

COMMONWEALTH OF PENNSYLVANIA

EXECUTIVE OFFICES

PENNSYLVANIA HUMAN RELATIONS COMMISSION

KAY A. DOAKS
Complainant

v.

DOCKET NO. E-20011-D

THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
SOUTH MOUNTAIN RESTORATION CENTER,
Respondent

STIPULATION OF FACT

The following facts are admitted by all parties to the above captioned case and no further proof thereof shall be required:

1. The Complainant herein is Kay A. Doaks, an adult female, who resides at 1507 Lincoln Way East, Chambersburg, Pennsylvania 17201.

2. The Respondent herein is The Commonwealth of Pennsylvania, Department of Public Welfare, South Mountain Restoration Center, a state agency, located at South Mountain, Pennsylvania 17261.

3. The Complainant, on or about March 18, 1981, filed a notarized complaint with the Pennsylvania Human Relations Commission (hereinafter "Commission") at docket number E-20011-D. A copy of the formal Complaint is attached hereto as Appendix "A" and is incorporated by reference herein as if fully set forth.

4. On April 3, 1981, Commission staff duly served all parties to this action with a copy of the Complaint described in paragraph number three. A copy of the certification of service is attached hereto as Appendix "B" and is incorporated by reference herein as if fully set forth.

5. In correspondence, dated April 13, 1981, the Respondent acknowledged receipt of the above-captioned Complaint.

6. In August 1983, the Commission notified the Respondent that Probable Cause existed to credit the allegation contained in the above-captioned complaint.

7. Subsequent to the determination of probable cause, the Commission and the Respondent attempted to resolve the complaint through conciliation and persuasion but were unable to do so.

8. Complainant was interviewed by Respondent for an Employment Program Trainee position as a Restoration Aid on February 19, 1981.

9. The Greater Good News Church of God in Christ is pentecostal in doctrine, thus, members of the Church of God in Christ strictly adhere to the rules and guides of faith found in the Old and the New Testaments of the Holy Bible.

10. The position of Restoration Aid entails general patient care duties.

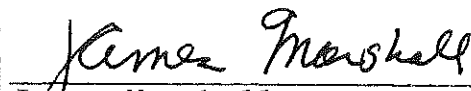
11. At the recreational events during which alcohol is dispensed to participating patients, an alternative beverage is dispensed to non-participating patients, (i.e., patients who do not drink alcohol).


12. By letter dated February 24, 1981 Respondent advised Complainant that she would not be considered for employment.

13. The decision to not consider Complainant for employment was made at least in part upon the recommendation of Respondent's Director of Nurses, Nancy Evans.

14. Ms. Evans' primary reason for recommending Complainant's rejection for employment was Complainant's views regarding tobacco and alcohol.

15. Complainant's views regarding tobacco and alcohol on February 19, 1981 were derived from her sincere religious beliefs.


James Marshall
Assistant Counsel
PA Dept. of Public Welfare
Counsel for Respondent


G. Thompson Bell
Counsel for the Complainant
on behalf of the Commission

FINDINGS OF FACT*

1. On February 19, 1981 the Acting Director of Nursing of South Mountain Restoration Center, Ms. Evans, interviewed the Complainant, Ms. Doaks, for the position of Restoration Aide under the Employment Program Trainee Program, (hereinafter "EPT"). (N.T. 17, SF 4, and 8).

2. At the time of the interview Ms. Doaks was a member of the Greater Good News Church of God in Christ in Chambersburg. (N.T. 14).

3. At the time of the interview and all times relevant to this case, Ms. Doaks had the sincere religious belief espoused by the Greater Good News Church of God in Christ that tobacco and alcohol are unclean things which defile the human body which is the temple of God. (S.F. 15, and N.T. 14).

4. At the pre-employment interview, Ms. Doaks told Ms. Evans that because of her religious belief she could not distribute cigarettes or participate in "beer parties." (the Complaint, and N.T. 17, 19, 26, and 27).

5. Ms. Evans neither requested clarification of Ms. Doaks' beliefs (N.T. 21 and 160), nor attempted to ascertain whether Ms. Doaks would compromise her beliefs under any circumstances. (N.T. 20, 154).

