

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

LINDA DIXON, Complainant

v.

PRICE WATERHOUSE AND COMPANY, Respondent

Docket No. E-6771

HISTORY OF THE CASE

FINDINGS OF FACT

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HISTORY OF THE CASE

This case involves a Complaint filed with the Pennsylvania Human Relations Commission (hereinafter referred to as the Commission) at Docket No. E-6771, charging that Respondent, Price Waterhouse and Company (hereinafter referred to as the Respondent), arbitrarily rejected her for a position as an auditor, based on the results of a pre-employment interview in which the interviewer asked numerous questions of a sexist nature. The Complainant further alleges that the Respondent had predetermined not to hire . female applicants, and further alleges that she was discriminated against because of her sex, female, in violation of Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended (hereinafter referred to as the Act).

An investigation into the allegations contained in the Complaint was made by representatives of the Commission and a determination was made that probable cause existed to credit the allegations of the Complaint. Thereupon, the Commission endeavored to eliminate the unlawful practice complained of by conference, conciliation and persuasion. These endeavors were unsuccessful and a public hearing was convened pursuant to Section 9 of the Act. The hearing panel consisted of Commissioners: Doris A. Smith, Elizabeth M. Scott, and John Wisniewski. Thomas F. Baker, Esquire, served as advisor to the hearing panel. The public hearing was convened on November 8, 1976, and then adjourned until November 17, 1976.

Kathleen Fein, Esquire, Assistant General Counsel of the Pennsylvania Human Relations Commission, presented the case on behalf of the Complainant. Aims C. Coney, Jr., Esquire, of Pittsburgh, and Ulric R. Sullivan, Esquire, of New York, represented the Respondent.

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FINDINGS OF FACT

1. Complainant herein is Linda Dixon, an adult female residing at 233 North Craig Street, Pittsburgh, Pennsylvania.
2. Respondent herein is Price Waterhouse & Company, a public accounting firm with offices at 600 Grant Street, Suite 4500, Pittsburgh, Pennsylvania, 15219. Respondent employs 155 professional accountants and 41 clerical and other staff in its Pittsburgh office. (Tr. 102, 103)
3. Carl H. Anderson, is an administrative manager, responsible for personnel matters, with the major segment in the recruiting area, and holds campus interviews for the purpose of recruiting persons to work as staff accountants for the Respondent. (Tr. 73, 74, 77)
4. The campus interview is the first stage in Respondent's hiring process. (Tr. 76) 5.
5. The campus interview does not follow a set pattern but rather is a means of learning about a student and his or her accounting career goals. (Tr. 85, 86, 87)
6. Complainant had a campus interview with Mr. Anderson on February 14, 1974 for approximately 20-25 minutes at Robert Morris. (Tr. 10)
7. Complainant was one of 12 students interviewed February 14, 1974 on campus by Mr. Anderson. (C. Ex. 3)
8. Complainant was in her senior year majoring in accounting at the time of the interview. A resume which among other items included courses taken in accounting and grades received was submitted by Complainant at the interview. (Tr. 11 - 13)
9. Complainant's resume indicated a quality point average of 3.0 in accounting, 2.91 overall and a decline in accounting courses grades from A to C (Principles I -A, Principles II -A, Intermediate I -B, Intermediate II -C, Cost I -B, Federal Taxes I -C). (C. Ex. 1)
10. During the campus interview, Mr. Anderson and the Complainant did discuss the matter of boyfriends, and Mr. Anderson noted on the back of Complainant's resume that she had broken up with her boyfriend two years previously. (Tr. 97)

11. Discussions as to boyfriends, girlfriends, spouses, arise out of Respondent's need to know whether there are restrictions on applicant's abilities to travel, accept out of town assignments, overtime work, as well as the location preference. (Tr. 89, 90, 97)
12. Mr. Anderson conducted 12 campus interviews on February 14, 1974, and four campus interviews on February 15, 1974. (C. Ex. 3 - R. Ex. 1)
13. After completion of the February 14 and 15 campus interviews, Mr. Anderson invited three students for office interviews, the next stage in the hiring process. (C. Ex. 3 - R. Ex. 1 - Tr. 76)
14. Complainant was one of 13 students not invited for an office interview after completion of the campus interviews at Robert Morris. (C. Ex. - R. Ex. 1)
15. Complainant was not invited to the second stage, an office interview, because Mr. Anderson felt, among other things, that Complainant lacked the commitment or enthusiasm for public accounting; that the Complainant had no solid preparation for the interview, and that there was a downward trend in her academic performance. (Tr. 275, 277, 87, 88, 95)
16. That 391 students were interviewed in the Pittsburgh office in Respondent's 1973-74 recruiting year, and that of this group, 263 students were not invited for office interviews. (C. Ex. 4 - R. Ex. 3)

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CONCLUSIONS OF LAW

1. At all times herein mentioned, the Pennsylvania Human Relations Commission had and still has jurisdiction over the Complainant, Respondent, and the subject matter of the Complaint herein, pursuant to the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. 951 et seq.
2. That the Respondent's conduct towards Complainant in failing to extend an offer to the Complainant to attend the office interview, did not discriminate against the Complainant in violation of Section 5(a) of the Pennsylvania Human Relations Act, supra.

