

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

JOHN C. ALBERT,  
Complainant

v.

PENNSYLVANIA BOARD OF PROBATION  
AND PAROLE,  
Respondent

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Docket No. E-35642

STIPULATIONS OF FACT

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF PERMANENT HEARING EXAMINER

FINAL ORDER

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

JOHN C. ALBERT, :  
Complainant :  
v. : Docket No. E-35642  
PENNSYLVANIA BOARD OF :  
PROBATION AND PAROLE, :  
Respondent :

STIPULATIONS

The following are admitted by the parties, and no further proof shall be required:

1. Complainant, John C. Albert, is an individual.
2. Respondent, Pennsylvania Board of Probation and Parole, is an independent administrative board of the Commonwealth of Pennsylvania.
3. On or about May 31, 1988, the Pennsylvania Human Relations Commission ("Commission") notified the parties of public hearing approval.
4. Complainant scored 115 on the civil service examination for Parole Agent I <sup>AT 10/30</sup> and received his test results prepared on May 31, 1985.
5. On or about July 2, 1985, Complainant was interviewed for the position of Parole Agent I.
6. On July 19, 1985, Fred W. Jacobs, Respondent's chairman, offered Complainant employment as a Parole Agent I in the Kensington Sub-Office, Philadelphia, contingent upon a satisfactory pre-employment background investigation,

passing a physical examination and approval from the Office of Administration.

7. On November 15, 1985, the Respondent's chairman rescinded the offer of employment. The stated reason was that Complainant did not pass the pre-employment background/physical examination process for Parole Agent I.

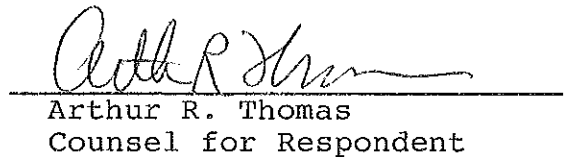
8. On or about January 2, 1986, Complainant filed a verified complaint with the Commission.

9. On or about March 3, 1986, Respondent filed an answer to the complaint.

10. On or about July 1, 1986, a Commission representative notified Respondent that <sup>it had been determined that</sup> ~~AT 8040~~ probable cause existed to credit the allegations of the complaint and invited Respondent to a conciliation conference.

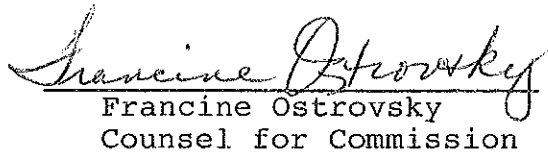
11. The parties have been unable to settle the dispute.

  
Laurie Juengert  
Counsel for Complainant

  
Arthur R. Thomas  
Counsel for Respondent

9/13/89  
Dated

9/12/89  
Dated

  
Francine Ostrovsky  
Counsel for Commission

9-5-89  
Dated

FINDINGS OF FACT

1. The Complainant is an adult individual residing in the Commonwealth of Pennsylvania. (N.T. 20)
2. The Complainant served approximately 3½ years of military service, including 1 year in Southeast Asia. (N.T. 20)
3. The Complainant was discharged from military service in September of 1972. (N.T. 20)
4. The Complainant graduated from Penn State University and Temple University Law School. (N.T. 20)
5. The Complainant was admitted to the practice of law in Pennsylvania on May 15, 1979 and was engaged in solo practice. (N.T. 21)
6. In early July 1984 through August of 1984, the Complainant was hospitalized in Veterans Administration facilities in Philadelphia and Coatesville after a psychotic episode. (N.T. 23-24)
7. The Complainant, while in the VA Hospital, elected to surrender his license to practice law in Pa. and was transferred to inactive status on September 7, 1984. (N.T. 25)
8. Dr. Arturo Tecson, a staff psychiatrist at the VA Outpatient Clinic in Harrisburg, saw the Complainant on several occasions for consultation and treatment. (N.T. 86)
9. Dr. Tecson prescribed Lithium for the Complainant and continued to see him from 1984 to 1986. (N.T. 86)

