS
OF LAW, COMMISSION'S DECISION
AND FINAL ORDER

1. Complainant herein is Russell E. Hill, a Black male, who resides at 26 Greenleaf Circle, Framingham, Massachusetts. (T. 4, 17, 38)

2. Respondent herein is the Housing Authority of the County of Lawrence, Pennsylvania.

3. Complainant is a sociology graduate from Youngstown University, has done graduate work at George Williams and Penn State; has received a certificate in urban renewal from the Housing Urban Redevelopment. (T. 6)

4. The Complainant's employment background with agencies such as OEO, the Sharon Urban Renewal Agency and the New Castle Redevelopment Authority have familiarized him with various housing regulations as applied to low-income tenants, especially those promulgated by HUD. (T. 6)

5. In January of 1971, the Complainant saw an advertisement in the newspaper to the effect that a position as Executive Director of the Lawrence County Housing Authority was open and the Complainant proceeded to apply. (T. 9-10)

6. The advertisement, as exemplified by the one in the Ellwood City Ledger of January 15, 1971, stated that the applicant

should be familiar with low-rent housing and HUD regulations, be familiar with public administration, have an ability to work with public and private sectors of people, be oriented toward new social goals and practices of low-rent tenants, and have a college degree or the equivalent training. The duties were to include administration, management and supervision of maintenance and personnel; salary open and negotiable. (T. 47)

7. The January advertisement was run eight times in the Ellwood City Ledger and the New Castle News. (T. 48)

8. Subsequent to his applying for the position of Executive Director, the Complainant received a letter telling him to go for an interview, which he did along with three other applicants. (T. 11, 49)

9. The Complainant was interviewed by Mr. McGrath, Mr. Banko and Mr. Session, all members of the screening committee of the Lawrence County Housing Authority. Mr. Session being the one Black member of the Board. (T. 11, 70, 96, 124)

10. The Respondent had received 32 applications, after which the applicants were categorized as A, B, or C candidates. The C candidates were automatically disqualified, the B candidates had some qualities lacking and the A candidates were almost perfectly qualified. From this selection four persons, the Complainant being one, were chosen for interviews. (T. 4, 49, 100, 122)

11. Out of the 32 applications, two were Black; out of the four chosen for interviews, one was Black, that being the Complainant. (T. 38)

12. When the Complainant went for his interview, he was under the assumption that the salary was negotiable, but was told the salary would be \$11,500.00 a year. (T. 12, 72, 124)

13. Although the advertisement had stated that the salary was negotiable, the screening committee was authorized to offer only \$11,500.00; however, the Complainant was told that after six months probation a raise would probably be instituted. (T. 29, 72, 98)

14. The Complainant did not feel that \$11,500.00 was commensurate with the job description or in line with other similar employment positions, and expressed great dissatisfaction. (T. 12-13, 52, 71, 124)

15. The Complainant felt that he should not make less than the previous Director, who had nine years of experience and was earning \$14,000.00 at the time his employment terminated, although that was not his starting salary. (T. 13, 87-88)

16. At the time the applicant Complainant applied, he was earning \$8,500.00 at his job with the Redevelopment Authority, and an additional \$2,700.00 working at night as a Counselor for the Neighborhood Youth Corps. (T. 21, 34, 92)

17. The Complainant requested a salary of \$13,500.00. (T. 30)

18. At the meeting of the LCHA of March 15, the screening committee told the Board, they had not yet found a Director, the reasons being that one applicant had disqualified himself, another wanted to work for less, the third was doing an outstanding job in his present position, and the Complainant was not interested in the \$11,500.00. (T. 50, 101)

19. All three members of the screening committee thought the Complainant was among the best qualified, and Mr. Session would have recommended him for the job had he been willing to work for \$11,500.00. (T. 52, 72, 103, 125, 127-128)

20. The Board decided to run the advertisement again, and from doing so received an additional 10-12 applications. They went back over the applications in total, and decided to contact Mr. Kraus, who was next in line on the original list. (T. 53-54, 101-102)

21. As Mr. Session and Mr. McGrath were busy, Mr. Kraus was interviewed by Mr. Banko, who afterwards communicated his feelings to the other two. (T. 82)

22. Although Mr. Kraus' application did not show extensive experience in social work, he had managerial experience working with people, vast construction experience felt necessary in lieu of the housing expansion, and a tenant-oriented social philosophy. T. 57-59, 94, 104)

