COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

SARAH MARIE HENDERSON, Complainant	:	
v.	:	DOCKET NOS. E-22681 AND P-1803
FAIRFIELD TOWNSHIP VOLUNTEER FIRE COMPANY, Respondent	:	

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FINAL ORDER

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

SARAH MARIE HENDERSON,
Complainant

v.

DOCKET NOS. E-22681
and P-1803

FAIRFIELD TOWNSHIP VOLUNTEER
FIRE COMPANY,
Respondent

STIPULATIONS

1. The Complainant, Sarah Marie Henderson, is an adult individual residing at R. D. #1, Box 197-B, New Florence, PA 15944.

2. Respondent, Fairfield Township Volunteer Fire Company, is an employer of four or more persons within the Commonwealth of Pennsylvania, and under the meaning of the Pennsylvania Human Relations Act.

3. On April 1, 1982, Complainant applied for membership at the Respondent's facility.

4. Respondent's by-laws, at Article 2 of the Constitution and By-laws of the Fairfield Township Volunteer Company No. 1, specifically restricted membership to male members between the ages of 18 and 60 who resided in Fairfield, St. Clair, and surrounding townships and boroughs.

5. The Complainant was between the ages of 18 and 60 and was in compliance with the Respondent's residency requirement.

6. At the meeting at which the Complainant applied for membership, the Complainant's husband, Sam Henderson, asked the Respondent's president, Raymond Conrad, to contact the Respondent's legal counsel to determine whether the by-laws were in violation of federal and/or state law.

7. Subsequent to the Respondent's failure to take action on the Complainant's application at its April 26, 1982 meeting, the Respondent revised its by-laws, specifically the sections which restricted membership to males only.

8. On April 30, 1982, Complainant filed with the Pennsylvania Human Relations Commission a formal complaint against the Respondent, alleging that the Respondent had violated Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. Sections 955 et seq. in that the Respondent refused to admit the Complainant as a member of the Respondent Fire Company.

9. The Respondent's revised by-laws, adopted in June 1982 by the Respondent, set forth the eligibility requirements for active membership.

10. To be approved for membership the applicant needed two-thirds of the votes of the membership present.

Richard Flickinger
Counsel For Respondent

December 15 1988
Date

Vincent A. Ciccone
Counsel For Commission

November 7, 1988
Date

FINDINGS OF FACT

1. The Fairfield Township Volunteer Fire Company No. 1, (hereinafter "Respondent") began operations approximately in 1954. (N.T. 131)

2. In 1982, the Respondent had approximately 40 to 45 members. (N.T. 72)

3. On April 1, 1982, a woman, Sarah Henderson, (hereinafter "Complainant") and three males submitted applications to the Respondent to become firefighters. (S.F. 3; N.T. 12, 56, 57)

4. In 1982, the Respondent's by-laws in effect listed the required qualifications for membership as:

a. local citizenship;

b. at least 18 and not over 60 years old; and

c. there can be no more than 60 active members. (S.F. 4; R.E. 8)

5. The Complainant met these Respondent qualfications. (S.F. 5; N.T. 72)

6. To apply for membership, the Respondent's by-laws required a completed application signed by two members not in an applicant's immediate family. (R.E. 8)

7. The Respondent's by-laws also stated:

> "The applicant shall be investigated by the membership committee who shall ascertain that the applicant is of good moral character, interested in the welfare of the community, willing to participate in training programs and capable of performing a fair share of duties for the fire company."

8. In the years preceding the Complainant's application, the Respondent had become lax regarding the required screening of applicants as the screening process had not been used. (N.T. 77, 78)

9. At the time of the Complainant's application, the Respondent's by-laws also restricted membership to males. (S.F. 4)

10. In the 31 years preceding the Complainant's application only 1 applicant had been rejected. (N.T. 51, 73)

11. When the Respondent received the four April 1982 applications, the Respondent deferred action because of the by-law provision restricting membership to males. (N.T. 74)

12. At the time of the Complainant's application, the Respondent's president, Raymond Conrad, (hereinafter "Conrad"), announced to the Respondent's membership that "we couldn't take females at the time because our by-laws didn't qualify her." (N.T. 74)