Abbreviations\*

N.T. Notes of Testimony  
S.F. Stipulation of Facts  
C.E. Complainant's Exhibit

10. Beginning 1984 after his hospitalization, the Complainant began to seek employment which did not require the practice of law. (N.T. 24-25)
11. One of the things that the Complainant did in pursuit of employment was to make several Civil Service applications. (N.T. 24-25)
12. The Complainant scored 115 on his Civil Service examination for the position of Parole Agent I. (N.T. 281)
13. The score that the Complainant achieved was the highest possible score and the Complainant also received 10 points for Veterans' preference. (N.T. 281)
14. On July 2, 1985, the Complainant was interviewed by a panel consisting of Yvonne B. Haskins, Harold Shalon and Allen Kastor. (N.T. 26, 141, 374, 393)
15. The Complainant was the choice of the Philadelphia District Office to fill one of three vacancies for Parole Agent I. (N.T. 146-149, 300)
16. The Complainant did not represent to the interviewer that he was engaged in the practice of law. (N.T. 143-144, 168, 402-403)
17. Robert E. Yerger, Respondent's Personnel Director, recommended to John J. Burke, Respondent's Director of Supervision, that a request be initiated for approval to appoint Complainant. (N.T. 311-312)
18. On July 19, 1985, Respondent's Chairman, Fred W. Jacobs, offered Complainant employment as a Parole Agent I contingent upon a satisfactory pre-employment background investigation, pursuing a physical examination and approval from the Office of Administration. (S.F. 6)
19. In the course of a background investigation done by Pennsylvania State Trooper, Francis C. Donnelly, the Complainant disclosed that he had suffered a disability in August 1984 and had been treated at a VA Hospital and was under medication. (N.T. 31-32)

20. The information which Complainant provided to Trooper Donnelly was included in the Background Verification Report submitted to the Respondent on August 13, 1985. (N.T. 292-293)

21. At Respondent's request, the Complainant was examined by Dr. Carl Hoffman. During the investigation the Complainant informed him that he was taking Lithium. (N.T. 32-33)

22. After interviewing the Complainant, Dr. Hoffman stated:

"It is my professional opinion that if Mr. John Albert does have a psychiatric release from the Veteran's Administration - Coatesville Hospital stating that he is mentally capable of performing the job of Parole Agent, then I do recommend him for this job." (C.E. 28; N.T. 270, 291-292)

23. The Respondent Personnel Department also contacted Dr. Tecson by telephone whereupon Dr. Tecson advised that in his opinion the Complainant could handle the duties and responsibilities of the position. (N.T. 297-298)

24. By memo dated November 7, 1985, John J. Burke recommended that the tentative appointment extended to the Complainant be rescinded. (N.T. 33)

25. The Respondent's Chairman, Fred Jacobs, rescinded the offer of employment on November 15, 1985 stating that the reason was that the Complainant did not pass the pre-employment background/physical examination. (S.F. 7)

26. David Guglielmi was appointed to the position of Parole Agent I instead of Complainant. (N.T. 277)

27. The Respondent Chairman made his decision to reject Complainant based on the Burke memo and his perception that "anyone with stress related problems would not be an appropriate candidate." (N.T. 274)

28. The Respondent's Chairman was motivated by his own stereotyped perception of an individual with a past history of mental impairment. (C.E. 30)

29. The Respondent Chairman's decision to rescind the offer to Complainant was not based on a comparison of the qualifications of the other candidates. (N.T. 310-311)

30. After the rejection, Complainant made reasonable attempts to mitigate damages.

31. In March of 1987, the Complainant obtained permanent Commonwealth employment with the Department of Public Welfare as an investigator. (N.T. 34-36, 80)

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 have complied with all procedural prerequisites to a public hearing.
3. The Complainant is an individual within the meaning of the Pennsylvania Human Relations Act ("PHRA").
4. The Complainant bears the burden of establishing a prima facie case of handicap discrimination.
5. The Complainant has met its burden of establishing a prima facie case by showing that:
  - 1) he is a member of a protected class,
  - 2) he applied for a position for which he was otherwise qualified;
  - 3) his application was rejected, and
  - 4) the employer continued to seek qualified applicants for the position.
6. Once the Complainant established a prima facie case, the burden of production shifted to the Respondent to produce evidence of legitimate non-discriminatory reasons for its action.



7. The Respondent met its burden of production.

8. The Complainant has met its ultimate burden by showing that the Respondent's proffered explanations are unworthy of credence.

