

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

JOHN P. GABRIELE, Complainant

v.

BOEING CO., VERTOL DIVISION, Respondent

COMPLAINT DOCKET NO. E-3255

FINDINGS OF FACT

1. JOHN P. GABRIELE, ("Gabriele"), the Complainant, is of Italian ancestry and resides in Wilkes-Barre, Pennsylvania.
2. In November, 1960, Gabriele began his employment at BOEING CO., VERTOL DIVISION, ("Boeing"), the Respondent, at its plant in Morton, Pennsylvania as a sheet-metal worker.
3. Two years later, Gabriele was promoted to the position of supervisor in the weld shop at Boeing, and approximately one year later was promoted to be supervisor in the Blue Streak Area, Experimental Department. He was then transferred to the paint Shop where he worked in the trim and drill area in fabricating sheet-metal parts for at least six months, was re-transferred to the experimental department and then to the trim and drill Area. This was his assignment until June, 1966 when he resigned at Boeing to work for Radio Corporation of America as a supervisor in Mountain Top, Pennsylvania for about a year and a half, when he was laid-off as "surplus." He was rehired by Boeing as a supervisor in the Machine Shop at Morton, Pennsylvania, where he worked until October of 1967 when he was assigned to field duty in California, returning on December 4, 1967 to work under the foremanship of James Melton and was assigned in January, 1968 to production line for the repair of combat-damaged helicopters, ("IROAN"). Gabriele was then assigned to field duty in North Carolina, returning in the Spring of 1968 to the Morton, Pennsylvania plant and was assigned to work as a supervisor under James Melton, foreman.
4. On February 6, 1969, Gabriele was earning a salary of \$10,000.00 per year and supervised approximately 17 employees in the on-site modification at Boeing.
5. On that date, Gabriele was given a written report, ("Employee Performance Summary"), in which his performance was rated "unsatisfactory" by James Melton, his supervisor, and his accomplishments and contributions to organization achievement were described and evaluated, as follows:

"On several different occasions in the past six (6) months you have been verbally warned that your output from your crew has been unsatisfactory, resulting in a constant behind schedule condition. This Employee Performance Summary report is

to advise you unless definite improvement is shown in your output within the next 30 days (March 1) you will be relieved of your duties as a supervisor in shop 3081."

His performance in carrying out the common responsibilities associated with his position was rated, as follows:

"You have not demonstrated the knowledge and skill that is required to meet scheduled in .the Back Shop position. Repeatedly you have failed to carry out assignments from immediate supervisor and on several occasions you have been approached for status on assemblies in your area and didn't know if they were in work or what was required to complete these items. Also since coming to this shop you have not submitted any Cost Savings or Conservation items. The manner in which a supervisor carries out his job assignment follows instructions and the amount of assistance he requires are factors considered in evaluating dependability."

6. On March 5, 1969, at the expiration of such 30-day period, Gabriele's performance not having improved in Supervisor Melton's opinion, he gave written notice to Gabriele that his employment was to be terminated effective March 7, 1969. Gabriele was given the opportunity to resign from his position as supervisor or of termination of employment at Boeing.
7. On that date, Gabriele requested and was granted a hearing before Boeing's internal Review Board (consisting of supervisory employees) at which hearing Gabriele was given an opportunity to defend himself against such performance evaluation. Gabriele explained that the failure by himself and his crew to maintain the work schedule was attributable to the lack of adequate manpower and the inability to maintain adequate records of replacement parts due to pilfering by other work crews.
8. In his discussions with Melton, Wenzel (Melton's superior) or at the Review Board hearing, Gabriele never accused or indicated that the action was attributable to his being of Italian ancestry.
9. The following day Gabriele's employment was terminated, the Review Board having concurred in Supervisor Melton's decision.
10. On March 10, 1969, Gabriele was given an "exit interview" during which an opportunity was given to him to state any reasons for his dissatisfaction. Gabriele did not mention that there was any discrimination by Boeing or Melton or anyone against him because of his Italian ancestry.
11. On March 10, 1969, Gabriele filed a complaint with the Pennsylvania Human Relations Commission against Boeing alleging that Boeing terminated his employment because of his Italian ancestry.
12. Gabriele had received commendations from Boeing for three cost reductions suggestions, (one prior to and two during 1965) for his cooperation in Boeing's conservation program, and he received merit increases in 1963, 1964 and 1968.
13. Gabriele was rated low on Boeing's internal system of performance evaluation ("totem pole").
14. Gabriele's attitude towards his position was the operative factor in his failure to achieve a satisfactory performance in that: (1) he failed to demonstrate an ability to influence the men he supervised so as to spur increased production by them; (2) his attitude was

