

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BARBARA G. CHISM,
Complainant

v.

DOEHLER-JARVIS POTTSTOWN, INC.,
Respondent

DOCKET NO. E-70485

STIPULATIONS OF FACT

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF THE PERMANENT HEARING EXAMINER

FINAL ORDER

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BARBARA G. CHISM, :
 :
 Complainant : DOCKET NO. E-70485
 :
 v. :
 :
 DOEHLER-JARVIS POTTSTOWN, :
 INC., :
 :
 Respondent :

STIPULATIONS 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 Barbara G. Chism, an African American female (hereinafter "Complainant").
2. The Respondent herein is Doehler-Jarvis Pottstown, Inc., (hereinafter "Respondent").
3. The Respondent, at all times relevant to the case at hand, has employed four or more persons within the Commonwealth of Pennsylvania.
4. On or about August 15, 1994, the Complainant filed a verified complaint with the Pennsylvania Human Relations Commission (hereinafter "Commission") at Commission docket number E-70485. A copy of the complaint will be included as a docket entry in this case at time of hearing.
5. On or about November 14, 1994, Respondent filed a response to the complaint. A copy of the response will be included as a docket entry in this case at time of hearing.

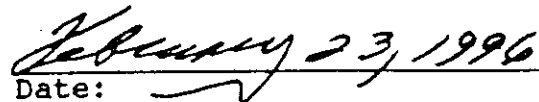
6. In correspondence dated June 22, 1995, Commission staff notified the Complainant and Respondent that probable cause existed to credit the allegations found in the complaint.

7. Subsequent to the determination of probable cause, Commission staff, pursuant to Section 9 of the Pennsylvania Human Relations Act, attempted to resolve the matter in dispute between the parties by "conference, conciliation and persuasion" but was unable to do so.

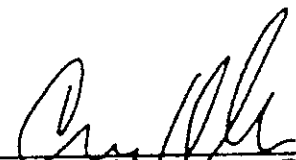
8. In correspondence dated February 1, 1996, Commission staff notified the Complainant and Respondent that a public hearing had been approved.



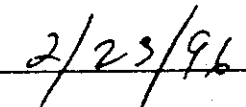
Michael Hardiman
Assistant Chief Counsel
(Counsel for the Commission
on behalf of the Complainant)



Date:



Craig Kellerman, Esquire
(Counsel for Respondent)



Date:

FINDINGS OF FACT *

1. The Complainant, at the time of public hearing, had been employed by the Respondent as an inspector for a period of eight years. (NT 16-17.)
2. This position was covered by a collective bargaining agreement. (NT 16-17.)
3. The Complainant, in May 1994, was assigned to the third shift (10:25 to 7:00 a.m.). (NT 17-18.)
4. The Complainant's immediate supervisor in May 1994 was Will Shaffer ("Shaffer"), a Caucasian male. (NT 18-19.)
5. The Complainant, in May 1994, was verbally and physically assaulted by a co-worker named Joe Gulla ("Gulla"), a Caucasian male. (NT 18-19.)
6. The Complainant was at her assigned work station when this incident took place. (NT 18-19.)
7. Gulla yelled and cursed at the Complainant, bumped her several times with his chest, and called the Complainant a "fucking nigger" and a "bitch." (NT 19.)

* The foregoing Stipulations of Fact are 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 these Findings of Fact for reference purposes:

| | |
|----|-----------------------|
| CE | Complainant's Exhibit |
| NT | Notes of Testimony |
| RE | Respondent's Exhibit |
| SF | Stipulations of Fact |

8. The Complainant was not able to get away from Gulla and yelled for help. (NT 19.)

9. The Complainant had to shove Gulla to get away from him. (NT 19.)

10. Shaffer heard the shouting and heard Gulla refer to Complainant as a "f...g n...r." (NT 68-70.)

11. Gulla lied to Shaffer and denied that he had called the Complainant a "f...g n...r." (NT 71.)

12. Shaffer did not take any action at that time to discipline Gulla for using racial and sexual epithets. (NT 71.)

13. The Complainant felt angry, humiliated, embarrassed, provoked, and disgraced by Gulla's actions. (NT 21.)

14. After the incident, Complainant left her work station to report to Shaffer what Gulla had done. (NT 71, 88.)

15. The Complainant recounted to Shaffer what had transpired, and further indicated her desire to pursue a complaint against Gulla. (NT 71-72.)

