COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PAULA M. BRUNO, Complainant

v.

HALSTEAD INDUSTRIES, INC., Respondent

DOCKET NO. E-3l594

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FINAL ORDER

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

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v.

HALSTEAD INDUSTRIES, INC., Respondent

DOCKET NO. E-3l594

JOINT STIPULATIONS OF FACT

The Complainant, Paula M. Bruno, counsel for the Pennsylvania Human Relations Commission and counsel for Respondent, Halstead Industries, Inc., do hereby stipulate to the truth and relevance of the following statements of fact:

1. On or about the 10th day of December, 1984, Paula M. Bruno duly filed a complaint with the Pittsburgh office of the Pennsylvania Human Relations Commission alleging that Halstead Industries, Inc. discriminated against her because of her sex when it failed to hire her.
2. On or about the 15th day of October, 1986, Paula M. Bruno filed an Amended Complaint with the Pittsburgh office of the Pennsylvania Human Relations Commission alleging that Halstead Industries, Inc. discriminated against her and other women in recruitment and hiring for production jobs.
3. Paula M. Bruno is an individual within the meaning of §5(a) of the Pennsylvania Human Relations Act (PHRA) and resides at 127 Brandon Road, Butler, PA 16001.
4. Halstead Industries, Inc. is an employer within the meaning of §5(a) and 4(b) of the PHRA and employs 4 or more employees within the Commonwealth of Pennsylvania and has a principal place of business located at West Castle Street, Zelienople, PA 16063.
5. From February 26, 1980 to November 4, 1984, Respondent hired no production employees due to severely depressed business conditions.
6. On or about October 26, 1984, Respondent, Halstead Industries, Inc., began accepting applications for employment as production employees in its Zelienople facility.
7. Between October 26, 1984 and March 31, 1986, Respondent received 428 applications for production work: 391 male or 91.36%; 37 female or 8.64%.
8. The Respondent has no written policies or procedures for the recruiting, screening and hiring of production employees.
9. The process of recruiting new employees in October, 1984, consisted of first notifying the local union and supervisors of the intention to add new positions to the workforce.

10. Applications were accepted from all interested parties for several days, including the general public on October 26, 1984.
11. The following women made application for the open positions during this period.

    Bosancic, Frances G.
    Bruno, Paula Marian
    Centenail, Judy Ann
    Champion, Josephine Ann
    Clyde, Lisa M.
    Duncan, Mable
    Ferrante, Theresa
    Flickinger, Cynthia Lee
    Fotia, Rosemarie
    Fuda, Carmela
    Hall, Debra Lou
    Jacob, Alice L.
    Jones, Kimberly Ann
    Kelly, Connie Jean
    Koch, Colleen Janet
    Matz, Louann
    Mitchell, Dorothy M.
    Moore (Campbell) Kelly J.
    Moser, Traci Rena
    Nesbitt, Phyllis Ailene
    Neyman, Diane Louise
    Noland, Cindy D.
    Pearce, Thelma Louise
    Richard, Patricia Marie
    Richards (Shean) Eleanor
    Schlemmer, Janice M.
    Schaffer, Linda L.
    Teets, Shellie Jo
    Vesco, Denise K.
    Young, Doris Glennda

12. Preference in hiring was given to former employees who had good work records during their employment with the corporation, and to relatives of current or former employees.
13. The following women who made application for the open positions during the fall of 1984 and who listed Respondent employees as references on their application blanks were:

    Bosancic, Frances G.
    Bruno, Paula Marian
    Duncan, Mable
    Nesbitt, Phyllis Ailene
    Richard, Patricia Marie
    Richards, (Shean) Eleanor

