COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

CRAIG McCOLLUM,	:	
Complainant	:	
v.	:	PHRC Case No. 200500158 EEOC Case No. 17FA562763
CIBA VISION,	:	
Respondent	:	

STIPULATED FACTS

STIPULATIONS OF FACT

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FINAL ORDER

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

CRAIG McCOLLUM, **Complainant**	
v.	**PHRC No. 200500158**
CIBA VISION, **Respondent**	

STIPULATED FACTS AND JOINT EXHIBITS

The following facts are admitted by all parties to the above-captioned case and no further proof thereof shall be required.

1. The Complainant herein is Craig McCollum, an adult, African American (hereinafter "Complainant").

2. The Respondent herein is CIBA Vision (hereinafter "Respondent").

3. The Respondent, at all times relevant to the case at hand, employed four or more persons within the Commonwealth of Pennsylvania.

4. On or about April 16, 2004, Complainant began his employment with Respondent as a Professional Account Manager. A true and correct copy of his job description is attached as Joint Exhibit 1

5. During the time period from January 1, 2003 to December 31, 2003, Respondent received 70 applications for sales representative positions. Of those 70 applications, 64 (91.4%) applicants were race, White; 3 (4.3%) were race, Hispanic; 2 (2.8%) were race, Asian and 1 (1.4%) was race, African American. A true and correct copy of the Applicant Flow report prepared by Respondent is attached hereto as Joint Exhibit 2

6. At the time of Respondent's September 7, 2004 EEO-1 Report, Respondent employed a total of 2,061 persons. Of the 2,061 persons, 917 (44.5%) were minorities. Of the 917 minorities, 640 (69.8%) were race, African American. A true and correct copy of the Respondent's EEO-1 Report is attached as Joint Exhibit 3.

7. At the time of Respondent's September 7, 2004 EEO-1 Report, it employed 225 persons in sales positions. Of those 225 persons, 207 (92.0%) were race, White; 7 (3.1%) were race, Hispanic; 7 (3.1%) were race, Asian and 4 (1.8%) were race, African American.

8. At the time of Complainant's hire, Respondent employed 125 persons in the same or similar position as Complainant. Of the 125 persons, 115 (92.0%) were race, White; 5 (4.0%) were race, Hispanic; 3 (2.4%) were race, Asian and 1 (0.8%) was race, African American. A true and correct copy of the document prepared by Respondent which details the race of its sales force at that time is attached as Joint Exhibit 4.

9. Complainant was supervised by Nancy McFadden (hereinafter "McFadden"), Regional Sales Director for the Mid-Atlantic Region, for approximately eight months, from the date of his hire until December 31, 2004.

10. Complainant was supervised by David Saulino (hereinafter "Saulino"), Regional Sales Director for the Philadelphia Region, for approximately three months, from January 1, 2005 until the date of his termination.

11. Complainant's employment with Respondent was terminated on or about April 12, 2005.

12. From April 1, 2005 through December 31, 2006, Respondent hired 39 persons into the position of Professional Account Manager, nationwide. Of the 39 persons, all were race, White. A true and correct copy of the hiring documentation is attached as Joint Exhibit 5.

May 15, 2007
Date

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5/25/07
Date

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5/30/07

J.2

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

CRAIG MCCOLLUM,	:	
Complainant	:	
v.	:	Docket No. 200500158
CIBA VISION,	:	
Respondent	:	

STIPULATIONS OF FACT

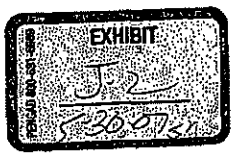
The following facts are admitted by all parties to the above-captioned case and no further proof thereof shall be required.

1. The Complainant herein is Craig McCollum, an adult, African American (hereinafter "Complainant").

2. The Respondent herein is Ciba Vision (hereinafter "Respondent").

3. The Respondent at all times relevant to the case at hand, employed four or more persons within the Commonwealth of Pennsylvania.

4. On or about April 16, 2004, Complainant egan his employment with Respondent as a Professional Account Manager.



5. On or about April 12, 2005, the Respondent discharged Complainant from his position.

6. On or about July 11, 2005, Complainant filed a Complaint against the Respondent with the Pennsylvania Human Relations Commission (hereinafter "Commission") at Docket No. 200500158. A copy of the complaint will be included as a docket entry in this case at time of hearing.