negative in accepting assignments; (3) he failed to exercise that degree of motivation that would spur his crew, a necessary quality for supervision; and (4) he was unable to maintain control of the status of work for which he was responsible.

15. Boeing is an Equal Employment Opportunity Employer and maintains an office for employee complaints of employment discrimination because of race, creed, national ancestry and sex.
16. Boeing has communicated the existence of this office to its employees through a planned program of communications, including front-line supervisors (Gabriele).
17. Boeing has an on-going training program dealing with problems of discrimination and affirmative action in that field.
18. Boeing employs persons of Italian ancestry as supervisors and in non-supervisory capacities.
19. James Melton supervises workers of Italian ancestry, three of whom testified that Melton never gave any indication of anti-Italian prejudice or discrimination.
20. Gabriele's performance record clearly indicates that he was not the best able and most competent supervisor to perform the services required of a supervisor.

CONCLUSIONS OF LAW

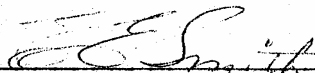
1. At all times herein mentioned, the Complainant, John P. Gabriele, of Italian ancestry, was a citizen and resident of the Commonwealth of Pennsylvania.
2. At all times herein mentioned, the Respondent, Boeing, Co., Vertol Division, was engaged in business in the Commonwealth of Pennsylvania.
3. At all times herein mentioned, the Pennsylvania Human Relations Commission had, and still has, jurisdiction over the Complainant and the Respondent.
4. At all times herein mentioned, the Pennsylvania Human Relations Commission had, and still has, jurisdiction over the subject matter of these proceedings.
5. Section 5 of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended, provides:

"It shall be an unlawful discriminatory practice,...

(a) For any employer because of the race, color, creed, ancestry, age or national origin of any individual to refuse to hire or employ, or to bar or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is best able and most competent to perform the services required..." (Underlining supplied)

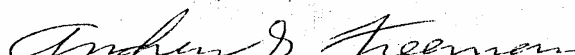
6. The Complainant, John P. Gabriele, was not the best able and most competent supervisor employed by the Respondent and his discharge from employment was not an unlawful discriminatory practice in violation of the Pennsylvania Human Relations Act.
7. The Complaint and Amended Complaint herein were properly made, signed and filed in accordance with Section 9 of the Pennsylvania Human Relations Act.
8. A Final Order shall be issued herein dismissing the Complaint and Amended Complaint.

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Everett E. Smith, Chairman

ATTEST:



Andrew G. Freeman, Assistant Secretary

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FINAL ORDER

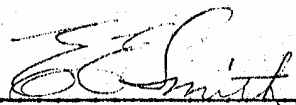
AND NOW, July 28, 1970, upon consideration of the foregoing Findings of Fact and Conclusions of Law, and pursuant to Section 9 of the Pennsylvania Human Relations Act, it is hereby

ORDERED by the Pennsylvania Human Relations Commission

that the Complaint and Amended Complaint heretofore filed by John P. Gabriele, Complainant, against Boeing Co., Vertol Division, Respondent, be, and the same are, hereby dismissed.


PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY:



Everett E. Smith, Chairman

ATTEST:



Andrew G. Freeman, Assistant Secretary