13. The Respondent took steps to propose an amendment to its by-laws which would delete the male only restriction. (S.F. 7; N.T. 40, 61; R.E. 2,3,4,5,8)

14. At a special meeting on June 23, 1982, by a vote of 23 yes and 10 no, the Respondent's by-laws were amended to delete the male only restriction. (N.T. 61; REX 5)

15. At the June 28, 1982, regular meeting members voted by "secret ballot" on the Complainant and one male applicant, Ernest Adler. The other two male applicants had withdrawn their applications. (N.T. 7, 63; REX 6)

16. The Complainant received 12 yes votes and 19 no votes; Adler was approved as a member by a 27 yes to 2 no votes. (N.T. 63; REX 6)

17. At the time of the vote, the Respondent's by-laws required an applicant to be approved by at least two-thirds of the members present. (S.F. 10; REX 8)

18. In 1982, the respondent's by-laws did not require a "secret ballot" when voting on prospective members. (REX 8)

19. Prior to the June 28, 1982 vote, the Complainant and Adler were interviewed by a screening committee composed of Conrad, Tom Williams, and Dean Caldwell, the Respondent's secretary. (N.T. 63, 82)

20. The screening committee recommended both the Complainant and Adler for membership. (N.T. 72)

21. Shortly after the Complainant's application failed to be approved by two-thirds of the members voting at the regular meeting on June 28, 1982, Dean Caldwell had occasion to speak with the Complainant at a fire scene, at which time, Caldwell in effect told the Complainant that the only thing he could see as a reason for the Complainant's rejection was because she is a woman. (N.T. 20, 21)

22. Later, on February 18, 1983, during a telephone conversation, Caldwell also voluntarily told a PHRC investigator that he believed sex was a basis for the Complainant's rejection with some of the older members of the fire company. (N.T. 49, 50, 54)

23. Evidence exists which strongly indicates members who voted applied unreasonable stereotyped views of the physical abilities of the Complainant because of her sex. (N.T. 108, 109, 111, 112, 124, 128, 129, 136)

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission ("PHRC") has jurisdiction over the parties and the 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. Complainant is an individual within the meaning of the Pennsylvania Human Relations Act ("PHRA").

4. Respondent is an employer within the meaning of the PHRA.

5. Complainant here has met her burden of making out a prima facie case by proving that:

a. She is a female;

b. She applied for and was qualified for the position of firefighter;

c. She was rejected; and

d. The rejection was under circumstances which give rise to an inference of discrimination.

6. Respondent has not met its burden of production by articulating a non-discriminatory reason for the Complainant's rejection.

OPINION

This case arises on two complaints filed on or about April 30, 1982, by Sarah Marie Henderson (hereinafter "Complainant") against the Fairfield Township Volunteer Fire Company Number 1, (hereinafter "Respondent"). The Complainant subsequently amended her complaints on or about February 26, 1985. In effect, the Complainant's original complaints plead in the alternative that on or about April 26, 1982, the Respondent either refused to hire her for the position of firefighter in violation of Section 5(a) of the PHRA, or refused her membership in a public accommodation, thereby denying her the accommodations, advantages, facilities or privileges of membership in the Respondent volunteer fire department in violation of Section 5(i)(1) of the PHRA. The Complainant's amended complaints further allege that on or about June 28, 1982, the Respondent voted not to accept the Complainant as a member of the Respondent volunteer fire department, again alternatively please as either a Section 5(a) or Section 5(i)(1) violation.

PHRC staff conducted an investigation and found probable cause to credit the allegation of sex-based discrimination. The PHRC and the parties then attempted to eliminate the alleged unlawful practice through conference, conciliation, and persuasion. The efforts were unsuccessful, and this case was approved for public hearing. The hearing was held on December 15, 1988 in Ligionier, Pennsylvania before Carl H. Summerson, Hearing Examiner. The case on behalf of the complaints was presented by PHRC staff attorney Vincent Ciccone. Richard Flickinger, Esquire, appeared on behalf of the Respondent. Following the Public Hearing, the parties were afforded an opportunity to submit briefs. Both the Respondent's and the Complainant's briefs were received on March 22, 1989.