14. On or about October 26, 1984, Complainant, Paula M. Bruno, filled in and submitted an application form to Respondent on which she indicated that she wished to apply for a position as a production employee.
15. On her application form, Complainant checked the box indicating she was under 18 years of age; however, from her job history on that same application, she indicated that she had worked as a meat cutter in 1973.
16. On her application form, Complainant did not complete the military information section, but elsewhere on the same application indicated that the reason that she left one of her jobs in her job history was to join the United States Navy.
17. Complainant was not accepted by the Navy because she was over the Navy's weight limit.
18. Complainant had no prior industrial job experience.
19. The positions that were available at the time of the Complainant's application, and for which she was eligible, were those of Coil Packer, Bundler and Operator Pointer. Respondent was hiring one truck driver and one mechanic, both positions of which required prior experience.
20. The Respondent's job descriptions for the positions of Coil Packer, Bundler and Operator Pointer do not list any required qualifications for the positions.
21. Complainant was not hired by Respondent for the stated reason that she had not completed her application properly.
22. The six employees who were hired by the Respondent during the period from November 5, 1984 through December 12, 1984 from the October applicant pool were all males, namely: Timothy Gallagher, Don Peffer, Charles Burke, Michael Peffer, Ronald Reiser and Mervin Stauffer.
23. Don Peffer, the individual hired as the truck driver, Charles Burke, Ronald Reiser and Mervin Stauffer, the individual hired as the mechanic, had been employed by the Respondent previously.
24. Gallagher was employed as a laborer by an aluminum window frame manufacturer at the time of his hire by the Respondent on November 27, 1984. He had only held this position for three months. Prior to this, Gallagher had been employed as a crew member at a fast food restaurant and as a farm laborer. However, Gallagher's father, John Gallagher, had been employed by the Respondent since 1957.
25. Michael Peffer was not employed by the Respondent prior to his hire on November 27, 1984, however, he was related to another employee, Jim Peffer, a press foreman.
26. Michael Peffer was employed as a laborer for a landscaper at the time of his hire by the Respondent. Prior to this, he had worked as a laborer for an air turbine propellor manufacturer, a chrome manufacturer and another corporation.
27. The original complaint was served upon the Respondent on December 19, 1984.
28. Prior to the filing of the original complaint in this action, Respondent employed 13 women (out of a workforce of 315 males and females) as production employees.
29. Between December 19, 1984 and March 31, 1986, Respondent hired 44 production employees: 38 or 86.4% male; 6 or 13.6% female.
30. None of the 6 women who were hired between December 19, 1984 and March 31, 1986 had been employed by the Respondent previously. Four of them, Rose Ann Webster,

Kimberly Rhodes, Vickie Brenner and Debra Ross are related to long term Respondent employees.

31. Only one of these 4 women, Debra Ross, had any previous industrial experience. Ross had worked as a laborer for Three Rivers Aluminum Corporation from May 3, 1983 until February 24, 1986, when she was hired by the Respondent.
32. The other 2 women hired, Janile Fielding and Shirley Pellon, do not appear to be related to other employees. Fielding had no prior industrial experience. Pellon had worked as a laborer for seven months during 1971.
33. Of the 38 men who were hired by the Respondent between December 19, 1984 and March 31, 1986, 6 had been employed by the Respondent previously. Twelve others appear to be related to other employees.
34. For the period between December 19, 1984 and March 31, 1986, of 20 male hires who were not employed by the Respondent previously and do not appear to be related to other employees, 5 had no previous industrial experience.
35. As of July 1, 1984, Respondent employed 309 production workers of whom 296 (95.79%) were male and 13 (4.21%) were female.
36. As of March 17, 1986, Respondent employed 329 production workers of whom 311 (94.53%) were male and 18 (5.47%) were female.
37. Since October 26, 1984, the Respondent has hired 229 production employees: 187 men or 81.66% and 42 women or 18.34%.
38. During the period September, 1984 through December, 1984, Complainant earned $980.85 at the rate of $3.35 per hour as an employee of P.H.K.&P., Inc., doing business as Clearview Food Arena, 1521 North Main Street, Butler, PA 16001.
39. During 1985, Complainant earned the following wages from the following employers:

$ 69.00	P.H.K.&P., Inc., doing business as Clearview Food Arena
$1,626.21	The Hutch Restaurant of Butler, 236 South Main Street, Butler, PA 16001
$ 350.87	Eastland Diner, Eugene J. Houllion, Owner, 144 Headland Road, Butler, PA 16001

40. Complainant was disabled for 9 weeks during 1985 in connection with a work-related hand injury.
41. During the year 1986, Complainant earned $7,701.25 from Eugene J. Houllion, Owner, Eastland Diner.
42. During the year 1987, Complainant earned $7,831.90 from Eastland Diner, Eugene J. Houllion, Owner.
43. During the period January 1, 1988 through August, 1988, Complainant worked 40 hours per week as Head Cook at Eastland Diner at $4.00 per hour. Since beginning in September, 1988, Complainant has been employed as Head Cook at 35 hours per week at a rate of pay of $4.50 per hour at Thompson Restaurant.
44. During the period November 27, 1984 through December 31, 1987, Timothy Gallagher has been steadily employed by Respondent and has earned the following annual wages:

1984 - $ 1,086.87
1985 - $18,034.13
1986 - $18,190.06

$1987 - $19,353.18.

45. During the period January 1, 1988 through the present, Timothy Gallagher has remained steadily employed with the Respondent at an hourly wage of $8.86 per hour.
46. All the procedural prerequisites for a public hearing have been met.

For the Respondent:

Richard V. Sica 12/15/88

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Attorneys for Respondent
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For the Commission in Support of the Complaint:

Theresa Homisak 12/13/88

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Complainant

Paula M. Bruno 12/9/88

Paula M. Bruno

FINDINGS OF FACT

1. Paula M. Bruno, (hereinafter "Complainant"), submitted an application for employment as a laborer with Halstead Industries, Inc., (hereinafter "Respondent") on October 26, 1984, the first day since February 1980 that the Respondent accepted applications for open production jobs. (N.T. 11; S.E. B; S.F. 5, 10, 14)
2. At the time of the Complainant's application, Alfred A. Grove III, (hereinafter "Grove") was the Respondent's location manager. (N.T. 11)
3. Grove and the Respondent's personnel manager, Frank Butchkowski, (hereinafter "Butchkowski"), were directly involved in the hiring process. (N.T. 11, 12)
4. Grove was specifically authorized to make hiring decisions. (N.T. 12)
5. By "word-of-mouth ", current Respondent employes could refer an applicant thereby giving that applicant a degree of preference in hiring. (N.T. 14; S.F. 12)
6. Grove frequently walked through the production area speaking with employes about employe problems, and requests. (N.T. 15)
7. Upon leaving the production area, Grove would relay employe problems and requests to Butchkowski in the Respondent's personnel department. (N.T. 15)
8. Sometime after the Complainant had applied, Grove was approached by John Barton, (hereinafter "Barton") regarding Barton's request that Grove hire his girlfriend, the Complainant. (N.T. 14)
9. Barton had worked in the Respondent's maintenance department for over 20 years. (N.T. 15)
10. Grove held the opinion that Barton was an undesirable employe. (N.T. 13)
11. Barton had an absenteeism and lateness problem for which he had been suspended many times. (N.T. 13)
12. Barton also was known to refuse to follow reasonable instructions from his supervisors. (N.T. 14)
13. Grove indicated that Barton had bragged about doing as little work as possible and that co-workers refused to work with Barton because of his lack of adequate performance. (N.T. 14)
14. When Barton asked Grove to hire his girlfriend, Grove inquired who Barton meant and whether she had applied. (N.T. 15)
15. Grove also in effect told Barton "that's all we need is another Barton around here." (N.T. 15)
16. After Barton’s request, Grove instructed Butchkowski not to hire the Complainant because of her relationship with Barton. (N.T. 15)
17. Grove was of the opinion that being under another person's influence might cause that person to react similarly to their companion. (N.T. 16-17)
18. Grove, therefore, held the opinion that since Barton was such an unproductive employe, the Complainant would not be a good employment risk. (N.T. 16, 17)
19. Grove never considered the fact that there were errors in the Complainant’s application as a reason for the Complainant's rejection as an applicant. (N.T. 17)
20. In the Respondent's answer, the Respondent's attorney articulated errors in the Complainant's application as a reason for the Complainant's rejection. (N.T. 18, 19; S.F. 21)
21. At the Public Hearing, Grove testified that the real reason why the Complainant was never considered was solely because of her relationship with Barton. (N.T. 18)