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OPINION

The issue involved in this case is whether the Respondent violated Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §955 (a) (hereinafter referred to as the "Act"). Section 5(a) provides among other things, as follows:

It shall be an unlawful discriminatory practice...for any employer, because of f
the...sex,...of any individual to r refuse to hire or to employ such individual

Specifically, the Complainant asserts that the Respondent arbitrarily rejected her for a position as an auditor, based on the results of a pre-employment interview in which the interviewer asked numerous questions of a sexist nature. The Complainant further alleges that the Respondent had predetermined not to hire female applicants, and further alleges that she was discriminated against because of her sex, female. The Respondent claims that Complainant was not invited to the second stage, an office interview, because Mr. Anderson felt, among other things, that Complainant lacked the commitment or enthusiasm for public accounting; that the Complainant had no solid preparation for the interview, and that there was a downward trend in her academic performance.

The competent evidence of record in this case compels the conclusion that the Complainant was not refused an office interview because of her sex.

We begin our analysis by reviewing the campus interview of February 14, 1974. As described by Complainant, the incident was coarse and insulting, devoted mostly to the issue of her boyfriend, and then culminating in an offer to be a secretary rather than an accountant. Mr. Anderson testified that he had never conducted such an interview in 13 years of recruiting experience, and moreover that he recruits only professional staff and that another employer recruits secretarial staff. (R. Ex. 182). On cross-examination, Complainant testified that she signed up for campus

interviews with just two public accounting firms, Price Waterhouse & Company and Coopers & Lybrand, and she answered “no” to a question about signing up for a third interview and then canceling it. (Tr. 36, 40). The Placement Director of Robert Morris, Mr. Rost, testified, however, that Complainant signed up for an interview with Peat, Marwick, Mitchell & Company on January 11, 1974, and then cancelled that interview (Tr.220, 221). By contrast there were no contradictions in the testimony of Carl Anderson, relative to his campus interviews.

As Complainant’s counsel continued the cross-examination of Anderson, he identified reasons for not advancing the Complainant to an office interview. These were her indecision between corporate or public accounting (Tr. 94); her lack of commitment or enthusiasm (Tr. 95, 135, 276); her lack of solid preparation for the campus interview (Tr. 95); and the downward trend in her academic performance (Tr. 95, 135). During the hearing the Complainant herself corroborated these assessments, either through her testimony or through her demeanor.

Respondent in both oral argument and the brief, raised several other issues, specifically: that Complainant withdrew from Advanced Accounting, and received a below average grade in Auditing, after the interview; that she did not complete her degree work until January, 1975; and lastly, that in April, 1976, she joined the law firm as a secretary, and today she is studying to be a court reporter. These arguments are without merit. While the Commission finds those issues relevant perhaps to the issue of irony, it is not relevant to either the factual or legal determinations that this Commission must reach in deciding this case. The Commission must decide on the basis of the facts known to the Respondent at the time of the interview when the Respondent declined to offer an office interview.

In a review of the entire transcript, including particularly Complainant's estimation of her qualifications and her estimation of the accounting profession, a consistent theme is discernible; naiveté.

Complainant admitted operating in a vacuum. In advance of the campus interview she did not discuss interviewing experiences or seek advice from fellow students or from professors (Tr. 32, 33, 45, 47, 52-55). She was unaware of the internship program even though it involved some of her classmates (Tr. 54). She didn't seek help from the Placement Director (Tr. 55). It is not unforeseeable that the student who has failed to prepare himself or herself could falter.

Finally, the resume showed the downward trend in Complainant's academic performance, particularly in accounting (C. Ex. 1). Her better grades had been in the earlier courses dealing with principles. As she entered into the more advanced accounting subjects, she got two Bs and two Cs. In short, the record fails to sustain the allegations of the Complaint. Accordingly, an Order will be entered dismissing the Complaint.

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RECOMMENDATION OF HEARING COMMISSIONERS

AND NOW, this ____ day of _____, 1977, upon consideration of all the evidence presented at the public hearing in the above-captioned matter, pursuant to the Findings of Fact and Conclusions of Law, the Hearing Commissioners recommend to the entire Commission that an Order be entered dismissing the Complaint.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By:

Doris Smith, Esquire, Chairperson

By:

Elizabeth M. Scott, Hearing
Commissioner

By:

John Wisniewski, Hearing
Commissioner

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COMMISSION' S DECISION

AND NOW, this ____ day of _____, 1977, upon the recommendation, of the Public Hearing Conmlissioners and upon all the evidence at the Public Hearing of this case, and upon consideration of the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission finds and determines that .the Respondent has not engaged in an unlawful discriminatory practice in violation of Section 5 (a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §955 (a), in their failure to offer the Complainant an office interview.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: Joseph X. Yaffe, Chairperson

ATTEST:

By: Elizabeth M. Scott, Secretary

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FINAL ORDER

AND NOW, to wit, this ____ day of _____, 1977, upon consideration of the Findings of Fact, Conclusions of Law, and Commission's Decision, and pursuant to the provisions of Section 9 of the Pennsylvania Human Relations Act, as amended, the Pennsylvania Human Relations Commission hereby

ORDERS

that the Complaint be dismissed.

that the Complaint be dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: Joseph X. Yaffe, Chairperson

ATTEST:

By: Elizabeth M. Scott, Secretary