7. On or about August 24, 2005, Respondent filed an Answer in response to the Complaint. A copy of the response will be included as a docket entry in this case at time of hearing.

8. In correspondence dated June 12, 2006, Commission staff notified the Complainant and Respondent via a Finding of Probable Cause that the Commission believed that probable cause existed to credit the allegations found in the complaint.

9. Subsequent to the determination of probable cause, Commission staff and the parties attempted to resolve the matter in dispute between the parties by conference, conciliation and persuasion but were unable to do so.

10. In subsequent correspondence, Commission staff notified the Complainant and Respondent that a public hearing had been approved.

Charles Nier, III
Assistant Chief Counsel
(Counsel for the Commission
on behalf of the Complainant)

1/12/07
Date

Jennifer E. Will
(Counsel for Respondent)

12/19/06
Date

Craig McCollum
(Complainant)

5/30/07
Date

FINDINGS OF FACT *

1. The Complainant herein is Craig McCollum, an adult African American male (hereinafter "Complainant"). (S. F. A. 1; S. F. B. 1).
2. The Respondent herein is CIBA Vision Corp., an employer of four or more persons within the Commonwealth of Pennsylvania. (S. F. A. 2, 3; S. F. B. 2).
3. On or about July 11, 2005, Complainant filed a complaint against the Respondent with the Pennsylvania Human Relations Commission (hereinafter "Commission") at Docket No. 200500158. (S. F. B. 6).
4. On of about August 24, 2005, the Respondent filed an Answer in response to the Complaint. (S. F. B. 7).
5. In correspondence dated June 12, 2006, Commission staff notified the Complainant and Respondent via a Finding of Probable Cause that the Commission believed probable cause existed to credit the allegations found in the complaint. (S. F. B. 8).

The foregoing "Stipulations of Facts" are hereby incorporated herein as if fully set forth, to the extent that the Dismiss which follows recites facts in addition to those here tested each facts shall be considered additional Findings of Fact. The following abbreviations will be utilized throughout these findings of Fact for reference purposes:

N. T.	Notes of Testimony
J. E.	Joint Exhibit
C. E.	Commission Exhibit
R. E.	Respondent Exhibit
S. F. A.	Stipulated Facts
S. F. B.	Stipulations of Fact

6. Subsequent to the determination of probable cause, Commission staff and the parties attempted to resolve the matter in dispute between the parties by conference, conciliation and persuasion but were unable to do so. (S. F. B. 9).
7. In subsequent correspondence, Commission staff notified the Complainant and Respondent that a public hearing had been approved. (S. F. B. 10).
8. At all times relevant to this case, the Respondent was in the business of selling contact lens and contact lens care solution. (N. T. 34, 188).
9. The Respondent is a national company that employs a sales force that is assigned to various geographical regions throughout the United States. (N. T. 189-190).
10. At the time of Respondent's 2004 EEO – 1 Report, 44.5% of Respondent's employees were not white. (S. F. A. 6).
11. During the time period from January 1, 2003 to December 31, 2003, Respondent received 70 applications for sales representatives. (S. F. A. 5).
12. Of those 70 applications, 64 applicants were race-White, three were race-Hispanic, two were race-Asian, and one was race African-American. (S. F. A. 5).
13. Prior to his employment with the Respondent, Complainant was a pharmaceutics sales representative. (N. T. 33).
14. On or about April 16, 2004, Complainant began his employment with Respondent as a Professional Account Manager. (S. F. A. 4).
15. Since the Respondent does not maintain a physical office, it utilizes several computer systems, including; AIM and Power Sales, as well as e-mail and voice mail to monitor the performance of its sales force. (N. T. 197-198).

16. The AIM system lists all of the accounts in a sales representative's region and allows the sales representative to input data related to appointments and call notes. (N. T. 197-198).

17. The Power Sales system provides a wide variety of sales information on each account in a sales representative's region. (N. T. 198).

18. The size of Complainant's region was comparable in size to territories he covered in prior pharmaceutical sales positions. (N. T. 41).

19. The Complainant worked out of his home. (N. T. 42, 196).

20. The Respondent maintains a discipline policy which states:

> There are three primary classifications of disciplinary action. These classifications are separate and distinct from each other and do not represent a progressive disciplinary procedure. 1.Verbal Counseling... 2. Written Warnings... 3. Notice of Probation. (C. E. 2).

