

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

GOVERNOR'S OFFICE

Ernest C. Dillard,  
Complainant

Docket No. E-6366

vs.

Goetze Welding Company, Inc.,  
Respondent

CONCILIATION AGREEMENT

WHEREAS, on the 13th day of November, 1973, a formal Complaint was filed before the Pennsylvania Human Relations Commission (hereinafter called the "Commission") against: Goetze Welding Company, Inc., 4400 Paxton Street, Harrisburg, Pennsylvania, 17111

(hereinafter called the "Respondent" whether singular or collective) by: Ernest C. Dillard

(hereinafter called the "Complainant" whether singular or collective) alleging that the Respondent had violated Section(s) 5(a) of the Act of October 27, 1955, P.L. 744, more commonly known as the Pennsylvania Human Relations Act, Tit. 43, Pa. Stat. Ann. §§ 951 et seq, as amended (hereinafter called the "Act"), in that the Respondent committed or caused to be committed the acts or actions more specifically referred to as contained in Exhibit "A" which is attached hereto and incorporated herein as an integral part of this Agreement.

WHEREAS, the Commission has advised the Respondent formally after investigation that it has found probable cause to credit the allegations of Exhibit "A" which are contained in the aforementioned Complaint, to which the Respondent has objected as being unsupported in fact and/or law, and

WHEREAS, the Commission and the Respondent, to avoid litigation, but without admission by the Respondent of any actions violative of the Act do hereby waive a public hearing under Section 9 of the Act and the Regulations promulgated by the Commission, and do hereby consent to the entry of this Conciliation Agreement as a Consent Order and Decree of the Commission. This Consent Order and Decree shall have the full force of a Commission Order and Decree following a Public Hearing by the Commission and shall be enforceable as such under Section 10 of the Act. The waiver of said Public Hearing is made knowingly, understandingly and voluntarily with an unqualified intent to be legally bound hereby.

NOW, THEREFORE, the Respondent and the Commission do hereby agree to be legally bound as follows:

1. The foregoing preambles shall be included herein as fully set forth.

2. The Respondent admits the jurisdiction of the Commission in this matter and hereby waives all objections thereto.

3. All exhibits annexed hereto are to be incorporated into this Agreement as an integral part thereof.

4. The term "Respondent" as used in this Conciliation Agreement shall include the Respondent, its successors and assigns, agents, servants and employees, either and/or jointly and severally.

5. The execution and implementation of this Agreement shall in no manner or form constitute any waiver or powers and duties conferred upon the Commission, nor shall this Agreement be deemed as a declaration of policy or precedent by the Commission. This Agreement shall in no manner or form affect the intake, processing, adjudication and disposition of future complaints involving the Respondent, except that the Respondent may in the course of any proceedings refer to the same and to its performance thereunder to the extent relevant to such proceedings.

6. The Respondent shall fully comply with all of the provisions of the Act and the Regulations promulgated by the Commission and shall follow the terms of adjustment set forth in Exhibit "B."

7. It is expressly understood by the Respondent that any violation or infraction of the terms and conditions set forth herein by the Respondent, shall constitute a violation of an Order of the Commission pursuant to Section 11 of the Act.

8. The status of the relationship between the Complainant and the Respondent shall be subject to and defined by Exhibit "C" if attached hereto, and which in such event, is incorporated as an integral part of this Agreement.

9. If any portion of this Agreement, or the application thereof, to any person or circumstance, should for any reason be adjudged invalid, such judgment shall not affect, impair or invalidate the remaining portion of said Agreement.

10. The Commission and the Respondent enter into this Agreement with the intent to be legally bound hereby. This Agreement shall not become final and binding upon all parties until approved by the Commission and a Final Order is thereupon issued; and thereafter shall be binding upon and inure to the benefit of the parties hereto, their and each of their respective heirs, legal representatives, successors and assigns.

In Witness Whereof, the Respondent, being duly authorized so to do, has executed the foregoing on the 28<sup>th</sup> day of *November*, 1975.

GOETZE WELDING COMPANY, INC.

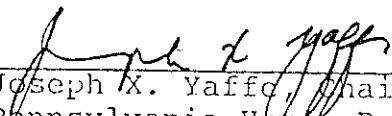
By *Joseph G. Goetz*  
President

ATTEST:

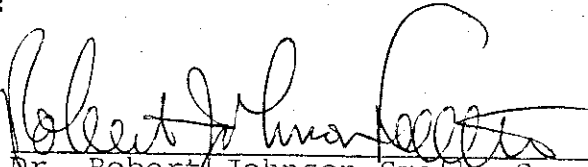
*Raymond M. Mumford*  
Secretary

*Homer C. Floyd*  
Homer C. Floyd, Executive Director  
Pennsylvania Human Relations Commission

Approved and ratified at a meeting of the Pennsylvania  
Human Relations Commission on the 23rd day of February  
19 76.