16. In the morning, after the shift ended, the Complainant was required to attend a meeting headed by Dennis Sullivan, Director of Human Resources, a Caucasian male. (NT 23.)

17. Other than Complainant, everyone attending this meeting was a Caucasian male. (NT 82.)

18. The purpose of the meeting, Complainant theorized, was to determine the discipline to be assessed against Gulla. (NT 25.)

19. In May of 1994, the Respondent did not have a written disciplinary policy. (NT 100.)

20. At this meeting, the Complainant was told that she was to be disciplined, along with Gulla. (NT 25.)

21. Both Complainant and Gulla received identical levels of discipline - written warnings - as a result of this incident. (NT 75, CE 2, CE 7.)

22. The infraction that Complainant was disciplined for was: "Leaving work assignment to engage in threatening and argumentative confrontation with co-worker." (CE 2.)

23. The Respondent has admitted that the reason that Complainant left her assigned work station was to report to Shaffer what Gulla had just done to her. (NT 71, 88.)

24. The Respondent also disciplined Complainant for "threatening and argumentative confrontation with co-worker." (CE 2.)

25. Shaffer, Complainant's supervisor, prepared a written report shortly after the incident occurred. (NT 72, 75.)

26. Shaffer testified that the report in question accurately reflected the events that occurred during the course of the incident in question. (NT 72-73.)

27. This report does not contain any mention of Complainant engaging in any type of argumentative or threatening activity. (CE 8.)

28. Gulla was disciplined for: "Leaving work assignment to engage in threatening and argumentative confrontation. Using abusive or threatening language

to co-worker including ethnic slurs and racial references." (CE 9.)

29. Gulla's discipline was identical to that of the Complainant. (NT 110.)

30. The Respondent had determined that it was Gulla who had initiated the confrontation, had been the aggressor during the confrontation, and had committed more serious infractions than Complainant. (NT 110, 122.)

31. At public hearing, Shaffer stated that the Complainant was disciplined because she had to be directed three times to return to work. (NT 93-94.)

32. However, the written report prepared by Shaffer indicated that he had to tell Complainant and Gulla three times to return to work. (NT 93-94, CE 8.)

33. The incident with the Complainant occurred immediately after Shaffer had confronted Gulla about Gulla's attempt to destroy a machine with a pipe. (NT 67-68.)

34. Gulla received a verbal warning for the incident involving the pipe. (NT 65.)

35. Gulla initially lied to Shaffer about the pipe incident. (NT 63-64.)

36. Shaffer knew that Gulla was lying because three employees had advised Shaffer that they had seen what Gulla had done. (NT 64-65.)

37. The three individuals who witnessed this incident were the Complainant and two white males. (NT 65.)

38. The Complainant filed a complaint with the local police and Gulla was then charged with harassment, ethnic intimidation and disorderly conduct. (NT 30-31.)

39. No criminal charges were brought against Complainant as a result of the May 11, 1994 incident. (NT 93.)

40. The Complainant filed a grievance with her union regarding the incident. (CE 3.)

41. Complainant's grievance was withdrawn without Complainant's knowledge. (NT 50.)

42. In May 1994, the Respondent had a policy that required complaints of discrimination and harassment be "promptly and confidentially investigated by management." (RE 6, NT 59.)

43. The Respondent did not follow its own policy regarding work-place harassment. (NT 74.)

44. On May 31, 1994, Shaffer issued a verbal warning to the Complainant for "carelessness or poor workmanship, or making scrap unnecessarily." (NT 66.)

45. Shaffer, in this instance, reduced the Complainant's verbal warning to writing, contrary to his stated policy of not doing so. (NT 66-67.)

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission ("Commission") has jurisdiction over the Complainant and the Respondent.

2. The Commission has jurisdiction over the subject matter of the instant complaint under the Pennsylvania Human Relations Act ("PHRA").

3. The parties and the Commission have complied with the procedural requirements to a public hearing.

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

5. Section 5(a) of the PHRA, *inter alia*, prohibits employers from unlawfully discriminating against employees regarding the terms, conditions or privileges of employment because of their race and/or sex.