23. At the May 10, 1971 meeting of the Housing Board, the Board, upon the recommendation of the screening committee, unanimously decided to hire Mr. Kraus. Because the County Comptroller was making a salary of \$11,300.00, they decided to pay Mr. Kraus \$12,000.00. (T. 56, 102)

24. Mr. Kraus was informed of the decision by letter, which was the first time he knew of the \$12,000.00 salary. (T. 146)

25. The Complainant first heard of the decision in the newspaper; on May 14, 1971, he received a letter to the same effect along with his resume. (T. 14)

26. On May 20, 1971, the Complainant filed an action with the PHRC, alleging that the Respondent did not hire him because of his race, and that they had discriminated against Negroes, as a class, in recruitment, selection and hiring practices. (T. 37)

27. Mrs. Virginia Pagan, an investigator for the PHRC, was responsible for investigating the complaint. Her findings are in accord with the facts as presented. (T. 43, 66)

28. Prior to the hiring of an Executive Director, the New Castle Human Relations Commission had sent the Lawrence County Housing Authority Board two cautionary letters to insure an indiscriminate choice. At the June 7, 1971 meeting of the NCHRC, a general discussion was had, the product of which was that the Commission felt that Mr. Kraus had been a very qualified choice. This discussion was a

discussion per se, and not a response to any formal complaint filed by the Complainant in this case, as such was not done with that Commission. (T. 157-158, 162)

29. In June of 1971, Mr. Palumbo, Director of Tenant Relations and a Commissioner for the NCHRC, had lunch with Mr. Hill and Mr. Kraus while in the Poconos; the Complainant expressed happiness over the choice of Mr. Kraus. (T. 155)

30. On August 1, 1971, the Complainant began working for the National Center for Low and Moderate Income Housing in Washington, D. C., at a salary of \$13,500.00. (T. 22)

31. The Complainant is presently employed by Harvard University as a Manager of Real Estate in Cambridge. (T. 5)

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CONCLUSIONS OF LAW

Upon all the evidence at the Public Hearing and upon the foregoing Findings of Fact, the Pennsylvania Human Relations Commission makes the following Conclusions of Law:

1. The Complaint in this matter was properly filed by the Complainant, Russell E. Hill.

2. At all times mentioned herein, the Pennsylvania Human Relations Commission had jurisdiction over the Respondent and the subject matter of the Complaint.

3. Respondent's refusal to hire the Complainant as Executive Director of Respondent's agency was not an act of racial discrimination in violation of Section 5 (a) of the Pennsylvania Human Relations Act.

4. Respondent has neither in the past nor in the present maintained policies and practices which are discriminatory against Negroes as a class in recruitment, selection or hiring procedures because of their race in violation of Section 5 (a) of the Pennsylvania Human Relations Act.

IT IS, therefore, recommended that the Commission enter an Order dismissing the Complaint against the Respondent, Housing Authority of the County of Lawrence.

ROBERT W. GOODE
Presiding Commissioner

JOHN WISNIEWSKI
Hearing Commissioner

ELIZABETH M. SCOTT
Hearing Commissioner

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COMMISSION'S DECISION

AND NOW, this _____ day of _____,
1973, upon the recommendation of the Hearing Commissioners and upon
all the evidence at the Public Hearing of this case, and in considera-
tion of the Findings of Fact and Conclusions of Law, the Pennsylvania
Human Relations Commission finds and determines that Respondent,
Housing Authority of the County of Lawrence, did not engage in any
unlawful discriminatory practice in violation of Section 5 (a) of
the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744,
as amended, in that the refusal of the Respondent to hire the Com-
plainant was not an act of racial discrimination, and further that
the Respondent has neither in the past nor the present maintained
policies and practices which are discriminatory against Negroes as a
class in recruitment, selection or hiring procedures because of their
race.

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FINAL ORDER

AND NOW, this _____ day of _____,
1973, upon consideration of the foregoing Findings of Fact, Conclu-
sions of Law and Commission's Decision, and pursuant to the provi-
sions of Section 9 of the Pennsylvania Human Relations Act, as amended,
the Pennsylvania Human Relations Commission hereby ORDERS that the
Respondent has not violated Section 5 (a) of the Pennsylvania Human
Relations Act and that the Complaint by Russell E. Hill is dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

E. E. SMITH
Chairman

ATTEST:

DR. ROBERT JOHNSON SMITH
Secretary