*The foregoing "Stipulations of Fact" is hereby incorporated herein as if fully set forth. To the extent that the Opinion which follows recites facts in addition to those here listed, such facts shall be considered to be additional Findings of Fact. The following abbreviations will be utilized throughout:

N.T.	Notes of Testimony
C.E.	Complainant's Exhibit
S.F.	Stipulations of Fact

6. Because of Ms. Doaks' views regarding tobacco and alcohol, Ms. Evans recommended to South Mountain's Director of Personnel, Mr. Plassio, that Ms. Doaks not be hired for the EPT/Restoration Aide position. (S.F. 14, N.T. 138).

7. Mr. Plassio relied on Ms. Evans' judgment and assessment of Ms. Doaks and accepted her recommendation to reject Ms. Doaks. (N.T. 180).

8. Ms. Doaks was notified by letter dated February 24, 1981, that she was not selected for employment with the Respondent. (S.F. 12, C.E. 2).

9. Prior to 1981, there were events at which alcoholic beverages were served to patients but all Restoration Aides were not assigned to these events, (N.T. 46-47, 81-82, 92), and non-alcoholic beverages were also served. (S.F. 11).

10. The duties of Restoration Aides pertaining to tobacco consisted of one Aide per shift from each nursing unit being assigned to distribute cigarettes four or five times per shift, lighting the cigarettes for some patients and watching the patients while they smoked. (N.T. 42-44, 62-64, 66, 79-80, 89-91).

11. Linda O'Neal and Alfreda Hinton are Restoration Aides with South Mountain who belong to the same church that Ms. Doaks belonged to in 1981. (N.T. 82, 93).

12. Ms. O'Neal's and Ms. Hinton's religious beliefs with respect to tobacco and alcohol were the same as Ms. Doaks' beliefs. (N.T. 16, 82-83, 93).

13. Since 1976, Respondent has accommodated the religious beliefs of Ms. O'Neal and Ms. Hinton, without undue hardship. (N.T. 48-49, 71, 84-88, 95-97).

14. After Complainant was rejected for the EPT/Restoration Aide position, the next persons hired for that position began working on March 9 and 10, 1981. (C.E. 3).

15. Richard Bumbaugh's salary history most closely approximates what Ms. Doaks would have earned but for Respondent's discrimination. (C.E. 3).

CONCLUSIONS OF LAW

1. Complainant is an individual within the meaning of Sections 4 and 5 of the Act.

2. Respondent is an employer within the meaning of Sections 4 and 5 of the Act.

3. The parties and the Commission have met all procedural prerequisites to a public hearing in this case.

4. The Commission has jurisdiction over the parties and subject matter of this case.

5. Complainant has established a prima facie case of religion-based discrimination by proving that:

- a. She had a sincerely held religious belief;
- b. She informed Respondent of her religious belief;
- and
- c. Respondent refused to hire her because of her belief.

6. Once Complainant establishes a prima facie case of discrimination, it is Respondent's burden to demonstrate that Complainant's religious belief could not have been accommodated without undue hardship.

7. Included in Respondent's duty to explore reasonable accommodations is the duty to take some steps in negotiating with a prospective employee to reach a reasonable accommodation of the employee's religious beliefs.

8. Respondent failed to establish that it could not reasonably accommodate Complainant's religious beliefs without undue hardship.

9. Respondent discriminated against Complainant, in violation of the Act, by failing to reasonably accommodate her religious beliefs and denying Complainant employment.

10. After a finding of discrimination, the Commission is empowered by Section 9 of the Act to award relief, including reinstatement and lost wages.

OPINION

This case originated with a complaint filed by Kay A. Doaks, (hereinafter referred to as "Ms. Doaks" or "Complainant"), against the Commonwealth of Pennsylvania, Department of Public Welfare, South Mountain Restoration Center, (hereinafter referred to as "South Mountain" or "Respondent"). Complainant's complaint was filed with the Pennsylvania Human Relations Commission, (hereinafter the "PHRC"), on or about March 18, 1981, at Docket No. E-20011D. Complainant alleged that the Respondent violated Section 5(a) of the Pennsylvania Human Relations Act, 43 P.S. §§951 et seq., (hereinafter the "Act"), by refusing to hire the Complainant because of her religious beliefs.

PHRC regional staff investigated and found probable cause to credit the Complainant's allegation of discrimination. Subsequent efforts to resolve the dispute through conference and conciliation were unsuccessful and the case was set for Public Hearing. On August 21, 1985 the Public Hearing was held in Harrisburg, Pennsylvania, before Commissioners Rita Clark, Chairperson, Doris M. Leader and Elizabeth M. Scott.