Although this case was filed in the alternative alleging the Respondent is either an employer or a public accommodation, clearly, the Respondent must be considered an employer. See, eg., Harmony Volunteer Fire Co. v. PHRC, 73 Pa. Cmwlth. 596, 459 A.2d 439 (1983). In fact, the parties stipulated that the Respondent is an employer. (S.F. 2) Accordingly, this matter will be analyzed strictly as an alleged refusal to hire case under Section 5(a) of the PHRA.

Section 5(a) of the PHRA states in relevant part:

> It shall be an unlawful discriminatory practice... [f]or any employer, because of the ... sex ... of any individual to refuse to hire ... such individual ... with respect to ... hire, ... terms, conditions or privileges of employment ... 43 P.S. §955(a).

In this case, the Complainant technically alleged two specific instances of sex-based discriminatory treatment of her application for membership in the Respondent fire department. First, the Complainant in effect alleges that on April 1, 1982, when she submitted her application, the Respondent treated her application less favorably than if she had been a male. Second, the Complainant also challenges the Respondent's June 28, 1982 rejection as a separate sex-based discriminatory act.

During the Public Hearing, the Respondent in effect asserted that its action of deferring the Complainant's April 1, 1982, application was justified due to the Respondent's subsequent efforts to amend its bylaws to delete a blatently discriminatory provision which restricted membership to males only. Further, the Respondent seemed to suggest that its April, 1982 and June, 1982 treatment of the Complainant's application is not particularly

important because the Complainant has not reapplied following a 1984 amendment to its by-laws. The 1984 amendment merely requires a rejected applicant to be given a reason for rejection. Prior to 1984, such a requirement had not existed.

Clearly, both the April 1, 1982 deferral, and the June 28, 1982, membership vote to reject the Complainant are separate incidents, each of which could stand or fall independent of each other. Equally clear is the recognition that it makes little difference that the Complainant did not seek to reapply after the 1984 amendment. The Respondent's seeming effort to divert scrutiny away from its April 1, 1982 and June 28, 1982 actions is wholly rejected. However, for purposes of the resolution of this case, the April 1, 1982 deferral and the June 28, 1982, vote to reject shall be considered together as parts of one rejection.

In this case, the focus is appropriately placed on a disparate treatment analysis of the allegations made and the evidence received. The order and allocation of proof in a disparate treatment case was first defined in McDonnell Douglas Corp. v. Green, 411 U. S. 792 (1973), and recently clarified by the PA Supreme Court in Allegheny Housing Rehabilitation Corp. v. P HRC, 516 Pa. 124, 532 A.2d 315 (1987). The PA Supreme Court's guidance indicates that the Complainant must first establish a prima facie case of discrimination. If the Complainant establishes a prima facie case, the burden of production then shifts to the Respondent to "simply...produce evidence of a 'legitimate, non-discriminatory reason' for... [its action]. Id at 317." If the Respondent meets this production burden, in order to prevail, a Complainant must demonstrate that the entire body of evidence produced demonstrates by a preponderance of the evidence that the Complainant was the victim of intentional discrimination. Id at 318.

A Complainant may succeed in this ultimate burden of persuasion either by direct persuasion that a discriminatory reason more likely motivated a Respondent or indirectly by showing that a Respondent's proffered explanation is unworthy of credence. Texas Department of Community Affiars v. Burdine, 450 U.S. 248, 256 (1981). In order to do so, the Complainant need not necessarily offer evidence beyond that offered to establish a prima facie case. Id at 255 n.10. The trier of fact may consider the same evidence that a Complainant has introduced to establish a prima facie case in determining whether a Respondent's explanation for the employment decision is pretextual. Diaz v. American Telephone & Telegraph, 752 F. 2d 1356, 1358-59 (9th Cir. 1985).

In McDonnell Douglas, the Court noted that a Complainant in a race-based refusal to hire case could establish a prima facie case by showing:

(1) That the Complainant belongs to a racial minority;

(2) That the Complainant applied for a job for which the Respondent was seeking applicants;

(3) That, despite the Complainant's qualifications, he was rejected; and

4. That, after the rejection, the position remained open and the Respondent continued to seek applicants from persons of the Complainant's qualifications.

This general four step process was later adopted for use by Pennsylvania Courts in General Electric Corp. v. PHRC, 469 Pa. 202, 265 A.2d 649 (1976).