9. Complainant's handicap or disability is a "non-job related handicap or disability" within the meaning of Section 4(p) of the Pennsylvania Human Relations Act, 43 P.S. §954(p).

10. The Respondent has committed an unlawful discriminatory practice in violation of Section 5(a) of the Pennsylvania Human Relations Act. 43 P.S. §955(a).

11. When PHRC finds a violation of the PHRA, it has authority to order a remedy which will effectuate the policies of the Act, Section 9(f), 43 P.S. §959(f).

## OPINION

This matter arose on a complaint filed by John C. Albert (hereinafter "Complainant") against the Pennsylvania Board of Probation and Parole (hereinafter "Respondent"), docketed at E-35642 in which the Complainant alleged that the Respondent refused to hire him as a Parole Agent due to his non-job related handicap/disability, post traumatic stress disorder. The refusal to hire was alleged to be a violation of Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §§951 et seq. (hereinafter the "PHRA").

PHRC staff conducted an investigation of this case and found probable cause to credit the allegations raised in the complaint. The PHRC and the parties then attempted to conciliate the matter through conference, conciliation and persuasion. These efforts were not successful and the matter was approved for public hearing. On Monday, September 18, 1989 and Tuesday, September 19, 1989, the public hearing in the above matter was held before Phillip A. Ayers, Permanent Hearing Examiner. Laurie Juengert, Esquire appeared on behalf of the Complainant, Francine Ostrovsky, Esquire appeared on behalf of the Commission, and Arthur R. Thomas, Esquire appeared on behalf of the Respondent. Post-hearing briefs were submitted by the parties.

The instant case is essentially a matter of disparate treatment, and at the public hearing the focus was placed on a disparate treatment analysis of the allegations 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. PHRC, 516 PA 124, 532 A.2d 315 (1987) No. 32 W.D. Appeal Docket 1986. 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 320. 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 Affairs 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 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 only slightly from the refusal to hire circumstances in McDonnell Douglas. In McDonnell Douglas, the allegation was race-based, the Complainant's application was rejected and the Respondent continued to seek applicants of equal qualifications.

With this in mind, in the instant case the Complainant must meet his burden of a prima facie case of handicap discrimination. In order to make a prima facie showing, the Complainant must show:

- 1) he is handicapped;
- 2) that he applied for a position for which he was otherwise qualified;
- 3) his application was rejected; and
- 4) that the employer continued to seek qualified applicants for the position.

Once the Complainant establishes a prima facie case, the burden of production shifts to the employer to simply produce evidence of a legitimate non-discriminatory reason.

The first step in this analysis is the question of whether the Complainant is handicapped or not. In reviewing the Commission regulations regarding the definition of a handicapped or disabled person, the definition does include individuals who have a record of mental impairment or an individual who is regarded as having an impairment 16 Pa. Code §44.4. The case law does show that the Commission's protection in regard to handicap discrimination does cover those instances where an individual who, though not presently impaired in such a manner which would limit a major life activity, is regarded as if they were impaired by others. Civil Service Commission of City of Pittsburgh v. PHRC, 124 Pa. Cmwlth. 518, 556 A.2d 933 (1989). In the instant case, evidence was presented indicating the Complainant's medical history. The Complainant testified as to his emotional breakdown and his subsequent hospitalization in the summer of 1985. Dr. Arturo Tecson, Staff Psychiatrist at the V.A. Clinic, reviewed the medical history of the Complainant. Dr. Tecson also prescribed medication for the Complainant. (N.T. 101-102, 114) The medical history of the Complainant clearly indicates that the Complainant has a history of mental impairment. That history of mental impairment does place the Complainant within the aforementioned definition of handicapped as including individuals who have a record of mental impairment or an individual who is regarded as having an impairment. 16 Pa. Code §44.4

The second stage of the prima facie showing in a handicap discrimination case is whether the Complainant applied for and was qualified for the position in question. There is no dispute as to the Complainant's

application for the position of Parole Agent I. Also, since the Complainant achieved the highest possible score on the examination for the position, the Complainant has clearly shown that he was qualified for the position.

The third step in the prima facie showing is whether the Complainant was rejected because of his handicap. The evidence shows that the Respondent rejected the Complainant. This portion of the prima facie is also fairly simple since the Respondent did rescind the offer of employment which, in effect, rejected the Complainant.