22. Grove testified that sex was specifically not a consideration regarding the Complainant's rejection. (N.T. 18)

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission (PHRC) has jurisdiction over the parties and subject matter of this case.
2. The parties and the PHRC have fully complied with the procedural prerequisites to a public hearing in this case.
3. The Complainant is an individual within the meaning of the Pennsylvania Human Relations Act (PHRA).
4. The Respondent is an employer within the meaning of the PHRA.
5. Where a Respondent does everything that would be required of it if a Complainant had properly made out a prima facie case, whether a Complainant really did so is no longer relevant.
6. The Respondent offered legitimate non-discriminatory reasons for refusal to hire the Complainant.
7. The Complainant failed to establish by a preponderance of the evidence that the reasons for her rejection articulated by the Respondent were pretextual.
8. In the relevant time period, the Respondent hired female applicants in a percentage greater than had applied for production worker positions.
9. The Complainant has not established that the Respondent's recruitment and hiring practices had the effect of excluding women.

OPINION

This case arises on a complaint filed on or about December 20, 1984, by Paula M. Bruno, (hereinafter “Complainant”) against Halstead Industries, Inc. (hereinafter "Respondent"), with the Pennsylvania Human Relations Commission ("PHRC"). In her complaint, the Complainant alleged that the Respondent failed to hire her for a production job because of her sex, female, in violation of Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §§95l et. seq., (" PHRA"). On or about October 16, 1986, the Complainant amended her complaint to add an allegation that particular Respondent hiring practices had the effect of generally excluding women in violation of the PHRA.

PHRC staff conducted an investigation and found probable cause to credit these allegations. The PHRC and the parties attempted to eliminate the alleged unlawful practices through conference, conciliation, and persuasion. However, such efforts were unsuccessful, and this case was approved for public hearing. The hearing was held on December 21, 1988 in Pittsburgh, Pennsylvania before Carl H. Summerson, Hearing Examiner. The case on behalf of the complaint was presented by PHRC staff attorney Theresa Homisak. Richard V. Sica, Esquire, appeared on behalf of the Respondent. Following the Public Hearing, the parties were afforded an opportunity to submit briefs. The Respondent's well reasoned and artfully drafted brief was received on March 6, 1989, and the brief for the Complainant was received on March 2, 1989.

The Complainant's original complaint began as purely a disparate treatment allegation, however, when the complaint was amended, a disparate impact question was also presented. Our analysis

begins with that portion of the complaint which deals with the Complainant's individual claim that the Respondent's refusal to hire her constitutes sex-based discrimination.

First, the Complainant's brief makes a broad claim that there was direct evidence that the Respondent's refusal to hire the Complainant was based on a discriminatory consideration. While it may be true that when direct evidence is presented, the oft repeated McDonnell Douglas shifting burdens test is inapplicable, see Blalock v. Metals Trades, Inc., 39 FEP 140, at 143 (6th Cir. 1985), citing TWA, Inc. v. Thurston, 105 S. Ct. 613, 622, 36 FEP 977 (1985), here, the evidence presented fails to constitute direct evidence of discrimination.