The present matter differs slightly from the refusal to hire circumstances in McDonnell Douglas. In McDonnell Douglas, the allegation was race-based, and the Respondent continued to seek applicants of equal qualifications. In the present matter, the allegation is sex-based and the Respondent simply awaited receipt of applicants without particularly seeking to fill a particular opening.

The McDonnell Douglas Court wisely anticipated that facts of different cases will necessarily vary and that the four prong prima facie requirement articulated will not be applicable to differing factual situations. McDonnell Douglas at 802 n. 13. The Court made it clear that the general process it was creating would appropriately need adaptations to adjust the process to the facts presented. Accordingly, a minor adaptation of the required prima facie showing must be done in this instance.

At the outset, it should be noted that in Burdine at 250, the U. S. Supreme Courts declared, "The burden of establishing a prima facie case of disparate treatment is not onerous." The PA Supreme Court has adopted this standard in Allegheny Housing Rehab. Corp., Supra at 319.

Reviewing the McDonnell Douglas prima facie formula it becomes readily apparent that the only portions in need of adjustment here are the first and fourth elements. In a refusal to hire case, the first three factors will invariably remain fairly similar. The first element simply changes here to be that the Complainant is a female. Then, in my opinion, because of the nature of the hiring process presented here, the fourth element should simply become: was the rejection under circumstances which give rise to an inference of discrimination. See Burdine.

Therefore, having established what the complaint must first show, we readily see that the Complainant has met her initial burden. There is no question that she is a female, and there is no doubt that she applied for a position as a firefighter. The Respondent also concedes that the Complainant met the qualifications of the job. Equally clear is the fact that the Complainant was rejected.

The fourth element of the prima facie showing has been met since the Complainant presented evidence that members of the Respondent fire department, likely based their vote against the Complainant on the simple fact that she is a woman. The Complainant's strongest evidence on this issue was her testimony that an executive officer of the fire department told her that the only reason he could see for the Complainant's rejection was that she was a woman. This same officer later told a PHRC investigator that he believed sex was a basis for the Complainant's rejection with some of the older members of the fire company.

Other factors brought to light during the Complainant's case which bolster an inference of discrimination include the simple fact that a secret ballot was taken. The Respondent's by-laws did not require a secret vote but one was taken anyway. Another earlier voting question also speaks loudly. When the proposal to amend the by-laws to delete the male only provision was presented to members at a a special meeting, 10 members out of 33 present voted no on the proposal. At least 10 members appear to have disapproved of even changing the by-laws to allow women an opportunity to apply. Also, although not required to do so, the Respondent never gave the Complainant a reason for her rejection.

Still other factors, brought out during the Respondent's case, add to the already strong weight of the inference of discrimination. For instance, the record considered as a whole reveals that little effort was made to advise the membership of the unlawfulness of a rejection based on sex. Evidence reveals there were discussions before votes were taken, however, it is odd that no one quite recalls the nature of those discussions. Finally, despite a positive recommendation by a newly activated screening committee, comprised of at least two executive officers of the department, the membership nevertheless cast 19 no votes on the Complainant's application. Finally, over the prior 31 year period, only one other applicant had been rejected.

Clearly, the Complainant made out a very strong prima facie case. At this point, the Respondent was obliged to articulate a legitimate non-discriminatory reason for its actions. However, in my opinion, the Respondent's evidence failed to adequately articulate a legitimate non-discriminatory reason thereby causing the inference created by the Complainant's prima facie showing to ultimately prevail.

To be clear, a review of the exact nature of the burden of production which shifts to Respondent is appropriate. The Pa. Supreme Court in Allegheny Housing Rehab. Corp., Supra relied on the U. S. Supreme Court's Burdine, Supra, analysis when outlining the nature of the Respondent's production burden. In Burdine, the court generally indicated that a Respondent must come forward with evidence that an employment action was taken for a legitimate, non-discriminatory reason. Id. 101 S. Ct. at 1094.

The sufficiency of the admissible evidence in satisfying this burden of production is whether the evidence raises a genuine issue of fact such that the trier of fact could conclude that the employment decision had not been motivated by a discriminatory animus. Id. 101 S. Ct. at 1094, 1095. The evidence provided must be legally sufficient to justify a judgment for the defendant. Id. 101 S. Ct. at 1094. The defendant's explanation of its legitimate reasons must be clear and reasonably specific. Id. 101 S. Ct. at 1096. Thus, the Respondent's evidence is evaluated to determine whether it meets with this standard.

