

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

LEO H. LIPNER, :
Complainant :
vs. : DOCKET NO. E-5260
BELLEFONTE AREA SCHOOL DISTRICT; :
KARL F. MAUGER, SUPERINTENDENT; :
T. R. LINDQUIST, SCHOOL BOARD :
PRESIDENT :
Respondents :

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

HISTORY OF THE CASE

This case involves a complaint filed with the Pennsylvania Human Relations Commission (hereafter the "Commission") at Docket No. E-5260 charging the Respondents with discriminating against the Complainant, a teacher in the Bellefonte Area School District, and others similarly situated to him in the terms and conditions of their employment because of their religion in violation of §5.1(a) and (b) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P. L. 744, as amended, (hereafter the "Act").

The complaint in its essence charged that the Respondents follow a pattern and practice of scheduling the annual spring vacation so that it always coincided with the Christian Religious holiday Good Friday and frequently with Easter Monday to the detriment of the Complainant, who is Jewish, and other non-Christian employes in that in order for them to observe their high religious holidays -- in the Complainant's case Yom Kippur and Rosh Hashanah -- they either had to take the day off and lose pay or utilize the one paid personal leave

day they were allotted annually. If they used their personal leave day, they would not lose pay for that day but would have been disadvantaged in that Christian employes could observe Good Friday without losing pay or using up their personal leave day.

An investigation into the allegations contained in the complaint was made by representatives of the Commission and a determination was made that there was probable cause to credit the allegations therein. Thereupon, the Commission endeavored to eliminate the unlawful practices complained of by conciliation. These endeavors were unsuccessful and on September 9, 1974 a Public Hearing was convened at State College, Pennsylvania pursuant to §9 of the Act. The Hearing Panel consisted of Commissioner Alvin Echols, Esquire, Chairperson, and Commissioners Everett Smith and Robert Goode. Anne Farrer, Esquire, presented the case in behalf of the Complainant and John Miller, Esquire, represented the Respondents.

After the Public Hearing but before the Hearing Panel had reached its decision, Commissioner Goode resigned from the Pennsylvania Human Relations Commission. Commissioner Robert Johnson Smith was designated by the Chairperson of the Commission to replace Commissioner Goode on the Hearing Panel in this case and read the hearing transcript, the exhibits and the briefs before participating in the deliberations and decision.

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PRESIDENT, :
Respondent :

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

FINDINGS OF FACT

1. The Complainant, Leo H. Lipner, has been employed as a teacher with the Bellefonte Area School District since 1964 and is of the Jewish faith.
2. The Respondent, Bellefonte Area School District is the governmental administrative entity which maintains, operates and controls the public schools of the political subdivisions within its jurisdiction and is Complainant's employer.
3. The Respondent, Carl L. Mauger, is the Superintendent of the Bellefonte Area School District.
4. The Respondent, T. R. Lindquist, is the Bellefonte Area School Board President.
5. From at least the school year 1964 until the present time, it has been the policy of the Bellefonte Area School District to schedule the annual spring school vacation according to when Easter occurs, so that Good Friday always and Easter Monday at least frequently falls within the vacation. (T. 10, 23-24, Exh. C-29-38)
6. This policy was based on tradition and was not related to educational considerations. (T. 23, 26)

7. The contract which teachers have with the Bellefonte Area School District require them to work 182 days in a school year. (T. 22)

8. Teachers are paid for only the days they work, with the exceptions that:

A. For all time pertinent to this case the Respondent School District has followed a policy that a teacher may take off and be paid for up to three emergency leave days annually. (T. 25, C-1, 2, 3)

B. The present contract provides that a teacher may take off and be paid for one personal leave day annually, which may be used for any purpose at the discretion of the teacher. (T. 25, C-1, 2, 3)

9. The Complainant observes the Jewish high religious holidays of Rosh Hashanah and Yom Kippur. (T. 16)

10. For the school years 1964-65, and 1965-66 Complainant was paid by the School District for the days he absented himself from work to observe Yom Kippur and Rosh Hashanah, pursuant to an oral agreement with Dr. Mauger's predecessor. (T. 16)

11. For all school years since then the Respondents have declined to pay Complainant for the two days he annually absented himself to observe his high holidays and has refused to permit him to use his emergency leave days for this religious observance. (C-9, C-4,5, Respondents' Brief, P. 3)

12. In order for the Complainant to observe his two high religious holidays, he has to take those two days off and

lose pay, or lose one day's pay and utilize his one personal leave day for the other.