The final portion of the Complainant's prima facie case is whether the Respondent continued to seek qualified applicants for the position after the Complainant was rejected. A review of the record before the Commission shows that after the Complainant's offer of employment was withdrawn, the Respondent continued to seek applicants and ultimately selected David Guglielmi for the position.

(Handicap discrimination cases can take any number of directions with respect to the analysis model used in the particular case. For instance, Respondent may be required to show job-relatedness or reasonable accommodation. Here we will stay with the marginal showing in a disparate treatment case in regard to the reasons offered by the Respondent.) In following the analysis used in a handicap discrimination case, once the prima facie showing is met, the burden of production shifts to the Respondent to simply produce evidence of a legitimate non-discriminatory reason for its action. Here the Respondent met its burden by producing evidence of several legitimate non-discriminatory reasons for its action. The Respondent has stated that:

- 1) the individual chosen was better able and more competent than the Complainant;
- 2) that the Complainant misled the interviewers at the time of his interview and;
- 3) the Complainant would not be a suitable candidate for the position because Parole Agents carry firearms.

Clearly now that the Respondent has met its burden, the Complainant must demonstrate that the entire body of evidence produced demonstrates by a preponderance of evidence that the Complainant was a victim of discrimination. The Complainant may show by direct or indirect evidence that the Respondent's proffered explanations are unworthy of credence. Texas Department of Community Affairs v. Burdine, 450 U.S. 248, 256 (1981).

We will first deal with the pretext issue in regard to the first and second articulated reasons. Firstly, the Respondent states that the Chairman of the Board has determined that the individual chosen for the position was better able and more competent than the Complainant. The testimony of Chairman Jacobs was very clear and concise. He did not compare the qualifications of the Complainant to those of anyone else. (N.T. 310-311) It was the Chairman's perception that the Complainant, because of his stress related problems would not an appropriate candidate.

Secondly, the Respondent also alleged, at hearing, that the Complainant misled the interviewers by representing at the time of the interview that he was actively engaged in the practice of law. The Respondent further asserts that Chairman Jacobs was specifically misled as to the status of Complainant, and that the Complainant is guilty of making a false statement on a personal data form. A review of the record shows that

any misstatement was clearly unintentional. In fact, Yvonne Haskins, one of the interviewers, clearly stated that the Complainant did nothing to lead her to believe that he was practicing law at the time of the interview. (N.T. 143-144) Also, Ms. Haskins testified that the Civil Service application placed in front of her at the time of the interview had the accurate information. There is nothing in the record that indicates that the Complainant intended to deceive anyone.

Now turning to the third reason offered by the Respondent at the hearing that the Complainant would not be a suitable candidate because agents use firearms in performing their duties. This argument on the part of the Respondent is more geared to job-relatedness and requires a somewhat different standard. When the Respondent puts forth this type of argument, the burden is on the Respondent to show that the handicap is job related. In simpler terms, the Respondent must show that the Complainant's handicap prevents him from carrying a gun which would be an essential part of the job of Parole Agent. The clear, uncontroverted, testimony of Yvonne Haskins dispenses with this issue.

Q In 1985, were Parole Agents required to carry weapons?

A Absolutely not.

Q What was the policy on carrying weapons?

A The policy was that, if a Parole Agent chose to carry a weapon, that he had to carry a standard weapon and he had to undergo training and pass the training.

If Parole Agents were required to carry weapons, I dare say a good number would not have qualified because they could not pass the test, but there were a number of Parole Agents who chose not to carry weapons. They just did not want to carry weapons; did not see their job as a primary law enforcement job.

I can't imagine how the agency could operate if it were mandatory that they had to carry weapons.



Also the evidence is clear that most of a Parole Agent's time is spent in supervision, counselling, investigation, and administrative work. (N.T. 150-151) Obviously the testimony shows that the Respondent's concern in this area is misplaced.

In dealing with this case, there are several issues raised by the Respondent in this matter that were not raised at the time the decision was made to rescind the offer to the Complainant. The Respondent has alleged that the Complainant misrepresented his employment history in other applications before the State Civil Service Commission in order to make himself a more desirable applicant. The Respondent further alleges that the Complainant misrepresented that he was self employed as an attorney working 65 hours per week at the time he filed a Personal Data Summary with the Respondent.