The Complainant's brief argues that the Respondent acknowledged that it refused to hire the Complainant because she was the girlfriend of John Barton, a longstanding Respondent employe. This the Complainant argues is direct evidence of discrimination. Under the totality of the circumstances presented, we disagree. The Complainant's brief incorrectly cites the cases of Shuman v. City of Philadelphia, 470 F.Supp. 449, 19 EPD ¶9248 (E.D. Pa. 1979), and Bishop v. Bell, 19 EPD ¶9131 (D.D.C. 1979). Shuman and Bishop both deal with constitutional issues unrelated to sex-based discrimination. In Bishop, a female applicant for employment with the federal government was denied a job because she cohabitated with an unrelated member of the opposite sex. In Shuman, a police officer was terminated after he refused to answer questions presented in the course of an official investigation regarding whether or not he was living with a woman to whom he was not married. In both cases, the court determined that the employe's right of privacy had been violated contrary to constitutional protections.

In summary, both Bishop and Shuman stand for the principle that the government may not condition the receipt or retention of a government benefit on the waiver of a constitutional right.

The present case is readily distinguishable from Bishop and Shuman. First, in this case there is no government involvement regarding the refusal to hire. More importantly, the PHRC is designed to address issues of alleged discrimination, not alleged abuses of an individual's right to privacy.

In the present case, the evidence that the Respondent rejected the Complainant because of her association with John Barton properly belongs in the second stage of the McDonnell Douglas tripartite formula used in cases where evidence is best characterized as circumstantial. In this stage, the Respondent is given an opportunity to rebut an inference of discrimination created by a Complainant's prima facie showing by articulating a legitimate non-discriminatory reasons for its actions.

Before discussion of the second stage of the McDonnell Douglas analytical model, we normally first focus on whether a Complainant can establish a prima facie case by the preponderance of the evidence. See Department of Community Affairs v. Burdine, 450 U.S. 248, 250-53 (1981). However, because this case was fully tried on the merits, it is appropriate to move directly to the ultimate issue of whether the Complainant has met her ultimate burden of persuasion that the Respondent's refusal to hire her was discriminatory within the meaning of the PHRA. See U. S. Postal Service Board of Governors v. Aikens, 31 FEP 609 (U.S. Supreme Court 1983) ("Aikens").

In this case, the Respondent responded to the Complainant's case by offering evidence of the reason for the Complainant's rejection. Aikens indicates that once a Respondent does this, the McDonnell-Burdine presumption arising from a prima facie showing drops from the case, and the factual inquiry proceeds to a new level of specificity. Aikens further states that the prima facie case method established in McDonnell Douglas was never intended to be rigid, mechanized, or ritualistic. Rather, it is merely a sensible orderly way to evaluate the evidence in light of common experience as it bears on the critical question of discrimination. Aikens, citing Furnco Construction Corp. v. Waters, 438 U.S. 567 (1978).

"Where the [Respondent] has done everything that would be required of [it] if the [Complainant] had properly made out a prima facie case, whether the [Complainant] really did so is no longer relevant. The [trier of fact] has before it all the evidence it needs to decide whether 'the [Respondent] intentionally discriminated against the [Complainant].'" Aikens at 611.

The factual and legal disputes in this case really revolve around the reason offered by the Respondent for its actions. As was briefly mentioned above, the Respondent asserts that the Complainant's application was not considered because of her known affiliation with Barton who was considered a problem employe. Grove, in effect, testified that in his experience, persons under another's "influence" will likely display similar characteristics. Here, Grove testified that in his opinion the Complainant "was not a good employment risk" because she was under the "influence" of a problem employe.

The Complainant's brief appears to urge a placement of major emphasis on the idea that since the Complainant was Barton's "girlfriend" the Respondent improperly applied an unreasonable stereotype to females by believing them to be under the "influence" of men. During the Public Hearing, Grove was not examined regarding the nature of his opinion and whether he was of the opinion that a male could be under the "influence" of a female. In other words, the existing record is devoid of an adequate explanation for the word “influence.”