13. Because of the Respondents' policy, Christian professional employes can observe Good Friday without the necessity of taking a day off or of utilizing a personal leave day or emergency leave days for such religious observance.

14. Respondents' written policy with regard to emergency leave days does not restrict them to unforeseen circumstances requiring immediate action but allows employes to use them for the conduct of their business, legal or medical affairs which can not be attended to outside of school hours. (C-1, 2 and 3)

15. Respondents have persisted in their refusal to permit Complainant to use his emergency leave days to observe his high religious holidays despite the disagreement with that policy by Secretary of Education, John C. Pittenger. (C-11)

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PRESIDENT :
Respondents :

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Complainant and the Respondent and the subject matter of the complaint under the Pennsylvania Human Relations Act.
2. The fact that Complainant filed a union grievance procedure based on the issues here in contention does not constitute the institution of such an action as would deprive the Commission of jurisdiction under Section 12(b).
3. The refusal of Respondents to permit Complainant to use his emergency leave days for the observance of his high religious holidays while deliberately scheduling the spring school vacation so that the Christian religious holiday of Good Friday falls within it discriminates against the Complainant and other non-Christian similarly situated professional employees in violation of Section 5.1(a) and (b) of the Act.
4. The use of emergency leave days for religious observance under these circumstances is not in conflict with the collective bargaining agreement of the School District. In any event, to the extent that the agreement would conflict with a requirement under the Pennsylvania Human Relations Act, it must yield.
5. The record does not permit a finding as to the expense to the School District of permitting teachers to utilize emergency leave days to observe their high religious holidays.

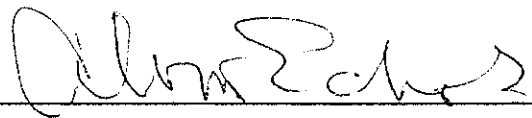
In view of the fact that three paid annual emergency leave days are provided, it would appear that the possibility of each teacher utilizing the three days must have been taken into consideration. But in the absence of Respondents adopting a neutral calendar so as to not favor one religious group, permitting affected employes to utilize emergency leave days so that the groups that are not favored will at least not lose pay is the least the Respondents can do.

6. The Commission does not reach, in the context of this case, the question of whether Respondents' conduct in adopting a school closing calendar so as to favor one religious group is in itself a violation of the Act.

RECOMMENATION OF HEARING COMMISSIONERS

AND NOW, this 1st day of June, 1975

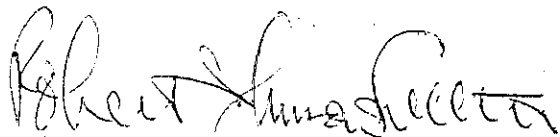
upon consideration of all the evidence presented at the Hearing on the above matter and the argument of Counsel and of the briefs and proposed Findings of Fact and Conclusions of Law, the Hearing Commissioners recommend to the entire Commission that an Order be entered against the Respondents holding it in violation of Section 5.1(a) and (b) of the Pennsylvania Human Relations Act and providing for appropriate relief.



Alvin Echols, Esq., Chairperson



Everett E. Smith, Commissioner



Dr. Robert Johnson Smith, Commissioner

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T.R. LINDQUIST, SCHOOL BOARD	:	
PRESIDENT,	:	
Respondents	:	

COMMISSION'S DECISION

AND NOW, this 1st day of June,

1975, upon the recommendation of the Hearing Commissioners and upon all the evidence at the Public Hearing of this case, and upon consideration of the briefs of the parties and the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission finds and determines that the Respondents engaged in an unlawful discriminatory practice in violation of Sec. 5(a) and (b) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, in that Respondents discriminated against Complainant and others similarly situated by refusing to allow Complainant to use his emergency leave days to observe his high religious holidays. so that Complainant, in order to observe his religious holidays, was required to take two days leave without pay or one day without pay plus use his one personal leave day, while Christian professional employes, as a result of the Respondents adopting a school vacation calendar which deliberately included Good Friday, may observe Good Friday without the necessity of taking a day off or utilizing a personal leave day for such religious observance.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: Joseph X. Yaffe
Joseph X. Yaffe, Chairperson