As aforementioned, evidence shows that Yvonne Haskins, who held the position known as District Director, and participated in the interview said that the Complainant did not lead them to believe that he was actively practicing law. The testimony was as follows:

Q Did he in any way lead you to believe that he had been practicing law just prior to walking into the interview?

A No.

Also, on cross-examination, the same witness once again indicated that she had "clear recollection about the fact that he was not practicing law." Furthermore at the time of the interview, the Complainant's Civil Service Application had the proper date as to when the Complainant most recently had practiced law. There is nothing to show that the Complainant intended to intentionally mislead anyone in regard to whether he was practicing law at the time of the interview.

The next issue raised by the Respondent is that the Complainant's use of cocaine in August of 1984 would render him unqualified to serve as a Parole Agent. The Respondent's argument appears to be that if Respondent's interviewing panel would have had knowledge of this use of cocaine, the Complainant would not have been hired. This information came about when the VA Staff Psychiatrist, Dr. Tecson, testified that his primary diagnosis was multiple substance abuse. Also the Complainant testified that he had used cocaine before his hospitalization in 1984 and subsequent to his hospitalization. The record indicates that the cocaine use may have precipitated the psychotic episode which put the Complainant in the hospital. (N.T. 342-343) The Complainant further testified that he had stopped taking drugs when he began to apply for employment opportunities. There is nothing in the record to dispute that statement. Also the Respondent is now relying on information that clearly was not available to the interviewing panel or the Board Chairman. In Uviedo v. Steves Sash & Door Co., 738 F.2d 1425 (5th Circuit, 1984) the court said: "It is beyond the province of a trial or a reviewing court to determine - after the fact - that certain facts in the record might have served as the basis for an employer's personnel decision." It clearly would be grossly unfair to allow the Respondent to create a hypothetical situation wherein the reasons for the action against the Complainant would be proper. Also the Respondent did not produce any evidence showing that the Complainant was still using drugs at the time of his interview.

Having found that the Respondent, in refusing to hire the Complainant, violated Section 5(a) of the PHRA, we now move to the issue of damages.

Once there is a finding of unlawful discrimination, a remedy shall be fashioned to grant Complainant "make whole relief" and to deter future discrimination. PHRC v. Alto Reste Park Cemetery Assn., 453 Pa. 124, 306 A.2d 881 (1973) Also, the Pennsylvania Human Relations Commission has broad discretion when it fashions an award to a Complainant. Murphy v. PHRC, 506 Pa. 549, 486 A.2d 388 (1985) The Complainant in the instant case is seeking damages in the nature of retirement contributions, compensation for lost benefits, and back pay. The relevant time period in this case is 1985-1989. This is from the approximate date of rejection to the public hearing in this matter.

Firstly, the Complaint's requesting that the Respondent make up for his lost retirement pay through contributions to the Complainant's State Employee Retirement Fund. As Respondent's Counsel notes, in his brief:

"Finally, Philip Heisley gave credible expert testimony that the Commonwealth could place Complainant in the same position with respect to benefits that he would have been in had Respondent hired him as a Parole Officer, e.g. the State Employee Retirement System could credit Complainant with appropriate years of service and Respondent could contribute to the retirement system for those years." (Emphasis added)

Considering the record as a whole, it is appropriate for the Respondent to award his lost retirement contributions for those years he did not receive any contributions.

Secondly the Complainant is asking for damages in the nature of compensation for lost benefits. Ideally a Complainant should only be awarded damages that would put him in the same position he would have been in had Respondent hired him. However the Complainant is asking for unused potential benefits. As Respondent counsel accurately notes, if Complainant had actually paid for life insurance, health insurance, or medical benefits, and could verify them, the Complainant could be reimbursed for those expenditures. The Complainant did not introduce any evidence of such payments and to award him damages in this area would put him in a better position than he would have been in had the Respondent hired him.