Early in 1981, Ms. Doaks applied for a job with South Mountain through the Chambersburg C.E.T.A. office. On February 19, 1981, following her application, Ms. Doaks was interviewed by South Mountain for a position as a Restoration Aide in the Employment Program Trainee program, (hereinafter "EPT"). Ms. Nancy Evans, the Acting Director of Nursing of South Mountain, interviewed Ms. Doaks.

Following the interview Ms. Evans recommended to South Mountain's Director of Personnel, James Plassio, that Ms. Doaks not be hired. Mr. Plassio followed Ms. Evans' recommendation and Ms. Doaks was notified by a letter dated February 24, 1981, that because of information revealed during the interview South Mountain could not consider her for employment.

Ms. Doaks' complaint challenges the Respondent's refusal to hire her as a violation of Section 5(a) of the Act. This section states in pertinent part:

It shall be an unlawful practice ...
[for] any employer because of the ...
religious creed ... of any individual
to refuse to hire or employ ... such
individual ...

Complainant's allegation suggests that her religious beliefs regarding alcohol and tobacco were the basis for South Mountain's refusal to hire her.

When analyzing a case of unlawful discrimination because of the religious creed of a Complainant the well established tripartite analysis and allocation of the burdens of production must be modified. The usual three stage analysis is reduced to a two stage process. First, the Complainant bears the initial burden of establishing a prima facie case. Second, if the Complainant is successful, the burden shifts to the Respondent to show good faith efforts to accommodate the Complainant's religious beliefs, and that such efforts were unsuccessful in accommodating those beliefs without undue hardship. Swinehart v. The Hershey Medical Center, et al., Docket Nos. E-21734-D and

E-21119-D (Pa. Human Relations Commission, November 1, 1984); Lutcher v. Musicians Local 47, 24 FEP 859, 633 F.2d 880 (9th Cir. 1980), citing Anderson v. General Dynamics, 17 FEP 1644, 589 F.2d 397 (9th Cir. 1978), cert. denied 442 U.S. 921 (1979), and Burns v. Southern Pacific Transportation Co., 17 FEP 1648, 589 F.2d 403 (9th Cir. 1978), cert. denied, 439 U.S. 1072 (1979).

In Snyder v. Pennsylvania Power and Light Company, Docket No. E-17361 (Pa. Human Relations Commission, September 22, 1982) we recognized that the elements of a prima facie case of religious discrimination do not fit the requirements of a prima facie case delineated by the U.S. Supreme Court in McDonnell-Douglas Corp. v. Green, 411 U.S. 792 (1973). As we have often noted, the McDonnell-Douglas test is not a fixed absolute that applies in all respects to all circumstances. The standard is a flexible one contingent on the peculiar factual details of a given scenario. Diehl v. Earlston Lumber Co. Inc., Docket No. E-21316 (Pa. Human Relations Commission, July 31, 1985).

We would adjust the McDonnell-Douglas formula to the present case as follows: To establish a prima facie case of discrimination because of Complainant's religion, the Complainant must show (1) that she had a sincerely held religious belief; (2) that she informed South Mountain of her belief; and (3) that South Mountain refused to hire her because of her religious belief. Swinehart at 7; Snyder at 16; Anderson at 1646.

Both by stipulations of fact and by evidence introduced at the Public Hearing, Ms. Doaks established her prima facie case.

It is uncontroverted that Ms. Doaks has met the first requirement of establishing a prima facie case. Ms. Doaks had a sincere religious belief that tobacco and alcohol should not be touched or consumed because they are unclean things which, if touched or consumed, defile the body which is the temple of God.

Complainant also has easily met the third requirement of a prima facie case. Ms. Evans clearly recommended that Ms. Doaks not be hired because of her beliefs with respect to tobacco and alcohol. The rejection letter sent to Ms. Doaks makes it equally clear that Mr. Plassio, Respondent's Personnel Director, accepted Ms. Evan's recommendation.

The second element of Complainant's prima facie case was one of the main issues of contention during the Public Hearing. The Respondent's principle witness, Ms. Evans, specifically denied that Ms. Doaks informed her that her beliefs were religious.