ATTEST:
Robert Johnson Smith
Dr. Robert Johnson Smith
Secretary

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
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T. R. LINDQUIST, SCHOOL BOARD
PRESIDENT

Respondents

FINAL ORDER

AND NOW, this 1st day of June, 1975

upon consideration of the foregoing Findings of Fact, Conclusions of Law, and Commission's Decision, and pursuant to the provisions of Section 9 of the Pennsylvania Human Relations Act, as amended, the Pennsylvania Human Relations Commission hereby

ORDERS:

1. The Respondents shall with the effective date of this Order, and as long as they maintain their policy of scheduling the spring school vacation to include Good Friday, permit the Complainant and all other employes subject to the collective bargaining agreements with the Bellefonte Area Education Association to, upon application with Respondents, use the Emergency Leave Days to observe their religious holidays. Any doubt as to whether a particular requested day constitutes a "religious" holiday shall be resolved upon consultation with

the appropriate religious leaders representing the major faiths and the particular faith involved.

2. The Respondents shall within 30 days of the effective date of this Order notify each employe covered by their Emergency Leave Days policy of this change in policy. The Respondents shall explicitly incorporate this change of policy in all written documents and agreements concerning its Emergency Leave Days Policy.

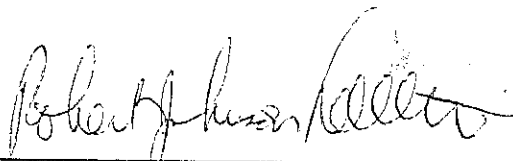
3. The Respondents shall compute the amount and compensate Complainant two days' pay for each year during his employment with the Respondents in which Respondents have refused to permit him to use his emergency leave days to observe Yom Kippur and Rosh Hashanah, at the rate of pay he was entitled to during the years in question plus simple interest at the rate of six percent per year.

4. Any portion of this award which is not paid within 30 days from the effective date of this Order shall bear interest at the rate of six percent per year.

5. The Respondents shall within thirty days of the effective date of this Order notify the Commission of the manner of compliance with this Order.

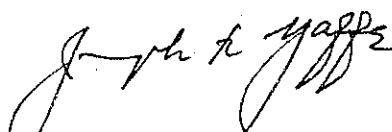
PENNSYLVANIA HUMAN RELATIONS
COMMISSION

ATTEST:



Dr. Robert Johnson Smith,
Secretary

By



Joseph X. Yaffe,
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HISTORY OF THE CASE

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The complaint in its essence charged that the Respondents follow a pattern and practice of scheduling the annual spring vacation so that it always coincided with the Christian Religious holiday Good Friday and frequently with Easter Monday to the detriment of the Complainant, who is Jewish, and other non-Christian employes in that in order for them to observe their high religious holidays -- in the Complainant's case Yom Kippur and Rosh Hashanah -- they either had to take the day off and lose pay or utilize the one paid personal leave

day they were allotted annually. If they used their personal leave day, they would not lose pay for that day but would have been disadvantaged in that Christian employes could observe Good Friday without losing pay or using up their personal leave day.

An investigation into the allegations contained in the complaint was made by representatives of the Commission and a determination was made that there was probable cause to credit the allegations therein. Thereupon, the Commission endeavored to eliminate the unlawful practices complained of by conciliation. These endeavors were unsuccessful and on September 9, 1974 a Public Hearing was convened at State College, Pennsylvania pursuant to §9 of the Act. The Hearing Panel consisted of Commissioner Alvin Echols, Esquire, Chairperson, and Commissioners Everett Smith and Robert Goode. Anne Farrer, Esquire, presented the case in behalf of the Complainant and John Miller, Esquire, represented the Respondents.