The Respondent called seven witnesses; five Respondent firefighters, an area school superintendent, and a fire instructor who had been a past president of the State Firemen's Association. The school superintendent and the fire instructor appear to have been called to address the question of an aplicant's attitude and relationship to a community. Mr. Milroy Carnahan, the Legionier Valley Schools superintendent relayed that approximately 5 years before the Complainant applied to be a firefighter, the Complainant had approached the school board seeking a re-routing of a school bus route. The Complainant was generally described as insistent but not belligerent. Mr. Herbert McAnulty, the fire instructor basically indicated the importance of an applicant's attitude.

At no time did the Respondent offer evidence which would suggest that the Complainant's earlier effort to persuade the school board to re-route a school bus route was a factor in the decision to reject the Complainant. The Respondent's intention in presenting this information was neither clear nor reasonably specific thereby rendering the Complainant's

prior contacts with the school board insufficient to raise a genuine issue of fact regarding the Respondent's rational for the Complainant's rejection.

Regarding the five firefighters called to testify, their testimony too must be deemed as insufficient to raise a sufficient genuine issue of fact. Joseph Miller, the Respondent's by-law committee chairman, offered testimony which, when evaluated as a whole, indicates he personally applied unreasonable sterotyped views of the physical abilities of the Complainant simply because she is a woman. Miller indicated that he felt the Complainant was incapable of being an active "fireman". Miller suggested that he felt the Complainant would be incapable of coming to his aid because of back and heart problems he believed the Complainant had. Although Miller admits to no personal knowledge of any physical limitations the Complainant actually had, he nevertheless ignored the positive recommendation of the screening committee.

When Miller was asked why he ignored the recommendation to hire the Complainant, he began by being evasive and attempted to divert the conversation to the Respondent's prior laxity in not having a screening committee. Miller attempted to avoid the simple fact that a screening was done on this applicant and a positive recommendation was given. When pressed on this question, Miller resorted to saying, "the whole thing is that I have to vote for myself. My vote is mine, it's not the screening committee's vote."

Miller's testimony is also revealing when we consider his answer to a question which asked him if he had made a statement to the membership that he would never vote for a female. Instead of a simple denial, Miller says "I would have no reason to do that." Frankly, I could not agree more, however, the fact remains, Miller's answer does not deny making such a statement.

Finally, Miller sheepishly indicated that he himself has a back problem. Obviously, having a back problem was not Miller's real concern.

To continue on the question of the Complainant's physical condition, Daryl Silk, testifying for the Respondent candidly revealed that the Complainant's physical condition was not discussed prior to the vote to reject the Complainant, taken on June 28, 1982. There was a discussion prior to voting, but when asked about details, no one could quite remember anything about the nature of the discussion.

Remarkably, the Respondent called Leroy S. Tantlinger to testify about his personal concerns about the Complainant. Leroy Tantlinger expressed general concern for safety and the importance of backup. However, because he "knows women", the Complainant was unacceptable to him. Leroy Tantlinger indicated he does not want anybody "like that" backing him up. Then he rhetorically asked, "is she strong enough?" Obviously, Leroy Tantlinger was not even going to afford the Complainant an opportunity to provide an answer to his question.

Glenn Tantlinger too had no trouble with the Complainant's qualifications, but chose to hide behind the perceived sanctity of the secret ballot. Glenn Tantlinger indicates simply that he had his own personal reason why he voted the way he did. Raymond Conrad, the Respondent president was the remaining Respondent witness. Conrad reviewed the Respondent's process and procedures, but afforded no real rational for the Complainant's rejection. In fact Conrad specifically indicated that he had no personal opinion regarding the reasons for the Complainant's rejection.

Conrad alluded to the fact that the screening process was reactivated because the fire company had recently been left a large sum of money through the last will and testament of a local citizen. Concern was

expressed that people might try to join the Respondent company to get at this money. However, it became abudantly clear, from all who were asked that no one felt that the Complainant was applying in an attempt to reach this money in some nefarious way. In summary, no credible reason was ever offered for the Complainant's rejection.