Conversely, Ms. Doaks indicated that she told Ms. Evans that she could not dispense cigarettes or alcohol because of her religious beliefs. It is undisputed that, in effect, Ms. Doaks told Ms. Evans that she would like to be excused from some duties involving tobacco and alcohol. The dispute focuses on whether Ms. Doaks told Ms. Evans that her beliefs were religious. Because of the conflicting nature of the testimony of the only two individuals present during the interview, it is our responsibility to decide the weight to be accorded to each version of this conflicting evidence. We have taken into

account each witness' motive and state of mind, strength of memory and demeanor while on the witness stand. Additionally, we have considered the extent to which a witness was either supported or contradicted by other evidence.

On four separate occasions Ms. Doaks directly testified that she told Ms. Evans that because of her religious beliefs she could not dispense cigarettes or alcohol to patients. Additionally, the language used in the complaint expressly states that Ms. Evans was told "that because of [her] religious beliefs and/or convictions, [she] could not participate in the dispensing of cigarettes to patients nor could [she] participate in the 'Beer Parties' that are held at the facility." This statement was written approximately one month after the interview in question. This fresh statement corroborates Ms. Doaks testimony at Public Hearing.

Alternatively, in several instances, Ms. Evans' testimony at the Public Hearing was shown to be contradictory to her testimony at a prior deposition. This observation adversely affects Ms. Evans' credibility. Perhaps the most significant contradiction was Ms. Evans' deposition testimony which indicated Ms. Doaks told Ms. Evans she would be willing to do other tasks instead of those involving tobacco and alcohol. At the hearing, Ms. Evans indicated she could not remember Ms. Doaks advising her that she would do other tasks. The majority of Ms. Evans' testimony was given with assurance and certainty, however, considered as a whole, there were selective instances of guarded uncertainty.

The totality of the evidence presented on this issue of notice weighs in favor of the Complainant. When weighed against evidence in opposition, Complainant's evidence was more credible and convincing to the mind. Accordingly, Complainant has satisfied her burden of establishing the three elements of a prima facie case by a preponderance of the evidence.

A prima facie case having been established, the burden of proof shifts to the Respondent to show good faith efforts to accommodate the Complainant's religious beliefs, and that such efforts were unsuccessful in accommodating those beliefs without undue hardship. It is well settled under the Act that an employer has a legal duty to provide reasonable accommodations for an employee's religious beliefs. Swinehart.

In Snyder and Swinehart, we previously held that any available accommodation is "reasonable", unless it would create an undue hardship. Additionally, we have held that an accommodation will not be deemed to create an undue hardship unless it would involve a substantial cost to the employer, reduce the efficiency of the employer's operation or burden other workers. Swinehart, pp. 12-13.

When determining whether a particular accommodation would create an undue hardship, the following factors are to be considered:

1. The nature of the employer's business;
2. The frequency and duration of the proposed accommodation;

3. The nature and uniqueness of the work done by the person seeking accommodation;
4. The likelihood that substantial costs will be incurred, including decreased efficiency of the employer's business operation;
5. The extent to which other employees will be burdened by the proposed accommodation.

Swinehart, p. 10-11.¹

Clearly, Ms. Evans did not attempt to negotiate with Ms. Doaks to reach a reasonable accommodation of the religious beliefs expressed by Ms. Doaks. Instead, Ms. Evans simply considered Ms. Doaks' candidacy for the EPT position as a problem. The evidence shows that Ms. Evans' communication to Mr. Plassio expressed that Ms. Evans would have a problem if Ms. Doaks would be selected.

Mr. Plassio testified that he asked Ms. Evans if Ms. Doaks had explained why she would refuse to participate in activities where alcohol and tobacco were involved, however, Mr. Plassio could not recall why he asked this question. Compared to the remainder of Mr. Plassio's testimony, this seemed to be an answer of convenience. What is clear from the evidence is that the Respondent did nothing to accommodate Ms. Doaks' religious beliefs even though an employer is required to take some steps in negotiating with an employer to reach a reasonable accommoda-

¹These factors are consistent with the undue hardship test in the PHRC's Handicap and Disability Regulations. 16 Pa. Code §44.4(f).

tion to the particular religious beliefs at issue. Burns v. Southern Pacific Transp. Co., 17 FEP 1648, 1650, 589 F.2d 403 (9th Cir. 1978), cert. denied, 493 U.S. 1072 (1979), citing Anderson supra.