21. The type of discipline implemented by Respondent's managers is totally within the manager's discretion. (N. T. 240).

22. Respondent managers are not required to consult with Respondent's Human Resources Department before implementing discipline. (J. E. 3).

23. The Complainant was supervised by Nancy McFadden (hereinafter "McFadden"), Regional Sales Director fro the Mid-Atlantic Region, for approximately eight months, from the date of Complainant's hire until December 31, 2004. (S. F. A. 9).

24. Following his hire, Complainant successfully completed an eight week training program followed by a three week training course at Respondent's office in Georgia. (N. T. 207-208).

25. The training provided by Respondent included: day-by-day training materials, online training materials, a series of tests, professional selling skills training, role-playing, and classroom training. The training also included training on Respondent's sales techniques, such as SMART objectives, co-travels with sales representatives, meetings and co-travels with a supervisor, training on Respondent's computer system, including its AIM account database system. (N. T. 51, 98, 101, 106, 205, 276).

26. A part of McFadden's job responsibilities was to develop her sales representatives through various coaching devices. (N. T. 193-194).

27. After one month of employment with the Respondent, Complainant fell substantially behind in his training. (N. T. 96-97).

28. After two months, Complainant was notified that he had not completed the required training materials in a timely manner. (N. T. 98).

29. McFadden went on co-travels with Complainant on May 3, 27 and 28, 2004. A co-travel is a process by which a manager travels with a sales employee throughout his or her day to observe the employee and critique the stat performance. (N. T. 44, 206).

30. On or about June 4, 2004, McFadden issued a memorandum to Complainant "clearly outlining the expectations as they relate to job responsibilities" and informed him that he was not on schedule with his training materials. (N. T. 96-97, 207).

31. Both Complainant and Respondent testified that this memorandum was not a discipline warning. (N. T. 48-49, 206-207).

32. On or about June 18, 2004 McFadden issued a memorandum to Complainant indicating that he had still not completed assigned training materials by the set deadline. (N. T. 98, 207).

33. As a Professional Account Manager, Complainant was required to devote 60% of his time to selling Respondent's products, which included a requirement that he "plan and execute five to seven calls per day." (N. T. 273).

34. Complainant was repeatedly reminded throughout his employment of the need to pre-book appointments into the AIM system, by both McFadden and Saulino, his supervisor after McFadden. (N. T. 75, 103).

35. The Complainant regularly failed to pre-book his appointments. (N. T.102-103).

36. In August of 2004, the Complainant received a memorandum from McFadden because he had no scheduled appointments for the entire month of September and his AIM calendar was completely empty. (N. T. 209-210).

37. McFadden completed Complainant's only performance evaluation in which she identified "organization" as one of Complainant's key developmental needs. (N. T. 231).

38. McFadden decided to terminate three individuals in 2003 and 2004, two of whom she had previously placed on probation (Jake Skaggs, Greg McKinley) and one she had not (Terry McGuire). (N. T. 238,240, 252-253, 261).

39. The Complainant was supervised by David Saulino (hereinafter "Saulino"). Regional Sales Director for the Philadelphia Region, from January 1, 2005 until the date of his termination, April 12, 2005. (S. F. A.10-11).

40. From January 1, 2005 through the date of his termination, the Complainant was no longer supervised by McFadden. (N. T. 294).

41. Saulino supervised eight sales employees in 2005, including, but not limited to, Complainant, Jacqueline Boyer, Joseph Carchilla and David Cacciatore. (N. T. 324, 371, 375).

42. In February 2005, Saulino counseled Complainant about pre-booking appointments and utilizing AIM. (N. T. 338, 349-351).

43. The Complainant had earlier, in August of 2004, been counseled by McFadden because he had not scheduled appointments and his AIM calendar was empty. (N. T. 209-210).

44. On February 23, 2005, the Complainant was scheduled to co-travel with Saulino. (N. T. 352-353).

45. On February 23, 2005, the Complainant did not have any appointments planned and spent the day driving around, calling doctors to see if he could drop by. (N. T. 352-353).

46. In February 2005, on a Co-Travel Certification Report, Saulino rated Complainant as "Unacceptable" in the area of Call Planning. (N. T. 140; C. E. 12).

47. Saulino instructed Complainant that "4-5" pre-booked calls should be on your schedule everyday... you need to set up appointments." (N. T. 140).

48. The Complainant was the only sales representative under Saulino's supervision who did not have five to six pre-booked appointments per day in his AIM calendar. (N. T. 149, 165).

