

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION

GENEVA COLLEGE, a non-profit Pennsylvania Corporation, and ASSOCIATION OF FAITH-BASED ORGANIZATIONS, a Virginia Limited Liability Company, on Behalf of Its Members,

Plaintiffs,

vs.

ELAINE L. CHAO, in her official capacity as Secretary of the United States Department of Labor; STEPHEN M. SCHMERIN, in his official capacity as Secretary of the Pennsylvania Department of Labor & Industry; and the Chair and Members of the TEAM PENNSYLVANIA WORKFORCE INVESTMENT BOARD, in their official capacities,

Defendants.

Civil Action No. 2:06-cv-01663-JFC

**Electronically Filed**

JOINT STIPULATION OF DISMISSAL

COME NOW Plaintiffs Geneva College and the Association of Faith-Based Organizations and Defendants Elaine L. Chao, Stephen M. Schmerin, and Team Pennsylvania Workforce Investment Board (collectively “the Parties”) and, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, jointly stipulate to dismiss this case without prejudice.\* In support of their Joint Stipulation of Dismissal, the Parties show as follows:

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\* This is a joint stipulation for voluntary dismissal of this case without prejudice. With due regard for the pertinent provisions of the Commonwealth Attorneys’ Act of Pennsylvania, 71 P.S. § 732-204(e), it is not intended to be, cannot by its terms be, and shall not be construed judicially to be, a consent decree. The Office of the Attorney General of Pennsylvania is barred by the foregoing provision of state law from entering into a consent decree on behalf of the defendants whom it represents in the present case. Plaintiff, by reason of its voluntary dismissal without prejudice, accordingly has the right to refile this action in the event that it perceives that it is necessary to do so.

1. The Workforce Investment Act's ("WIA") Nondiscrimination Provision, 29 U.S.C. § 2938(a)(2) (2007), applies only to recipients of WIA funding.

2. Geneva College's posting of job listings through the Commonwealth of Pennsylvania's local CareerLink offices or the Team Pennsylvania CareerLink job search system does not render the College a recipient of WIA funds.

3. As a non-recipient of WIA Title I funds, Geneva College is therefore not barred by the WIA Nondiscrimination Provision from posting job listings through the Commonwealth of Pennsylvania's local CareerLink offices or the Team Pennsylvania CareerLink job search system.

4. The Commonwealth of Pennsylvania, thus, will permit Geneva College to post its job listings through its local CareerLink offices and/or the Team Pennsylvania CareerLink job search system.

5. Should Geneva College become a recipient of WIA Title I funds in the future, any postings for positions that are connected with the program or activity financed with WIA Title I funds, would be subject to the WIA Nondiscrimination Provision.

6. Geneva College does not waive any constitutional, statutory, or other legal claim that may arise should it become subject to the WIA Nondiscrimination Provision in the future.

WHEREFORE, the Parties stipulate that this case be dismissed without prejudice pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

Jointly stipulated this 26th day of April, 2007.

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