After the Public Hearing but before the Hearing Panel had reached its decision, Commissioner Goode resigned from the Pennsylvania Human Relations Commission. Commissioner Robert Johnson Smith was designated by the Chairperson of the Commission to replace Commissioner Goode on the Hearing Panel in this case and read the hearing transcript, the exhibits and the briefs before participating in the deliberations and decision.

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

FINDINGS OF FACT

1. The Complainant, Leo H. Lipner, has been employed as a teacher with the Bellefonte Area School District since 1964 and is of the Jewish faith.

2. The Respondent, Bellefonte Area School District is the governmental administrative entity which maintains, operates and controls the public schools of the political subdivisions within its jurisdiction and is Complainant's employer.

3. The Respondent, Carl L. Mauger, is the Superintendent of the Bellefonte Area School District.

4. The Respondent, T. R. Lindquist, is the Bellefonte Area School Board President.

5. From at least the school year 1964 until the present time, it has been the policy of the Bellefonte Area School District to schedule the annual spring school vacation according to when Easter occurs, so that Good Friday always and Easter Monday at least frequently falls within the vacation. (T. 10, 23-24, Exh. C-29-38)

6. This policy was based on tradition and was not related to educational considerations. (T. 23, 26)

7. The contract which teachers have with the Bellefonte Area School District require them to work 182 days in a school year. (T. 22)

8. Teachers are paid for only the days they work, with the exceptions that:

A. For all time pertinent to this case the Respondent School District has followed a policy that a teacher may take off and be paid for up to three emergency leave days annually. (T. 25, C-1, 2, 3)

B. The present contract provides that a teacher may take off and be paid for one personal leave day annually, which may be used for any purpose at the discretion of the teacher. (T. 25, C-1, 2, 3)

9. The Complainant observes the Jewish high religious holidays of Rosh Hashanah and Yom Kippur. (T. 16)

10. For the school years 1964-65, and 1965-66 Complainant was paid by the School District for the days he absented himself from work to observe Yom Kippur and Rosh Hashanah, pursuant to an oral agreement with Dr. Mauger's predecessor. (T. 16)

11. For all school years since then the Respondents have declined to pay Complainant for the two days he annually absented himself to observe his high holidays and has refused to permit him to use his emergency leave days for this religious observance. (C-9, C-4,5, Respondents' Brief, P. 3)

12. In order for the Complainant to observe his two high religious holidays, he has to take those two days off and

lose pay, or lose one day's pay and utilize his one personal leave day for the other.

13. Because of the Respondents' policy, Christian professional employes can observe Good Friday without the necessity of taking a day off or of utilizing a personal leave day or emergency leave days for such religious observance.

14. Respondents' written policy with regard to emergency leave days does not restrict them to unforeseen circumstances requiring immediate action but allows employes to use them for the conduct of their business, legal or medical affairs which can not be attended to outside of school hours. (C-1, 2 and 3)

15. Respondents have persisted in their refusal to permit Complainant to use his emergency leave days to observe his high religious holidays despite the disagreement with that policy by Secretary of Education, John C. Pittenger. (C-11)

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Respondents :

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Complainant and the Respondent and the subject matter of the complaint under the Pennsylvania Human Relations Act.
2. The fact that Complainant filed a union grievance procedure based on the issues here in contention does not constitute the institution of such an action as would deprive the Commission of jurisdiction under Section 12(b).
3. The refusal of Respondents to permit Complainant to use his emergency leave days for the observance of his high religious holidays while deliberately scheduling the spring school vacation so that the Christian religious holiday of Good Friday falls within it discriminates against the Complainant and other non-Christian similarly situated professional employes in violation of Section 5.1(a) and (b) of the Act.
4. The use of emergency leave days for religious observance under these circumstances is not in conflict with the collective bargaining agreement of the School District. In any event, to the extent that the agreement would conflict with a requirement under the Pennsylvania Human Relations Act, it must yield.
5. The record does not permit a finding as to the expense to the School District of permitting teachers to utilize emergency leave days to observe their high religious holidays.

