

PENNSYLVANIA HUMAN RELATIONS COMMISSION

SOPHIE JOHNSON :
COMPLAINANT :
 :
vs : DOCKET NO. E-4954
 :
DEPARTMENT OF PUBLIC WELFARE :
WARREN STATE HOSPITAL :
HAROLD J. REINHARD, SUPERINTENDENT :
ROBERT PHILLIPS, ASSISTANT DIRECTOR :
OF ADMINISTRATION :
RESPONDENTS :

CONSENT ORDER AND DECREE

WHEREAS, a complaint has been filed against the Department of Welfare, Warren State Hospital, Harold J. Reinhard, Superintendent, and Robert Phillips, Assistant Director of Administration, located at Warren, Pennsylvania, hereinafter called the respondents, by Sophie Johnson, Warren, Pennsylvania, hereinafter called the complainant, on July 6, 1972, alleging that the respondents are in violation of Section 5 (a) of the Pennsylvania Human Relations Act, 43 P.S. 951 et seq., and

WHEREAS, the respondents state that they sign this agreement with the intent to be legally bound thereby, and

WHEREAS, by entering into this Consent Order and Decree the respondents do not admit that they have violated the Pennsylvania Human Relations Act of October 27, 1955, as amended, in any manner, and

WHEREAS, for the purpose of avoiding litigation, the respondents do hereby agree to waive their right to a full and complete investigation of the charges and any Public Hearing to which they may be entitled to under the Pennsylvania Human Relations Act and Regulations promulgated thereunder, and to the entry of the following Consent Order and Decree which shall have the full force and effect of a Commission Order following a Public Hearing.

NOW, THEREFORE, this 26th day of February, 1973, the respondents and the Pennsylvania Human Relations Commission agree as follows:

1. The respondents agree to immediately employ the complainant in the position of Psychiatric Aide I, in which position she will be assigned to duties in the Geriatric unit on the fifth floor of Israel Building.

2. The respondents agree to pay the complainant's salary retroactively to the twenty-sixth day of April, 1972, at the salary range for the position of Psychiatric Aide I as of that date as though the complainant had been in continuous employment in that position since December 31, 1970. The complainant's increments shall be limited to general increments by Executive Order and shall be computed as follows:

Salary as of December 31, 1970, in the amount of \$249.60 Bi-weekly.

PLUS 5% general increment effective November 14, 1971,

\$261.61 Bi-weekly.

PLUS 5% general increment effective February 15, 1972,

\$275.20 Bi-weekly.

(Complainant's salary at date of retroactive reinstatement)

PLUS 5% general increment effective July 1, 1972,

\$288.80 Bi-weekly.

3. The respondents agree that the complainant shall also be granted all other benefits of employment retroactively to the twenty-sixth day of April 1972, which benefits shall include seniority, vacation leave, sick leave, retirement credit, insurance and any and all additional benefits accruing to full-time employees.

4. The respondents agree that all supervisory personnel, which shall specifically include those persons who previously supervised and those who are presently responsible for the complainant's supervision, either directly or indirectly, shall be notified in writing of the provisions of Section 5 (d) of the Pennsylvania Human Relations Act which identifies as unlawful any manner of discrimination against an individual because such individual has opposed any practice forbidden by the act or has made a charge,

testified or assisted, in any manner, in any investigation, proceeding or hearing under this act; and of Section 11 which provides that any person who willfully resists or violates an order of the Commission shall be subject to fine and/or imprisonment.

5. The respondents further agree that the terms of this Consent Order and Decree shall be effective immediately, and that they will submit to the Pittsburgh Regional Office of the Pennsylvania Human Relations Commission no later than five days after acceptance the following verification of implementation:

- a. A copy of the notice to the complainant of her appointment to the position of Psychiatric Aide I and of the salary she will receive.
- b. A copy of check issued to the complainant in payment of retroactive salary and of the accompanying voucher.
- c. A copy of notice to the complainant of all benefits accrued to her and credited in her personnel record, retroactively to April 26, 1972.
- d. A copy of written notice to supervisory personnel, as agreed in point five of this Consent Order and Decree, together with a list of all those persons who received copies of this notice.

This Consent Order in no way determines the validity of any complaints that have existed or may in the future exist between any of the respondents and any other person or organization.

The Commission and respondents enter into this agreement with the intent to be legally bound thereby. The Commission and respondents acknowledge that this agreement shall not be final and binding upon it until approved by the Commission and executed by the Chairman of the Commission.

Helen Wohlgenuth
Helen Wohlgenuth
Secretary of Public Welfare

Barry A. Roth
Barry A. Roth,
Assistant Attorney General

Harold J. Reinhard, MD
Harold J. Reinhard, Superintendent
Warren State Hospital

Robert Phillips
Robert Phillips
Assistant Director of Administration
Warren State Hospital

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

Approved at a meeting of the Pennsylvania Human Relations

Commission held this 26th day of February, 1973.

E. E. Smith
E. E. Smith, Chairman

ATTEST:

Robert Johnson Smith
Dr. Robert Johnson Smith, Secretary