6. The Complainant has established a *prima facie* case of race and sex discrimination by showing:

- a. she is a member of two protected classes, race and sex;
- b. she was disciplined with a written reprimand; and
- c. the white male involved in the same incident had initiated the incident and committed more serious offenses, and received the same discipline as Complainant.

7. The Respondent articulated a legitimate, nondiscriminatory reason for its action.

8. The Complainant has established by a preponderance of the evidence that the Respondent unlawfully discriminated against her because of her race, black, and her gender, female, in violation of the PHRA.

9. Whenever the Commission concludes that a Respondent has engaged in an unlawful practice, the Commission may issue a cease and desist order, and it may order such affirmative action as in its judgment will effectuate the purposes of the PHRA.

10. Such affirmative action may include reimbursement for certifiable travel expenses in matters involving the complaint and other verifiable, reasonable out-of-pocket expenses caused by the unlawful discriminatory practice.

OPINION

In the instant case, Barbara Chism ("Complainant") filed a verified complaint with the Pennsylvania Human Relations Commission ("PHRC" or) on or about August 15, 1994, against Doehler-Jarvis, Pottstown, Inc. ("Respondent"), at Docket No. E-70485. The Complainant alleged that she was unlawfully harassed and disciplined because of her race, black, and gender, female. The Complainant further asserts that Respondent's action violated Section 5(a) of the Pennsylvania Human Relations Act ("PHRA").

The PHRC staff in June of 1995, after completing their investigation, notified Respondent that probable cause existed to credit the allegations in the complaint. After the entry of the finding of probable cause, PHRC staff attempted to resolve the matter in dispute between the parties through conference, conciliation and persuasion but were unable to do so. PHRC staff, on February 1, 1996, notified the Complainant and Respondent that the Commission had approved the convening of a public hearing.

The public hearing in this matter was held on August 22, 1996 before Phillip A. Ayers, Permanent Hearing Examiner. Craig M. Kellerman, Esquire, appeared on behalf of the Respondent. Michael Hardiman, Assistant Chief Counsel, appeared on behalf of the state's interest in the complaint. The Respondent filed a post-hearing brief on October 23, 1996. The Commission filed its post-hearing brief on October 22, 1996.

In reviewing Complainant's allegations, we recognize that this case deals with the issue of disparate treatment. The analytical mode of evidence assessment in such a matter is clearly set forth in a Pennsylvania Supreme Court case. In Allegheny Housing Rehabilitation Corp. v. PHRC, 516 Pa. 124, 532 A.2d 315 (1987), the Pennsylvania Supreme Court clarified the order and allocation of burdens first defined in McDonnell-Douglas Corp. v. Green, 411 US 792 (1973). The Pennsylvania 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." If the Respondent meets this burden, in order to prevail, the Complainant must demonstrate by a preponderance of the evidence that the Complainant was the victim of intentional discrimination. A complainant may succeed in this ultimate burden of persuasion either by direct evidence that a discriminatory reason more likely motivated a respondent, or indirectly by showing that a respondent's proffered explanation is unworthy of credence, or pretextual. Texas Department of Community Affairs v. Burdine, 450 US 248, 256 (1981).

Following its instructions on the effect of a *prima facie* showing and a successful rebuttal thereof, the Pennsylvania Supreme Court then articulated principles which are useful in the ultimate resolution of some aspects of this matter. The Court stated that:

As in any other civil litigation, the issue is joined, and the entire body of evidence produced by each side stands before the tribunal to

be evaluated according to the preponderance standard: Has the plaintiff proven discrimination by a preponderance of the evidence? Stated otherwise, once the defendant offers evidence from which the trier of fact could rationally conclude that the decision was not discriminatorily motivated, the trier of fact must then "decide which party's explanation of the employer's motivation it believes."

Complainant Chism is free to present evidence and argument that the explanation offered by the employer is not worthy of belief, or is otherwise inadequate, in order to persuade the tribunal that the evidence does preponderate to prove discrimination. She is not, however, entitled to be aided by a presumption of discrimination against which the employer's proof must "measure up." Allegheny Housing, supra at 319.

The ultimate question always remains whether, based upon the evidence produced at the public hearing, the Complainant has persuaded the Commission that the employer intentionally discriminated against her.