49. In March 2005, Saulino issued a memorandum to Complainant instructing him that the minimum expectations were to have 5-6 pre-booked calls per day in his AIM calendar and the calendar should reflect his appointments for the next 4-6 weeks. (N. T. 34, C. E. 14).

50. On April 5, 2005, the Complainant had only one call pre-booked into his AIM calendar and failed to arrive on time for that appointment. (N. T. 358-360)

51. Complainant was repeatedly counseled by Saulino regarding unacceptable organizational skills. (N. T. 95).

52. Saulino took the Complainant to Office Depot to purchase calendars, notebooks and binders in an attempt to get Complainant organized. (N.T. 352).

53. Because of problems with his responsiveness, Saulino instructed Complainant to check his voicemail three times per day: at 8:00a.m.; 12:00p.m.; and 5:00p.m. (N. T. 147, 356, C. E. 14).

54. Complainant was further advised that failure to respond would result in disciplinary action. (N. T. 357, C. E. 14).

55. Even after receiving that instruction, the Complainant did not check his voice mail three times per day. (N. T. 36).

56. Complainant regularly failed to return e-mails and calls from both customers and his supervisors in a timely manner. (N. T. 356, 358).

57. Both McFadden and Saulino received complaints from Dr. Curt Gottleib regarding the Complainant not visiting him or returning his phone calls. (N. T. 232; C. E. 37).

58. Saulino received a complaint from Dr. Steve Berger that the Complainant had not provided him with trials for his customers. (N. T. 343, 398).

59. Saulino received a complaint from Craig Messenger that the Complainant had failed to show up for two appointments and had not provided him with product rebates. (N. T. 401-402; C. E. 37).

60. Saulino received a complaint from Dr. Brodsky that the Complainant had not returned telephone calls about rebates and order placements. (N. T. 403).

61. During his tenure as Complainant's supervisor, Saulino maintained a detailed list of Complainant's job performance. (N. T. 352).

62. Prior to Complainant's termination of employment with Respondent, he had been issued a total of twelve memoranda/counseling forms/e-mails from both McFadden and Saulino. (C. E. 1-14; C. E. 17).

63. The Complainant's employment was terminated on or about April 12, 2005. (S. F. A. 11).

64. The decision to terminate Complainant's employment was made by Saulino, in consultation with Kristen Griffen, Respondent's Human Resource Director. (J. E. 3).

65. McFadden was not involved in the decision to terminate Complainant's employment with Respondent. (N. T. 234, 294).

66. The decision to terminate Complainant was made because he was not meeting expectations in regard to responding to customers, responding to his supervisors and utilizing Respondent's sales techniques and computer systems. (N. T. 369).

CONCLUSIONS OF LAW

1. The PHRC has jurisdiction over the parties and the subject matter in this case.
2. The parties and PHRC have complied with the procedural prerequisites to a public hearing.
3. McCollum is an individual within the meaning of the PHRA.
4. CIBA Vision is an employer within the meaning of the PHRA.
5. Section 5 (a) of the Act, inter alia, prohibits employers from discriminating against individuals because of their race.
6. The Complainant has established a *prima facie* case of discrimination.
7. The Respondent has offered legitimate non-discriminatory reasons for terminating the Complainant.
8. The Complainant has failed to show that Respondent's reasons were a pretext for discrimination.

OPINION

This case arises on a complaint filed on or about July 11, 2005 by Craig McCollum (hereinafter "Complainant") against CIBA Vision (hereinafter "Respondent") with the Pennsylvania Human Relations Commission (hereinafter "Commission") at Case No. 200500158. The Complainant alleges that he was terminated because of his race, African American. This race-based allegation alleges a violation of Section 5(a) of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended, 43 P.S. 951 et esq. (hereinafter "PHRA").

Commission staff investigated the allegation and informed the Respondent that probable cause existed to credit the Complainant's allegation. Subsequent to the determination of probable cause, Commission staff and the parties attempted to resolve the matter in dispute by conference, conciliation and persuasion but were unable to do so. (S. F. B. 9). In subsequent correspondence, Commission staff notified the Complainant and Respondent that a public hearing had been approved. (S. F. B. 10)

The public hearing in this matter was convened on May 30, 2007. M. Joel Bolstein, PHRC Commissioner and Panel Chairperson, Commissioner David Yun and Commissioner J. Whyatt Mondesire presided at the public hearing. Phillip A. Ayers, Esquire served as the Panel Advisor. Both parties filed post hearing briefs. The PHRC Philadelphia Regional Office's post-hearing brief was received on September 4, 2007 and the Respondent's post-hearing brief was filed on August 31, 2007.