  
\_\_\_\_\_  
Joseph X. Yaffo, Chairperson  
Pennsylvania Human Relations Commission

ATTEST:

  
\_\_\_\_\_  
Dr. Robert Johnson Smith, Secretary  
Pennsylvania Human Relations Commission

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION  
GOVERNOR'S OFFICE

Ernest C. Dillard,  
Complainant

: Docket No. E-6366

:

:

vs.

:

:

Goetze Welding Company, Inc.,  
Respondent

:

:

COMPLAINT

The Complainant alleges that the Respondent harrassed him in the conditions of employment which resulted in a three (3) day suspension because of his race, black.

*J. S. Goetze*

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

GOVERNOR'S OFFICE

Ernest C. Dillard,  
Complainant

: Docket No. E-6366

:

:

vs.

:

:

Goetze Welding Company, Inc.,  
Respondent

:

:

TERMS OF ADJUSTMENT

1). The Respondent shall pay the Complainant all wages lost during the three (3) day suspension plus 6% interest to the date settlement is offered.

2). The Respondent shall post copies of the Pennsylvania Human Relations Commission poster in conspicuous places around place(s) of operation.

*J. L. Goetze*

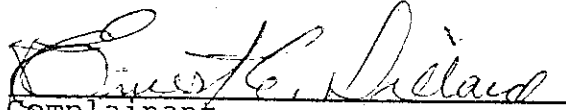
COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION  
GOVERNOR'S OFFICE

Ernest C. Dillard, : Docket No. E-6366  
Complainant :  
 :  
 :  
 vs. :  
 :  
 :  
 :  
 Goetz Welding Company, Inc., :  
 Respondent :

GENERAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that I Ernest C. Dillard, for and in consideration of the Respondent's compliance with all of the terms and conditions set forth in the Conciliation Agreement herein of which this is a part thereof do hereby remise, release and forever discharge Goetz Welding Company, Inc., its successors and assigns of and from all and in all manner of actions and causes of actions, suits, debts, claims and demands whatsoever in law or equity arising from the transaction which is the subject matter of the Complaint filed with the Pennsylvania Human Relations Commission captioned and docketed as above, including any arising from any violations of the Pennsylvania Human Relations Act, Tit., 43, Pa. Stat. Ann. §§ 951 et. seq., which I have ever had, now have, or which I or my heirs, executors, administrators, successors or assigns, or any of them, hereafter can, shall or may have.

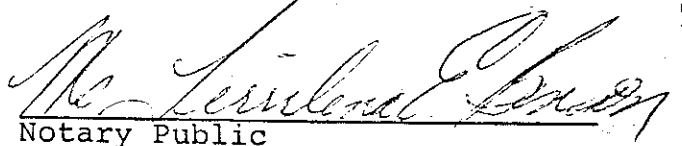
IN WITNESS WHEREOF, I have executed the foregoing this  
16th day of October, 1975.

  
Complainant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF Dauphin SS:

On the 16th day of October, 1975, before me, the subscriber, a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared the above named Ernest C. Dillard, known to me to be the person whose name is subscribed to the foregoing Release to be a free act and deed.

WITNESS my hand and notarial seal the day and year aforesaid.

  
Notary Public

NOTARY PUBLIC  
My Commission Expires October 2, 1978  
Harrisburg, Pa. Dauphin County

Exhibit "C"

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

Ernest C. Dillard,  
Complainant

:

:

:

Docket No. E-6366

:

vs.

:

:

Goetze Welding Company,  
Inc.,

:

Respondent

FINAL ORDER AND DECREE

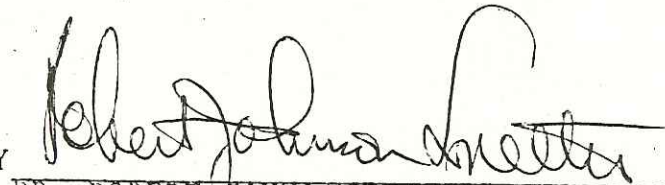
AND NOW, this 23rd day of February, 1976,  
upon consideration of the Conciliation Agreement submitted  
in the above captioned case it is hereby ORDERED AND DECREED  
that said Conciliation Agreement is entered into the official  
record of the Pennsylvania Human Relations Commission as a  
Final Order, to be given the same force and effect as if  
entered after a public hearing.

BY



JOSEPH X. YAFFE, CHAIRPERSON  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY



DR. ROBERT JOHNSON SMITH, SECRETARY  
PENNSYLVANIA HUMAN RELATIONS COMMISSION