We now move to the burden of proof analysis in the instant case. As Commission Counsel notes, there are two extremely important concepts in developing the burden of proof analysis. First, the analytical model is adaptable (not restricted to the McDonnell-Douglas model) and therefore must fit the particular circumstances of the case. Secondly, the burden of establishing a *prima facie* case is not an onerous burden. In the instant case, a *prima facie* case of race-based and sex-based discrimination can be established by showing that:

1. the Complainant is a member of two protected classes, race and gender;
2. she was issued a written reprimand; and

3. the white male who initiated the incident and committed more serious infractions received identical discipline to that imposed upon the Complainant.

Clearly, the Complainant easily establishes the first two elements of the *prima facie* showing. She is an African-American female, and both race and sex are protected classes under the PHRA. Secondly, there is no dispute that the Complainant was disciplined, in that she was given a written reprimand.

The third element of the *prima facie* showing in this matter is somewhat different. Normally, in regard to a *prima facie* showing, the Complainant must show differing treatment in response to identical conduct. In the instant case, we are presented with a scenario where there is identical treatment in response to different conduct. As Commission Counsel notes, "Common sense would dictate that an employer in assessing the situation would consider who initiated the confrontation and who was the aggressor before the employer decided on the level of discipline to impose." The Complainant has shown that she and her white co-worker received the same discipline even though; the white male initiated the incident; Respondent knew that the white employee had cursed at Complainant and directed epithets (racial and sexual) at her; Respondent knew that the white male had lied about the incident; and Respondent had determined that the white employee had committed more serious violations. As aforementioned, the burden of establishing a *prima facie* case is not onerous. Certainly the Complainant has met the third element.

With the Complainant establishing her *prima facie* case, the burden of production then shifts to the Respondent to articulate a legitimate, non-discriminatory reason for its action in disciplining the Complainant. The record reflects that the Respondent indicates that the Complainant was disciplined in accordance with shop rules because she left her work assignment to engage in a threatening and argumentative confrontation with a co-worker. By virtue of this articulation, the Respondent has met its burden of production.

Since the Respondent has met its burden, the Complainant, to prevail, must demonstrate by a preponderance of the evidence that she is a victim of intentional discrimination. The Complainant may succeed in this ultimate burden by showing that Respondent's proffered explanation is unworthy of credence. Burdine, supra. The Complainant can do this by showing pretext on the part of the Respondent.

In order to show pretext, we can look at the credibility of the two individuals who were responsible for disciplining the Complainant. The first individual is the Complainant's immediate supervisor, Will Shaffer. Mr. Shaffer's testimony indicates the existence of his application of differing treatment depending on the race and gender of the individuals involved. For example, we look at Mr. Shaffer's handling of the "pipe incident" involving Mr. Gulla. Mr. Shaffer had been told by two white male employees and Complainant that Mr. Gulla had hit a machine with a pipe. (NT 63, 65.) Mr. Shaffer, upon believing the employees, confronted Gulla about the violation of company rules. Mr. Gulla initially lied and denied that he had violated company rules by destroying company property. Mr. Shaffer testified that he gave

Mr. Gulla a verbal warning, which was customary for such conduct. Furthermore, Mr. Shaffer testified that it was not his policy to reduce verbal warnings to writing. (NT 65-66.) During the same time period, Mr. Shaffer issued a verbal warning to Complainant for "carelessness or poor workmanship, or making scrap unnecessarily." However, Mr. Shaffer did reduce the Complainant's verbal warning to writing. This action is a clear indication of Mr. Shaffer treating Complainant differently. In a review of Mr. Shaffer's testimony, it becomes apparent that Mr. Shaffer was extremely reluctant to deal with the incident at hand. First of all, Mr. Shaffer was reluctant to admit that Mr. Gulla lied about the pipe incident, when all indications were that Mr. Gulla was not telling the truth. He also refused to recognize that the confrontation with Complainant occurred immediately after Mr. Shaffer had confronted Mr. Gulla about the pipe incident. Mr. Shaffer testified that he was not clear what "immediately" meant. In addition, even though Mr. Shaffer saw Mr. Gulla yelling at the Complainant and heard Mr. Gulla say "f...g n...r," he testified that he was not able to state who Mr. Gulla was referring to except by making an assumption. (NT 68-70.)

