

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS :
COMMISSION, :
Complainant :
 :
vs. : DOCKET NO. E-9428
 : :
ALBERT J. MAKLER, :
Respondent :

CONCILIATION AGREEMENT

WHEREAS, on the 3rd day of September, 1975, a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against Albert J. Makler (hereinafter called the "Respondent" whether singular or collective) by the Pennsylvania Human Relations Commission (hereinafter called the "Complainant" whether singular or collective) alleging that the Respondent had violated Section 5(b) (2) of the Pennsylvania Human Relations Act of October 27, 1955, P. L. 744, as amended, 43 P.S. Section 951 et seq. (hereinafter called the "Act"), in that the Respondent committed or caused to be committed the acts or actions more specifically referred to in Exhibit "A" which is attached hereto and incorporated herein as an integral part of this Agreement.

WHEREAS, the Commission has advised the Respondent formally after investigation that it has found probable cause to credit the allegations of Exhibit "A" which are contained in the aforementioned Complaint, to which the Respondent has objected to as being unsupported in fact and/or law, and

WHEREAS, the Commission and the Respondent, to avoid litigation, but without admission by the Respondent of any action 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.
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. 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.

9. The Commission and the Respondent enter into this Agreement with the intent to be legally bound hereby. This Agreement will become final and binding upon all parties when 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 representative, successors and assigns.

In Witness Whereof, the Respondent, being duly authorized so to do, has executed the foregoing on the 23rd day of January, 1976.

Albert J. Makler

Albert J. Makler

Homer C. Floyd

Homer C. Floyd, Executive
Director
Pennsylvania Human Relations
Commission

Approved and ratified at a meeting of the Pennsylvania Human Relations Commission on the 23rd day of February 1976 .

Joseph X. Yaffe

Joseph X. Yaffe Chairperson
Pennsylvania Human Relations
Commission

ATTEST:

Robert Johnson Smith

Dr. Robert Johnson Smith
Secretary
Pennsylvania Human Relations
Commission

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:

The Complainant alleges that beginning on and/or occurring on and/or beginning prior and continuing on or about to wit August 5, 1975 the Respondent caused to be printed in the help wanted section of the Legal Intelligencer on August 8, 11, and 12, 1975, an advertisement seeking an "Attorney--young man, excellent appearance.." which indicated a preference for young males, thereby discriminating against females seeking legal employment, because of their sex, Female, and thereby discriminating against males over forty years old, because of their age.

EXHIBIT "A"

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TERMS OF ADJUSTMENT

1. Respondent shall not cause to be printed or published any notice or advertisement relating to employment indicating any preference, limitation, specification or discrimination based upon race, color, religious creed; ancestry, age, sex, national origin or non-job related handicap or disability.
2. Respondent shall for a period of one (1) year from the effective date of this Order send to the Commission copies of any and all notices or advertisements relating to employment within 48 hours after he submits such notice or advertisement to any newspaper or publication.
3. Respondent shall post the Fair Employment Practices Notice citing the provisions of the Pennsylvania Human Relations Act relating to employment in a conspicuous and well-lighted place in his normal place of business where both present and prospective employees will normally see it and be able to read it.

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Respondent, :

FINAL ORDER AND DECREE

AND NOW, this 23rd day of February, 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.

BY Joseph X. Yaffe
JOSEPH X. YAFFE, CHAIRPERSON
PENNSYLVANIA HUMAN RELATIONS
COMMISSION

BY Robert Johnson Smith
DR. ROBERT JOHNSON SMITH,
SECRETARY
PENNSYLVANIA HUMAN RELATIONS
COMMISSION