In this case, instead of analyzing accommodation measures taken, the Respondent in effect asks us to accept their assertion that even if they had attempted to accommodate Ms. Doaks, no accommodation could have been made. Respondent indicates that Ms. Doaks applied for the position of EPT which is a direct patient care position within the nursing department. South Mountain is a long term care facility that provides care to persons who, for many years, had been patients of state psychiatric hospitals. South Mountain's stated purpose is to rehabilitate these former psychiatric patients for eventual release into community settings.

Respondent's brief asserts that during the job interview Ms. Doaks "acknowledged that she may have told Ms. Evans that she would not only refuse to light cigarettes and serve beer, she also would refuse to participate in any activities involving alcohol." This fundamentally mischaracterizes the Complainant's testimony. Ms. Doaks did say she told Ms. Evans that: [she] would not want to participate in beer parties." Only the language used in subsequent questions by Respondent's counsel could be interpreted as such an acknowledgment. Ms. Doaks' answers made no such acknowledgment. On the contrary, Ms.

Doaks' responses should have been the opening of negotiations between Ms. Doaks and the Respondent regarding reaching an accommodation to Ms. Doaks' religious beliefs.

Respondent's basic argument is that a broad refusal to participate in any activities involving alcohol or tobacco use would impose an undue hardship on the Respondent, or the South Mountain patients, or both. This argument is quickly dismissed for two reasons. First, the evidence considered as a whole does not persuade us that the Complainant communicated such a restrictive position. Ms. Doaks testified that her beliefs with respect to alcohol and tobacco were the same as her church's teachings. Her church taught its members that they should not consume or touch tobacco or alcohol. There was no evidence that Ms. Doaks' church taught its members that they should not be in the presence of anyone consuming alcohol or tobacco. Accordingly, we consider it unlikely that Ms. Doaks would exaggerate the nature of her religious beliefs during a job interview where applicants usually attempt to make the most favorable impression possible.

Second, is the simple fact that Ms. Evans failed to take any steps toward negotiating with Ms. Doaks to ascertain if an acceptable accommodation could be pursued. As we have indicated, Ms. Doaks has proven by a preponderance of the evidence that she notified Ms. Evans of her religious needs. Ms. Evans' proper response should have been to further discuss the matter if she had any question regarding the extent of an accommodation. The

burden is on an employer, not a job applicant, to undertake initial steps toward accommodation. An employer cannot excuse its failure to accommodate by suggesting there are deficiencies in a requested accommodation. Anderson at 167.

To entirely close the issue of whether an accommodation of Ms. Doaks' religious beliefs could have been made we need only look at testimony regarding two South Mountain employees, Linda O'Neal and Alfreda Hinton. A combination of Ms. O'Neal's, Ms. Hinton's, and their supervisors' testimony established that Ms. O'Neal and Ms. Hinton had already been successfully given the same accommodation Ms. Doaks would have needed. Both Ms. O'Neal and Ms. Hinton had, for a number of years, been excused from duties involving distribution of tobacco and alcohol without a trace of hardship. These employees performed the same duties as the job for which Ms. Doaks applied and had been extended an accommodation for the exact same religious beliefs held by Ms. Doaks. These accommodations caused neither a negative effect on patient care nor hardship on co-workers. Accordingly, Respondent has failed to satisfy its burden of showing that Ms. Doaks could not have been accommodated without undue hardship.

Since discrimination has been found, Section 9 of the Act, 43 P.S. §959(f), authorizes the PHRC to order, inter alia, hiring with lost wages. In fashioning a remedy, we have attempted to achieve the policies of the Act, which are to make aggrieved individuals whole and deter future discrimination.

Alto-Reste Park Cemetery Association v. PHRC, 306 A.2d 881

(1973). The following remedy achieves the primary policies of the Act:

1. Respondent be ordered to cease and desist from further unlawfully discriminatory practices.

2. Respondent be ordered to offer to hire Complainant to the next available Restoration Aide Trainee position, with seniority retroactive to March 9, 1981.

3. Respondent be ordered to pay Complainant back pay, representing the difference between what Complainant actually has earned and what she would have earned but for the discrimination, during the period of time between the date she would have been hired but for the discrimination and the date of the Commission's order, plus interest on that amount.