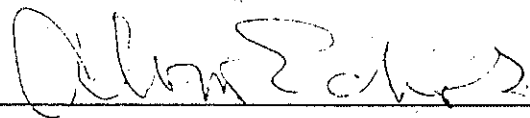
In view of the fact that three paid annual emergency leave days are provided, it would appear that the possibility of each teacher utilizing the three days must have been taken into consideration. But in the absence of Respondents adopting a neutral calendar so as to not favor one religious group, permitting affected employes to utilize emergency leave days so that the groups that are not favored will at least not lose pay is the least the Respondents can do.

6. The Commission does not reach, in the context of this case, the question of whether Respondents' conduct in adopting a school closing calendar so as to favor one religious group is in itself a violation of the Act.

RECOMMENATION OF HEARING COMMISSIONERS

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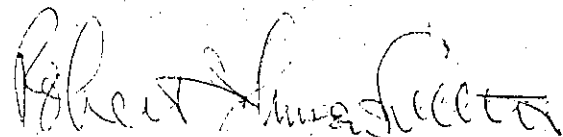
upon consideration of all the evidence presented at the Hearing on the above matter and the argument of Counsel and of the briefs and proposed Findings of Fact and Conclusions of Law, the Hearing Commissioners recommend to the entire Commission that an Order be entered against the Respondents holding it in violation of Section 5.1(a) and (b) of the Pennsylvania Human Relations Act and providing for appropriate relief.



Alvin Echols, Esq., Chairperson



Everett E. Smith, Commissioner



Dr. Robert Johnson Smith, Commissioner

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COMMISSION'S DECISION

AND NOW, this 1st day of June,

1975, upon the recommendation of the Hearing Commissioners and upon all the evidence at the Public Hearing of this case, and upon consideration of the briefs of the parties and the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission finds and determines that the Respondents engaged in an unlawful discriminatory practice in violation of Sec. 5(a) and (b) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, in that Respondents discriminated against Complainant and others similarly situated by refusing to allow Complainant to use his emergency leave days to observe his high religious holidays, so that Complainant, in order to observe his religious holidays, was required to take two days leave without pay or one day without pay plus use his one personal leave day, while Christian professional employes, as a result of the Respondents adopting a school vacation calendar which deliberately included Good Friday, may observe Good Friday without the necessity of taking a day off or utilizing a personal leave day for such religious observance.

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By: Joseph X. Yaffe
Joseph X. Yaffe, Chairperson

ATTEST:

Robert Johnson Smith
Dr. Robert Johnson Smith
Secretary

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upon consideration of the foregoing Findings of Fact, Conclusions of Law, and Commission's Decision, and pursuant to the provisions of Section 9 of the Pennsylvania Human Relations Act, as amended, the Pennsylvania Human Relations Commission hereby

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1. The Respondents shall with the effective date of this Order, and as long as they maintain their policy of scheduling the spring school vacation to include Good Friday, permit the Complainant and all other employes subject to the collective bargaining agreements with the Bellefonte Area Education Association to, upon application with Respondents, use the Emergency Leave Days to observe their religious holidays. Any doubt as to whether a particular requested day constitutes a "religious" holiday shall be resolved upon consultation with

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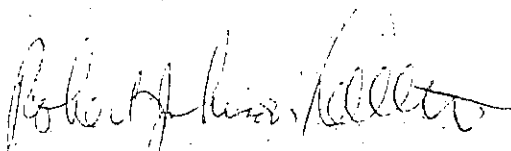
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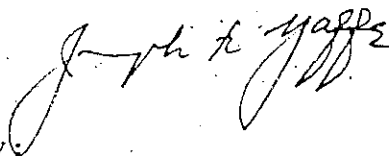
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Dr. Robert Johnson Smith,
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3. The Respondent, Carl L. Mauger, is the Superintendent of the Bellefonte Area School District.
4. The Respondent, T. R. Lindquist, is the Bellefonte Area School Board President.
5. From at least the school year 1964 until the present time, it has been the policy of the Bellefonte Area School District to schedule the annual spring school vacation according to when Easter occurs, so that Good Friday always and Easter Monday at least frequently falls within the vacation. (T. 10, 23-24, Exh. C-29-38)
6. This policy was based on tradition and was not related to educational considerations. (T. 23, 26)