When confronted with Complainant's version of the events, Mr. Shaffer refused to accept it as truth. This is very telling considering that Mr. Shaffer had every reason not to believe Mr. Gulla since Mr. Gulla had lied about the pipe incident as well as about calling the Complainant a "f...g n...r." Mr. Shaffer contended that since he "hadn't seen what [Complainant] was saying, [he] couldn't take sides." (NT 72.)

An overall view of this case indicates that Mr. Shaffer continually treated the Complainant different than he treated white males. Initially Mr. Shaffer stated that Complainant committed two infractions; one was leaving her work assignment, and second, she engaged in a "threatening and argumentative confrontation with a co-worker." (NT 78.) Mr. Shaffer then stated at his deposition that Complainant had committed only one infraction. Mr. Shaffer then testified that the reason Complainant left her work assignment was to tell him what had occurred. (NT 88.) The obvious result is that Mr. Shaffer disciplined Complainant in part because she had reported the verbal assault.

Complainant's second alleged infraction was to state to Mr. Gulla, "Go ahead and hit," and "I am not afraid of any man." However, Mr. Shaffer did not indicate these statements when he made his report after the incident. Lastly, Mr. Shaffer, at public hearing, stated he had to tell Complainant three times to return to work, but he did not have to tell Mr. Gulla to return. (NT 93-94.) However, Mr. Shaffer's report after the incident indicates, "I told Barbara and Joe to get back to work three times." Mr. Shaffer's actions in this matter reflect a preference in favor of the white male employee, Mr. Gulla, and also a lack of credibility on his part.

The other Respondent employee involved here is Dennis Sullivan, Director of Human Resources. Mr. Sullivan is the individual who not only decided to discipline the Complainant, but also decided on the level of discipline. At the time of this decision, Mr. Sullivan was aware that Mr. Gulla initiated the confrontation, called the Complainant a "f...g n...r," and then lied about it. (NT 122.) Mr. Sullivan convened

a "disciplinary hearing" instead of a confidential investigation, as provided for by the harassment policy of the company. Mr. Sullivan then imposed identical discipline on both Complainant and Gulla, even though Gulla had committed more serious infractions.

It is somewhat disturbing to follow Mr. Sullivan's refusal to recognize the severity of Gulla's remark to Complainant. Mr. Sullivan testified that the remark was simply a racial reference, and that a racial reference and ethnic slur were synonymous. (NT 123.) Clearly the term used by Gulla is not merely a racial reference, but a disgusting epithet that should not, under any circumstances, be sanctioned.

The entire record in this case shows that Respondent's articulated reason for imposing identical discipline is pretextual. The record further indicates that Respondent did in fact minimize Mr. Gulla's actions while penalizing Complainant for leaving her work station to report the incident.

Having found that the Complainant has met her ultimate burden in this matter, we now move to the issue of remedy.

In dealing with remedy, the Commission by virtue of Section 9 of the PHRA has a great amount of discretion. Section 9 provides:

(f)(1) If, upon all the evidence at the hearing, the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this act, the Commission shall state its findings of fact, and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not limited to, reimbursement of certifiable travel expenses in matters involving the complaint, compensation for loss of

work in matters involving the complaint, hiring, reinstatement or upgrading of employe[e]s, with or without back pay. . . and any other verifiable, reasonable out-of-pocket expenses caused by such unlawful discriminatory practice. . .

There are two purposes in awarding any remedy under the Pennsylvania Human Relations Act. The first purpose is that the unlawful discriminatory practice is effectively eradicated. The impact is ensured by the issuance of a cease and desist order preventing the Respondent from engaging in unlawful discriminatory practices. The second purpose is to restore the injured party to her pre-injury status and make her whole. Williamsburg Community School District v. Pennsylvania Human Relations Commission, 99 Pa. Cmwlth. 206, 512 A.2d 1339 (1986). In the instant case, restoring the Complainant to her pre-injury status would require the removal of the written reprimand from her personnel file, and treatment of the Complainant as if the reprimand had not been issued. Secondly, the PHRA allows for the Complainant to recover out-of-pocket expenses incurred in connection with her complaint. These expenses would include travel to and from the Commission's Philadelphia regional office and her home on four occasions, plus a \$5 parking fee on each of the four occasions. Also the Complainant drove from her home to the courthouse in Norristown on two occasions and paid a parking fee of \$4 each time.