4. Respondent be ordered to pay Complainant front pay, representing the difference between what Complainant will earn and what she would have earned but for the discrimination, during the period of time between the date she is hired and the date of the Commission's order, plus interest on that amount.

5. Respondent be ordered to compensate Complainant for all lost benefits, including but not limited to payment of all lost social security and pension contributions.

Prior to the public hearing, the parties stipulated and the Hearing Panel agreed that the Commission order of back pay would not specify the amount of back pay. Rather, it would state in principle the amount of back pay to which Ms. Doaks is entitled. In providing the method of calculating back pay, the Commission has considered two issues.

First, we have determined that any amount that Ms. Doaks received in unemployment compensation or public assistance should not be deducted from the back pay award. Although Pennsylvania courts have not addressed this issue under the Act, decisions by the Third Circuit Court have established that unemployment compensation payments are not deductible from awards under the federal analogues to the Act, Title VII and the Age Discrimination in Employment Act. McDowell v. Anpex Fibers, Inc., 740 F.2d 214 (3rd Cir. 1984); Craig v. Y & Y Snacks, Inc., 721 F.2d 77 (3rd Cir. 1983). Therefore, such payments shall not be deductible under the Act and shall not be deducted from the back pay award in the instant case.

Second, the amount Ms. Doaks would have received but for the discrimination should include consideration of when Ms. Doaks would have been hired and when she would have typically received promotions and raises. On March 10, 1981, the Respondent hired Richard Bumbaugh into the position of EPT/Restoration Aide Trainee. Mr. Bumbaugh remained employed by the Respondent until approximately July 1, 1985. During his employment, Mr. Bumbaugh went through a typical progression similar to that which Ms. Doaks could reasonably have been expected to go through had she been hired at approximately the same time as Mr. Bumbaugh. Accordingly, Ms. Doaks' back pay award can be calculated most accurately by assuming that she would have earned the same amount as earned by Mr. Bumbaugh.

Accordingly, Complainant is entitled to the Final Order which follows.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

KAY A DOAKS, :
Complainant :
v. : DOCKET NO. E-20011-D
THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE, SOUTH MOUNTAIN RESTORATION CENTER, :
Respondent :

RECOMMENDATION OF HEARING PANEL

Upon consideration of the entire record in this case, the Hearing Panel concludes that Respondent violated Section 5(a) of the Human Relations Act, and therefore recommends that the foregoing Findings of Fact, Conclusions of Law, and Opinion be adopted by the full Pennsylvania Human Relations Commission, pursuant to Section 9 of the Act.

Feb 24, 86

Date:

Rita Clark

RITA CLARK

Chairperson, Hearing Panel

Feb 24, 86

Date:

Doris M. Leader

DORIS M. LEADER

Hearing Commissioner

Feb 24, 86

Date:

Elizabeth M. Scott

ELIZABETH M. SCOTT

Hearing Commissioner

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

KAY A. DOAKS, :
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 Complainant :
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 :
 THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE, SOUTH MOUNTAIN RESTORATION CENTER, :
 :
 Respondent :

O R D E R

AND NOW, this 24th day of February, 1986,
the Pennsylvania Human Relations Commission hereby adopts the foregoing Findings of Fact, Conclusions of Law, and Opinion, in accordance with the recommendation of the Hearing Panel, pursuant to Section 9 of the Pennsylvania Human Relations Act, and therefore

O R D E R S:

1. Respondent shall cease and desist from further unlawful discriminatory practices.
2. Respondent shall offer to hire the Complainant to the next available Restoration Aide Trainee position, with seniority retroactive to March 9, 1981.
3. Respondent shall pay Complainant back pay, representing the difference between what Complainant actually has earned and what she would have earned but for the discrimination, during the period of time between March 9, 1981, the approximate date

she would have been hired but for the discrimination, and the date of the Commission's order, plus interest of six percent per annum on that amount.

4. Respondent shall pay Complainant front pay, representing the difference between what Complainant will earn and what she would have earned but for the discrimination, during the period of time between the date the Respondent extends to the Complainant a bona fide offer of employment as a Restoration Aide Trainee and the date of the Commission's order, plus interest of six percent per annum on that amount.

5. Respondent shall compensate Complainant for all lost benefits, including but not limited to payment of all lost social security and pension contributions.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

BY:



JOSEPH X. YAFFE
Chairperson

ATTEST:



ELIZABETH M. SCOTT
Secretary