7. The contract which teachers have with the Bellefonte Area School District require them to work 182 days in a school year. (T. 22)

8. Teachers are paid for only the days they work, with the exceptions that:

A. For all time pertinent to this case the Respondent School District has followed a policy that a teacher may take off and be paid for up to three emergency leave days annually. (T. 25, C-1, 2, 3)

B. The present contract provides that a teacher may take off and be paid for one personal leave day annually, which may be used for any purpose at the discretion of the teacher. (T. 25, C-1, 2, 3)

9. The Complainant observes the Jewish high religious holidays of Rosh Hashanah and Yom Kippur. (T. 16)

10. For the school years 1964-65, and 1965-66 Complainant was paid by the School District for the days he absented himself from work to observe Yom Kippur and Rosh Hashanah, pursuant to an oral agreement with Dr. Mauger's predecessor. (T. 16)

11. For all school years since then the Respondents have declined to pay Complainant for the two days he annually absented himself to observe his high holidays and has refused to permit him to use his emergency leave days for this religious observance. (C-9, C-4,5, Respondents' Brief, P. 3)

12. In order for the Complainant to observe his two high religious holidays, he has to take those two days off and

lose pay, or lose one day's pay and utilize his one personal leave day for the other.

13. Because of the Respondents' policy, Christian professional employes can observe Good Friday without the necessity of taking a day off or of utilizing a personal leave day or emergency leave days for such religious observance.

14. Respondents' written policy with regard to emergency leave days does not restrict them to unforeseen circumstances requiring immediate action but allows employes to use them for the conduct of their business, legal or medical affairs which can not be attended to outside of school hours. (C-1, 2 and 3)

15. Respondents have persisted in their refusal to permit Complainant to use his emergency leave days to observe his high religious holidays despite the disagreement with that policy by Secretary of Education, John C. Pittenger. (C-11)

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

LEO H. LIPNER, :
Complainant :
vs. : DOCKET NO. E-5260
BELLEFONTE AREA SCHOOL DISTRICT; :
KARL F. MAUGER, SUPERINTENDENT; :
T. R. LINDQUIST, SCHOOL BOARD :
PRESIDENT :
Respondents :

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Complainant and the Respondent and the subject matter of the complaint under the Pennsylvania Human Relations Act.

2. The fact that Complainant filed a union grievance procedure based on the issues here in contention does not constitute the institution of such an action as would deprive the Commission of jurisdiction under Section 12(b).

3. The refusal of Respondents to permit Complainant to use his emergency leave days for the observance of his high religious holidays while deliberately scheduling the spring school vacation so that the Christian religious holiday of Good Friday falls within it discriminates against the Complainant and other non-Christian similarly situated professional employes in violation of Section 5.1(a) and (b) of the Act.

4. The use of emergency leave days for religious observance under these circumstances is not in conflict with the collective bargaining agreement of the School District. In any event, to the extent that the agreement would conflict with a requirement under the Pennsylvania Human Relations Act, it must yield.

5. The record does not permit a finding as to the expense to the School District of permitting teachers to utilize emergency leave days to observe their high religious holidays.

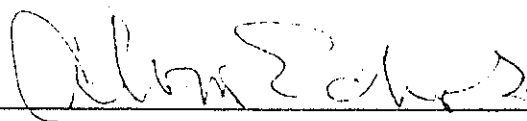
In view of the fact that three paid annual emergency leave days are provided, it would appear that the possibility of each teacher utilizing the three days must have been taken into consideration. But in the absence of Respondents adopting a neutral calendar so as to not favor one religious group, permitting affected employes to utilize emergency leave days so that the groups that are not favored will at least not lose pay is the least the Respondents can do.

6. The Commission does not reach, in the context of this case, the question of whether Respondents' conduct in adopting a school closing calendar so as to favor one religious group is in itself a violation of the Act.