Section 5(a) of the PHRA states in pertinent part:

> "It shall be an unlawful practice... [f] or any employer because of the race... of any individual... to discharge from employment such individual..."

In cases where there is an allegation of disparate treatment, the evidence presented is normally viewed through the analysis set forth in McDonnell Douglas Corporation v. Green 411 U.S. 792 (1973) The analysis presents a three part allocation of proof formula which requires an initial prima facie showing by the Complainant, and if a prima facie case is established, a burden of production shifts to the Respondent to articulate a legitimate non-discriminatory reason for its action. If a Respondent meets this production burden, ultimately a burden of persuasion shifts back to the Complainant to prove by a preponderance of evidence that the reason offered by a Respondent are pretextual and that actual discriminatory reasons motivated the Respondent. The case law is very clear that, throughout the proceeding, the ultimate burden of proving that the conduct engaged in was unlawfully motivated, remains with the Respondent. Texas Department of Community Affairs v. Burdine 450 U.S. 248 253 (1980).

In General Electric Corp. v. Pennsylvania Human Relations Commission, 365 A. 2d 649, 655 (1976), the Pennsylvania Supreme Court for the first time approved the analytical model developed by the United States Supreme Court in McDonnell-Douglas. It is an adaptable formula that may change to meet the specific facts of a particular case.

In the matter before the Commission, the Complainant alleges that he was discharged from his position as Professional Account Manager because of his race,

African American. In order to establish a *prima facie* case of discrimination, the Complainant must show:

(1) he was a member of a protected class;

(2) he was qualified for the position;

(3) he was subjected to an adverse employment action; and

(4) after the Complainant's termination, the Respondent hired 39 individuals not in Complainant's protected class.

In the instant case, the Complainant is a member of a protected class due to his race, African American. (J. E.1) Secondly, the Complainant was qualified for the position in that he had a number of years in sales experience in various sales positions. (N. T. 37-38; Com. Ex. 1). Thirdly, it is undisputed that the Complainant was subjected to an adverse employment action when he was terminated by Respondent on or about April 12, 2005. (J. E.1). Lastly, the Respondent's hiring of 39 white individuals after the Complainant's termination establishes the fourth element of the requisite *prima facie* showing. Therefore, the Complainant has set forth a *prima facie* case. The burden of setting forth a *prima facie case* is not onerous. Burdine, supra.

Once the Complainant establishes a *prima facie* case, the burden of production shifts to the Respondent to articulate a legitimate non-discriminatory reason for its action. Generally, in the instant case the Respondent asserts that the Complainant was terminated because he failed to meet the job expectations of a Professional Account Manager. More specifically, the Respondent argues that Complainant was terminated for job performance issues which include; both verbal and written

counseling regarding deficiencies, such as lack of organization, failure to service his accounts appropriately and as directed, failure to complete assignments, failure to respond to e-mail and voice mail, and failure to arrive on time for scheduled appointments. The Respondent has more than met its burden of production.

Now the Complainant must show, by a preponderance of the evidence, that the Respondent's proffered reasons are pretextual and an intent to discriminate was the motivation of the Respondent. Allegheny Housing Rehabilitation Corporation v Pennsylvania Human Relations Commission, 532 A. 2d 315 (1987) Simply stated, the Complainant has not shown that the Respondent's reason were pretextual. The record before the Commission is replete with examples of the Complainant's unwillingness to follow directions, return calls in a timely manner, pre-book appointments, follow-up with customer, utilize the account database system or follow the advice of his supervisors.

In the instant case, the Complainant introduced evidence of a number of employees who were supervised by Nancy McFadden. The Complainant was initially supervised by Ms. McFadden, but was in fact, terminated by Mr. Saulino. At the time of his discharge, and for four months prior, the Complainant was supervised by Mr. Saulino and Ms. McFadden played no part in the termination decision. However, it is interesting to note that Ms. McFadden testified that, in retrospect, "she should have been the one to terminate his employment because of the various performance deficiencies. (N. T. 267). The Complainant introduced evidence of three other employees who were supervised by Saulino during the relevant time period. They are: Jacqueline Boyer, Joseph Carchilla and David Cacciatore. However, a review of

the record indicates that none of the aforementioned employees exhibited the job performance problems and failure to improve that the Complainant exhibited.