The expenses are calculated as follows:

| | | |
|----|--|--------------|
| 1. | Trips to/from the Commission's office: | |
| | 4 X (102 miles X \$.31) = | \$ 126.48 |
| | Parking @ \$5 X 4 = | <u>20.00</u> |
| | | \$ 146.48 |
| 2. | Trips to/from Norristown courthouse: | |
| | 2 X (60 miles x \$.31) = | \$ 37.20 |
| | Parking @ \$4 X 2 = | <u>8.00</u> |
| | | \$ 45.20 |

Finally, the Respondent shall put into place affirmative measures that will discourage any future discrimination. The Commission has broad discretion in fashioning a remedy, and its actions are entitled to deference by a reviewing court. Murphy v. Cmwlth., Pa. Human Relations Commission, 506 Pa. 549, 486 A.2d 388 (1985). The affirmative measures shall include:

1. providing sensitivity/ethnic diversity training for all staff;
2. establishing an internal procedure for dealing with complaints of discrimination and harassment; and
3. advising all employees that racial and sexual harassment of any type is prohibited and those who engage in such will be disciplined.

Having found on behalf of the Complainant, an appropriate Final Order follows.

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BARBARA G. CHISM,
Complainant

v.

DOEHLER-JARVIS POTTSTOWN, INC.,
Respondent

DOCKET NO. E-70485

RECOMMENDATION OF THE PERMANENT HEARING EXAMINER

Upon consideration of the entire record in the above-captioned matter, the Permanent Hearing Examiner finds that the Complainant has proven discrimination in the instant case. It is, therefore, the Permanent Hearing Examiner's recommendation that the attached Stipulations of Fact, Findings of Fact, Conclusions of Law, and Opinion be approved and adopted by the full Pennsylvania Human Relations Commission. If so approved and adopted, the Permanent Hearing Examiner recommends issuance of the attached Final Order.

By: _____

Phillip A. Ayers
Phillip A. Ayers
Permanent Hearing Examiner

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

**BARBARA G. CHISM,
Complainant**

v.

**DOEHLER-JARVIS POTTSTOWN, INC.,
Respondent**

DOCKET NO. E-70485

FINAL ORDER

AND NOW, this Nineteenth day of May, 1997, after review of the entire record in this matter, the Pennsylvania Human Relations Commission, pursuant to Section 9 of the Pennsylvania Human Relations Act, hereby approves the foregoing Stipulations of Fact, Findings of Fact, Conclusions of Law and Opinion as its own finding in this matter and incorporates the same into the permanent record of this proceeding, to be served on the parties to the complaint and hereby

ORDERS

1. The Respondent shall cease and desist from discriminating against the Complainant because of her race and gender with respect to the terms, conditions and privileges of her employment.

2. The Respondent shall remove the written reprimand from the Complainant's personnel file and shall treat the Complainant for all employment related purposes as if the reprimand had never been issued.

3. The Respondent shall provide to all of its employees training that is designed to educate the employees regarding the right of all employees to work in an environment that is not hostile to minority and/or female employees.

4. The Respondent shall advise all employees in writing that racial and sexual harassment of any type, including the use of racial or sexual epithets, is prohibited, and those who engage in such harassment will be disciplined.

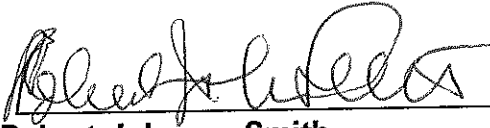
5. The Respondent shall establish, publish and provide to all employees a written internal procedure for dealing with complaints of discrimination and harassment.

6. The Respondent shall reimburse the Complainant in the amount of **\$191.68** for the travel expenses that she incurred as outlined below:

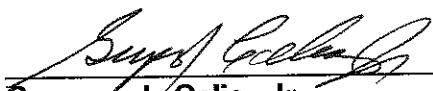
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| b. | Trips to/from Norristown courthouse: | |
| | 2 X (60 miles x \$.31) = | \$ 37.20 |
| | Parking @ \$4 X 2 = | <u>8.00</u> |
| | | \$ 45.20 |

7. The Respondent shall report the means by which it will comply with all of the components of the order, in writing, to Michael Hardiman, Assistant Chief Counsel, within thirty days of the date of this order.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: 
Robert Johnson Smith
Chairperson

Attest:


Gregory J. Celia, Jr.
Secretary