RECOMMENATION OF HEARING COMMISSIONERS

AND NOW, this 1st day of June, 1975

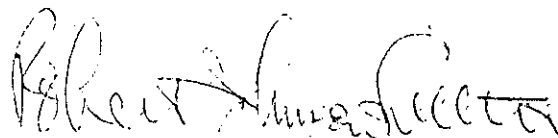
upon consideration of all the evidence presented at the Hearing on the above matter and the argument of Counsel and of the briefs and proposed Findings of Fact and Conclusions of Law, the Hearing Commissioners recommend to the entire Commission that an Order be entered against the Respondents holding it in violation of Section 5.1(a) and (b) of the Pennsylvania Human Relations Act and providing for appropriate relief.



Alvin Echols, Esq., Chairperson



Everett E. Smith, Commissioner



Dr. Robert Johnson Smith, Commissioner

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

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 v. :
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 T.R. LINDQUIST, SCHOOL BOARD :
 PRESIDENT, :
 Respondents :

COMMISSION'S DECISION

AND NOW, this 1st day of June

1975, upon the recommendation of the Hearing Commissioners and upon all the evidence at the Public Hearing of this case, and upon consideration of the briefs of the parties and the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission finds and determines that the Respondents engaged in an unlawful discriminatory practice in violation of Sec. 5(a) and (b) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, in that Respondents discriminated against Complainant and others similarly situated by refusing to allow Complainant to use his emergency leave days to observe his high religious holidays, so that Complainant, in order to observe his religious holidays, was required to take two days leave without pay or one day without pay plus use his one personal leave day, while Christian professional employes, as a result of the Respondents adopting a school vacation calendar which deliberately included Good Friday, may observe Good Friday without the necessity of taking a day off or utilizing a personal leave day for such religious observance.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: Joseph X. Yaffe
Joseph X. Yaffe, Chairperson

ATTEST:
Dr. Robert Johnson Smith
 Secretary

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

LEO H. LIPNER
Complainant

vs.

DOCKET NO. E-5260

BELLEFONTE AREA SCHOOL DISTRICT:
KARL F. MAUGER, SUPERINTENDENT;
T. R. LINDQUIST, SCHOOL BOARD
PRESIDENT

Respondents

FINAL ORDER

AND NOW, this 1st day of June, 1975

upon consideration of the foregoing Findings of Fact, Conclusions of Law, and Commission's Decision, and pursuant to the provisions of Section 9 of the Pennsylvania Human Relations Act, as amended, the Pennsylvania Human Relations Commission hereby

ORDERS:

1. The Respondents shall with the effective date of this Order, and as long as they maintain their policy of scheduling the spring school vacation to include Good Friday, permit the Complainant and all other employes subject to the collective bargaining agreements with the Bellefonte Area Education Association to, upon application with Respondents, use the Emergency Leave Days to observe their religious holidays. Any doubt as to whether a particular requested day constitutes a "religious" holiday shall be resolved upon consultation with

the appropriate religious leaders representing the major faiths and the particular faith involved.

2. The Respondents shall within 30 days of the effective date of this Order notify each employe covered by their Emergency Leave Days policy of this change in policy. The Respondents shall explicitly incorporate this change of policy in all written documents and agreements concerning its Emergency Leave Days Policy.

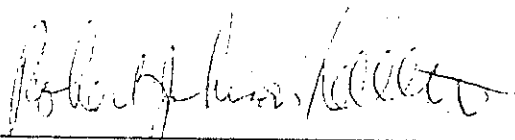
3. The Respondents shall compute the amount and compensate Complainant two days' pay for each year during his employment with the Respondents in which Respondents have refused to permit him to use his emergency leave days to observe Yom Kippur and Rosh Hashanah, at the rate of pay he was entitled to during the years in question plus simple interest at the rate of six percent per year.

4. Any portion of this award which is not paid within 30 days from the effective date of this Order shall bear interest at the rate of six percent per year.

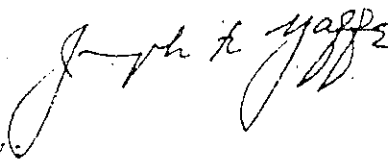
5. The Respondents shall within thirty days of the effective date of this Order notify the Commission of the manner of compliance with this Order.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

ATTEST:



Dr. Robert Johnson Smith,
Secretary

By: 

Joseph X. Yaffe,
Chairperson