It is interesting to note that even where Saulino noted counseling and alleged deficiencies with these employees there was in fact improvement. This was clearly not the case with the Complainant. For example, Saulino counseled both Boyer and Complainant regarding entering appointments into their calendars. Boyer frequently pre-booked 3-4 calls per day whereas Saulino expected 5-6 calls to be pre-booked. (N. T. 374). The Complainant, on the other hand, had no pre-booked appointments despite counseling from Saulino and McFadden. (N. T. 349-353, C. E. 12). In regard to Mr. Carchilla, there is no evidence that he was disorganized, failed to respond to e-mails and voice mails, or failed to improve after being counseled by Saulino. Lastly, it is somewhat surprising that Mr. Cacciatore was used in the Complainant's case. Mr. Cacciatore was given the highest possible ranking on the job performance evaluation. He was, by all accounts, an exceptional employee for the Respondent who was assigned to mentor and work with other employees.

It is clear that many of the deficiencies cited by Ms. McFadden continued when Mr. Saulino took over the supervision of the Complainant. Mr. Saulino creditably testified that he made the decision to terminate the Complainant because of his performance during the time he supervised the Complainant. Mr. Saulino testified, "The reason for my termination was that [Complainant] was not responding to customers and not responding to my e-mails and voice mails. He didn't understand the process; he didn't understand how to use the AIM system. He didn't understand power sales he didn't understand how to interpret sales numbers." (N. T. 369-370).

The record reflects that Mr. Saulino, upon supervising the Complainant, developed a territory plan for the Complainant. (N. T. 330). This plan was another job requirement that the Complainant had failed to implement. Mr. Saulino's efforts to assist the Complainant and improve his performance were not successful and the Complainant was discharged.

Lastly, when the Complainant testified at the public hearing, he was given the opportunity to articulate any instance where Mr. Saulino demonstrated a discriminatory motivation toward him. Specifically Commissioner Mondesire, a Panel Member, inquired, "Did anyone at the company treat you in a discriminatory way prior to your being let go?" (N.T.182). The Complainant did not indicate a single instance in response to Commissioner Mondesire's inquiry.

In summary, the Complainant fails to show that Respondent's action in discharging him was in any way race-based. Considering the totality of the evidence presented, Complainant's discharge was not shown to be race-based. The discharge is clearly attributable to job performance issues.

An appropriate Order follows:

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

CRAIG McCOLLUM,	:	
Complainant	:	
v.	:	**PHRC Case No. 200500158** **EEOC Case No. 17FA562763**
CIBA VISION,	:	
Respondent	:	

RECOMMENDATION OF HEARING PANEL

Upon consideration of the entire record in the above captioned case, the Hearing Panel finds that the Complainant has failed to prove discrimination in violation of Section 5(a) of the Pennsylvania Human Relations Act. It is, therefore, the Hearing Panel's Recommendation that the attached Stipulated Facts, Stipulations of Fact, Findings of Fact, Conclusions of Law and Opinion be approved and adopted, and the Hearing Panel recommends issuance of the attached Final Order.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: _____
Commissioner M. Joel Bolstein,
Panel Chairperson

_____
Commissioner Daniel D. Yun,
Panel Member

_____
Commissioner J. Whyatt Mondesire,
Panel Member

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

CRAIG McCOLLUM,	:	
Complainant	:	
v.	:	**PHRC Case No. 200500158** **EEOC Case No. 17FA562763**
CIBA VISION,	:	
Respondent	:	

FINAL ORDER

AND NOW, this 18th day December, 2007, after a review of the entire record in this matter, the full Pennsylvania Human Relations Commissioner, pursuant to Section 9 of the Pennsylvania Human Relations Act, hereby approves the foregoing Stipulated Facts, Stipulations of Fact, Findings of Fact, Conclusions of Law and Opinion of the Hearing Panel. Further the full Commission adopts such Stipulated Fact, Stipulations of Fact, Findings of Fact, Conclusions of Law and Opinion as its own finding in this matter and incorporates the same into the permanent record of this proceeding, to be served on the parties to the complaint and hereby

ORDERS

That this complaint in this case be, and the same hereby is, dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: _____
Stephen A. Glassman
Chairperson

Attest:
_____
Dr. Daniel D.Yun, Secretary