The Respondent's problem in this regard appears to grow directly out of the Respondent's hiring process. Without further explanation, secret balloting by the membership on whether to accept or reject an applicant cannot serve as a legitimate non-discriminatory reason for a refusal to hire. Offering the testimony of four voting firefighters out of thirty-one who voted would be insufficient even if those four each gave legitimate non-discriminatory personal reasons for casting a no vote for the Complainant. The Respondent's by-laws required approval of at least two-thirds of members present when a vote is taken.

To constitute a legitimate non-discriminatory reason for its actions, the Respondent needed to clearly articulate a legitimate reason why at least 11 members voted against the Complainant's acceptance. Here, no legally sufficient record evidence exists to support a judgment for the Respondent. Accordingly, the Respondent has not articulated a legitimate non-discriminatory reason for the Complainant's rejection.

Since the Respondent has failed to meet its burden of production, our focus shifts to an appropriate remedy. Clearly, instatement into the fire department is appropriate as is a cease and desist order which bars consideration of unlawful stereotyped views of the physical abilities of women. To better insure this does not occur, unbridled co-worker preference cannot continue. Federal EEOC guidelines state that a hiring decision ought not to be based on "preferences of co-workers, the employer,

client, or customers..." 29 C.F.R. §1604.2 (a)(1) (iii). We agree with the EEOC's observation.

Most federal cases on this subject have come in the form of customer preference situations, See, Diaz v. Pan Am. World Airways, Inc., 442 F.2d 385 (5th Cir. 1971), however, the applicable relevant general principles found in customer preference cases can be equally applied in a case such as this where co-worker preference is used to determine who is and who is not acceptable. To permit co-worker preference to control who is and who is not accepted would taken an unacceptably large chunk out of an area intended to be protected by the PHRA. Co-worker preference is a prime area for unrestrained discriminatory motivation to flourish and become an unmanageable evidentiary problem when considering the vague attitudes of an assortment of those casting a vote. Instead, a system should be developed which affords every applicant equal consideration without regard to unlawful discriminatory considerations.

Accordingly, an appropriate order follows.

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

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FAIRFIELD TOWNSHIP VOLUNTEER FIRE COMPANY, Respondent	:	

RECOMMENDATION OF THE HEARING EXAMINER

Upon consideration of the entire record in the above-captioned matter, it is the view of the Hearing Examiner that the Respondent rejected the Complainant's membership application because she is a woman. Accordingly, the Complainant has proven discrimination in violation of §5 (a) of the Pennsylvania Human Relations Act. It is, therefore, the Hearing Examiner's recommendation that the attached Stipulations, Findings of Fact, Conclusions of Law, Opinion, and Final Order be adopted by the full Pennsylvania Human Relations Commission.

Carl H. Summerson
Hearing Examiner

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

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FAIRFIELD TOWNSHIP VOLUNTEER FIRE COMPANY, Respondent	:	

FINAL ORDER

AND NOW, this 26th day of April, 1989, following a review of the entire record in this matter, including the transcript of testimony, exhibits, briefs, and pleadings, the Pennsylvania Human Relations Commission hereby adopts the foregoing Stipulations, 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,

O R D E R S

1. That the Respondent shall cease and desist from discriminating against females in its selection of firefighters.

2. That the Respondent shall offer the Complainant instatement as an active member of the fire company with all rights and privileges thereof.

3. That the Respondent shall take affirmative measures to recruit females as active firefighters.

4. That the Respondent shall dispense with secret ballot voting by its membership and substitute therefore a hiring procedure which affords each applicant equal consideration free from unbridled discriminatory motivation.

5. That a part of the substitute hiring process the Respondent develops shall:

(a) specifically identify each person who has any impact on a hiring decision;

(b) require a written statement from any person who has an impact on a hiring decision who in any manner recommends an applicant's rejection; and

(c) require that any required statement shall detail that person's reasons for his or her negative recommendation.

6. That within 30 days of the effective date of this Order, the Respondent shall report to the PHRC on the manner of its compliance with the terms of this Order by letter, addressed to Vincent Ciccone, Esquire in the PHRC Pittsburgh Regional Office.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

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

ATTEST:

Raquel O. Yiengst
Raquel O. de Yiengst
Secretary