Now we come to the issue of back pay during the period of 1985-1989. Clearly once a Complainant proves an economic loss resulting from discrimination, back pay should be awarded, absent special circumstances. Merriweather v. Hercules, Inc., 631 F.2d 1122, 1125, (5th Cir. 1981) The Complainant in this matter did mitigate his damages by taking several other jobs before finding permanent employment. The case law is clear that an award of damages in a back pay situation will be reduced by any earnings acquired during the interim period regardless of the type of work involved. Taylor v. Phillips Industries, Inc., 593 F.2d 783, 786 (7th Cir. 1979) Complainant's Exhibit #27 appears to accurately reflect some of the appropriate figures. (As aforementioned the Complainant will not be awarded any damages for benefits.) In order to arrive at the proper figure for lost compensation, we must subtract the Complainant's earnings from the Parole Agent earnings. The calculation is as follows:

|      | <u>Parole Agent<br/>Lost Earnings</u> | <u>Complainant<br/>Actual Earnings</u> | <u>Lost<br/>Compensation</u> |
|------|---------------------------------------|--|------------------------------|
| 1985 | 1,350.40                              | 268.00                                 | 1,182.40                     |
| 1986 | 19,133.68                             | 12,132.38                              | 7,001.30                     |

In the years 1987 and 1988 the Complainant earned more money in his subsequent employment as a Welfare Fraud Investigator with the Department of Public Welfare. The record is unclear as to why the Complainant's earnings in 1989 are less than the Parole Agent earnings after two years of being at a higher level. However the figures for 1989 shall be calculated in the same manner.

|      | <u>Parole Agent<br/>Lost Earnings</u> | <u>Complainant<br/>Actual Earnings</u> | <u>Lost<br/>Compensation</u> |
|------|---------------------------------------|--|------------------------------|
| 1989 | 15,568.00                             | 10,987.24                              | 4,580.76                     |

Therefore, the total amount of backpay in this matter is \$12,764.76.

Having found that the Complainant has met his ultimate burden of proving discrimination by a preponderance of the evidence, and having found the appropriate figure of damages, an appropriate Order follows:

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

JOHN C. ALBERT,  
Complainant

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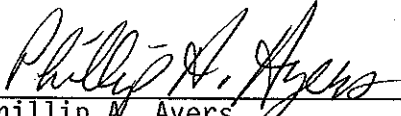
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Docket No. E-35642

RECOMMENDATION OF PERMANENT HEARING EXAMINER

Upon consideration of the entire record in this case, the Permanent Hearing Examiner concludes that the Respondent did unlawfully discriminate against the Complainant by refusing to hire the Complainant because of his handicap; post traumatic stress disorder. The Respondent's adverse action was in violation of Section 5(a) of the Pennsylvania Human Relations Act. Accordingly, it is recommended that the foregoing Stipulations of Fact, Findings of Fact, Conclusions of Law, and Opinion and Order be adopted by the full Pennsylvania Human Relations Commission.

  
Phillip M. Ayers  
Permanent Hearing Examiner

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

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Docket No. E-35642

FINAL ORDER

AND NOW, this 4th day of April 1991, following review of the entire record in this case, including the transcript of testimony, exhibits, brief, and pleadings, the Pennsylvania Human Relations Commission hereby adopts the foregoing Stipulations of Fact, Findings of Fact, Conclusions of Law, and Opinion and Order, in accordance with the Recommendation of the Permanent Hearing Examiner, pursuant to Section 9 of the Pennsylvania Human Relations Act, and therefore

O R D E R S

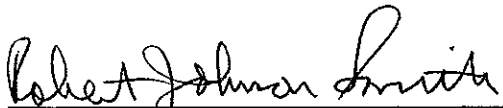
1. Respondent shall pay Complainant, within 30 days of the effective date of this Order, the lump sum of \$12,764.76, plus an additional amount of interest of 6% per annum, calculated up to the month during which the Public Hearing was held.

2. Respondent shall pay into the State Employee Retirement System the sum of money that the Respondent would have contributed had the Respondent been employed as a Parole Agent.

3. Respondent shall pay additional interest of 6% per annum calculated from the effective date of this Order until payment is made.

4. Within 30 days of the effective date of this Order, Respondent shall report on the manner of compliance with the terms of this Order by letter addressed to Francine Ostrovsky, Esquire, at the Commission's Harrisburg Regional Office, 2971-E North Seventh Street, Harrisburg, PA 17110.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By:   
Robert Johnson Smith  
Chairperson

ATTEST:

  
\_\_\_\_\_  
Gregory J. Celia  
Secretary