

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

JOYCE S. DRAKE and :  
DEBORA L. SINGLETON, :  
Complainants :  
vs. : DOCKET NO. E-5403P  
FRAZIER SCHOOL DISTRICT, :  
Respondent :

HISTORY OF THE CASE, FINDINGS OF FACT,  
CONCLUSIONS OF LAW, COMMISSION'S DECISION  
AND FINAL ORDER

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HISTORY OF THE CASE

This case involves a complaint filed with the Pennsylvania Human Relations Commission (Hereinafter "the Commission") at Docket No. E-5403P, charging the Respondent, Frazier School District, with refusing to hire the Complainants, Joyce S. Drake and Debora L. Singleton as teachers' aides because of their race, Black. The complaint charges that this conduct was in violation of Section 5(a) of the Pennsylvania Human Relations Act (Act of October 27, 1955, P. L. 744, as amended.)

The Respondent filed an Answer to the complaint denying any unlawful discriminatory action. An investigation into the allegations contained in a complaint was made by representatives of the Commission and a determination was made that there was probable cause to credit the allegations therein. Thereupon, the Commission endeavored to eliminate the unlawful practices complained of by conciliation. These endeavors were unsuccessful and on March 21, 1974 a Public Hearing was convened pursuant to Section 9 of the Act. The Hearing Panel consisted of Commissioners Robert W. Goode, Chairperson, Elizabeth M. Scott, and Everett E. Smith. Mark A. Senick, Esquire, represented

the Complainants and Herbert Margolis, Esquire, represented the Respondent.

The Hearing Panel, upon consideration of the transcript and the brief of Counsel for the Respondent, recommended that the Commission dismiss the complaint without reaching the merits of the charge because the Commission was barred from considering the complaint by the requirement of Section 9 that it must be filed within 90 days of the alleged act of discrimination.

CONCLUSIONS OF LAW

1. There are no facts in the Record under which the alleged discriminatory practice of Respondent of refusing to hire the Complainants for the teachers' aide positions because of the Complainants' race can be deemed to be of a continuing nature.

2. This being the case, the Commission is barred from reaching the merits of the complaint because it was not filed within the 90 day period required by Section 9 of the Pennsylvania Human Relations Act.

FINDINGS OF FACT

1. The actual and final hiring of four persons other than the Complainants for the teacher aide positions at issue took place on January 10, 1972 at the meeting of Respondent's Board of School Directors.

2. The Complainants took no action to protest or challenge this final hiring decision nor to cause the Respondent to reiterate that decision not to hire the Complainants until the date they filed this complaint with the Commission, December 11, 1972, eleven months after the alleged act of discrimination.

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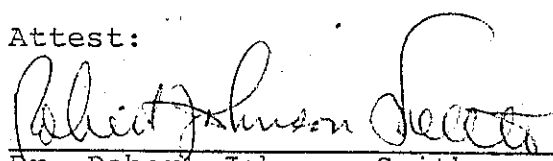
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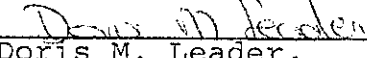
COMMISSION'S DECISION

AND NOW, this 23rd day of February, 1975,  
upon consideration of the History of the Case, Findings of  
Fact, Conclusions of Law and transcript of testimony, and the  
recommendations of the Hearing Commissioners, the Pennsylvania  
Human Relations Commission finds and determines that it must  
dismiss the complaint because it was not filed within 90 days  
from the date of the alleged act of discrimination as required  
by the Pennsylvania Human Relations Act.

Attest:

  
Dr. Robert Johnson Smith,  
Secretary

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION

By:   
Doris M. Leader,  
Vice-Chairperson

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DOCKET NO. E-5403P

FINAL ORDER

AND NOW, this 23rd day of February, 1975,

upon consideration of the foregoing Findings of Fact and  
Conclusions of Law, the Pennsylvania Human Relations Commission

ORDERS:

1. The complaint of Joyce S. Drake and Debora L. Singleton is dismissed.

Attest:

Robert Johnson Smith  
Dr. Robert Johnson Smith,  
Secretary

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION

By: Doris M. Leader  
Doris M. Leader,  
Vice-Chairperson