The Complainant seeks a restrictive interpretation which is not sufficiently supported by the evidence. Conversely, the Respondent's brief cites Lombard v. School District of City of Erie, 463 F. Supp. 566, 19 EPO ¶9101, at 6761 (W.D. Pa. 1978). In Lombard, the court stated:

> We stress that, to avoid Title VII liability, the defendant need only articulate a reason for the apparently unequal treatment that is not sex related, and need not state that the selection was based upon merit. Stating that a man was selected over a woman for a job because the man had more friends in high places constitutes a "non-discriminatory reason" for the unequal treatment sufficient to avoid liability under Title VII even though such hiring practices may violate other laws."

Perhaps not everyone would agree with Grove's opinion regarding the probable effect affiliate “influence” might have on another's performance. However, the U. S. Supreme Court clearly recognizes the "harsh fact that mistakes are inevitable in the day-to-day administration of our affairs." Bishop v. Wood, 426 U. S. 341, at p. 350 (1976). Employers have to be conceded the right to be wrong, so long as there is no discrimination involved. See Flucker v. Fox Chapel Area

School District, 461 F. Supp. 1203 (D. Pa. 1979); See also Rivers v. Westinghouse Electric Corp., 451 F. Supp. 44 (D. Pa. 1978). Clearly, motivation can be ill-informed and yet not discriminatory. See Oates v. District of Columbia, 824 F.2d 87, 44 FEP 639 (D.C. Cir. 1987).

We must constantly be mindful of the simple principle that in a disparate treatment case, the Complainant must ultimately persuade the PHRC by a preponderance of the evidence that the Respondent intentionally discriminated against her. Allegheny Housing Rehabilitation Corp. v. PHRC, 516 Pa. 124, 532 A.2d 315 (1987). Under the totality of the circumstances presented here, the Complainant has failed to meet her burden of persuasion.

Our attention now shifts to that portion of the Complainant's amended complaint which alleges, "[t]he Respondent's practice of giving hiring preference to former employes or relative of employes has the effect of excluding women from the workforce." This allegation generally covers the two-year time period between November, 1984 through October, 1986. Stipulations of Fact indicated that between October, 1984, and March, 1986, 428 production job applications were filed: 391 male, or 91.36%; 37 female or 8.64%. The Respondent had no written recruiting or hiring procedures, but did first notify the union and supervisors of the intention to add new positions. Applications were then accepted from all interested parties including the general public. Admittedly, preference was given to former employes who had good work records during their prior employment with the Respondent, and to relatives of current or former employes.

Between November 5, 1984 through December 12, 1984, the Respondent hired four production workers. All four hired were males, two of whom had been previously Respondent employes. The other two had relatives employed by the Respondent.

Between December, 1984, and March, 1986, the Respondent hired 44 additional production employes: 38 or 86.4% males; 6 or 13.6% females. Of the 38 men hired in this period, 6 had been prior Respondent employes and approximately 12 were related to Respondent employes, 5 of the 38 had no prior industrial experience. Of the 6 women hired in that period, none had been previous Respondent employes, 4 were related to Respondent employes, and of the same 6, 4 had no prior industrial experience.

As of July 1, 1984, the Respondent employed 309 production workers: 396 (95.79%) male and 13 (4.21%) female. As of March 17, 1986, the Respondent employed 329 production workers: 311 (94.53% male and 18 (5.47%) female. Since October, 1986, the Respondent has hired 229 production workers: 187 (81.66%) men and 42 (18.34%) women.

The Respondent's brief suggests that it has been charged with defending a claim which has had an unstated legal basis. A review of the Complainant's brief reveals an unfocused view of the legal theory behind the Complainant's recruitment and hiring disparate impact allegation. Put into focus, it would appear the Complainant rests her primary contention on an argument that there is a disparity between the composition of the qualified applicant pool and the relevant labor market caused by unlawfully discriminatory recruitment procedures. The specific procedures challenged are that the Respondent gave a preference to prior Respondent employes and to relatives of Respondent employes.

Of the 48 production workers hired between November 1984 and March 1986, 8 of the 48 hired were males with prior experience with the Respondent. Six of the 48 hired were females. but none had prior experience with the Respondent. Unfortunately. this record contains absolutely no data regarding the reasons behind the statistical 1984 workforce comparison between men and women. All we have before us is the simple fact that as of July 1, 1984, the Respondent employed 296 men and 13 women production workers. A multitude of reasons could have created this statistical picture, however, the record is devoid of any explanation for this pattern. On this point, we can not speculate.

Regarding the Respondent's policy of giving preference to relatives of employes, clearly, a relative can be either male or female. Although some federal courts may have frowned on word-of-mouth referrals because of a recognition that employes, to some degree. advise people of their own sex of the availability of employment in their employer's company, See generally, Employment Discrimination Law. Schlei and Grossman, Chapter 16 p. 571. The evidence before us does not persuade us that a relative either would or did only advise male members of that employe's family of jobs being available. Here, 14 of 42 men hired had relatives working for the Respondent, while 4 of the 6 women hired had relatives working for the Respondent. On this point, we find no evidence that preference to relatives of Respondent employes was in some way slanted toward a source more likely to yield male applicants.

In this case it is just as significant to look at several other factors. First, of 6 women hired, 4 had no prior industrial experience, while 5 of the 42 men hired had no prior industrial experience. It is worth noting that the applications submitted as evidence were of female applicants only. Since no male applications were submitted into evidence, not even a basic relative qualification comparison can be made. Next, since 1984, the Respondent has been consistently elevating the percentage of women in its production workforce. In fact, the percentages of women hired exceed the percentage of women in the applicant pool. Lastly, the Respondent did not restrict its hiring to either persons previously employed by the Respondent or persons with relatives employed by the Respondent. Instead, the Respondent, in some manner undefined by this record, had opened its application process to the general public.

These factors along with the general lack of evidence presented strongly influence the conclusion that the Complainant has not established her case by a preponderance of the evidence. Accordingly, we reject both the Complainant’s individual disparate treatment claim which alleged that the Complainant was not hired because of her sex, and the general pattern claim that the Respondent's recruitment and hiring practices had the effect of excluding women. An appropriate order dismissing these claims follows.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PAULA M. BRUNO, Complainant

v.

HALSTEAD INDUSTRIES, INC., Respondent

DOCKET NO. E-31594

RECOMMENDATION OF HEARING EXAMINER

Upon consideration of the entire record in his case, the Hearing Examiner concludes that the Complainant failed to prove that the Respondent violated the Pennsylvania Human Relations Act. and therefore recommends that the foregoing Stipulations of Fact, Findings of Fact, Conclusions of Law, and Opinion be adopted by the full Pennsylvania Human Relations Commission, and that a Final Order of dismissal be entered, pursuant to Section 9 of the Act.

Carl H. Summerson
Hearing Examiner

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PAULA M. BRUNO, Complainant

v.

HALSTEAD INDUSTRIES, INC., Respondent

DOCKET NO. E-31594

FINAL ORDER

AND NOW. this 26th day of April, 1989, following review of the entire record in this case. including the transcript of testimony. exhibits. briefs. and pleadings. the Pennsylvania Human Relations Commission hereby adopts the foregoing Stipulations of Fact. Findings of Fact, Conclusions of Law, and Opinion, in accordance with the Recommendation of the Hearing Examiner, pursuant to Section 9 of the Pennsylvania Human Relations Act. and therefore

ORDERS

that the complaint in this case be. and the same hereby is dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY: Thomas L. McGill, Jr.
Thomas L. McGill, Jr., Esquire
Chairperson

ATTEST:

Raquel O. Yeingst
Secretary